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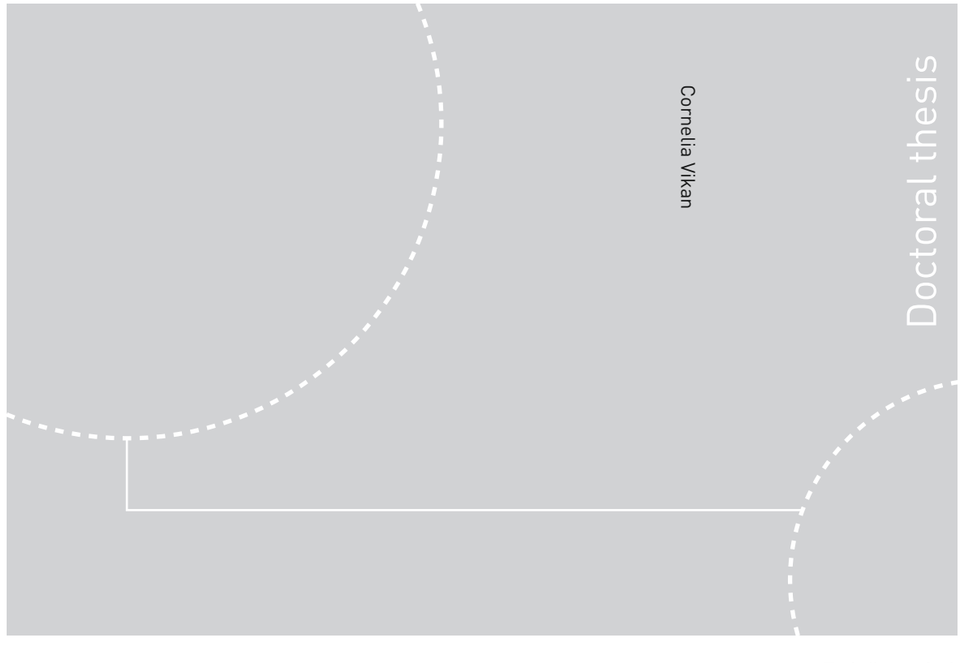

Doctoral theses at NTNU, 2019:358

Cornelia Vikan

Military Power and Ethics in the Grey Area of War – Afghanistan

A Critical Ethical-Philosophical Analysis of the Core Values of the Norwegian Armed Forces: Respect, Responsibility, and Courage

NTNU
Norwegian University of Science and Technology
Thesis for the Degree of
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In memory of my brother, Torkel.

Contents

Acknowledgements

As I remember it, it was easy to decide on writing a doctoral thesis on important moral problems in a complex military context. As I now know from experience, writing the thesis itself was not. During this period, I realized in a new way the intrusive relevance of the problem of the thesis – competing values – to my own life. I have had to weigh important obligations against each other, struggle to uphold respect and self-respect, muster the courage needed for crisis management, and try to make sound judgments and decisions daily, and I could not have done it alone. Accomplishing this academic task has only been possible due to some very important factors, contributors, and supporters, and I owe a debt of gratitude to many people.

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PART ONE

1 The Core Values of the Norwegian Armed Forces

OUR CORE VALUES

Our core values – respect, responsibility and courage – are to form the basis of all activities and are to be embraced by all of us. However, values cannot be introduced simply through directives. They are closely related to the professional culture, and can only be internalised through constant practice over time. In other words, assimilating these values is not primarily a matter of following orders, but of building up a professional identity and culture where they are an integral part of the team spirit.

A strong professional culture is one where individuals and individual units see themselves as part of a larger context with common objectives. This is the case regardless of the type of service they are engaged in, whether operational activities or support services, whether they are soldiers, officers or civilians. A common identity means that all the various parts of an organisation can identify with the organisation as a whole and with each other, and can rely on and support each other.

(Facsimile from The Values and Standards, Forsvaret 2015)

RESPECT

Respect is not a right; it is a moral duty that is expressed through attitudes and actions. Respect builds upon self-respect. Self-respect gives a person the strength to stand upright in difficult situations. Self-respect is reinforced through a conscious pattern of behaviour based on ethical principles, doing your best to do the right thing. In the Armed Forces, we are all expected to show respect for one another, for our colleagues, for our superiors and for our subordinates. In difficult situations, when living in cramped conditions, our ability to treat others with respect will be tested. The key indicator in all situations is whether we treat others as we expect to be treated ourselves. We must also show respect in our dealings with others, such as the civilian population, other parties to conflicts, and adversaries. The Norwegian Armed Forces will not accept any form of racism or inhuman, degrading or disrespectful treatment of others.

Sexual harassment is likewise unacceptable. Armed Forces personnel are to show respect for the fundamental values and cultural traditions of the area in which they are operating. We must show respect for decisions and missions. Once a decision has been taken and a mission is to be carried out, we must comply with that decision and carry out the mission as best we can. In decision-making processes relating to peacetime activities, we are free to make our views known within the organisation. As citizens, we are also entitled to take part in the public debate on defence and other issues. However, when we express ourselves outside our organisation, we must show proper restraint for reasons of security and the integrity of the Armed Forces. Respect for decisions and missions is enhanced when superior officers listen to advice and comments from their subordinates and from other parts of the organisation.

(Facsimile from The Values and Standards, Forsvaret 2015)

RESPONSIBILITY

Responsibility entails taking responsibility for ourselves, for each other and for the Armed Forces' activities. Responsibility is shown through a willingness to take initiative, decisiveness and perseverance.This requires self-discipline on the part of the individual. Self-discipline is crucial for developing responsible patterns of behaviour in a difficult situation. Personnel are to take responsibility for one another at all times, and the Armed Forces are to take responsibility for their personnel. This fosters trust at both personal and professional level. All military personnel are to support and help one another and ultimately, if necessary, to give their lives for one another. This is the mainstay of the collective discipline and loyalty that are vital for maintaining and reinforcing solidarity in a military organisation, particularly in difficult situations.

Trust, care, loyalty and discipline build team spirit. This forms the basis for a common sense of responsibility for each other and for the mission. We will not let each other or the mission down. We are responsible for carrying out political decisions on the use of military force. In all our actions, we are aware that we represent Norway and the Norwegian authorities. The responsibility that rests with the Armed Forces and their personnel is expressed in the loyalty we show to Norwegian society, our constitution and our national institutions. This responsibility is also shown in the way we carry out orders, the way we behave in general and the way we consider the consequences of the use of force.

(Facsimile from The Values and Standards, Forsvaret 2015)

COURAGE

Military operations are inevitably associated with the risk of loss of life -- our own and others'. Setting aside all thoughts of our own lives and wellbeing in order to carry out an assignment requires both physical and moral courage. Courage is the moral and physical strength to act appropriately in daily service as well as in combat situations. Courage means overcoming fear or hate, and speaking out if we see something that is not right, even in situations fraught with difficult choices. Courage requires sound judgement. Without sound judgement, courage can easily lead to recklessness. Sound judgement depends on a clear sense of right and wrong, self-knowledge and humility.

It requires awareness of the moral implications and the consequences of our actions, so that each one of us can defend our actions in retrospect. This means that we must know our capacity as well as our limitations. Courage is expressed through the ability to take action and initiatives, through strength and the determination not to give up. We must be able to identify opportunities, act independently, and at the same time cooperate with others to find good solutions. Training helps to develop military competence, as well as physical and psychological strength to withstand severe strain.

(Facsimile from The Values and Standards, Forsvaret 2015)

2 An Afghan Case

In the present doctoral thesis, the empirical data consists of a specific case from the International Security Assistance Force (ISAF) Afghanistan, which I use in the analysis of the core values of the Norwegian Armed Forces, presented in the facsimile above. The case description is followed by the problem formulation of the thesis and a comment on the representativeness of the case.

The situation described in this case was experienced by a task group of ISAF soldiers and lower rank officers (hereafter referred to as soldiers) in Afghanistan at the very beginning of the ISAF mission. Their task was to cover an information gap along a route where ISAF forces were to make important movements with personnel and equipment into new territory. A group of twenty to thirty mujahedeen soldiers dominated the route. They were heavily armed and controlled checkpoints where they claimed tax from locals and transport companies. There were reports of kidnappings, but otherwise little was known about the group's loyalty, intentions, activity and conduct at the checkpoints. Their view on ISAF was not known, and there was uncertainty as to whether one could expect cooperation on security or if the group itself represented a security threat to ISAF. In order to solve the mission, the main effort for the ISAF soldiers had to be put into building confidence between themselves and the mujahedeen group.

The ISAF group succeeded in getting an invitation to meet the leaders of the group. The meeting was a success. The ISAF soldiers had brought halal meat, which was shared, the mujahedeen men were positively curious about the soldiers, the atmosphere was good, and the ISAF soldiers spent the night. During this first meeting, the ISAF group noticed a boy about ten to twelve years old who served them tea and food. They though that he might be an orphan of some relatives and that he was taken care of by the group, something that was not unusual.

Over time the ISAF soldiers and the mujahedeen leaders came to know each other well enough to joke about sexuality and women. The boy appeared every time they met, and several times he was now dressed up in women's clothes and makeup. He danced for the men, and the rest of the time he sat in a corner rocking back and forth. The men made comments about "the little lady". At one point, after yet another dinner meeting, the mujahedeen men asked the ISAF soldiers if they would like "to spend some time alone with the boy". Nothing implied that they were joking.

The ISAF soldiers somehow managed to decline the offer without offending the men, but from that point on it was clear to them that this young boy was more than a servant of the house. The ISAF soldiers perceived clear signs of psychological problems in the boy's behaviour, such as his stuttering, the catatonic rocking, no eye contact, his introverted behaviour, the dressing up, the way he performed, and the way he was treated and referred to by the mujahedeen men. The soldiers assumed that the boy probably was being raped on a regular basis by one or more of these Afghan men[1].

From the point when the ISAF soldiers knew about the boy's situation, they started to weigh the boy's future against the trust they had gained from the mujahedeen, and thereby the whole mission. The soldiers were worried about the boy, but at the same time very conscious of the importance of their relationship to the mujahedeen group for the security of the ISAF in the area.

End of case description.

3 The problem that the thesis engages

This project is an ethical-philosophical investigation of the core values of the Norwegian Armed Forces - *respect*, *responsibility* and *courage*. The first lines of the introductory description of the core values read:

> Our core values – respect, responsibility and courage – are to form the basis of all activities and are to be embraced by all of us. However, values cannot be introduced simply by directives. They are closely related to the professional culture, and can only be internalized through constant practice over time (Forsvaret 2015).

Given this description and the status that the core values have, I explore them in view of a specific case from the ISAF mission in Afghanistan. With an aim to contribute to the field of military ethics, the project fills a gap in the discourse on ethics and war by suggesting an approach to complex military contexts as situations of competing duties where soldiers are left to their own best judgment. The main questions behind the analysis of the core values are:

1) How should soldiers make ethically sound judgments in complex conflicts?
2) How can we establish an adequate understanding of the moral reality of soldiers?

I do not aim to produce a correct answer or to suggest new norms, but to uncover the moral stakes in a specific situation to understand better what makes a relevant moral difference. In this way, I aim to contribute to a better understanding of the moral reality of soldiers.

4 Comments on representativeness and type of case

I found the present case so complex that I decided to investigate the three core values using the same case as the starting point. If my purpose had been different, for instance to investigate the relevance of consequentialism in an ethically grey area in Afghanistan, I imagine it would have made sense to use several cases to show how different situations can be handled in view of the chosen theory. As my purpose instead was to explore the three different core values of the Norwegian Armed Forces, using only one case in the analysis seemed like an efficient way to do it.

However, using just one case would require that the case is representative, which I think it is. First, the practice of *bacha bazi* is widespread in Afghanistan, although illegal. The practice has been made known thanks to the documentary film "The Dancing Boys Of Afghanistan" by Afghan journalist Najibullah Quarishi (2010), and from the famous book "The Kite Runner" by the Afghan-American writer Khaled Hosseini (2003). Soldiers participating in international operations in Afghanistan have regularly encountered the practice of bacha bazi, and they experience such situations with great uncertainty in terms of handling it, which calls for attention in the field of military ethics[2]. Thus, the case I use is not unique in the ISAF context.[3] At the same time, sexual abuse of children in general is a worldwide problem, and sexual violence is well known as a strategy in war. It is therefore reasonable to expect that soldiers may have to handle situations associated with this kind of problem in future complex conflicts[4], which makes the ISAF case a relevant example to use.

Secondly, the case sets the stage for possible *moral injury*. Moral injury is described as a possible result of experiencing events that "transgress deeply held moral beliefs and expectations" (Maguen, S. and Lizt, B. 2019). Among the experiences that can lead to moral injury are indirect acts, such as failing to prevent immoral acts of others, like the abuse of the boy in the ISAF case. The situation requires that the soldiers consider different options, and

together, the exposure to the practice, the boy's appearance and the process of making a hard choice in this case are likely to have an emotional and moral impact on the soldiers. This is not unique for this case, but representative of morally complex situations soldiers have to handle. In some cases, we can imagine that soldiers indeed risk moral injury when dealing with them. This is the reason why moral injury should be a matter of concern and debate.

Thirdly, in this case the soldiers involved have to handle *unexpected challenges*. They are professionally trained for their task concerning confidence building and information gathering. They are not prepared for the fact that their interlocutors abuse the boy, and they are certainly not prepared for handling the suggestion to take part in this practice. The surprising turns and the unpredictability in the situation, including the ambiguous security situation, are challenging and representative of complex conflicts. Thus, the fact that the soldiers have to handle unexpected factors is an aspect of the case, although it is to be expected. Furthermore, to the extent that it is possible to train soldiers' moral competence and decision-making, the case may therefore serve in two ways: one particular to the case and one general. First, for the armed forces, it serves to make this specific practice known and expected. Soldiers should know that they could face this practice in their service in Afghanistan and other places. Second and more generally, it serves as an example of unexpected complexity that soldiers need to handle, and the way I approach the case may serve as a way to approach other complex cases.

Fourthly, the case shows how the role of the soldier in such military missions can be challenged. It shows how professional duties can get into conflict with moral duties. This is representative for many imaginable situations in complex conflicts like Afghanistan, and it requires attention because it is not obvious what one should do in such situations.

Having said something about the representativeness of the case, there is still the question of what *kind* of case it is, or what *type* of situation it is. I want to clarify some points

concerning its status, since this case arguably can be described as a genuine dilemma as opposed to an insoluble dilemma or a case of moral luck (Schulzke 2013), and yet it may not be a real dilemma, depending on your definition of the term. Shulzke argues:

> …some of the apparent ethical dilemmas that soldiers encounter are impossible to resolve using moral or ethical decision procedures because the outcome of these decisions is largely a matter of luck. These are ethically insoluble dilemmas. They are insoluble in the sense that it is unreasonable to expect a person to judge these problems effectively and to make sound decisions given the circumstances in which these decisions must be made (Shulzke 2013, 95).

The case has some similarities with a genuine dilemma, which classically involves a conflict. The conflict in a moral dilemma consists in the agent believing she has moral reasons to do each of two or more actions, but she cannot do both or all. A moral dilemma therefore means the agent is deemed to fail morally, since no matter which action she chooses, she will be doing something wrong (McConnell 2016). In the ISAF case, there is a conflict between several moral obligations: The main ones are the obligation to help the boy and the obligation to take care of security. From one perspective, there is no doubt of the soldiers' awareness of their first obligation: their military task. Thus, if we assume that the soldiers always will make sure they prioritize their professional obligation, depending on their judgment of the context they arguably do not face a real dilemma. At the same time, they do have a moral obligation to help, and they want to be able to help the boy. This obligation seems to conflict with their responsibility for security, since they cannot reduce risk to an absolute minimum by not confronting the men and still be able to help the boy, and they cannot help the boy and not at the same time risk more in terms of security – a dilemma, and arguably a moral dilemma. The decisive point lies in the factor of uncertainty of outcomes: If their actions to help the boy do not aggravate the security situation, they can help him. The problem is that they do not control all factors relevant to their choice of action. There are several competing interests and obligations in this case, which is challenging and in need of attention. For my investigation of

the core values I therefore look at the case as a complex situation of competing duties, aspects of core values, context-specific factors, besides emotional and moral considerations, all of which the soldiers have to handle.

It is also relevant to point out that this case is different from what Michael Schulzke calls insoluble dilemmas, or cases of moral luck. A typical example of a case of moral luck is a man on a motorcycle, heading at full speed towards a military checkpoint, who does not stop at warning shots and waving from the soldiers. The man might be a suicide bomber or just a civilian unaware of the significance of the signaling. The result of their actions, whether they shoot at him or not, will be one of moral luck. While Schulzke suggests dealing with the problem of such dilemmas by reducing the risk of dilemmas to occur at all, my investigation concerns a different kind of situation contrary to an insoluble dilemma, which requires a different approach. In the ISAF case the soldiers involved do seem to have enough control of the situation and sufficient information to be expected to deliberate and make judgments. The case does, however, present itself with the *potential* of moral luck, more precisely what Schulzke refers to as resultant luck (Schulzke 2013): The soldiers cannot be fully in control of the results of their actions, even though there is time to consider what to do.

Finally, I assume that the soldiers are, at the outset, rational and capable of both deliberation and decision-making. I presuppose that they are in control of their actions, a premise for making moral judgments according to Schulzke. In other words, they are in a position to make judgments and choose their actions, but they are not in a position to fully control the outcome of their actions. Although there is an element of risk, uncertainty, and potential moral luck, the more relevant point in the ISAF case is how the soldiers deal with the information they *do* have, and the chance they *do* have of making a sound moral judgment.

5 Background

The starting point for this project was a story that came up during a university class for officers in Just War Theory some years ago. It was about a situation, where existing principles of soldiers' conduct in war were of little help and the soldiers involved were therefore left to their own best judgment. It was a very challenging situation with competing obligations, high risks and general uncertainty. The story, an authentic experience from the ISAF mission, revealed an ethically grey area of war and pointed to the role of soldiers as moral decision-makers[5]. From the perspective of just war principles, there are also war contexts that challenge soldiers with types of ethical dilemmas that are rarely debated, and therefore should receive more attention than they do today. These war contexts are low intensity conflicts[6] or complex conflicts, as opposed to high intensity conflicts or war. The story from ISAF represents this kind of low intensity, complex context, and is the case and focal point of this doctoral thesis.

The backdrop for the project is a media debate about soldiers' conduct in war that raised questions about attitudes and ethics in the Norwegian Armed Forces. In 2010, several incidents involving Norwegian soldiers in Afghanistan made the headlines. Soldiers had described to the magazine *Alfa*[7] that "war is better than sex" (Johansen et al. 2010). Norway's Minister of Defense at that time, Grete Faremo, was shocked, and the statements made by the soldiers were considered as parts of an unacceptable sub-culture (Heyerdahl and Akerhaug 2010). In another incident, a field commander of the Quick Reaction Force in Northern Afghanistan used Norse mythology to inspire his soldiers prior to fight, while badges with "The Punisher" were sewn onto the uniforms (Gilbrant et al. 2010). He showed up in the popular talk-show *Skavlan*[8] to explain himself. One soldier who had served in Afghanistan explained in an interview that it is hard for most people in Norway to understand the pressure under which soldiers serve. He explained that some kinds of utterances can be seen as a way

of motivating soldiers to fight, which is necessary (Gilbrant et al. 2010). These kind of incidents were disturbing and shocking for many, and for a relatively short period, there was a spike of interest in public debate about leadership and ethics in the military.

The debate that followed after the mentioned incidents serves to illustrate a cognitive dissonancy (Lunde and Matlary 2009, 219) between soldiers' experience in military operations and most people's experience of everyday life in peaceful Norway. This dissonancy in the discourse is sometimes a challenge. The Norwegian Armed Forces is a legitimate institution with permission from its democratically elected government to use force if necessary to defend the country against external aggressors and as partners in international military operations. At the same time, the media debate shows the relevance of asking critical questions about expectations to the role of the soldier. Being subject to professional moral demands, soldiers need to have the capacity to make important moral distinctions in complex and unexpected situations. They also need to be aware of the possible effect their actions may have on the reputation of the Armed Forces.

The professional moral requirements on soldiers are expressed by the three core values respect, responsibility and courage (RAM), as described in *The Values and Standards of the Norwegian Armed Forces* (Forsvaret 2015). However, it is not clear what these core values mean in specific situations. The values are accompanied with comprehensive, but general descriptions. It is therefore important to study the question of soldiers as moral decision-makers in complex conflicts to better understand what the values mean when soldiers must rely on their own best judgement. In view of this type of context represented by the ISAF mission, where soldiers function as security guards, diplomats, military humanitarian helpers, and warriors, the role of the soldier is challenged. In such situations there is a need for supplementary moral guidelines in order to uphold a necessary ethical standard.

What has been done

Literature addressing ethics in war often focus on questions related to high intensity warfare and just war principles, which leaves out investigation of other kinds of military contexts. The main theoretical background that opens up for this project is indeed the work of just war thinkers in two important ways. Firstly, this is the philosophical tradition that discusses questions about both resort to war and conduct in war, and as such it is a natural point of departure in search of principles concerning ethics and war. Yet, within this tradition, there is not sufficient focus on military contexts and questions not directly associated with combat or killing.

Secondly, as I am interested in soldiers as moral decision-makers in war, my project is in part inspired by just war philosopher Michael Walzer's discussion on *responsibility*. His focus on responsibility is relevant to my project in general because soldiers have moral responsibility, and it is relevant for my investigation in particular because of the core value responsibility, since he argues for acknowledging a wider responsibility for soldiers (Walzer 2004). The responsibility of soldiers in particular has also been discussed by others. A recent writer I refer to is Helene Ingierd (2011) for her discussion of the moral responsibility of soldiers. Concerning *respect* and *courage*, there are studies focusing on soldiers and respect (for example Collins 2017), and on courage in the military (for example Olsthoorn 2007). A classic on courage is Lord Moran's *The Anatomy of Courage* (1945), which is considered a radical account of the psychological effects of war.

Some qualitative studies are relevant background for this project. A Dutch study conducted by Michelle Schut and Eva van Baarle is especially relevant. They focus on how Dutch military personnel acted when faced with sexual violence regarding young boys in view of the responsibility to protect, when they at the same time had to maintain good relations with their cooperation partners (Schut and van Baarle 2017). The authors conclude

that there is great uncertainty among military personnel when it comes to describing conflicting values and handling these situations. Guidelines in this field are lacking, which prompts the need to improve the moral competence of soldiers (Schut and van Baarle 2017). Eva van Baarle has taken this study a step further in her dissertation on how ethics is taught in the military (van Baarle 2018). The problem described in the research of Schut and van Baarle is a parallel to the problem of the ISAF case in my project. My project in applied ethics, focusing on the same problem from the perspective of the Norwegian Armed Force's core values, complements their qualitative research.

Another relevant study focuses on Norwegian officers in Afghanistan and their own experience of the relevance of military ethics. According to this study, the respondents were satisfied regarding current Rules of Engagement (ROE), and still emphasized the role of a well developed judgment as always decisive in decision-making (Sondov 2010, 4). Sondov's findings serve to highlight the relevance of studying soldiers' capability to make sound judgments in morally challenging situations. It is also easy to find literature on the role of virtue in military ethics, from Plato's *Laches* (Asscher and Widger 2008) to more recent contributions in philosophy (for example Syse 1998, Olsthoorn 2017). The core values of the Norwegian Armed Forces can be seen as military virtues (see chapter 6 Theory and Method on the relationship between values and virtues) in this respect, as they can be seen as expressions for certain attitudes and character traits wanted in the military.

Many international writers have looked into *moral dilemmas* in war. One of them is Marcus Schulzke, whose focus is on insoluble dilemmas in war with the objective to avoid that such dilemmas occur (Schulzke 2013). In contrast, my project accepts that soldiers also experience genuine dilemmas and complex situations that are not characterized by moral luck the way Schulzke's insoluble dilemmas are. As outlined in chapter four, the soldiers in the ISAF case had both time and occasion to deliberate about different perspectives in the

situation, consider alternative actions, and evaluate as far as possible the probable consequences of different actions. In cases of moral luck, the situation does not allow the same kind of process and the outcome of decisions are left to luck.

The role of the soldier as moral decision-maker in war is to my knowledge mostly discussed in literature on soldiers' responsibility (see for example Ingierd and Syse 2005, Ingierd 2011). The general role of the soldier has been subject to several studies that overall give an impression of a role changing over time and with changing military missions (see for example Brunborg 2015, Haaland 2008, Edström, Lunde, and Matlary 2009). Haaland's study concludes that the perception of the soldier's role changed with the operations in Kosovo and Bosnia: from helper in uniform to warrior (Haaland 2008). Various documentaries from Afghanistan, news, media debates, information from the home pages of the Armed Forces, videos, books written by veterans, etc. give the impression of a role that is at best ambiguous. For example, on one hand we have the previously mentioned soldiers who shocked the Norwegian opinion when expressing their feelings about their combat experience as "better than sex", and on the other hand we have photos presenting ISAF soldiers interacting with Afghan children, sometimes without sunglasses and helmets, "winning hearts and minds"[9].

This project intersects with other philosophical debates beyond the specific case and the core values that I focus on. The general discussion of ethics in the military has taken new turns in view of technological development (Berntsen, Dyndal, and Johansen 2016). As an example, *courage* is discussed in the context of drone soldiers (Kirkpatrick 2015). Another point of debate in the field of robotized warfare is the question of *responsibility*, including moral responsibility (see for example Hellström 2012). Questions of responsibility, courage and respect are therefore also relevant in the discourse of technological development in the military.

The contribution of this thesis

To my knowledge, no study combines issues related to the role of the soldier in a low intensity complex conflict, decision-making, and the notions of respect, responsibility and courage the way I do in this project. Also, my use of the ISAF case contributes to increased focus on this kind of military context. We often want solutions and ready-made answers to complex situations, and there is a need to provide principles and guidelines that are useful in such contexts. At the same time, what I found lacking was an acknowledgement of soldiers as moral decision-makers in complex contexts where they have to handle a plurality of moral stakes. This thesis aims to provide an adequate understanding of the moral reality of soldiers, and thereby provide a better foundation for the moral education and training of soldiers, complementing other important and interdisciplinary contributions to the field of military ethics.

Methodologically, the project shares ground with other fields of applied ethics, namely medical ethics, with the use of a *prima facie approach* to situations of competing duties. According to Marcus Schulzke, much of the literature in the just war tradition and military ethics does address the kind of dilemmas where soldiers have to choose between two or more ethical imperatives, duties or values, and addresses individual soldiers' actions to resolve these dilemmas by different ways of weighing competing duties or values (Schulzke 2013, 95–96). However, while military ethics and just war principles according to Schulzke usually are discussed from the perspective of one of the three major traditions in western moral philosophy: Aristotelian virtue ethics, Kant's deontological moral theory, or utilitarianism, my project is different in this respect. I draw upon the Norwegian core values and different ethical methods rather than one ethical theory to reveal different perspectives of a complex case. In other words, I use an alternative of mixed methods. I look at what actually happens in the case as a point of departure: The soldiers discuss how they can help the boy in addition to

solving their security mission, which indicates that we should investigate it as a type of case with competing duties. Thus, the contribution of this thesis also consists in showing how concern for the consequences is one among several important concerns in the case. The project is characterized by an interdisciplinary approach, benefitting from literature and studies from different disciplines in the humanities and social sciences.

My project is a contribution to the debate about ethics and war on the premise that soldiers are moral decision-makers, as implicitly required by their commitment to their professional standards, which for Norwegian soldiers include *The Values and Standards of The Norwegian Armed Forces*. A network-based Armed Forces and the philosophy of leadership in the Norwegian Armed Forces (Forsvaret 2014) imply that the soldier, not his superior in a headquarter somewhere else, has to make judgments and decisions in particular situations while honoring the commander's intent. What I aim to achieve by this mixed-methods approach is a more adequate understanding of the moral reality of soldiers, especially in situations, where it is not immediately clear what soldiers should do. It is a way of counteracting the chance that the meaning and importance of the core values are diminished. It may be challenging to exercise ethically sound judgment and arguably less challenging to obey rules and laws and follow specific guidelines. Still, better preparation for situations where sound judgment is necessary starts with a better and more complex understanding of the different types of situations soldiers have to handle in contexts like Afghanistan.

The role of the soldier

I recognize that soldiers are means to political ends, and I argue that as such means they are required to uphold high ethical standards. This is an uncontroversial position, which is indeed the official and acknowledged position of Norwegian authorities and the Norwegian Armed

Forces. The basic idea of the just war tradition is that war should be avoided, it should be the last resort, and that in war, soldiers should still only use force with as little collateral damage as possible. The rules of war exist because of the common moral belief that it is generally wrong to kill, but nevertheless soldiers must be prepared to kill and get killed in the extreme end of their service. Therefore, we must not forget that the role of the soldier exists as means to an end and not as an end in itself (Robillard 2018). It is possible to see it as a warning to the Aristotelian suggestion in the *Nicomachean Ethics* (Barnes and Kenny 2014) that we may be better off with soldiers that are less courageous, but "have no other good", since such soldiers will not have anything noble to fight for. They will therefore face danger without concern and may be better soldiers. The noble end of diverse military missions is a question for a different discussion. The important point here is the appeal to humanity in the midst of the destructive force of war, because soldiers are human beings. Moreover, with reference to *The Values and Standards* of the Norwegian Armed Forces, a soldier is required to be morally and ethically conscious in his conduct, which implies being a morally accountable and responsible decision-maker.

6 Theory and Method

Introduction

The existence of an ethically grey area of war, where existing principles are insufficient to guide action, points towards a need for additional ways of handling complex military contexts. In this project, I explore the core values of the Norwegian soldiers - *respect, responsibility* and *courage*. To make the analysis doable within the frameset of a PhD project, I narrow in on a specific case from ISAF in Afghanistan. I do the analysis in three articles: one article for each of the core values, and I use the same case in all three articles. In view of the case, it becomes evident how many aspects there are to the core values, and how many factors the soldiers in this case have to take into consideration in their decision-making. Since we are dealing with competing aspects of the core values and competing factors in the case, I assume that not one theory or single ethical method can be sufficient for understanding the right way to approach the case. I assume that analyzing the case in view of virtue ethics, Kantian ethics, or consequentialism alone would serve more to advocate the preference of the particular theory or method than to investigate the moral stakes more openly. Still, in the process of the investigation, perspectives of Kantian ethics, virtue ethics, consequentialism, and what I will refer to as empirical ethics, are relevant, as are ideas from disciplines other than philosophy. At the same time, the principle of *prima facie duties* introduced by William D. Ross offers a possible way of approaching morally complex situations as a process of prioritizing between competing duties. Analogous to this approach I look at the ISAF case as a conflict of competing aspects of the core values, principles and factors. I conclude that a *prima facie approach* to morally complex situations in war can clarify the important moral stakes and contribute to keeping up a conscious and active attitude towards the values and standards of the Norwegian Armed Forces, and, more generally, contribute to maintain a high ethical standard in the military profession.

Theoretical considerations

The main *jus in bello* principles of the just war tradition, the principles of *distinction between combatants and non-combatants* and *proportionality in use of force*, together with *the doctrine of double effect,* aim to diminish the destructive force of war and ensure that force is used in a legal manner with the appropriate restraint. In the philosophical debate I refer to, these principles are continuously being discussed, with the act of killing, the moral status of soldiers, and asymmetric warfare being some of the main points of contention. In addition, *jus ad bellum* principles, which guide the question of rightful resort to war, also aim to guide conduct in war. These are the principles of *just cause, right intention, proper authority, war as last resort, reasonable hope of success, and proportionality in use of force*. However important these principles are when addressing war in a traditional sense, they are arguably not sufficient for the case I analyze in my project, which is often the case when dealing with low intensity operations and complex conflicts. This creates an ethically grey area of war (Vikan 2009), where existing principles are insufficient and soldiers are left to their own best judgment. This doctoral project thus contains a critique of the just war tradition, using the ISAF case as a starting point for further theoretical development. My point is not to question the utility and rightness of just war principles as such, as they are obviously important and relevant. My point is rather that the just war principles do not cover the complexity of the type of military context the ISAF case represents, and I envision that we have to look beyond literature written in the just war tradition in search for guidance.

Methodology

Methodologically, my project is a mixed methods approach to the subject. In attempting to give an overall description of what goes on in this project of applied ethics, I am inspired by

Onora O'Neill. She is primarily concerned with distinguishing applied ethics from other kinds of research, and some of her central thoughts can shed light on this project on an overall level.

O'Neill argues that the term *applied* in *applied ethics* is misleading, since applied ethics, according to her, is not about applying appropriately justified principles to specific cases to guide action (O'Neill 2009). Instead, O'Neill argues that normative argument should contribute to changing the world, rather than making principles that fit to the world as it is, and therefore applied ethics is about *types* of situations that may fall under a principle (O'Neill 2009). Principles are in other words open ended, and practical judgment is therefore an important concept in her discussion. Both of her points are relevant in the present thesis: The ISAF case represents a *type* of situation where *practical judgment* becomes important in the absence of, or inadequacy of, principles that are more relevant in combat. Other principles that are evoked, for example a principle of beneficence, is still open ended, since there are different ways in which the soldiers can enact beneficence in this case, and thus they have to make a judgment on choice of action. At the same time, beneficence is not the only principle at work in the situation, which makes it more complex. O'Neill writes this about commitment to a plurality of principles in particular cases and the conflicts that may arise:

> The fact that we are *typically* committed to numerous normative principles, including numerous ethical principles, that demand *joint* satisfaction, can generate tension and conflict – even irresolvable conflict, so seemingly threatens to undermine the prospects for any principle-based approach to practical let alone ethical reasoning (O'Neill 2009, 226).

She asks, "how are agents to work out *which* of many normative principles should take priority in a specific situation?" (O'Neill 2009, 226) She argues that in particular cases where we have to accept that the plurality of principles cannot be jointly enacted, we also have to give priority to some principles before others. This is in my view in accordance with what the soldiers in the ISAF case have to do. Since the core values are described in broad terms in *The Values and Standards*, it is up to the individual soldier to make sound judgments and decide

what he or she should do in particular cases and give priority to some principles and aspects of the problem before others. Thus, it is important that the values are described in broad terms and leave room for judgment in particular cases.

O'Neill's emphasis on open ended principles that are tested against each other in types of cases, and involving practical judgment, is thus useful in describing the overall methodological features of this project. I see the ISAF case as a *type* of situation, and thus representative, and I think there are several factors in this complex case that must be taken into consideration. Therefore, my objective in describing how different ethical theories contribute in this project is not primarily to argue for or against each of these theories as such, but to show how we can understand the importance and contribution of different theories in dialogue with a particular case. For example, consequentialism explains and justifies that consequences are important for the case, but at the same time consequentialism does not cover the role of virtues, represented by the core value courage.

The complex problem discussed in this project opens up for several theoretical and methodological positions and approaches, as follows. As a project in applied ethics, it belongs within the field of professional ethics and the sub-category of military ethics. Military ethics should be "helpful in providing real-world guidance for policy-makers, military commanders and leaders, or operational decision-making" (Cook and Syse 2010, 120), and my examination falls under this description. The project involves questions of responsibility on the individual level of the soldier as well as questions of general responsibility and legitimacy of the military institution. The need for context-sensitivity implies that proper attention to all empirical aspects of the case is essential. Thus, my discussion is an example of what we may call empirical ethics. According to Albert W. Musschenga, empirical ethics, unlike descriptive ethics, aim to be both descriptive and normative. He further argues that the ultimate aim of empirical ethics is to improve the context-sensitivity of ethics (Musschenga

2005). Thus, in my examination, I do not simply *apply* certain principles to the ISAF case. In the articles constituting the studies of the present thesis, I look at what happens in the case, and I discuss different moral aspects in view of the core values, as the title of the respective articles reflects: "Responsibility in complex conflicts: An Afghan case", "Soldiers and respect in complex conflicts: an Afghan case" and "Soldiers and Courage: an Afghan Case". In other words, I think the question of what the soldiers should do is in the complexity: They should consider the important and relevant moral stakes in their process towards a choice of action, because it makes an important moral difference.

The analysis of courage falls naturally within virtue ethics, and Kantian ethics is a relevant reference for the analysis of respect. The analysis of responsibility finds some common ground with the just war tradition and Michael Walzer's exposition of just war principles, but I also use other authors. On a practical level, the soldiers need to evaluate possible consequences against each other, and provide an analysis of what possible actions would give the overall best results in this situation. In view of O'Neill's point, that we have to acknowledge and accept the plurality of principles to which we are committed when that is the case, I argue that what we need for complex conflicts like the ISAF case is not one single theory or foundational method, but something different.

As mentioned above, according to O'Neill we are *typically* exposed to a plurality of principles that may conflict with each other. At the same time, we still need a way in which to decide how to give priority to some principles or factors before others. For the purpose of describing a way to prioritize between morally relevant factors, the principle of *prima facie duties* (Ross 1930) can be useful for the kind of complex context the ISAF case represents. Ross' theory anticipates that there is a conflict between several important duties, and involves a process of *balancing* duties in the decision-making process. I do not imply that the core values are duties, but approaching such a complex case as a case of several important and

conflicting principles, factors, and aspects of the core values can be a way to see the different relevant factors, acknowledge them and – analogically to the principle of *prima facie duties* – acknowledge the need to prioritize. The case could be analyzed using consequentialism or Kantian ethics exclusively, but that approach would not allow me to study the core values of the Norwegian Armed Forces in light of a real situation, reveal the complexity of the case, and suggest a way to approach this type of context with a need for priority between relevant moral factors. In doing so, I also want to understand how different ethical theories contribute in distinguishing morally relevant factors.

The prima facie principle and a complex military context

A *prima facie duty* is a moral duty at first appearance, but it is not an absolute one, since it needs to be balanced against other important moral duties. David McNaughton points out that in Ross' moral philosophy on *prima facie duties* there is no final fixed list of duties, even though he does list some. Ross' duties are the duties of *fidelity* (promise keeping), *reparation*, *gratitude*, *justice*, *beneficence*, *self-improvement*, and *nonmaleficence* (not injuring others). They are not strict duties, but a list of the most basic morally relevant features open to revision (McNaughton 1998). There is no fixed method for calculating what considerations or moral features are the weightiest in a specific case. Deciding what action is the just one depends on judgement and practical wisdom (McNaughton 1998), and there is, in the end, only one just action, according to Ross. Whether there is only one just action in the ISAF case is, however, not my main point. The main idea I find relevant for the questions of my project is Ross' way of prioritizing without diminishing the significance of duties or morally relevant features, even those that are not given priority. This idea is implemented in all three articles as I approach the case in view of three different core values, which reveals important aspects, duties and a need to prioritize.

Although the previously mentioned duties on Ross' list are not the specific subject of analysis in this thesis, they could easily be used in the ISAF case: The soldiers' intuition to help the boy can be backed by the principles of *beneficence* and *justice*, principles that the soldiers arguably are in a position to live by and enact. They could also act on the duty of *nonmaleficence* by taking steps to stop the mujahedeen from harming the boy, which is what they consider doing. At the same time, this *prima facie duty* requires that the soldiers do not harm the mujahedeen men. In this way, we see how different duties, each of them important, come into play in the case. The general uncertainty of the situation and the soldiers' professional responsibility for security are factors that complicate the process. Building on Ross' theory, the soldiers' task is to find out which perspective that is the weightiest.

I believe there are two arguments in favour of what I, following Ross, call a *prima facie approach* in the sort of complex military context discussed in this thesis: 1) a *prima facie approach* to complex cases can contribute to exercising a high ethical standard by forcing the soldier to reflect on the different duties that pertain to the operation in question, and as a result of that: 2) a *prima facie approach* can prevent moral laziness. Moral laziness would be to set aside all other duties than those strictly associated with the professional role without consideration of the moral compromises it takes. In a case of moral laziness, we could speak of demoralization to some degree. This can be summarized in one claim: In complex military operations, we need a high ethical standard that works as a barrier against moral laziness and demoralization.

It is relevant to note that prioritizing between competing duties does not necessarily mean to view some duty as basically more important than other duties. According to the *prima facie approach*, giving priority to one duty before other duties does not reduce the importance of the duties that are *not* prioritized. On the contrary, having to acknowledge several important duties and prioritize between them leaves us conscious that the duties that

are *not* prioritized are still important and should leave "moral traces" (Ruyter, Førde, and Solbakk 2007). The soldiers' job is to weigh the different perspectives in a decision-making process to reach a decision, an approach that has been described in various ways in the literature concerning soldiers and dilemmas (Schulzke 2013). I suggest that this consciousness about the moral compromises one makes and their possible consequences constitute the moral traces that are important to keep up the moral awareness and competence we want from soldiers.

In a context where the role of the soldier is challenged by more general duties, such as the general responsibility to help the boy in the ISAF case, it could be easy to focus on role obligations alone and define the boy who enters the picture as being outside the scope of these role obligations. However, focusing too squarely on one's presumed role limitations or primary role obligations involve the risk of moral laziness and demoralization, which certainly is not compatible with the requirements of Norwegian soldiers to be capable and moral decision-makers in war. Besides, what counts as role responsibility can and should be discussed; a discussion I spend time on in the article on responsibility.

The *prima facie theory* of Ross has been criticized for being based on intuitions, which are generally held to be an unstable foundation for moral judgments (Simpson 2019). What Ross has in mind, however, is that we possess an intuitive ability to perceive certain moral facts as *prima facie duties*, a kind of first impression of what is good or right, and then we can test these first impressions by deeper consideration, upon which we make our conclusions (Simpson 2019, 17). In view of the ISAF case, we see how Ross' idea involves a cognitive process. The soldiers arguably have an intuitive reaction to the bacha bazi practice as wrong. From there they go through a cognitive process of balancing values, duties, and context-specific factors that matter in their decision-making.

In conclusion, to make the project manageable within the scope of a doctoral thesis, I have limited the rather general question about how soldiers can make sound judgments in ethically grey areas of war to the specific task of exploring the core values of Norwegian soldiers in view of one complex case. I approach the case as a conflict between important and competing perspectives, constituted by the core values and context-specific factors, analogous to the principle of *prima facie duties*. A *prima facie approach* can make the soldiers see all the relevant stakes, allowing them to make decisions well aware of the moral compromises involved. Other ways of approaching the case may favour other answers to resolving it, but may not reflect the complexity of the situation or reflect the meaning of the core values. I have chosen not to consult only one theory or ethical method on the assumption that applying one theory or method (or perspective) to the case would diminish the scope of the analysis to discuss the advantages of this one ethical method or theory rather than clarifying a complex context. Still, in an open investigation, each of the different theories or methods contributes importantly, although not quite sufficiently one by one. I rely on descriptions of these theories that are relatively straightforward. It is not within the scope of this dissertation to study ethical theory in great depth, but I do believe that my use of ethical theory is adequate for the discussion at hand, and that it corresponds well to widely accepted understanding of the theories and methods considered.

Kantian ethics

I draw upon deontology and Kantian ethics in the articles on *responsibility* and *respect,* especially in the following ways: Kantian ethics[10] emphasizes the notion of duty, and duty is a familiar term in most professions. In the ISAF case, the professional duty also implies moral duties, especially in view of *responsibility.* Thus, the justification for whether an action is morally right is if we can say that it is justified by a moral duty. Duty in Kantian ethics means

a self-legislated duty, not a duty externally imposed. The way in which we can identify duties is known as the Categorical Imperative, which says that one should act by the maxim – or principle – that one would want to be the maxim for all humanity. Kantian ethics also emphasize the ends of actions, not the actions themselves, but unlike consequentialism, Kantian ethics sees each human subject as the ultimate end, which cannot be identified through a utilitarian calculus about external ends (such as happiness). Besides, ends cannot determine moral action, since we cannot foresee all the consequences an action might have.

The premise that the soldiers are rational beings capable of deliberation and decision-making does not by itself imply Kantian ideas being above other theories. The premise could therefore be mentioned elsewhere, but since Kant is famous for his account of rationality, I mention this premise under the contributions of Kantian ethics. Concerning the notion of duty in the case, in a Kantian perspective there is both the professional duty, implying a moral duty, to attend to security, and the general duty – also a moral duty – to help the boy. Both are duties we can link to the Kantian moral duty of promoting the good. The professional duty is not merely a duty that the soldiers should adhere to superficially without reflection. It constitutes an integral part of the way in which one should act given the role one inhabits, and the purpose and function of that role in society. Yet, the professional duty does not annul the general duty, which in its pure form is absolute and categorical.

Thus, Kantian ethics clearly has something to offer, but are not sufficient to resolve the case, since there are several duties that compete and arguably several maxims that can be universalized. In view of the Categorical Imperative, I believe we would not reach an unequivocal decision, since the Categorical Imperative arguably can be used to buttress *different* possible actions in the case based on the different obligations.

On the other hand, in my article "Soldiers and respect in complex conflicts: an Afghan case", I have used a Kantian account of *recognition respect for persons* to understand the core

value *respect*. According to this account of respect, we have a duty to respect other persons as rational beings with dignity, even if they do not live up to moral standards. Building on Charles Taylor (1994), and using the Kantian account of respect, we could say that engaging the men in dialogue would be to recognize their human dignity. In the ISAF case, the soldiers end up failing to live up to this kind of respect due to security reasons: The soldiers did not engage the mujahedeen men in dialogue about the bacha bazi practice, which they morally condemn. True respect would be shown by confronting the mujahedeen men as moral agents. The bottom line is that the soldiers have to make a judgment after having considered the case from several different perspectives. In the way I approach the case, Kantian ethics constitute one such perspective.

Virtue ethics

In my article "Soldiers and Courage: an Afghan Case", virtue ethics have been a natural point of departure. An uncontroversial, albeit incomplete description of virtue ethics says that it consists in "an emphasis on character and virtue" (Baron, Pettit, and Slote 1997, 34). The emphasis I place on the practical judgment of each soldier in the case implies an agent-centered focus, and virtue ethics is arguably the most appropriate ethical approach when one applies such a focus. Virtue ethics is, however, not only agent-centered. Referring to Aristotle, Baron shows that the virtuous person "is keyed into such facts as what is noble, which varies from case to case and is thus not derivative from the nature of the virtuous person" (Baron et al 1997, 40). With our case in mind, it is also worth mentioning that habituation plays an important role in Aristotle's account of how one comes to be virtuous.

Peter Olsthoorn points out that what is permissible in a situation is not only defined by the context, contrary to what many think, and therefore it is important to find ways to enhance the moral sensitivity of military personnel (Olsthoorn 2011, 4). To what degree it is possible

to habituate soldiers through education and training to become virtuous is a different discussion. It may in part depend on whether one takes the Aristotelian view that only persons who through their upbringing have been keyed into proper habits and attitudes are receptive to such training. Nevertheless, in view of most militaries' efforts in character building (Olsthoorn 2011, 4), including the Norwegian efforts in integrating core values in the training of military personnel, the soldiers in our case indeed seem to work to become virtuous – or actually exercise their virtue – as they are assessing the situation to see what they should do.

For the purposes of this dissertation, I have taken my point of departure in the general view that Kantian ethics and virtue ethics are different ethical theories or methods that place their emphasis on different aspects of moral action, namely, *duties* versus *character*.[11] In our analysis of courage, virtue ethics is obviously highly relevant, since courage is indeed known as a virtue and often included among the main (or cardinal) virtues. I treat it as a virtue that interplays with other virtues, such as respect, responsibility, knowledge, compassion, loyalty, caution, and capability of judgment. This comes close to an understanding of the core virtues as essentially unified, a view often associated with Plato.

Still, virtue ethics does not provide all we need, because we do also need a clear awareness of situational factors. I discuss the relation of virtue ethics to situation and action in the article on courage, which contributes to a deep understanding of courage. Nevertheless, it is still not entirely clear how courage as a virtue alone should guide action in the case of our analysis.

Consequentialism

Soldiers should worry about the consequences of their actions, and so do the soldiers in the ISAF case. This was important to recognize when examining the case, and consequentialism is thus relevant for the ISAF case to the extent that the soldiers consider possible results of

different actions. Consequentialism in general focuses on actions that give the best consequences in a situation. However, there is a risk that too much weight is put on assumed consequences, and too little weight on values such as respect and courage, as well as too little regard for attitudes and character, which do occupy an important place in military ethics. The importance of possible consequences, what the soldiers are after as a result, should not at the outset outweigh other perspectives as if consequences were the only thing that matters. At the same time, a consequentialist view does not mean that soldiers are necessarily immune to a diversity of relevant moral claims in a situation. I want to emphasize this point especially in connection with utilitarianism.

Utilitarianism, the short definition of which is to produce as much happiness as possible for as many as possible, could easily solve the case. In this view, it would be easy to say that the soldiers should forget about the boy, because in the end it is his misery against the possible misery and death of many more in case the soldiers compromise their mission by destroying the trust of the mujahedeen men. The boy then becomes a minor loss for a greater good. There are several problems with this approach; one of which is that even the most advanced utilitarian calculus cannot predict with absolute certainty the outcomes of actions in a complex case such as this one. For example, it is not certain that it is less risky *not* to confront the men about their practice than to confront them.

Just as seriously, a utilitarian approach to the problems of the case would appear to *eliminate* the problem of competing duties by undermining the need for soldiers to explore what makes a moral claim on them. What I am worried about is that such an approach *alone* is less robust when it comes to awareness of these other claims in such a complex situation. At the same time, as the consequences do matter deeply to the soldiers in their decision-making, consequentialism in a more general sense is relevant to the case.

Empirical ethics

Where applied ethics, in line with O'Neill's view, looks at how principles and norms can be tested against each other in types of situations, empirical ethics looks at cases as a source of morality. The question is not so much how decisions should be made, but how decisions *are* in fact made (Musschenga 2005, 470). In the ISAF case, for example, we see that the soldiers do care about the boy, and they want to look for alternative ways to handle the situation. Their role as soldiers is challenged by the appearance of the boy, to which the soldiers have a specific reaction: They seem to recognize a responsibility to help, and then they start discussing what to do. According to some empiricists, this would be an example of relating 'is' to 'ought': The fact that the soldiers discuss what to do implies a norm at work, which says that they should help. Context-sensitivity alone does not give an account of how the many features of a specific context may form the basis of actual decisions. Nevertheless, there are important facts besides moral principles in the ISAF case that one should take into account in the decision-making process.

In the ISAF case, the question of security is such a fact. For example, the question of courage to confront the men cannot be discussed without considering the security situation, which I discuss in the article on *courage*. The same goes for the question of what kind of respect the soldiers should show towards the men, which I discuss in the article on *respect*: Should they show the kind of respect called *recognition respect for persons*, which requires that the soldiers initiate a dialogue with the men about their practice? Again, the question of security matters greatly, and the soldiers may judge it too risky. My discussion in the article on *responsibility* shows that context-specific factors – the boy, the security players, and the military mission – reveal the fact that we are confronted with several kinds of responsibility. In this way, empirical ethics is relevant in understanding both *responsibility, respect, and courage*, because the many different aspects of the context reveal different aspects of the core

values. This becomes even more evident with supplementary examples of situations in my analysis of courage, aiming to show how courage should be acknowledged as a military virtue in further ways than the traditional Aristotelian way as a mean between cowardice and foolhardiness in combat.

Conclusive remarks

The problem of prioritizing between important duties points towards a need for sensitivity to relevant, context-dependent factors and a need for sound judgment, which involves seeing the case from different perspectives, drawing on resources from different theories and methods. The approach that we associate with *prima facie* duties is especially suitable in that it can help us clarify what the most relevant obligations and perspectives are, and what moral compromises and challenges are actually involved. It can enforce the ability of soldiers to make ethically sound judgments and contribute to upholding the required ethical standard of the military.

PART TWO

7 Outline of the articles

In this chapter I present the insights of the three articles that constitute the main body of the investigation. Two of the articles are published: "Responsibility in complex conflicts. An Afghan case" is published in *Journal of Military Ethics* (2017)[12], and "Soldiers and respect in complex conflicts. An Afghan case" is published in *Etikk i praksis. Nordic Journal of Applied Ethics* (2017)[13]. The third article, "Soldiers and courage. An Afghan case", is in the process of being published in *Journal of Military Ethics*. The specific question I explore in the articles in order to answer the problem of the thesis is "what does respect, responsibility and courage mean in view of the ISAF case?"

Responsibility: "Responsibility in complex conflicts. An Afghan case"

In this paper I found that the role responsibility of the soldiers versus the more general responsibility, the outward responsibility, for the boy was a main issue. Different aspects of responsibility are at play in the case, and these aspects compete. In addition, responsibility must be seen in relation to the ambiguous security situation, which in the end becomes the decisive variable in the complex situation.

The stronger intuition of soldiers will presumably always be to lean on role obligations. The problem was therefore to define how far the role obligations reach in this case, and then how the soldiers should act. I found that the real conflict is in the way the soldiers had to look away from their hierarchical role responsibility and impose added risks on themselves and the ISAF mission in an attempt to protect the boy.

The responsibility evoked by their contact with the boy can be described as fundamental. Emmanuel Levinas explains this kind of responsibility as "inscribed in the face of The Other" (Aarnes 2004, 227), and thus it can be described as limitless, which means that it is possible to argue that the soldiers have a responsibility for the boy just because they

happened to meet him. At the same time, such a responsibility may be impossible to handle. As they become aware that the boy is subject of unacceptable[14] acts, this perspective of responsibility becomes more pressing. While the role responsibility works to restrain the soldiers' conduct and actions, the soldiers have to prioritize. In line with Michael Walzer, I found that a more general responsibility should be recognized as part of soldiers' moral reality (Walzer 2004), because only then can soldiers be aware of the moral compromises they make.

Respect: "Soldiers and respect in complex conflicts. An Afghan case"

In this paper, I found that the 'recognition respect' for persons versus respect for implications of the soldiers' role obligations was an important issue. Recognizing respect for persons means to recognize the fact that persons are rational beings with dignity, which requires of us that we treat others according to that fact. In one sense this means that we engage others in dialogue rather than just tolerating them. I draw on Kant (Dillon 2015), Taylor (1994) and Adeno Addis (1997), among others, to show that the soldiers' silence vis-à-vis the mujahedeen men cannot be genuine respect for persons from the point when they know about the boy's situation. A second important issue was the relation between respect and toleration in a multicultural context like the ISAF case. While respect for professional obligations, people and culture may seem like the more obvious issues here, the analysis reveals that respect has several aspects that compete in view of the situation.

The analysis also revealed several aspects of *self-respect* that are important. Acknowledging oneself as a moral agent on one hand, and as a concrete person with duties that one has to live up to in order to be self-respecting on the other, are two aspects of a subjective kind of self-respect. The other kind of self-respect is self-respect as a primary good, a view adopted from John Rawls (1971). As a primary good, self-respect is something we get from the way we are treated by institutions in our society.

The multicultural context makes it urgent to see the difference between tolerance and respect. The discussion shows that the soldiers fail to live up to their standards concerning toleration of the bacha bazi practice, which they morally condemn, out of respect for the security situation. An important point concerning respect and toleration is that we should acknowledge that there are cultural practices that are unacceptable, and therefore the link between respect and culture is not always legitimate. Toleration can be based on indifference or be accompanied by non-respect (Addis 1997), while respect is everything but indifference.

An important insight from the analysis of respect was the importance of seeing the difference between respect for culture on one hand, and toleration of unacceptable practices on the other. I thus wanted to emphasize that bacha bazi is not a question of a cultural preference or cultural identity with a claim to be respected. I therefore did not consider the possible perspectives of the mujahedeen men. The question of this practice and reference to culture is discussed in depth in the article.

Courage: "Soldiers and courage. An Afghan case"

The main concern in this paper was the need to reinterpret courage in view of a military complex context other than combat, since courage in the military is often associated with battle, and it is unclear what courage is within the multitude of military tasks today. The analysis showed that courage seems to be interdependent with other virtues and factors, like the security factor and risk level. While character is still important, the question of courage therefore seems to rely more on the circumstances and a combination of virtues like knowledge, judgment and loyalty, than just the character of the soldiers. This favors an understanding in line with Plato's unity of virtues rather than an Aristotelian character-based understanding alone (Allred 2011).

In this article I also refer to other examples of situations different from our case to show how courage is dependent both on character and situation in line with a so-called inter-actionist view on virtues (Crisp 2012). Both moral and physical courage is relevant in the ISAF case. I consequently argue that we need a deeper understanding of the role emotions play as a positive guide to action in order to have a fuller understanding of courage.

Conclusive remarks

The analysis gives an understanding of respect, responsibility and courage as military core values with different aspects that are revealed in view of a real context. Indeed, it is in view of this specific case as a type of situation where soldiers have to make ethically sound judgments that the core values make sense. One important insight is the way the core values are interdependent and competing in view of the context. Seeing the question of virtue in view of situation and action, the three military core values are virtues on their own, constituted by character, situation and action in interdependency.

Approaching a complex context like the ISAF case as a conflict between different moral obligations and perspectives can be useful to become more aware of what makes a moral difference when considering alternative actions. Being aware of the moral stakes means seeing the moral compromises lying in the decision of prioritizing some obligation to others. The investigation shows a way of grappling with morally challenging situations that can contribute to maintaining the ethical standards of soldiers.

8 Responsibility in Complex Conflicts: An Afghan Case

Abstract

This paper discusses soldiers' moral responsibility in today's complex conflicts. The point of departure is the increased focus on soldiers as moral decision-makers in war, illustrated by the introduction of core values in the Norwegian Armed Forces. Responsibility is one of these core values, but it is not clear exactly how we should understand responsibility. I use a case where a group of Norwegian soldiers in the International Security Assistance Force (ISAF) sought the cooperation of a group of mujahedeen to solve the military mission of establishing security. As confidence between the parties grew, the soldiers became horrified witnesses to a practice of *bacha bazi*, where a young boy is dressed up for entertainment and sexual abuse. This situation gives reason to question the limits of role responsibility, the status of soldiers' legitimacy, and the challenges of making morally sound judgments in a multicultural context. The discussion demonstrates that even if there are restrictions on the soldiers' freedom to act, a responsibility reaching beyond or extending their role should be recognized as part of the moral reality of modern soldiers.

Key words

Afghanistan, ISAF, military ethics, moral relativism, respect, theories of responsibility

Soldiers' responsibility – introductory case

This situation involved a task group of ISAF soldiers and lower rank officers in Afghanistan at the very beginning of the ISAF mission. Their mission was to cover an information gap along a route where ISAF forces were to make important movements with personnel and equipment into new territory. A group of 20–30 mujahedeen soldiers dominated the route. There were heavily armed and controlled checkpoints where these soldiers collected taxes from locals and civilian transport companies. There were reports of kidnappings, but otherwise little was known about the group's loyalty, intentions, activity and conduct at the checkpoints. Their attitude towards ISAF was not known, and it was uncertain whether ISAF could expect cooperation on security or whether the group itself represented a security threat to the ISAF mission. The ISAF soldiers had to focus their efforts on building confidence between themselves and the mujahedeen group.

The ISAF group succeeded in getting an invitation to meet the leaders of the group. The meeting was a success. The ISAF soldiers had brought halal meat, which was shared; the mujahedeen men were positively inquisitive about the soldiers, the atmosphere was good, and the ISAF soldiers spent the night there. At this first meeting, the ISAF group noticed a boy aged about 10 or 12, who served them tea and food. They thought he might be an orphan of some relatives and that the mujahedeen group was taking care of him, which was not unusual.

Over time the ISAF soldiers and the mujahedeen leaders got to know each other well—so well that they were able to make jokes about sexuality and women. The boy appeared every time, and several times he was now dressed up in women's clothes and make-up. He danced for the men; the rest of the time he sat in a corner rocking back and forth. The mujahedeen men dropped hints about "the little lady". At one point, after yet another dinner meeting, the mujahedeen men asked the ISAF soldiers whether they would like "to spend some time alone with the boy". There was no hint of humour in their offer; instead it was more a vote of

confidence. The ISAF soldiers managed to get out of the situation without offending the men, but from that point on it was clear to them that the boy was more than a servant of the house. The ISAF soldiers perceived the boy's stuttering, catatonic rocking, lack of eye contact, and introversion as clear signs of psychological problems. Observing the dressing up, the way the boy performed and the way the mujahedeen men treated and referred to him, the soldiers concluded that the boy was probably being raped on a regular basis by one or more of these men.

When the ISAF soldiers became aware of the boy's situation, they started to weigh his future against the trust they had gained from the mujahedeen, and thereby the whole mission. The soldiers were seriously worried about the boy and at the same time very conscious about the importance of the relationship to the mujahedeen group, a relationship that would be important for the security of the ISAF in the area. End of case description.

This case is my point of departure for a discussion of the moral responsibility of soldiers in today's complex conflicts (FSS 2008).[15] Responsibility is one of three core values in the Norwegian Armed Forces: *respect, responsibility and courage* (RAM). The core values are to be integrated in all conduct and activity as part of a policy to increase ethical awareness in the Armed Forces. However, it is still not clear how we should think about and conceptualize responsibility in today's reality. The case above shows a part of the overall Afghan context, in which Norwegian soldiers have served. The practice of *bacha bazi*, literally "boys for play", is illegal but common in Afghanistan, dating back centuries (Brandvold 2012). Young boys, orphans or from poor families, are hired out or sold to powerful men to dance or entertain and are sexually abused by these men. Having a dancing boy brings status in certain circles. The authorities have proved unable to do anything about the abuse of these boys, who are often

held as slaves or prostitutes. Moreover, official representatives such as the police are allegedly involved in the practice themselves (Quarishi 2010).[16]

This article addresses one of the central issues concerning *jus in bello* in recent times, namely, special duties incumbent upon military personnel in complex peace operations. The objective is to clarify what kind of problems the question of responsibility constitutes in the case above. The core problem lies in tensions created by the multicultural context. That context challenges what I will call the soldiers' "role responsibility", more specifically of establishing security, and raises questions about how to manage competing perspectives on – or forms of – responsibility, including role-related responsibilities versus a more general or fundamental responsibility towards other human beings, regardless of one's role. Since no system of rules can cover every moral challenge posed by an extremely complex context, soldiers have to be capable moral decision-makers, and this includes analysis and awareness of one's responsibilities.

In this specific context, there are at least three types of responsibility (understood as obligations) to attend to: first, the soldiers' role responsibility, which can be understood as broad or narrow. The narrow understanding sees the responsibility of the soldiers in relation to their specific military task of establishing security in the area. A key to success is keeping on good terms with the mujahedeen. In other words, legitimacy in the eyes of the mujahedeen is important. A broader understanding of role responsibility involves the overall security mission of "protecting the Afghan people" (Regjeringen 2012), which touches upon a broader and arguably more genuine responsibility for people. This is similar to what Michael Walzer calls a military outward responsibility for people who are affected by military activity (Walzer 2004). A broad role definition, however, also includes standards and virtues linked to the military profession. It deals with the complete role of the soldier and not least its complexity.

Second, the responsibility of the soldiers as human beings is at stake: seeing another human being suffer evokes a genuine responsibility to help – whether or not helping the boy is seen as part of the role. Responsibility understood as something relational and fundamental can be applied to explain this. It is, in my view, necessary to acknowledge this kind of responsibility as well as the soldiers' role responsibility if we want to be serious about moral decision-making in war. The question is whether a relational and fundamental responsibility can override role responsibility.

Third and not least we have the responsibility of the soldiers understood as an obligation to respect differences in culture and moral views. This is severely challenged as the soldiers observe a practice totally unacceptable to their own moral standards. The multicultural context forces us to ask questions about multiculturalism and moral relativism on the one hand and absolute duties overriding other moral standards on the other. In the midst of this, the soldiers need to protect and take care of their legitimacy and their mission. One way to approach the issue of legitimacy is to take into account the difference between multiculturalism and relativism. In addition, it is possible to show that there is something in the soldier's role, which makes caring about protecting the boy a legitimate military action.

I will address all of these quandaries in the following, starting with the role, the mission and the context. I aim to show that reference to role responsibility alone, at least to a narrow understanding of it, is not enough to explain responsibility in this multicultural context. It is too easy to conclude that worrying about the boy simply is not part of the soldiers' job, especially since they have to prioritize between different tasks. There are moral reasons to interfere, but it means risking one's legitimacy in the eyes of the mujahedeen, which in turn might spoil the mission.

Interfering with the practices of other cultures generally raises questions about multiculturalism and cultural imperialism. I will argue that multiculturalism can be defended

to some extent, while some culturally sanctioned practices cannot be accepted as relative to culture, and that these really are issues independent of culture. I will come back to the relation between multiculturalism and relativism. I will also apply some "priority rules" outlined by Birnbacher (2001), seeing them as supplementary to an analysis that draws on a just war

Role, mission, context

The Armed Forces' official description of responsibility reads: "The Army's personnel shall take responsibility for themselves and others, for the Army and the Armed Forces, for missions and duties, for resources and results, for humans and the environment" (Forsvaret 2006). The core values are meant to help soldiers meet moral challenges. How does this rather general description of responsibility connect with the role of the soldier?

In this given context, it is hard to see how far role responsibility extends because the soldiers' role is ambiguous. It is possible to argue that responsibility for the boy in this case is included in role responsibility. According to this line of argument, we can talk about a broad role definition. Responsibility can also be defined more narrowly, namely, as being strictly linked to the specific task of information gathering as part of the overall security mission.

The nature of the security mission explains this ambiguity, and makes the situation complex. Establishing security is only partly about displaying traditional military skills, as when soldiers are engaged in counterinsurgency operations. More importantly, it is about the strategy of winning hearts and minds, and creating dialogue and confidence. The military contribution in Afghanistan has a soft and a hard side to it and is meant to be only part of a more comprehensive approach to the situation as a whole. The mujahedeen are not a conventional military counterpart, but *de facto* cooperation partners. Besides, they are members of the Afghan population, the "customers" of ISAF. At the same time, they are possible adversaries, as well as criminals under Afghan law because of child exploitation (Quarishi 2010). As the soldiers weigh their obligations, they also need to ensure they have

legitimacy in the eyes of the mujahedeen, in order to solve their military task. Legitimacy thus attains an instrumental value. Still, it would obviously be wrong of the soldiers to engage in certain actions, no matter how important the goodwill of the mujahedeen. Accepting the offer to "share" the boy would clearly not be justified by the need for legitimacy or for any other reason. The soldiers must also pay attention to legitimacy as defined by their social task, and must take care of their moral integrity, their own conscience and professional identity.

There is one important aspect of the role responsibility of soldiers which may constitute an argument for taking care of the boy: If the soldiers' task more generally is closely related to incidents and situations involving human suffering, they will arguably be morally obliged to reduce that human suffering. In an important way, their mission in this case involves the presence of human suffering, even if the suffering is not causally connected to the specific task of getting information. As the overall focus of the mission is "protecting the Afghan people" (Regjeringen 2012), it could be argued that the Norwegian soldiers should "take responsibility for human beings" (Forsvaret 2011), in line with the Armed Forces' understanding of responsibility. Thus, they should (as they do) at least consider the boy's situation and the effect that their choice of action or their inaction will have on his circumstances.

On the other hand, the soldiers would probably not be blamed if they were to define their responsibility according to the limited scope of their specific task, thereby excluding the boy from their scope of responsibility. They could argue that it was not their job in the overall context or their professional priority. Indeed, they could argue that they are not in a position to prioritize the boy, professionally or with regard to the risk involved. In some ways, this would be understandable and defensible.

Still, as the soldiers are confronted with the boy and his suffering, they become a party to his situation. They are directly confronted with the question of spending time alone with

him. It is difficult to imagine simply holding on to some predefined role obligations in such a situation. This would mean ignoring important aspects of human responsibility. Such a "genuine" responsibility should not be ignored, even if it is not explicitly included in their role responsibility.

The view that role responsibility includes an assessment of attitudes or character traits (Ingierd 2011, 83) complicates the picture further. What are the right attitudes and character traits in this case? According to the Officer's Code of the Norwegian Army, an officer should strive to be courageous, efficient, competent, considerate and loyal (HLG 2004).[17] In essence, soldiers must be honorable and act with integrity. The role identity described by the Officer's Code requires soldiers to have a holistic approach in a morally challenging situation. This includes mustering or, one might say, "mobilizing" the full competence that the role demands. In combat, drill (i.e. automated responses based on thorough training) is a requirement for the job. In this case, however, the soldiers cannot rely on any drill; they have time to reflect and they must rely on their ability to make judgments compatible with desired attitudes and character traits – and with their hierarchically defined duties. The soldiers' challenge is indeed multi-faceted, but then again, as Walzer puts it, "given the suffering it [soldiering] often produces, it cannot be the purpose of moral philosophy to make it easier" (Walzer 2004, 32).

The question of taking responsibility for the boy is linked to the soldiers' willingness to take risks at the expense of their legitimacy and security. This would be the consequence if they were to act according to non-hierarchical responsibilities (Walzer 2004), i.e. responsibilities to those outside of one's own hierarchy. What risk level is acceptable? Let us say that in a different situation, the same soldiers confronted with the same problem would be faced with much less of a risk (to the mission, to the military cooperation, etc.), and they would thus find themselves in a, morally speaking, easier position. We could then say that they would be "in a causal and epistemic position" to help, and therefore would have had a

general obligation to do so (Ingierd and Syse 2011, 170). This responsibility is based on capacity – let us call it "capacity responsibility" – which is evoked independently of personal choice. But because the role is defined first by the mission, which is about security, which again is about priorities relative to risk assessments, responsibility for the boy becomes relative to risk. This fact seems to obstruct capacity responsibility here.

Nevertheless, it is important to ask whether reference to a narrow definition of role responsibility can prevent us from taking what we might call our genuine responsibility seriously, and whether it indicates an acceptance of relativism that is downright dangerous. Weighing their duties against each other, the soldiers must think through whether role responsibility works as "a convenient, yet morally insufficient smoke-screen" (Ingierd and Syse 2011, 172). We should at least look at moral reasons for interfering with certain cultural practices that are genuinely wrong. I argue that any fear of moral imperialism is groundless in this case. To explain this point, I will spend some time on the relationship between relativism and multiculturalism, which is central to the situation we are discussing. After that, we can move to an analysis of the limits of role responsibility.

Multiculturalism, relativism, tolerance

Multiculturalism, understood as a normative stance, is concerned with appreciating and respecting different views of a good life in society, as well as the differences between different groups or societies. Will Kymlicka explains it as a need to pay more attention to cultural pluralism and different groups' rights in the discussion of common rights (i.e. rights we all have) in society (Kymlicka 2002). In his renowned essay about multiculturalism as a politics of recognition, Charles Taylor argues that to recognize other cultures, we need to acknowledge their worth, which actually requires that we engage in a process of judgment. This is because what the meeting with other cultures requires is not mere tolerance, but

recognition, an affirmation that they are worthy of respect. According to Taylor, our identity is formed through a dialogical process with our surroundings, and thus mere tolerance of a culture is not enough to recognize it (Taylor 1994). Leaving a culture alone means not taking any stance on its standards, and not engaging in dialogue. This can, furthermore, also threaten one's own cultural identity.

In contrast to multiculturalism and Taylor's emphasis on the need to judge in order to respect, relativism does *not* judge. Moral relativism is the view that moral systems may diverge, and that we sometimes have to say that what is wrong within one culture is not wrong for the members of another culture. It typically holds that moral statements can be true or false only relative to some human standard – such as culture. Moral relativism thus strives to take seriously differences in cultures and backgrounds as grounds for moral disagreement.

The problem is, in short, that moral relativism fails in providing a clear grounding for moral judgments and this, arguably, poses problems for the concept of responsibility. If moral relativism is true, we cannot take impartial moral stands either towards practices in other places or indeed here at home, because there exists no universal or independent standard.

As Neil Levy emphasizes in his discussion of relativism, when it comes to some aspects of morality, most would say that it is *not* true that anything goes. On the contrary, we often feel that we can justifiably condemn practices of other people that are sanctioned by their culture (Levy 2002). The situation in Afghanistan illustrates well the argument that multiculturalism is defensible to an extent, while pure relativism is not, if we are to give a proper moral judgment of the actions involved.

In some places in Afghanistan, a man can beat a woman on the street because it is accepted within parts of that culture. If a Norwegian man wants to beat a woman, he would have to do it in the domestic sphere, where nobody sees it, because it is not widely accepted in our culture to treat a woman in that way – or anybody else for that matter (and it would also

not be legally right). Apparently, there are cultural differences in the tolerance level as concerns violence. In this case, moral relativism would seem to face a problem if one holds that beating people in Afghanistan is not right. However, neither would we be justified in condemning Afghan culture(s) as a whole based on this observation. There are many sides to what we can broadly call Afghan culture (which is, of course, itself multi-faceted) that are indeed admirable, such as the famous Afghan hospitality.

Suppose our Norwegian soldiers observed a group of US or Finnish or German soldiers abusing a child. These soldiers supposedly have a moral worldview similar to the moral worldview of the Norwegian soldiers. The Norwegians could then report their observations up the military hierarchy of command. They could expect that the case would be met with serious disapproval and ultimately result in a reaction and a meting out of justice. With the group of mujahedeen, they cannot proceed in the same way. The mujahedeen are not a military unit, and they do not think that what they do is wrong; the practice of *bacha bazi* is widely accepted as an "open secret". In a BBC report, one man engaging in this practice simply called it a hobby: "Some people like dog fighting, some practice cockfighting. Everyone has their hobby, for me, it's bachabaze" (Qobil 2010). But as already pointed out, most would be very reluctant to tolerating the practice in the name of cultural relativism. Most would say that it is simply wrong thus to abuse children. In short, we are dealing with a cultural practice that shows a gross disrespect for fundamental human rights. In such a case, a narrow role responsibility makes the soldiers appear tolerant of the mujahedeen's moral standards, which allow exploitation and abuse of the boy. As it is, the soldiers' concern for the boy shows that they do *not* actually tolerate the practice of the mujahedeen, yet their role responsibility puts restraints on their ability to interfere. Role responsibility thus enables relativism through the relativist solution of not admitting intolerance, which can be seen as equivalent to not taking responsibility. As the case is, the soldiers cooperate in order to solve

a military task, not because they wholeheartedly accept the practice of the mujahedeen.[18] My claim is that we should not too easily accept total non-interference by the soldiers just by referring to their role responsibility.

Tolerating the practice of the mujahedeen could moreover make the soldiers parties to or complicit in the misdeeds, giving them the status of accomplices. Complicity, treated as a subset of causal responsibility, may be divided into participation in intention or participation in action (Ingierd and Syse 2011). We can assume that there is no direct participation in intention, but is there participation in action? In the case of participation in action, agents make the unethical acts possible by their own acts – or because of their obvious power to prevent them. This would, as mentioned above, be a responsibility based on capacity, a subset of role responsibility. The problem is that there is, in the case we are analysing, genuine doubt as to the soldiers' power to prevent the abuse of the boy. Still, the soldiers could be said to have a negative duty not to harm and a positive duty to help if they can. Following Ingierd and Syse, even if the soldiers have contractual obligations as soldiers, it can be argued that even a freely chosen position gives rise to obligations that are *not* freely chosen, yet cannot be neglected (Ingierd and Syse 2011, 170).

Contractual and non-contractual role responsibility

The Norwegian Armed Forces' core values are defining for the role of Norwegian soldiers, as they form a basis for the Armed Forces' professional ethics. Indeed, the Chief of Defense has stated that the core values should become "part of our identity and professional culture" (Sunde 2011). Responsibility is, however, also described and defined in terms of agency. It is worthwhile reflecting on the role of action or commission on the one hand versus omission on the other. There are two dominant and conflicting approaches to (substantive) moral responsibility in contemporary moral philosophy: the view that Ingierd loosely calls the

"common-sense approach", and the consequentialist view (Ingierd 2011, 19). In the common-sense approach, one has a special responsibility for what one does, in contrast to what one fails to prevent; hence, actions are more important than omissions. In addition, the common-sense view recognizes special obligations as a moral category. This means we have special obligations towards some people, for instance, family and friends. Special obligations can in turn be viewed in two different ways: either "special obligations arise as a result of our voluntary acts only", or they are "special obligations beyond those specified by promises or contracts" (Ingierd and Syse 2011, 169). Special obligations based on voluntary acts can be called contractual, while those arising beyond promises or contracts can be called non-contractual. Soldiers' role responsibility has traditionally been understood within a contractual framework. In the present case, the soldiers have special obligations primarily towards their fellow soldiers and their own military hierarchy, and the mission of which they are part, which is what they have "signed up to" in becoming soldiers. According to a common-sense view, then, the soldiers should act according to these contractual, special obligations.

When it comes to complex peace operations, Ingierd has shown that the common-sense view, with its emphasis on actions, is too narrow. She thinks that the principles of responsibility that follow from the common-sense view are too restrictive and fail to account for many strong intuitions about moral responsibility (Ingierd 2011, 19). Following Ingierd, the soldiers in our case would be just as worthy of blame if they had failed to act, as they would be worthy of praise if they had acted. A broader, consequentialist view allows for a wider scope of moral responsibilities, since outcomes from actions and omissions become equally important. At the same time, the consequentialist view may broaden the scope of responsibility so much that responsibility in principle becomes limitless and thus practically

meaningless. The extreme version of such a view would require a responsibility "for everything", which is simply not manageable.

The Armed Forces' description of responsibility as a core value is indeed open to interpretation in practical situations (Forsvaret 2006). Maybe this is simply too comprehensive to handle, even within some delimiting frame, such as that of one's "role"? In short: what concrete ethical guidance can professional soldiers really be given by being told about one's responsibilities? It often boils down, I believe, to prioritizing a few special obligations linked to one's role. One reason for delimiting responsibility in this way comes from the fact that professional ethics is based on the political legitimacy of the profession's social task (Molander and Terum 2008, 156). Indeed, General Sunde states that the values and standards[19] of the Norwegian Armed Forces build on respect for human value and life, and the Armed Forces' legitimacy in society. He specifies the core values in the following way: respect for each other and for others, responsibility for the best possible task-solving, while taking care of each other, and courage to tackle tasks and missions, as well as courage to speak out about blameworthy situations (Sunde 2011). As one can expect, the General defines responsibility in terms of the military task and of loyalty to brothers in arms. He also links the importance of clearly stated values in the Armed Forces to the need to act rightly and have the strength to carry the heavy burdens that military service can involve. General Sunde's definition of responsibility is in line with Michael Walzer's understanding of military responsibility as partly, but not wholly, defined by the military hierarchical structure, which I will now turn to.

Hierarchical and non-hierarchical responsibility

Discussions about proportional use of force and discrimination, the two major *jus in bello* principles within the just war tradition, are not easily applicable to situations where the main

issue is not about military use of force, as in the present case. Instead, Walzer's concept of military responsibility may be useful (Walzer 2004). For an officer, *hierarchical responsibility* is constituted by responsibility upward to the officer's superiors and eventually, through the commander-in-chief, to the sovereign state one serves and its citizens, and downward to one's subordinates: to each and every one of the soldiers that the officer commands (Walzer 2004, 3–24). Additional to the hierarchical responsibility, however, there is also a non-hierarchical responsibility, which is directed outwards towards civilians who are affected by the activity of the soldiers and officers. The general idea is that as a moral agent, I am also responsible outwards – to all those people whose lives my activities affect. This concept is useful when we allow for outward responsibility to include people who are indirectly affected together with those who are directly affected. The boy can be subject to the soldiers' positive or negative duties because they happen to be in a kind of relationship to him, even if the relationship is not directly linked to their military activity.

Walzer points out that what we ought to do when we look outwards is determined by other laws, rights, and calculations than what is required by one's hierarchical, internal responsibilities, in short because everyone's interest (i.e. the interests of everyone affected) must be counted (Walzer 2004, 25). This is a view compatible with the understanding of the situation of the soldiers in our case. It means that what the soldiers ought to do is not necessarily determined by the duties that are linked directly to their military activity.

So far, we have seen that the role of soldiers is primarily linked to concepts of responsibility as hierarchically or contractually qualified. These two concepts – the hierarchical and the contractual – are related to one another through an understanding that soldiers have special obligations within their hierarchical structure, which in turn can be viewed as a result of a contractual relationship with the Armed Forces. The Armed Forces' description of responsibility is developed further in *The Values and Standards* of the

Norwegian Armed Forces (these quotes are all from Forsvaret 2011): “Responsibility means taking responsibility for oneself, for each other and for the work of the Armed Forces in general. Responsibility is expressed through a will to take initiatives and to show vigor and steadfastness”. Inner discipline is described as necessary. *The Values and Standards* also says: “We abandon neither the mission nor each other”, with a clear reference to the value of loyalty in the military culture. In the military profession, responsibility is expressed “in the way you execute orders and carry out missions, in the way you conduct yourself, and in how you assess the consequences of the use of force”.

Interpreted in this way, responsibility is defined by duties linked to role, but also by human qualities or virtues, meaning that role responsibility also includes an assessment of attitudes or character traits (Ingierd 2011, 83). This reflects the complexity of duties, qualities, and capabilities with which the identity of the soldier should be associated. The way soldiers carry out their service and the way they conduct themselves are important, because it says something about both the quality and the identity of the soldier. Still, however, we are talking about role responsibility, which does not quite seem to cover unexpected dilemmas such as the one in question here. The overall point is that even if there may be disagreement as to how role obligations arise, and about the exact content of such obligations, they can conflict with soldiers’ more general duties as human beings.

In the case we are discussing, the soldiers’ role is clearly defined by their security mission, implying protection of their own forces and protection of the Afghan people as an overall mission. There is arguably a priority implied, namely, their own forces before others. They are, however, unexpectedly confronted with one of “the others” – the boy, which brings up an outward responsibility. It is true that the definition of responsibility in the Armed Forces’ *Values and Standards* includes the phrase “taking responsibility for human beings”

(Forsvaret 2006), but the question is one of priority: towards whom should this responsibility primarily be directed? Towards the boy or one's own troops?

Walzer's answer to this situation is to institutionalize non-hierarchical responsibilities. He points out that this might be easier to do in an era of political (not only self-defense) wars, and suggests that responsibilities outward and upward will often coincide "or at least overlap more extensively than in a time of conventional warfare" (Walzer 2004, 31).

In order to for us to delineate the non-hierarchical, outward responsibility, the soldier's role needs to be expanded beyond the duties linked to the military hierarchical system (Walzer 2004, 29–31). Following Walzer, I argue that in our case, outward responsibility indeed seems to conflict with hierarchical responsibility.[20] Arguably, my argument differs from Walzer's due to the difference in the choice of case. Walzer argues for a military responsibility vis-à-vis civilians during combat; the same kind of responsibility appears in my case where we are not dealing with a combat situation. From the military-hierarchy point of view, the question becomes: to whom can the soldiers turn in their hierarchy to determine who is responsible for the boy?

Walzer uses the example of My Lai,[21] a situation where the moral expectation is for the soldiers to refuse the illegal or immoral orders of their immediate superior. This is different from our case, since refusing orders would not in itself reduce the suffering of the boy. In line with Walzer, a refusal still takes place within the conventions of hierarchical responsibility. However, there is no military purpose linked to the boy's suffering in this case that could help explain to whom in the hierarchical structure responsibility could be attributed. Security for one's own forces can also be said to take precedence over outward responsibility because of the soldiers' position in the hierarchical structure and the bond that exists between commander and subordinates, and between the soldiers in the group. Our boy is not subject to the soldiers' agency due to their hierarchical responsibility, nor is he subject to their

command and left to their care and protection on such grounds. In order to see the responsibility for the boy the soldiers must look away from their hierarchical responsibility, and impose added risks on themselves and the ISAF mission in an attempt to protect the boy[22]. This is the real conflict of the case, a conflict requiring that the soldiers have a strong capability of making moral judgments – and themselves be the ones to make them.

Soldiers as moral decision-makers

Because it is a real conflict, Walzer argues, the non-hierarchical responsibilities of officers need to be institutionalized, but they will not get any institutional form until we "include them systematically in our understanding of what military office requires" (Walzer 2004, 31). The Norwegian Armed Forces' introduction of responsibility as a core value can be viewed as a step in such a direction. At the same time, this emphasis on responsibility as a core value also highlights a requirement for soldiers to have the character of moral decision-makers in war (Ingierd and Syse 2005, 95). [23]

Assigning non-hierarchical responsibility to soldiers as moral decision-makers is to consider them capable of moral judgment. Ingierd and Syse point out that soldiers and officers at lower levels often have substantial influence on events within their limited and current assignment, which in turn is part of the more overall aim of the mission (Ingierd and Syse 2005, 95–96). This is compatible with the Norwegian military philosophy of leadership: the soldier's role is not to follow orders blindly, but to follow the intentions of the commander (Forsvaret 2012). Trusting soldiers as decision-makers is implicit in this philosophy of leadership. According to one officer I interviewed, keeping up the individual ethical awareness is indeed important:

> I am absolutely certain that the inner morale is decisive. The Code of Conduct establishes some room for agency (…), but if we had relied on it, we would have killed incredibly many innocent people. And we could go free by referring to working rules (Vikan 2009, 30).

In other words, even if behavior is significantly shaped by the role, soldiers are asked to take individual responsibility as moral agents and decision-makers in war. This leads us to the virtue-centered perspective held in the tradition going back to Augustine (Ingierd and Syse 2005, 86–89; and Begby, Reichberg and Syse 2012). This is an outlook that emphasizes the right attitudes and moral outlook of the soldiers in combination with rules, rights and restrictions (Ingierd and Syse 2005, 94–95). In the case we are discussing here, there are several aspects of responsibility that must exceed a narrow understanding of the soldiers' role: the outward look, the capability to be moral decision-makers, and the question of blameworthiness in the case of knowing yet not interfering to help the boy.

Military personnel in modern conflicts must shift between role definitions. *The Chief of Defense's Fundamental Principle of Military Leadership* states that leadership has to be fit and be attuned to "a complex reality, which is difficult to predict and understand" (Forsvaret 2012, 5). A consequence of this is accordingly that "military leaders have to switch between different roles as combatants and peace supporters" (Forsvaret 2012, 5). We should ask who and what define the soldier's role at different times, and do institutional roles such as combatant or peace supporter prevent us from taking wider moral responsibilities seriously? There is a danger that this might happen if we look at the role in a contractual perspective, or as hierarchical responsibilities. These models stand in danger of not taking into account obligations acknowledged by common-sense morality (Ingierd and Syse 2011, 169–170), and again, they highlight a need for general or natural duties that can accommodate responsibility beyond role definitions.

Responsibility as relational and fundamental

Some scholars have described responsibility as something relational happening between people (Kallen 1942; Strawson 1974). Relations occur whenever people interact, and thus relational responsibility is essentially inescapable. It is possible that the soldiers in our case simply recognize a relational responsibility as a result of meeting the boy the way they do. Emmanuel Lévinas explains this kind of responsibility as a fundamental responsibility inscribed in the face of The Other (Aarnes 2004, 227, with reference to Lévinas 1987).[24] According to Lévinas, our responsibility for others is limitless. It is cut free from thoughts about balance in the relationship, desert (that someone deserves our responsibility), or thoughts about gain for oneself. This way of reasoning about responsibility constitutes an inclusive moral universe (Vetlesen 1995). It may also seem an overwhelming, even impossible, responsibility to bear for anyone, including the ISAF soldiers in Afghanistan. The present case, however, shows that the soldiers already have a sense of responsibility beyond role responsibility as hierarchically or contractually qualified. The proof lies in the soldiers' effort to work out possible ways to take care of the boy. It is a challenging exercise, trying to take a fundamental responsibility seriously, while holding back because of a priority given to role responsibility. However, there are possible reasons other than role to consider in a process of prioritizing. It is possible to give priority to self-imposed responsibilities over responsibilities imposed by others, or to place emphasis on responsibilities to people with whom one has an emotional relationship.

Priority rules for the future

In every situation of moral choice, the challenge is indeed to choose, to give priority to one important thing over another equally, or seemingly equally, important matter. There is also a future perspective to the soldiers' concerns. The moral or legal obligation to act in the interest

of someone or something is defined by Dieter Birnbacher as *ex ante responsibility* (Birnbacher 2001). Ex ante responsibility in our case concerns the soldiers' worries about the future consequences of their actions (or omissions), and is opposed to *ex post responsibility*, meaning answerability or responsibility to someone for some activity in the past. For the discussion of priority between moral obligations, I will focus on the ex ante responsibility in the case we are analysing. Two out of four priority rules, which are widely recognized in both social morality and law, are especially relevant for our case. The four priority rules are described by Birnbacher as:

> (1) the priority of self-imposed responsibilities over responsibilities imposed by others,
> (2) the priority of responsibility for creatures of one's own making over responsibilities for beings which owe their existence to other factors,
> (3) the priority of the responsibility to compensate for harms that have been deliberately or negligently inflicted by oneself over the responsibility to compensate for harms inflicted by others,
> (4) the priority of responsibilities to those to whom one is related by emotional bonds over responsibilities to emotional strangers (Birnbacher 2001, 18).

I will draw closer attention to the first two of these rules, but first it should be pointed out that the soldiers do possess the capacities that Birnbacher holds to be generally necessary for moral (or legal) agency, namely, intelligence, information, freedom and mental health (Ibid., 14). Another fundamental requirement is that "the desirable states of affairs, which are the objectives of ascriptions of ex ante responsibility", are "worth the trouble" (Ibid.). Part of the soldiers' discussion in this case will have to include worries about whether their efforts are worth the trouble. I presume that the soldiers already have taken a stand concerning a desirable state of affairs, and their choice of action will presumably be delimited by attention to the costs of their efforts against the desirable state of affairs.

Concerning priority rule number one, our case is ambiguous: it can be argued that responsibilities linked to the soldiers' role are self-imposed, under the condition that their

military service is chosen voluntarily. In that respect, all duties associated with the role of these soldiers are self-imposed. Self-imposed responsibility can, however, lead to obligations that are not self-imposed. Responsibility for the boy is not self-imposed in the sense that it directly follows from the soldiers' choice of profession, but following Birnbacher, it can be justified by the necessity of preventing an undisputable harm (Birnbacher 2001, 18). Either way, there will be a problem of priority. The priority may be resolved by referring to the soldiers' limited task, namely, to provide security for the ISAF, thereby establishing the ISAF's ability to operate in the area, in the end to the best of the Afghan people. In this case, however, this limited task leads the soldiers into a situation where the *overall* mission to protect the Afghan people, including the civilian population, is brought up front, forcing the soldiers to address it, in the guise of this particular boy.

It may also be that meeting the boy evokes a feeling of responsibility as self-imposed, due to the soldiers' conscience. According to Birnbacher, moral responsibility is always individual, because it is linked to consciousness and self-consciousness, both of which are possessed only by individuals (Birnbacher 2001, 12). Helping the boy may therefore turn out to be a self-imposed responsibility, both as a result of choosing the role of a soldier and because this is rooted in the soldiers' conscience. But the responsibility the soldiers have towards each other can also be said to be self-imposed, which thus far leaves us with no conclusion as to prioritizing when the two come into conflict.

I will also look at priority rule number four, which can be directly linked to the moral obligation expressed in the Armed Forces' *Values and Standards*: "We abandon neither the mission nor each other" (Forsvaret 2011, 11). The loyalty to brothers in arms is strong. An interesting aspect of the case, then, is the empathy these soldiers apparently have for the boy, who is "an emotional stranger" in the beginning. While observing the boy over time, the soldiers develop a kind of emotionally based relationship to him. Naturally, these feelings

differ in intensity among the soldiers depending on each individual's life experience. Soldiers who have children of their own will possibly respond more strongly to the boy's situation than soldiers who do not. No matter what differences there are in the soldiers' feelings concerning the boy, their judgment has to be put into a framework of collective agency. But is their "collective empathy" strong enough to prioritize outward responsibility?

The fact that the soldiers in my case find themselves in a kind of emotional relationship to the boy can in itself be said to create obligations that are real, even if the relationship is non-contractual or non-hierarchical. These obligations can be divided into positive and negative duties (Ingierd and Syse 2011, 173). It is normally possible to avoid performing negative acts (and thus to live up to negative duties), but not always practically possible to perform positive acts.

Positive duties are often linked to institutional roles and obligations (Ingierd and Syse 2011, 173). In our case there is a general positive duty to help, but it might not be linked to the military institution. In this respect, helping the boy would rather be the institutionalized duty of the police, since the boy is a victim of crime. Thus, even if the soldiers can be said to have a positive duty to help, it is strictly speaking not their institutionalized obligation.

If the soldiers give priority to their self-imposed and conscience-based obligations to take care of security, the question is still *why* their role responsibility should be given priority over the non-hierarchical responsibility towards the boy. One reason can be that some obligations are special because they are "especially binding" (Ingierd and Syse 2011, 172). So, the soldiers' role responsibility is especially binding because it is self-imposed in the sense of being a freely chosen contractual relationship with the Norwegian Armed Forces. It is also especially binding because of the security challenge. In order to manage responsibility, it may therefore be reasonable to define responsibility according to one's task and

competence, thereby excluding certain moral considerations outside the limits of one's legitimate activity (Ingierd and Syse 2011).

The arguments for and against risking one's own security for an outward responsibility raises the question whether there exists a responsibility that exceeds all other responsibilities, and which in certain situations should be given priority.

What judgment did the soldiers in our case actually make? They decided to avoid taking up the situation while they were in the area. They ended up judging the security situation as more important in the short term. Before the ISAF soldiers left Afghanistan, they did, however, write a report to a non-governmental organization in the area. We do not know what happened to the boy.

Conclusion

The introduction of responsibility as a core value for the Norwegian Armed Forces highlights the need for soldiers to be capable moral decision-makers in contemporary complex conflicts, such as in Afghanistan. This case shows how different obligations that comprise responsibility can get into deep conflict and become a challenge to the soldiers' role.

It is difficult to see how far role responsibility extends, as it is often reduced to prioritizing hierarchical over non-hierarchical responsibility. Such a reductive role responsibility is manageable, yet implies a risk of relativism and a risk of not taking what we could call our genuine, broader responsibilities seriously. These worries need more attention: a more thorough analysis is needed in order to establish how to judge moral issues in a multicultural context, with sharp attention to avoiding what I see as unacceptable implications of relativism on the one hand and moral imperialism on the other.

The legitimacy of soldiers and their activities is especially at stake in such contexts. As their role responsibility – the security task – requires of the soldiers that they interact with the

population, the legitimacy they have in the population is of great importance. This adds to the substantial legitimacy of the soldiers constituted by their social task and contract. Yet, it should be clear that some extreme situations do call upon a recognition of absolute duties, such as the responsibility to help a suffering child, and this may even override the concern for the soldiers' legitimacy in the population. The complex context in which soldiers serve today may thus require that a more general responsibility, similar to the outward responsibility described by Walzer, becomes part of soldiers' role responsibility. At least we need to recognize it as part of soldiers' moral reality.

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9 Soldiers and 'respect' in complex conflicts: an Afghan case

Abstract

This paper discusses the meaning of 'respect' in complex conflicts and aims to contribute to the thinking about ethics in war, along with the Just War tradition. The point of departure is the increased focus on soldiers as moral decision-makers in war, illustrated by the introduction of core values in the Norwegian Armed Forces. respect is one of these core values. However, it is not clear how we should understand respect in this kind of context. I use a case where a group of Norwegian soldiers in the International Security Assistance Force (ISAF) sought the cooperation of a group of mujahedeen to solve the military mission of establishing security. As confidence between the parties grew, the soldiers became horrified witnesses to a practice of bacha bazi, where a young boy is dressed up for entertainment and is sexually abused. I discuss different perspectives of respect in this specific context to show the importance of acknowledging the multitude of moral stakes in a moral decision-process instead of closing our eyes to a moral problem.

Keywords: war, respect, cultural practice, toleration, Just War Theory, Afghanistan

Introduction

Respect is one of three core values[25] of the Norwegian Armed Forces (Forsvaret, 2011, 2015a, 2015b). The core values were introduced a decade ago as part of the work to keep up a high ethical standard in the military profession, and they have since been an essential part of the ethical training of soldiers[26]. However, it is not clear what these core values mean in a complex war context. This paper is dedicated to exploring the meaning of respect as an ethical guideline for soldiers in a complex war context, where established ethical principles for war come up short and where soldiers must rely on their own capability in ethical judgment beyond existing rules. The purpose is to come to a better understanding of what is morally at stake for soldiers concerning respect in a context such as Afghanistan.

I use a specific case to illustrate different perspectives of respect, a case that I have also used in a paper on soldiers' responsibility[27]. This case depicts a so-called 'low intensity' context (Trettenes, 2009) during the ISAF mission, where soldiers have the time and occasion to deliberate about the situation and figure out how to handle it. It is easy at first sight to see the need to understand respect in this multicultural context where confidence building and cooperation are as essential as the mastery of traditional military skills. However, unexpected events in this case make it less clear what respect means or which perspective of respect to give priority to in the situation of moral choice that arises.

Case description

The situation described in this case was experienced by a task group of ISAF soldiers and lower rank officers (hereafter soldiers) in Afghanistan at the very beginning of the ISAF mission. Their task was to cover an information gap along a route where ISAF forces were to make important movements with personnel and equipment into new territory. A group of twenty to thirty mujahedeen soldiers controlled the route. They were heavily armed and

controlled checkpoints where they claimed taxes from locals and transport companies. There were reports of kidnappings, but otherwise little was known about the group's loyalty, intentions, activity and conduct at the checkpoints. Their view on ISAF was not known, and there was uncertainty as to whether one could expect cooperation on security or whether the group itself represented a security threat to ISAF. The main effort for the ISAF soldiers was to build trust between themselves and the mujahedeen group.

The ISAF group succeeded in being invited to meet the leaders of the group. The meeting was a success. The ISAF soldiers had brought halal meat to share, the mujahedeen men were positively curious about the soldiers, the atmosphere was good, and the ISAF soldiers spent the night. On this first meeting, the ISAF group noticed a boy about ten or twelve years old, who served them tea and food. They were thinking that he might be an orphan of some relatives who was being taken care of by the group, which wasn't anything unusual.

Over time the ISAF soldiers and the mujahedeen leaders got to know each other well, so well in fact that they were able to joke about sexuality and women. The boy appeared every time, and several times now dressed up in women's clothes and make up. He danced for the men, and the rest of the time he sat in a corner rocking back and forth. The men made hints about 'the little lady'. At one point, after yet another dinner meeting, the mujahedeen men asked the ISAF soldiers whether they would like 'to spend some time alone with the boy'. There was no hint of joking in their offer; it was rather more like a vote of confidence. The ISAF soldiers somehow managed to get out of the situation without offending the men, but from that point it was clear to them that this young boy was more than a servant of the house. The ISAF soldiers perceived clear signs of psychological problems in the boy's behaviors, such as his stuttering, the catatonic rocking, no eye contact, his introvertedness, the dressing up, the way he performed, and the way he was treated and referred to by the mujahedeen

men. The soldiers concluded that the boy probably was being raped on a regular basis by one or more of these Afghan men[28].

From the point where the ISAF soldiers knew about the boy's situation, they started to weigh the boy's future against the trust they had gained from the mujahedeen, and thereby the whole mission. The soldiers were seriously worried about the boy, and at the same time very conscious about the importance of their relationship to the mujahedeen group for the security of the ISAF in the area.

A 'prima facie' approach

The dilemma in the case above is indeed genuine in that it is not possible for the soldiers to cover the whole amount of possible moral responsibilities it represents. On the other hand, it does not seem like a kind of insoluble dilemma, where soldiers cannot be expected to make morally sound judgments based on ethical decision procedures, and where the outcome of their choice becomes a matter of moral luck (Schulzke, 2013, 95). On the contrary, I argue that the soldiers in the given case do implement a kind of ethical decision procedure by balancing competing duties and values. The following discussion shows that the act of balancing different kinds of duties associated with respect as soldiers and human beings, and the relationship between role and duties, is important. What kind of duty is associated with the boy? Can it be seen as part of the role as soldier to try to protect him? Or is it a more general duty, derived from the fact that they are in the same room as him and could do something? And does that change anything regarding respect? One way or the other the soldiers need to make a decision. It will have practical consequences, and arguably some moral impact, but at some point they have to make a choice.

The principle of *prima facie* duties in medical ethics is a way of understanding this overall situation of having to balance competing duties. A *prima facie* duty is a moral duty at

first appearance, but it is not an absolute one, since it needs to be balanced against other, and equally important, moral duties (Ross, 1930)[29]. The fact that one has to choose one duty over the other does not mean that the other duties are set aside. They still are just as important, and still should leave 'moral traces' (Ruyter, Førde and Solbakk, 2007).

In the same way the soldiers in our case need to balance moral duties and perspectives and make a choice between these competing moral duties and between perspectives of respect. Their moral duty to take care of primary role obligations like security may seem like the more important moral duty *at first sight*, but the soldiers need to consider other moral duties. The moral outcome is arguably then not a matter of moral luck, but rather of intended and unintended effects of a moral choice. The practical effect of their choice cannot be guaranteed, so in this way luck does play a role. But the important *moral* matter is that contrary to Shulzke's insoluble dilemma, the soldiers in this case *can* be expected to make morally sound judgments. And even if the dilemma in its nature is *unsolvable,* it may be *resolvable*: it is possible to 'take it apart' to clarify the nature of the moral stakes. Concerning the stakes, it is a fact that decisions are made at presumably high risk for the soldiers themselves and their mission, so a key word in the case is security. The context is also multicultural, putting to a test values like respect and 'toleration'. Loyalty is also at stake in relation to other perspectives of respect.

Therefore, how can respect contribute to resolving the moral complexity in this case? First of all, what do the Norwegian Armed Forces mean by respect? The explanation given in the Armed Forces' *Values and Standards* will be my starting point.

Respect as described by the Norwegian Armed Forces

> We must show respect for decisions and missions. Once a decision has been taken and a mission is to be carried out, we must comply with that decision and carry out the mission as best we can […]

> Respect for decisions and missions is enhanced when superior officers listen to advice and comments from their subordinates and from other parts of the organization (Forsvaret 2015b).

Between the lines in these quotes, there is an awareness of unexpected situations that happen in every part of the service, including international operations. Accordingly, there must be room for deliberation. However, the more important premise for this discussion is the understanding that respect is tantamount to loyalty once a decision has been taken. This is respect for authority (Dillon 2015). Respect for authority defines the role of the soldier, and loyalty to role obligations is, as mentioned, at stake in our case when the soldiers are left to their own judgment. Respect for authority also includes respect for 'the rules of the game', that is the rules to play by in war: international law, international humanitarian law, Human Rights. If we also include respect for authority as respect for one's own autonomy as moral decision-maker – a recognition of the authority in oneself, there may be a need to balance these authority perspectives. In the description of respect, we also find that respect is a moral duty:

> Respect is not a right; it is a moral duty that is expressed in attitudes and actions. Respect builds upon self-respect. Self-respect gives a person the strength to stand upright in difficult situations. Self-respect is reinforced through a conscious pattern of behavior based on ethical principles, doing your best to do the right thing. In the Armed Forces, we are all expected to show respect for one another, for our colleagues, for our superiors and for our subordinates. In difficult situations, when living in cramped conditions, our ability to treat others with respect will be tested. The key indicator in all situations is whether we treat others as we expect to be treated ourselves (Forsvaret 2015b) .

Thus, respect is a moral duty, which is based on self-respect, and the importance of respecting others, the 'respect for persons', is emphasized. These are perspectives we need to look into. My point of departure is Kant's account of respect as acknowledgement of persons' dignity as ends in themselves. Charles Taylor's account of 'recognition respect', which is dialogically

established, is also relevant for the present case, as it is not quite clear what "showing respect" and "respecting others" means (Taylor, 1994).

Kant's idea that self-respect is a moral duty and the basis for all respect cab be contrasted with Rawls' account of self-respect as a social good. Both accounts have some relevance in our case, as I will show. In addition, the idea that self-respect according to the Norwegian Armed Forces' description is supposed to be reinforced by striving 'to do the right thing' raises a series of questions related to self-respect. How strongly is self-respect associated with role obligations, and how strongly is it associated with other important obligations? Is the fulfillment of primary role obligations a substitute for self-respect? I will discuss these questions in due course. The description of respect continues:

> The Norwegian Armed Forces will not accept any form of racism or inhuman, degrading or disrespectful treatment of others. Sexual harassment is likewise unacceptable. Armed Forces personnel are to show respect for the fundamental values and cultural traditions of the area in which they are operating" (Forsvaret, 2015b).

The multicultural context of our case makes 'respect and culture' an issue. However, I want to stress that the main reason to include this perspective in the discussion of respect in our case is the importance of demonstrating what culture is *not.* The relationship between *respect and toleration* will be part of this discussion. What does zero toleration of sexual harassment and 'inhuman, degrading, and disrespectful treatment of others' look like in our case? I will look at how toleration is distinct from respect and how it sometimes can be almost the same as respect. I aim to demonstrate how important it is to be aware that not everything can be respected, and not everything that somebody calls culture should be tolerated. It is therefore important to show how *little* 'respect for culture' adds to this case: it is tempting to say that the bacha bazi practice is about culture, implying that it has a claim to respect, but this would be a big mistake, as I shall argue.

Another kind of respect, which is not a moral kind of respect, is important to note in the case. It is called 'responsive respect'. This is an object-generated kind of respect, like the respect we have for an adversary, for instance because he can be dangerous, not because he is a good or bad person. Thus responsive respect is different from recognition respect in not being morally founded. I intend to show that in our case, responsive respect in fact seems to overrule recognition respect - which for its part seems to be compromised, and I will therefore include it in the discussion.

Finally, the question of moral injury is important to mention, because moral injury is associated with experiences that can be damaging for self-respect. Moral injury is defined as 'perpetrating, failing to prevent, bearing witness to, or learning about acts that transgress deeply held moral beliefs and expectations' (Litz et al. 2009, in Maguen and Litz 2012) Symptoms of moral injury according to studies cited in the above-mentioned article (Maguen and Litz, 2012) include self-deprecation.

Based on the Norwegian Armed Forces' presentation of respect, my discussion will now evolve around the different perspectives mentioned above: 'recognition respect', 'respect for authority' and 'rules of the game', 'respect and culture', 'respect and toleration' and 'self-respect'. In addition I will discuss 'responsive respect' and the question of moral injury. Throughout the discussion, I aim to demonstrate how the real dilemma is about balancing different perspectives of respect and different obligations as soldier and human being. Overall, I aim to demonstrate the importance of recognizing the need to do so.

Recognition respect for persons

There is a tension between respect for *persons as individuals* on the one hand and respect for *persons as members of a collective* on the other in this case. This tension can be found in the dialogical context of developing identity. A fundamental dialogical character of human life is

what connects identity and recognition, a point Charles Taylor made in his essay "The Politics of Recognition" (Taylor 1994). This means that in our process of defining ourselves we acquire the languages we need through interaction with others who matter to us (Taylor 1994). Taylor's account is compatible with the way our soldiers have developed their identity as persons, and at the same time identify themselves according to their role context as soldiers. Group belonging matters strongly in the development of military identity and attitude. As soldiers, they thus have a collective identity, and the individual loyalty belongs to the members of the collective. In this case, the recognition of the collective comes into conflict with recognition for other individuals: should they give more weight to their group loyalty and security and ignore the abuse of the boy, or should they recognize the boy and the mujahedeen men by telling the men that the bacha bazi practice is unacceptable? In a dialogical perspective of recognition respect the question is whether it is possible to recognize the boy and the mujahedeen men by not confronting the men.

Kant held respect as something truly intrinsic to being a person: the basis for moral duty. When we meet other people with respect, it means we recognize the fact that they are rational beings with dignity, capable of moral agency, even if some people fail to live up to their own dignity. Even the worst criminal, like the child rapists in this case, have their own dignity, according to Kant (Dillon 2015). In meeting people, we recognize them as persons, because persons have intrinsic worth as ends in themselves, and that requires a certain attitude and agency. Many writers have followed Kant and contributed to the concept of recognition respect. Darwall writes that recognition respect is respect for a person just by virtue of a person being a person (Darwall 1977). Darwall's recognition respect follows the line of Kant's respect for persons as ends in themselves. According to Darwall, the attitude and agency required are shown by "giving appropriate weight to the fact that he or she is a person by being willing to constrain one's behavior in ways required by that fact" (Darwall 1977,

45). The soldiers' behavior towards the men can thus be seen as the basic respect for persons according to Darwall's line of thought.

This makes some sense in our case, at least to a certain point. On the other hand, Darwall does not specify what constraining ones behavior "in ways required" by certain facts really means. I suggest it means paying special attention as one would do if respect were a kind of prima facie duty (Beauchamp 1994; Ross 1930; Ruyter and others 2007). With the prima facie duties then, one has to constrain one's behavior at first, in the same way as Darwall demands constrained behavior from 'recognition respect'. Thus, as mentioned earlier, various perspectives of respect could be seen as different prima facie duties, which have to be balanced against each other in reaching a final judgment.

Concerning the requirement to express recognition respect, this could then imply that one primarily constrains one's behavior towards other people and takes time to reason and weigh alternatives before acting. This is what the soldiers seem to do if we apply such an understanding of recognition respect: even when they get to know about the men's bacha bazi practice the soldiers continue to constrain their behavior towards the men as before. However, they also constrain their behavior towards the boy. Is the soldiers' passive behavior, in a situation where they are aware that their interlocutors conduct a serious crime, really recognition respect? Something in Darwall's account of recognition respect seems inadequate in this case after all.

His account for recognition respect seems to be relevant only to a certain point, but it becomes insufficient when the facts about the bacha bazi practice are revealed. The reason why is the puzzle of how one can regulate one's behavior the way the soldiers do as a way of showing recognition respect when the persons entitled to recognition respect harm a child the way they do. That might look like showing respect for the mujahedeen, but I suggest the

soldiers' conduct rather comes from a kind of responsive respect, not a respect for persons. I will return to this point shortly.

It follows therefore that Darwall's account does not add sufficient understanding to recognition respect in this case. Following Kant, on the other hand, the men are still entitled to recognition respect, since they are still persons with their own dignity, even if they fail to live up to it. But I suggest that recognition respect towards the men requires a different way of behaving than the soldiers show. The soldiers seem not to want to confront the men out of their concern for the practical consequences it might have for security, which is incompatible with recognition respect in this case as I will show below.

Respect for persons seems to be absent. As soon as the soldiers become aware of the bacha bazi practice, their apparent respect appears not to be genuine anymore. From then on, it looks like the foundational recognition respect is compromised. Taylor points out that Kant's use of the term *dignity* has been central for our intuitions of equal dignity, and that there is a universal, human potential that makes each person deserve respect (Taylor 1994). In line with this idea, as Taylor argues, recognition is important for the shaping of our identities, both at an intimate level and a social level, and this recognition is established in the dialogical struggle with significant others. Dialogue is a central concept here, and in this dynamic struggle to shape identity, the power of recognition lies both in actively engaging other persons and in being engaged. I read Taylor's account as also meaning that the recognition of the universal potential of dignity lies in engaging with other persons. Adeno Addis (1997) states similarly that to treat persons and their way of life with respect means to engage them, not to treat them as strange or alien (Addis 1997). Looking at recognition respect this way makes more sense in the context of our case. We see that the soldiers fail in recognizing the men by not engaging them in what they think about their practice. Engaging the men in

dialogue would be to recognize their potential of human dignity, per Taylor's account. And according to him, recognition can also fail.

To summarize, Darwall's account of recognition respect as restraining ones behavior fails at some point. Taylor's account of recognition as dialogically established – and following from that a requirement to continue to engage with persons – works to explain a lack of recognition respect in the case. If the soldiers' behavior is any kind of respect, it is not a morally founded one. In fact, the situation calls upon the literal meaning of respect, the need to look again, and I will now turn to another important perspective in the case mentioned above, the 'respect for authority'.

Respect for authority and the rules of the game

Respect and authority are linked by the idea that authority is something that must be reckoned with (Bird 2004, 213). Colin Bird has suggested some criteria for what it takes for something to be 'reckon-worthy', that is exerting 'an independent and recognizable normative force with which deliberating agents must "reckon"' (Bird 2004, 212). Bird's example is directly applicable to our case: 'A valid command issued by an authority is not simply something I can dismiss as of no importance – I must recognize the claim it makes upon me and reckon with it, even if I decide eventually to disobey' (Bird 2004, 213). There is a link back to Kant. Bird points out that Kant's view of persons as self-legislators 'just is to recognize a kind of authority that they bear' (Bird 2004, 213). For the soldiers in our case this would mean that there is a tension between the soldiers' authority in moral decision-making and the respect for authority imposed by the system.

The soldiers' concern about security as part of their role and their respect for role obligations is in other words respect for authority. Role obligations are understandably the first and foremost guide in situations where soldiers' judgments are made under a great deal

of uncertainty. The case discussed here is no exception. There is great uncertainty about the outcome of the situation either way the soldiers choose to act. One decision may be fatal for the soldiers, the mission and/or the boy in a worst-case scenario. A different decision may save the mission, but compromise other important perspectives. If we apply the principle of prima facie duties mentioned earlier, we must balance different perspectives of respect against each other. If it is not possible to meet the requirement of all perspectives, we must give more weight to one perspective. As already stated, it does not mean that the other perspectives of respect are less important. This is something that the soldiers have to deal with. Their role obligations, which are authoritative, help them navigate. They are primarily soldiers on a mission, with a specific task to carry out. Ingierd (2007) points out the special obligation for commanders at all levels to minimize risk for own soldiers and not to expose them to unnecessary dangers (Ingierd 2007). The same attitude presumably applies among the soldiers themselves. Throughout their education and service, soldiers in the Norwegian Armed Forces develop a strong loyalty to their fellow soldiers and the system of which they are a part. We see this reflected in the description of respect in the Armed Forces' *Values and standards* (Forsvaret 2011, 2015a, 2015b). Soldiers' informed actions, would therefore naturally be strongly influenced by their loyalty to professional obligations.

As argued, what the soldiers show vis-à-vis the mujahedeen men cannot be recognition respect according to Taylor (1994) or Darwall (1977). Their behavior is rather rooted in the respect for authority as expressed by the soldiers' mission and orders, and their role obligations. The soldiers respect for authority does not compete with their sense of respect for each other as a group. These perspectives together rather seem to compete with recognition respect for the mujahedeen and the boy.

Another perspective of respect associated with authority is, as mentioned, the respect for 'rules of the game', which needs to be addressed. The Geneva Conventions constitute the

core of the international humanitarian law (IHL) (ICRC 2016), and the UN Convention on Human Rights (HR) (United Nations 1948, 1989), makes it possible to discuss respect with reference to a formal, minimum concept of shared standards across cultural differences. Both Norway and Afghanistan have signed the conventions. These rules of the game also constitute an authority that the soldiers must reckon with in their judgment and decision-making. In this case, not only the mujahedeen men, but also the soldiers appear to ignore respect for these rules when it comes to the treatment of the boy. This is a dilemma: respect for role obligations competes with respect for human rights that are violated before their eyes. All their concerns about security limit the soldiers, at the same time as the practice they witness is unacceptable. It is morally right to stay loyal to their role obligations in a situation of extreme uncertainty. At the same time, it is morally right to intervene when somebody's autonomy is seriously harmed. Again, it looks like a prima facie situation, this time between competing moral duties as such: no one action is more morally right than the other as a prima facie duty. In other words: it would be morally wrong to take too high risks at the cost of security concerns and professional duty, and it is likewise morally wrong not to do anything to protect the boy. The question is what kind of duty the soldiers have towards the boy: is it a duty per se because they happen to be close to the situation and could do something about it? Or is it part of their role obligations as soldiers with reference to their mission of securing and stabilizing, including protecting the Afghan people[30], but a weaker obligation than the obligation to safeguard their own security?

Their judgment seems to favor of their professional obligations to the security situation, which leaves them with a sad paradox: they end up not being able to protect one of the Afghan people, which was the rationale for the soldiers being there in the first place. It turns out that sometimes respecting important duties implies not respecting other, and competing, moral duties. Even worse in this case, sometimes respecting role obligations means tolerating

unacceptable practices. Knowing this is still different from not respecting the situation as such by hastily grasping for role limits to 'solve' the dilemma. The difference is important, not because knowing means we are free from moral culpability in a situation (Ingierd and Syse 2005), but because knowing means we are persons capable of seeing things as they are. Knowing the moral difference, in other words, maintains an important ethical standard.

Respect and culture

I will now shift the attention to the multicultural context and the challenges this fact poses to the understanding of respect. The term 'culture' is notoriously difficult to grapple with, and it is not my purpose to explore culture as such. My purpose is to show what culture is not, and that culture cannot be a moral justification for unacceptable practices. Respect and culture are linked by the idea that respect for persons, or recognition respect, include respect for the culture these persons represent (Addis 1997). I argue that such a linkage between culture and respect is not always legitimate. There are *unacceptable practices* that are not part of culture with a claim to respect. Likewise, not everything that somebody calls culture has a claim to respect. The word culture does not emerge in the present case description, but in a very similar case, bacha bazi is indeed referred to as part of culture. In that particular case an American soldier told his superior that their Afghan cooperation partners practiced bacha bazi. The soldier in turn was told by his superior to ignore the practice as part of the culture (Goldstein 2015). In other words, culture was used to justify non-intervention. The soldier was told to close his eyes, as if ignoring the practice is equal to respect for people and their culture. Instead we should be much more careful with reference to culture. In the words of Taylor (1994):

> It makes sense to demand as a matter of right that we approach the study of certain cultures with a presumption of their value…but it can't make sense to demand as a matter of right that we come up with a final concluding judgment that their value is great, or equal to others (Taylor 1994, 68–69).

Similarly in our case, the practice cannot be seen as part of culture, and the soldiers' non-intervention cannot be seen as based on respect, as if it is possible to respect an unacceptable practice. And even if recognition respect includes, according to some writers, respecting the culture and traditions of people and their society (Addis 1997; Dillon 2015), this view is compatible with cultural relativism and can be taken too far.

In a dialogical perspective of respect, it is a point that not all Afghans agree with the bacha bazi practice, and that the greater Afghan society rejects the practice by law[31]. The soldiers, being there with a government-assigned military mission to stabilize the security situation, are for their part witnessing this crime without trying to intervene. However, respect for persons as reflected in human rights, is a guide to see clearer the moral stakes. The multicultural landscape is a challenge to navigate, and the question of respect is sometimes hard to distinguish from the question of toleration. It is thus important to understand better the relationship between respect and toleration, which I will turn to next.

Respect and toleration

In the essay "On Human Diversity and The Limits of Toleration", Adeno Addis (1997) writes that there are positive and negative definitions of toleration.

> To tolerate is not necessarily to respect, we could call this paternalistic toleration, which is based on *indifference* or accompanied by *non-respect*. On the other hand, to treat individuals with "equal respect" entails, at least partly, respecting their traditions and cultures, the forms of life which give depth and coherence to their identities, which means to *engage* those lives, not simply to tolerate them as strange and alien (Addis 1997, 121).

A closer look at toleration helps to reveal what moral compromises the soldiers make for staying loyal to their role and mission. Addis' description is introduced in a different context, but is useful in stressing the main point: respect is everything but indifference, but toleration can be indifference. The soldiers in our case are not indifferent to the practice they witness;

yet for all practical purposes they seem to tolerate it. Unlike the soldier in the American case they are not explicitly told to tolerate, but they choose to. Their role obligations seem to be stronger than their willingness to risk compromising them. I will come back to this point shortly.

We know that the soldiers are concerned and discuss what to do. How can we say that they tolerate the practice? One reason is that toleration requires the tolerating person not to intervene in the deviance of the holder of the intolerable opinions and actions (Khomyakov 2013). Our case reveals what Khomyakov calls *the paradox of toleration*: how can one consider something to be morally right that includes accepting what one perceives as morally wrong? Khomyakov puts it even more pointedly when he states that 'the principle of toleration calls upon us to tolerate the intolerable' (Khomyakov 2013, 225, quoting Heyd 2003). Then Khomyakov also states that by thinking that something is morally wrong, one is committed to fighting it (Khomyakov 2013, 225), which is interesting in light of recognition defined as engaging with people. It means that out of respect for the mujahedeen men and out of non-toleration of the child abuse, the soldiers could fight the child abuse by telling the men what they think.

Toleration does have the positive aspect that people are able to preserve a great sense of liberty. Khomyakov points out in Mill's *On Liberty* that toleration is itself a dimension or an aspect of liberty (Khomyakov 2013, 231). It means that we are obliged to tolerate all opinions or actions of an individual we dislike or disapprove of. But note that this is true only as long as this individual does not harm other people (Kukhatas 1997). So the flip side of liberty is naturally that it can be abused, which is something we should not accept. Kukhatas (1997) describes the limits of *cultural* toleration in a similar way. His account and Taylor's account that not everything merits respect – or toleration, implying respect – evokes *the significant harm principle*. A lot of things can be tolerated as long as it does not involve significant harm

to other people. In the same way, tolerating the mujahedeen men's abuse of the boy in itself requires accepting the abuse, which is wrong.

Knowing about the soldiers' pain in discussing the dilemma back and forth, it seems wrong to say that they accept the child abuse. But if their non-interference is not toleration, what is it? It seems more accurate to say that they do not accept the moral rightness of the practice and are thus committed to intervening, in line with Khomyakov's account, but they fail to do so. They face a dilemma of competing moral and professional obligations. And they tolerate, not out of indifference, or acceptance, but out of competing perspectives.

The limits of toleration are indeed hard to grasp. Whether it is possible to tolerate something one does not accept, or whether toleration involves accepting, remains a pending question. In our case we can use the word toleration because it is apparently accompanied with non-respect (Addis above). The bottom line seems to be that toleration of the harm done to the boy is what the soldiers pay for being loyal to their role obligations. This possibility stems from 'respect for authority' and in addition, responsive respect for the mujahedeen, which I will investigate next.

Responsive respect

Responsive respect is a kind of respect that has no element of right or wrong. The literal meaning of respect, derived from Latin *respicere,* means 'to look back at' or 'to look again' (Dillon 2015). The meaning is similar to 'paying attention', so in general terms, when we respect something we accept its call to our attention. Respect is then object-generated, and there are thus many objects that can be respected for different reasons, which Dillon outlines (Dillon 2015). Responsive respect means that we respect not because of the intrinsic worth of something or someone, but due to other factors. Dillon points out four different traits of such 'responsive respect': (1) we respond to it as something whose significance is independent of

us, (2) we experience the object as something constraining our attitudes and actions, (3) we logically have to assume that our own reasons for respecting the object are also other people's reasons to respect the same object, thus this kind of respect is impersonal, and (4) respect is universalizing (Dillon 2015, 8), that is, if the soldiers have reasons to respect this group of mujahedeen men, they have reasons to respect other groups of mujahedeen men too.

In our case, the mujahedeen men can be respected in this way for being potential adversaries, for instance. They merit respect because they are potentially dangerous and powerful, and this fact requires a certain way of behaving towards them. The respect may involve fear, honour, self-protection and other ways of responding to the object, in this case the mujahedeen. Respect for authority and responsive respect in combination are stronger motivations for the soldiers than the motivation to intervene. The result is that the soldiers commit an act of omission towards their own moral standards and the common standards of human rights.

The ethical question in this case is to what degree the soldiers can compromise their loyalty to role obligations and their respect for the mujahedeen men as potential enemies. With these competing perspectives of respect, the respect for authority and responsive respect for the mujahedeen as partners and potential enemies seem to overrule recognition respect for the men and the boy. Since recognition respect seems to be compromised, it is necessary to go back to the Norwegian Armed Forces' description of respect, according to which the basis for respect is self-respect. Self-respect is therefore important to address next.

Self-respect

In the Norwegian Armed Forces' *Values and Standards*, the importance of self-respect is acknowledged by stating that 'self-respect gives a person the strength to stand upright in difficult situations', and is 'reinforced through a conscious pattern of behavior based on ethical principles, doing your best to do the right thing' (Forsvaret 2015b). Self-respect then is what helps us stand upright. What can a conscious pattern of behavior based on ethical principles that are supposed to reinforce self-respect mean? There appears to be an interdependency between respect and self-respect, although it is not clear exactly how we should understand it in our specific context.

Thus, concerning our case, how might tolerating the gross violations of human rights affect the soldiers' self-respect? On the other hand, is it necessary for the soldiers to pay attention to human rights and their professional duties at the same time to preserve self-respect? What perspective of respect is more important for self-respect in this case? Again, the purpose is not to come up with the correct answer, but to show how respect and self-respect are linked in this case.

Self-respect consists of many things according to some theorists, but as a start we can take as a premise that self-respect is essential in our everyday lives, as Dillon (2015) concludes in his article on respect (Dillon 2015). Self-respect is considered to be both required and important in order to lead a meaningful, flourishing life, in fact a life worth living. To tell someone that he does not have self-respect therefore is a serious moral criticism (Dillon 2015). Dillon points out as important that self-respect is vital to the quality of our lives together. There is also agreement that different kinds of self-respect exist, similar to the way several kinds of respect exist. In western tradition the concept is strongly related to self-value of two types: so-called status worth, or 'recognition self-respect', of which Kant's

dignity is one form, and acquired worth, or 'evaluative self-respect', which is based on the quality of one's character and conduct (Dillon 2015, 42).

When we talk about self-respect as the foundation for respect, we are referring to recognition self-respect. This builds on Kant's argument that self-respect is the most important moral duty, without which there can be no other moral duties. Kant holds that we have specific duties to ourselves generated by the general duty to respect humanity in persons as rational beings with dignity.

Kant's dominant conception of persons grounds dignity in three things – equality, agency and individuality. We can further distinguish three kinds of recognition self-respect (Dillon 2015, 43), which are: 1) "respect for oneself as a person among persons, as a member of the moral community with a status and dignity equal to every other person" (Dillon 2015, 43). Thinking of oneself as having certain moral rights that others ought not to violate is part of this kind of self-respect; 2) appreciation of oneself as a moral agent who takes her responsibilities seriously; 3) an "appreciation of the importance of being autonomously self-defining", that is living in a way one regards as worthy of oneself (Dillon 2015). To these three Kantian kinds of self-respect Dillon points out a fourth, which is about respecting oneself as a concrete person, someone with social positions and thereby responsibilities that one needs to meet to be self-respecting (Dillon 2015, 4.1, citing Middleton 2006).

Kant's account of self-respect and thoughts derived from his works on respect adds adequate understanding to self-respect in our case, as does the fourth kind of self-respect mentioned above. The soldiers have moral considerations beyond the limits of their role, which are due to their general moral standards and part of what constitutes their self-respect as persons. It means a person with self-respect will try to live up to these standards. Self-esteem is different in that it is not connected to moral standards. Thus a soldier may think he is a good sniper, because he has the professional skills required, but it does not mean he

thinks that he is a good soldier or a good person. At the same time, the soldier's role is associated with certain moral requirements that are connected to self-respect. What matters in this case is the recognition self-respect and perspectives of such self-respect that are at stake and possibly compromised.

It can first of all be argued that self-respect is compromised by failing to live up to the moral standards of intervening in an intolerable situation in order to protect the boy from harm. At the same time, the soldiers refuse the offer from the mujahedeen to actively take part in the crime. They judge it too risky to confront the men, but they refuse the offer. The perspective of self-respect as appreciation of oneself as autonomously self-defining is particularly at stake, but they manage to live by their standards at this point. This experience also gives the soldiers a chance to appreciate themselves as moral agents, which is important for self-respect.

The fourth mentioned perspective of recognition self-respect is important in the case: the soldiers as concrete persons, with the social status of soldier, have responsibilities related to this status that they need to meet to be self-respecting. It is true that they are especially attentive to their role obligations. Again, the problem is that associated with their professional obligations is also the general obligation to protect the Afghan people, and they fail in trying to protect the most vulnerable category of people, a child. This occurs not in the sense that they make an effort to protect him and fail, but in the sense that they do *not* make any effort. In other words, their specific task is such that according to their own best judgment, they must compromise the overall idea of the mission at that point. In a combat situation the soldiers' duty to protect is easy to see as part of their duty to discriminate between combatants and non-combatants. It would in principle be a situation that does not leave the soldiers with a choice between competing, moral perspectives (although other dilemmas may need to be grappled with).

By contrast in our low intensity context case, this boy just happens to turn up as a victim of child abuse committed by the soldiers' interlocutors. Self-respect then becomes more complex and difficult to understand than when looking at the importance of responsibilities related to social status as soldier. The fact that the soldiers had different feelings and opinions among them before they decided what to do shows how complex this challenge is.

Self-respect as a primary good

Another influential line of thought concerning self-respect is self-respect as a social good. This perspective gives us a link to the question of war veterans and moral injury, which is why I want to include it here. The idea comes from Rawls, who in contrast to Kant argues that self-respect is 'a primary good' and a 'social good', a merit, just like all other goods. He holds that self-respect is dependent on the political and social circumstances we live in, and accordingly, political and social institutions should be designed in such a way so as to not humiliate people. So self-respect comes from the way people are treated by these structures. Many theorists have echoed Rawls' ideas, the main point being that self-respect is dependent on the recognition of others (Dillon 2015). This perspective is relevant to what may influence the soldiers' self-respect.

During the above discussion I have identified self-respect as a duty in the case, both as aspects of recognition self-respect and as someone with position and status with responsibilities to meet to be self-respecting. I suggest that the soldiers' self-respect also might be dependent on how they are met and recognized by persons that matter to them, and by the military institution and the social and political structures they live in. If recognition by others is important for self-respect, one needs to be aware that lack of such recognition can damage self-respect. To conclude, if self-respect is linked to the soldiers' responsibilities in achieving their primary task to gather information and build confidence with shareholders of

power in the area, resorting to these primary role obligations would be compatible with preserving an important kind of recognition self-respect. But other perspectives of self-respect will nonetheless be at stake.

There is also still a risk that respect for role limits become a crutch in some situations. Referring to role limits without giving the situation due consideration is tempting. There is always a possibility in morally challenging situations to simply say: "That's is not our job" (Vikan 2009, 38, translation by author), and it is possible for role reference alone to become a sufficient justification in moral decision-making. A way to handle the moral dilemma along these lines could indeed be to say, with no further consideration: "It is not our job to consider the welfare of this boy, it is beyond our task". This is a dangerous approach to take, potentially leading to laziness in moral judgment, and so it is incompatible with keeping up an ethical standard.

Without attempting to guess at the possible damage of self-respect in this case, loss or damage of self-respect is an implicit risk in compromising important moral standards. The main reason to consider perspectives of self-respect is indeed the fear of soldier demoralization[32].

Even if the soldiers' respect for authority and role obligations is legitimate, it does not necessarily mean that their self-respect does not suffer from knowing that they failed to live up to other important, moral obligations as moral agents and persons. In other words, even if their choice was made after serious consideration on moral grounds, it does not mean that failing to fight the moral wrongness in the child abuse, did not matter for their self-respect. It simply means they made a choice, and that the de facto toleration of other people's child abuse is something they have to live with.

A closer examination of moral injury

As stated, a decision of non-interference changes nothing in practical terms, but there is a moral difference in the way the soldiers consider different perspectives once they know what's going on. At the same time they may be morally culpable for not interfering. They are also, as mentioned, arguably not acting on their duty as ISAF soldiers to protect people in Afghanistan – even if it in the end is a weaker duty in this case.

The question of moral culpability is associated with the soldiers' omission to make an effort to stop the harm done to the boy. This is a general statement, not specifically concerning respect, but still valid in light of respect, as much as it is valid in light of other moral reasons and guidelines leading the soldiers to choose as they did. I include it, because the risk of moral injury is the possible effect of standing in this kind of moral dilemma and trying to make ethically sound judgments, which in turn leads to the question of how we meet veterans in dealing with their moral injury.

Soldiers, as decision-makers, can carry responsibility for crimes of war done by themselves or done by other soldiers, if they know about the crimes and do not interfer (Ingierd and Syse 2005). The same principle is relevant in our case. Even if other people than fellow soldiers are committing the crime in this case, the soldiers as decision-makers risk turning themselves into moral accomplices by not interfering. The fact that the soldiers abstained from taking part in the crime themselves, therefore does not completely free them of moral culpability, according to Ingierd and Syse. There may be good, legitimate reasons not to intervene, but the point is that soldiers need to know what they risk morally, and that they risk becoming morally culpable of something they morally condemn. If they are not conscious of this risk, they may already have become demoralized. So again, the moral difference is to acknowledge the moral risks instead of closing one's eyes to the moral problem.

On the other hand, by compromising respect for the mujahedeen men, the soldiers – by their own best judgment – do not risk compromising security, and in this way they stay safely within the presumed limits of their obligations as soldiers. But we don't know whether or not telling the mujahedeen that their practice is wrong is less of a risk for the security situation than if the soldiers told them. The point is that when judgments and decisions are made under such an extreme uncertainty, the rule is to act on the principle of "better safe than sorry". The security question is a key premise for the discussion, but even so, the American case mentioned earlier illustrates the uncertainty of any presumption concerning security: the soldier who was told by his superior to ignore the practice was soon after killed by a young boy in the apartment building who was himself a victim of bacha bazi (Goldstein 2015). Thus, not interfering can certainly also be risky with regard to security. In fact it can be very dangerous.

Despite the differences between the cases, decisions in both were made on presumptions of a worst case scenario where security for own troops would be compromised. In the American case – as far as we know – the security question was not a stated issue. In the Norwegian case the worst case scenario for the soldiers would be both to compromise both their own immediate security and to create a less stable security situation in general by tearing down the trust they were trying to build up. The soldiers chose the presumably less risky way of handling the situation. If the duty to protect the child in this case is not seen as part of the overall professional duty, but as a general duty as human beings simply because they happened to be there, protecting the child is outside their primary role and responsibility as soldiers. The duty to protect the child is still there, but it is a weaker duty than the respect for primary role obligations concerning security.

Conclusion

I have addressed the importance of clarifying the moral complexity in a modern war context concerning the meaning of respect. The analysis emphasizes the importance of the soldiers' capability in making important distinctions between perspectives of respect on the one hand and toleration of intolerable practices on the other. Soldiers need to be clear about the difference, because linking condemnable practices to culture as something to respect is an easy way to close one's eyes to these practices. The soldiers in the case I have used here have to choose between competing obligations regarding respect, where some obligations are integrated into the role of the soldier and other obligations are more general. This creates a situation that challenges their role. I have suggested the principle of prima facie duties as a possible approach to this moral complexity concerning respect. In this case, it means not taking for granted that one perspective of respect is more important than the other. Thus, a non-moral perspective of respect, like responsive respect for the mujahedeen, favors a certain practical solution, which also has moral sides to it: the moral duty to take care of role obligations concerning security. On the other hand, this choice of action results in not prioritizing another, equally important perspective of respect, that of recognition respect for persons and for human rights. Hence, in reaching necessary decisions, it is important that soldiers are able to make such autonomous judgments.

The focus in the military should be to keep up an ethical standard by acknowledging what is morally at stake. This implies an awareness that relying on role obligations alone is not sufficient justification for a moral choice without considering the moral compromises it involves. Likewise, acknowledging the moral stakes implies not using irrelevant concepts, such as culture, to justify unacceptable practices. Instead, it is important to see the unacceptable practices and accept the moral compromises that follow from having to choose between competing moral obligations.

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10 Soldiers and Courage – an Afghan Case

Abstract

In spite of many attempts to define courage, from Plato's *Laches* and Aristotle's *Nicomachean Ethics* to recent philosophy, courage remains ambiguous: a classic virtue and requirement of soldiers, and yet, it is not clear what courage means in specific situations. In this article I investigate courage in view of a complex military context stretching beyond the battlefield into an ethically grey area of war and military operations: a case from ISAF Afghanistan. I explore courage in relation to context specific factors that inspire soldiers' judgments and choice of action, and look at the meaning of both physical and moral courage in the given context. The relation between character and situation plays an important part in the quest to be courageous, and courage proves to be a notion dependent on such factors as level of risk. One of the more essential questions regarding courage seems to be: What should soldiers fear? From there I argue that we need a deeper understanding of risk and fear to understand courage in complex military contexts. Courage seems to be dependent on other virtues, which corresponds with an understanding of courage that is close to Plato's notion about the unity of the virtues. In the end, courage understood on such terms provides a better ground for understanding the complex moral reality of soldiers and what to expect of this virtue.

Keywords: Afghanistan, ISAF, military ethics, courage

Introduction

This article is part of a doctoral thesis in applied ethics, where I explore the core values of The Norwegian Armed Forces, *respect, responsibility* and *courage* (Forsvaret 2015), using a complex case from ISAF Afghanistan as the starting point. The case represents an ethically grey area of war, where existing principles of war are insufficient to find a satisfactory solution, guidelines are lacking, and the soldiers[33] are left to their own best judgment. The question is how soldiers should handle this type of complex case. Since the core values are an essential part of the ethical training of Norwegian soldiers, it is relevant to ask what they mean in real situations. However, once we look at situations soldiers have to grapple with, it is not clear what the values actually imply. If these values are to be useful, it is important to investigate their meaning and importance in the complex military contexts in which soldiers find themselves, and ask what they say about the moral competence that should be required of soldiers. My doctoral thesis thus takes its point of departure in a Norwegian and Afghan context respectively. At the same time, the type of context and questions that I investigate are representative and the thesis aims to contribute to the international discourse on military ethics.

I have used the ISAF case in two former articles[34], exploring the Norwegian core values *responsibility* and *respect*. The case describes a situation where Norwegian soldiers are confronted with the illegal, but widespread practice of "bacha bazi" [35] in Afghanistan. I find the case useful for exploring courage too, since courage in the military is mostly considered desirable, or even heroic, in battle, while this case is very different from a battle situation. It represents a so-called low intensity context (Trettenes 2009), where the soldiers involved have the time and occasion to deliberate and figure out how to handle it. What would courage mean here? The case requires us to consider the scope of time, the question of security and uncertainty, and competing obligations that play a role in the soldiers' decision-making.

These variables matter in trying to understand what courage is or is not. At the same time, the situation is relevant to the complexity of the modern soldiers' role and mission, from the role of traditional combatant to the function of security police, mentor, and peacebuilder. The question of what courage means requires renewed attention in view of these perspectives.

The case I present is based on an authentic experience. One of the soldiers involved conveyed it to me, and has verified my description for authenticity. After the case presentation I take my theoretical point of departure in Plato and Aristotle. I find Plato's dialogue *Laches*, a classic and often-quoted text about courage, useful to illustrate the problem with generality versus specific validity when describing courage. Attempts to define courage tend to become either too specific or too general, and even if the respective answers are not useless, they are not fully satisfactory or entirely useful either. The *Laches* is especially pertinent in our context since the starting point for Socrates' discussion of courage is indeed a military reference. This discussion leads me to Aristotle's *Nicomachean Ethics* and the classical description of virtue as a mean between excess and deficiency guided by wisdom. Aristotle and Plato can thus be seen as conveying different, complementary descriptions, where Aristotle's description suggests that the truth lies in the mean between *too much* and *too little*, and Plato's dialogue suggests a mean between *too specific* and *too general*. Then I discuss the importance of context-specific factors to courage illustrated by factors in the ISAF case, before I go on to discuss physical and moral courage, where I draw upon Ian William Miller and Peter Olsthoorn and, in part, Lord Moran and other authors. While a common, although incomplete understanding of virtue ethics holds that virtues are agent-based, I present the inter-actionist view on virtues as discussed by Olsthoorn. This is a view that emphasizes the role of both character and situation in choice of action, and therefore it is especially relevant for the military context in question and courage as a virtue. I continue the discussion by looking at Roger Crisp's distinction between the value of virtue and the

notion of right action. As risk is an important factor in military contexts, and fear is one of the most important prerequisites for courage in the literature about courage, it is relevant to look at the status of fear and risk. According to Jesse Kirkpatrick, our understanding of fear and risk may be too narrow for the various kinds of military contexts we are confronted with today. I draw upon the examples of a drone soldier and a bomber pilot in addition to the ISAF case to illustrate the importance of acknowledging different roots of fear and the important role of emotions[36] in decision-making.

Case description

The situation described in this case was experienced by a task group of ISAF soldiers and lower rank officers (hereafter soldiers) in Afghanistan at the very beginning of the ISAF mission. Their task was to cover an information gap along a route where ISAF forces were to make important movements with personnel and equipment into new territory. A group of twenty to thirty Mujahedeen soldiers dominated the route. They were heavily armed and controlled checkpoints where they claimed tax from locals and transport companies. There were reports of kidnappings, but otherwise little was known about the group's loyalty, intentions, activity and conduct at the checkpoints. Their view on ISAF was not known, and there was uncertainty as to whether one could expect cooperation on security or whether the group itself represented a security threat to ISAF. The main effort for the ISAF soldiers had to be put into building confidence between themselves and the Mujahedeen group.

The ISAF group succeeded in getting an invitation to meet the leaders of the group. The meeting was a success. The ISAF soldiers had brought halal meat, which was shared, the Mujahedeen men were positively curious about the soldiers, the atmosphere was good, and the ISAF soldiers spent the night. On this first meeting, the ISAF group noticed a boy about ten or twelve years old, who served them tea and food. They were thinking that he might be an

orphan of some relatives and that he was taken care of by the group, something which wasn't anything unusual.

Over time the ISAF soldiers and the Mujahedeen leaders came to know each other well, so well in fact that they were able to joke about sexuality and women. The boy appeared every time, and several times now dressed up in women's clothes and makeup. He danced for the men, the rest of the time he sat in a corner rocking back and forth. The men made hints about "the little lady". At one point, after yet another dinner meeting, the Mujahedeen men asked the ISAF soldiers whether they would like "to spend some time alone with the boy". There was no hint of joking in their offer; it was rather more like a vote of confidence. The ISAF soldiers somehow managed to get out of the situation without offending the men, but from that point on it was clear to them that this young boy was more than a servant of the house. The ISAF soldiers perceived clear signs of psychological problems in the boy's behaviours, such as his stuttering, the catatonic rocking, no eye contact, his introverted behaviour, the dressing up, the way he performed, and the way he was treated and referred to by the Mujahedeen men. The soldiers concluded that the boy probably was being raped on a regular basis by one or more of these Afghan men.

From the point where the ISAF soldiers knew about the boy's situation, they started to weigh the boy's future against the trust they had gained from the Mujahedeen, and thereby the whole mission. The soldiers were seriously worried about the boy, and at the same time very conscious of the importance of their relationship to the Mujahedeen group for the security of the ISAF in the area.

End of case description.

Laches

In Plato's *Laches*, Socrates is brought into a discussion in order to give advice about whether two generals should send their sons to an expert in military training. Socrates thinks that the purpose of any kind of military training is to instil courage in the soul, and he therefore starts to pose questions about courage to the two generals, Laches and Nicias, who both think that they can explain what courage is. Laches answers first that courage is to remain at one's post during battle and fight the enemy. Socrates shows him that this cannot be, since it does not fulfil the generality requirement. He says that in order to give advice on courage, one ought to know not only what courage in a military context is, but what the meaning of courage is in all kinds of settings. They discuss back and forth, and Laches suggests that endurance of the soul is the common quality called courage. This does not satisfy Socrates either. Socrates shows through examples that endurance cannot be the only requirement of courage, since courage is also associated with something noble and wise, and not all endurance is noble and wise. Courage must therefore be something more than endurance tout court.

They invite Nicias into the discussion, who holds that to define courage one must also know what inspires fear or confidence in war, or in anything. Socrates takes this answer to mean knowledge of future goods and evils, but not all goods and evils in the past, present and future. If courage was this kind of knowledge about all times, then courage would be all virtue and men would be perfect and in no need for virtue. He then reminds Nicias that they originally defined courage as *part of* virtue, and Socrates asks Nicias whether he agrees that courage now seems to include nearly every good and evil without reference to a perspective of time. Nicias agrees to this. But then, Socrates concludes, courage would be so closely linked to the other virtues that true courage actually becomes the same as all of virtue. However, they have just defined that courage is only part of virtue, which is a contradiction.

The dialogue ends with Socrates concluding that they have not discovered what courage is (Woodruff 2016, Asscher and Widger 2008).

Plato here reveals the problem of describing courage as too case specific or too general. There is also the problem of courage defined as being part of virtue, not all of virtue, while in reality the virtues seem to be interdependent: It is difficult to isolate courage, and it needs to be seen in connection with other virtues and the concrete situations in which they are to be realized in practice. This problem will constitute a core part of my further discussion, but first I will complement it by giving a short presentation of relevant points in Aristotle's account of courage.

Aristotelian virtue and courage

According to Aristotle, courage is part of virtue, and virtue is not an emotion or a capacity, but a state: It is a state concerned with choice, consisting in a mean determined by wisdom and flanked by excess on one side and deficiency on the other. Within this conceptualization then, courage is a mean related to fear on the one side and confidence on the other, and Aristotle notes: courage is especially concerned with the fear of death in battle. In addition, Aristotle thinks that courage must manifest itself in some kind of action, and that it is associated with a noble end (Barnes and Kenny 2014). He also notes that "the end of every activity is conformity to the corresponding state" (Barnes and Kenny 2014, 269), which would mean that the end of a certain action corresponds to a certain state or virtue. Aristotle´s discussion in the Nichomacean Ethics reveals that elements of courage are fear, risk, choice, intention, emotion, judgment, noble end, and action (Barnes and Kenny 2014). Concerning the element of fear, it seems to be inextricably linked to risk.

This short summary of Aristotelian courage needs some elaboration to serve as the basis for my further discussion. Some argue that the requirement of a noble end is of little

relevance, since soldiers have little to no influence on the motives for waging war or whether to attack a military target (Olsthoorn 2007). Still, soldiers can get into situations where they do have influence on the motives for their choice of action. In particular situations, their role-defined limitations may be put to the test, and then a noble end in the situation can be a relevant motive for considering alternative actions. The noble end, then, is not to be courageous *per se*, or to do something because it is the courageous thing to do, but rather to recognize and act according to a noble end. At the same time, whether acting according to the noble end in a situation is courageous or required also depends on such elements as fear, risk, judgment and more as noted above. Furthermore, what it means to be courageous depends on the situation itself. For example, a situation like the ISAF case may challenge soldiers with more than one noble end, but it may not be possible to act to achieve more than one of them. Another point is that acting according to a noble end may not be in accordance with courage, but rather in accordance with too much confidence or too much fear, which is incompatible with the Aristotelian understanding of virtue as a mean between excess and deficiency. Courage as a virtue, existing as a mean between excess and deficiency, is therefore more important for my discussion than any of the requirements alone. In addition, the situation itself matters, a point I will return to.

In general, I question the Aristotelian view that "the end of every activity is conformity to the corresponding state" (Barnes and Kenny 2014, 269). It seems too general, and in view of real situations such as the ISAF case, more than a certain state of character is needed. Choice of action may rely as much on priority between competing obligations as on a strong character. There does not seem to be a one-to-one relationship between character and actions. At the same time, courage arguably plays a role in the case presented above, where the soldiers refuse the proposal from the group of leaders who hold the key to security in the area. Thus, courage here plays a part in the soldiers' role as moral decision-makers, because they

need courage to reject the offer. In this particular moment, we can imagine that the elements of courage according to Aristotle all come into play: fear of consequences, risk of consequences, choice of action, an intention to do what is good and right, emotions, judgment, and the noble end of protecting the boy. The soldiers seem to handle this decisive moment with courage, but theoretically speaking, just a slight change of the situation may move the slider on the scale between cowardice and foolhardiness towards either of those, which indicates how extremely important the soldiers' ability to judge the situation is. Thus, some of Aristotle's general requirements to courage can be found in the ISAF case, while some requirements are not met, at least not in an absolute, straightforward way. To explore this topic further we need to elaborate on the contexts in which military personnel operate, and where courage is wanted.

Context-specific factors and courage

Laches suggests that courage is some kind of loyalty and endurance in battle. However, as shown by the ISAF case, there are complex and challenging situations other than battle that a soldier must handle and where courage surely must be needed, since fear and an accompanying unwillingness to engage may obviously have detrimental effects. First, we are faced with an extreme variety of tasks due to the use of different kinds of military units, ranging from air forces, naval forces, army forces, different weapons branches, to special forces. There are thus different kinds of soldiers, ranging from special service soldiers hunting the enemy, to the 'security police', 'diplomats' and drone operators, and hence special training, operations and situations vary. Courage as loyalty and endurance *in battle* therefore needs to be complemented by investigating courage in view of other types of military contexts. In addition, it could be that Laches is not directly wrong by defining courage as "staying at your post, fighting the enemy", but as the further dialogue reveals, it depends on

whether the "staying at your post" is inspired by "knowledge of fear and confidence in war, or in anything", as Nicias suggests (Woodruff 2016). A relevant question to ask is therefore what soldiers should fear. In the end, Socrates seems to be right in saying that to know something about military courage requires knowing something about courage "in all kinds of settings" (Woodruff 2016).

This is why context-specific factors become important when deciding what courage is. Aristotle also used different examples to describe courage, and he compared them, which leaves the impression that courage is indeed not only a virtue decided by one's character, but also by the situation in which one finds oneself. In many low-intensity war situations, such as in the ISAF case, co-operation and the ability to create good relations is as important as military drill. Soldiers need the ability to discern critically between friends and enemies in a complex military-civilian context, and to adjust to a new situation in a second.

In some situations, rules of engagement and existing principles seem irrelevant or give insufficient guidance. The ethical implications of ways to gain the support and goodwill of local civilians is one example of such a situation: Is it acceptable that a military unit supplies a village with wells? Likewise, should soldiers patrolling a neighbourhood give candy to children while ignoring the beating of a woman nearby? These are the types of situations requiring a capacity for moral decision-making. What is courage in such situations?

Soldiers are trained to always be concerned about *doing the right thing* as much as they are trained to focus on their primary duties. However, in spite of their obligation to solve their military task, it is not always obvious what the right thing to do is – hence the focus on attitudes and ethics. The right thing to do might require courage in the sense of moral courage, courage as endurance, or physical courage, or a combination of such aspects of courage. Also, it takes courage to stand out from a group in order to do what one think is right. In addition, there is the risk of becoming a coward in the view of one's fellow soldiers. According to one

common observation, soldiers in combat initially fear being a coward more than being killed or wounded (Olsthoorn 2007). That said, the fear of being a coward is not necessarily unique for combat situations.

Furthermore, in any given situation there might be more than one noble end associated or not with one's role as soldier, thereby challenging the limits of one's role. Hence, there are several obligations that may compete or conflict. Is courage relevant to guide action, given that complexity? Maybe so, if we consider that the action required is the act of choosing, and choice is associated with risk, fear, emotion, sound judgment, implicitly action – and maybe a noble end. In a way, every choice is dependent on courage to a greater or lesser extent, and therefore, a relevant question as to how we understand courage is the question of "definitional power": who defines something as courage in each kind of situation. The Norwegian Armed Forces has constituted a prize for each of the core values to encourage ethical awareness among military servicemen and -women. Every year, someone is awarded a prize for being an example in courage, which means that someone has defined something a nominated service man or woman has done as courageous. In turn, that leads to the question of whether we risk a narrower understanding of courage depending on the way courage is promoted. At the same time, I claim that not all courage is easily recognizable as a candidate for a prize, which we shall see in the present analysis, and yet there are important aspects of courage to recognize in view of specific military situations.

The question for the present investigation thus becomes: How do we recognize courage in a situation like the ISAF case? Or put another way: What would it mean to be courageous or act courageously in this situation? This case, involving talks and confidence-building over dinner or tea, does not require military force. The situation may be tense, but it is in its nature peaceful, and it does not represent any immediate threat to life and limbs that should require courage, but still the soldiers have to be prepared for anything. As security guards to the

Afghan people, they unexpectedly face a dilemma when a child in need of protection turns up. This turn of the situation challenges their hitherto-formed understanding of their own obligations. It also challenges the meaning of courage as a core value the way it is expressed in "The Values and Standards" of the Norwegian Armed Forces as "moral and physical strength to act appropriately" (Forsvaret 2015). Thus, we need to look at how moral and physical courage can guide the soldiers' actions in the ISAF case.

Physical and moral courage

Physical courage and moral courage constitute perspectives on (or aspects of) courage that seem to compete in a military setting. Moral courage is important in the military profession as the kind of courage that finds a testing ground in fear of ridicule, psychological traumas, betrayal, job loss, social stigma, or similar aspects (Olsthoorn 2007). When it comes to physical courage, the scientific understanding of physical courage deals mostly with the feeling of fear, as Olsthoorn points out (Olsthoorn 2007, 272). In addition, it is useful to note that the military uses social cohesion as an incentive to create physical courage (Olsthoorn 2007). According to Olsthoorn, social cohesion, the feeling of strong loyalty to a group, is what fosters physical courage the most, and it is therefore important in military training. The downside, according to Olsthoorn, is that strong social cohesion inhibits moral courage, which is needed "to overcome the fear of shame and humiliation in order to admit one's mistakes, to confess a wrong, to reject [evil conformity], to denounce injustice, and to defy immoral or imprudent orders" (Miller 2000, cited in Olsthoorn 2007, 273). In this way, physical courage and moral courage in the military somewhat seem like incompatible perspectives of courage. In the ISAF case it is not necessarily so.

There is reason to believe that the cohesion in the group of ISAF soldiers is strong, which is good as far as physical courage is concerned, since we can imagine there being fear-

provoking aspects to the situation that the soldiers need to cope with. All the uncertainty and the potential for quick shifts in the situation seem to require a capacity for physical courage. We can imagine that the cohesion in the group makes the soldiers feel safer. On the other hand, the cohesion can make it harder to speak out individually, if this involves a risk of shame and humiliation in view of any pre-defined opinion. However, since we know that the soldiers went on to discuss alternative actions, it seems that cohesion in this case did not narrow the space for moral courage. On the contrary, in this case we can presume that cohesion was good both for physical courage and for the moral courage to speak freely in the group.

Nevertheless, it is sometimes difficult to distinguish physical and moral courage, according to Miller (2000). In some situations we appreciate someone's willingness to object, speak freely against some injustice, or act against it, as moral courage. However, Miller argues that in some cases we admire as examples of moral courage, like the sheltering of Jews in Nazi occupied lands during World War II, courage is about facing risk of death and imprisonment, not about overcoming fear of ridicule or shame. Actions such as this, done because of moral reasons and where the actors can expect mainly support for their actions require physical courage rather than moral courage. According to Miller, this kind of courage is what we see in most nonviolent resistance to oppression (Miller 2000, 255–256).

One distinction Miller makes is that moral courage, much more than physical courage, satisfies a requirement of solitude. Miller refers to the concept of "the good coward" to explain this distinction. "The good coward" is the soldier who has good intentions of joining the battle, but in the end he does not have the physical courage to go through with it, and runs away at the last moment. Nevertheless, the next time he will try again. He may be criticized by others for being a coward, but in fact he has moral courage, because he is willing to test his courage and risk the shame of failing (Miller 2000). Miller wants to uphold the distinction

between physical and moral courage, but admits that they overlap at some points. Using that perspective of moral courage when analysing the ISAF case, the better the relation between the soldiers, the less moral courage is needed to speak up within the group.

The second issue is the moral concern vis-à-vis the Mujahedeen group. Now it gets complicated: The question of whether the soldiers should confront the men is far from only a question of physical and moral courage. It is also a question of considering relevant situational factors, such as the security situation. The soldiers rely primarily on facts when they judge the situation. If the soldiers felt sure that engaging the men in dialogue about the practice would not compromise their security, they would have to muster the courage to do so. However, considering the ambiguous security situation, confronting the men could be more than courage; it could be excessive or even irresponsible. The problem is that they cannot know for certain the effect of their actions.

The soldiers' courage is really put to the test when the men offer them time alone with the boy, an offer they decline. It is indeed the question of security in that particular sequence that challenges the courage needed to say 'no'. The question is whether it is their moral or physical courage that is challenged. If they did not have to fear for their physical health, it would not cost them much to refuse. If their refusal entails a greater risk, it requires more of them. It seems right, like Olsthoorn puts forward, that moral courage stands its test when one faces fear of such things as ridicule, psychological trauma, betrayal, job loss or social stigma. It is indeed possible to imagine that the soldiers might risk their job when they say no, depending on the effect this refusal would have on the situation. It is possible, though difficult, to imagine that they would accept the offer just to please the Mujahedeen, but with no intention of abusing the boy. Then, the Mujahedeen could tell other people that the soldiers accepted the offer, and the soldiers could risk their job, besides social stigma and trial, and they would not be able to prove or convince anyone that they did not abuse the boy and that

their intention was to keep the security risk on behalf of ISAF at a minimum. As unlikely as this alternative might seem, it serves to show what could potentially happen if you above anything else prioritized the relationship with the Mujahedeen, the security situation, and therefore moral courage, according to Miller and Olsthoorn. It is more likely that by refusing the offer, what the soldiers risk is an impaired relation with unknown consequences for their confidence building and military mission, and in the extreme end: their own security. In conclusion, whether we see physical or moral courage in the soldiers' declination of the offer, or perhaps a combination, is hard to decide. However, it is clear that some sense of courage is needed at this point. The most plausible explanation for the soldiers' refusal is that the moral reasons to refuse are obvious to the soldiers: Referring to people who sheltered Jews in Nazi occupied lands during World War II, Miller points out that to shelter Jews required physical courage, not moral courage. What people risked was their own safety, not ridicule or shame. They did it because they simply could not imagine acting otherwise (Miller 2000, 256). In the same way, the ISAF soldiers could probably not imagine acting otherwise than refusing the offer from the Mujahedeen no matter the risks.

Moreover, in this case, fear of psychological traumas and moral traumas, for example for betraying general obligations to the boy, makes courage a truly relevant military core value, strongly demanded by the general moral obligations towards the boy implied by the situation. In other words, the higher the risk of physical harm, the greater the need for courage if they were to confront the men in order not to betray those general obligations. At the same time, risk assessment is the very basis of the security mission, which is the soldiers' primary duty. Therefore it is also possible to say that courage to confront the men is *not* that relevant: At some point along that risk assessment, courage may slide towards excessiveness. It all depends on the soldiers' ability to judge the situation and the level of risk they take concerning the security situation. In view of the specifics of the case, it is therefore on one

hand not necessarily lack of courage that makes the soldiers stay silent in the presence of the Mujahedeen group. It may as well be due to judgement of competing perspectives: the responsibility for the military mission and security versus the outward responsibility to protect the boy. On the other hand, at the point of no return – the offer of spending time alone with the boy – the situation is again different, and here the courage to say no is imperative. In this specific situation, courage seems to be a guide to action, since there are limits to the moral compromises the soldiers should make in the name of security, and it is clear that real courage was required.

There is only one obstacle to this interpretation of courage: the fact that the soldiers cannot know how the Mujahedeen leaders will react to their refusal. If the Mujahedeen were to be offended, or become suspicious, the soldiers can only *hope* that the confidence will be unspoilt. Thus, here we can in one sense connect courage to hope, a discovery about courage retrieved from the pages of Lord Moran's *The Anatomy of Courage* (2007, first published in 1945). True enough, Moran writes about a different context – the fighting in World War I – and a different aspect of courage, namely the endurance of soldiers. Moran discusses the importance of rest to recuperate courage. I am inspired here by a detail attached to the observation of the effect of hope. Moran notes: "If the soldier can look forward to leave his spirits rise – he has hope in his heart and hope is the best preservative in war – *in Gaelic hope and courage are the same word*" (Moran 2007, 76, italics by me). In the moment of rejection in the ISAF case, the question is not whether the soldiers are exhausted, but the connection between hope and courage still seems relevant in the sense that the soldiers are left to hope for the best at this very moment, because they have to say no, which takes courage. Building on Marcus Schulzke (2013), we could also say that the soldiers in this very moment were left to moral luck, or more precisely what Shculzke calls resultant luck: It is unreasonable to expect the soldiers to be able to judge between alternative actions and their possible consequences.

The outcome of decisions is then largely left to luck. The ISAF soldiers took a chance on refusing the offer from the Mujahedeen men, having no control of the outcome. The result happened to be a lucky one in the sense that the confidence of the Mujahedeen men was not spoilt.

The connection between courage and hope is also present in the ISAF case in a sense similar to what was the case in Moran's account. We can imagine that courage as endurance is much needed in the ISAF case in general, because it takes time and effort to win the confidence of the Mujahedeen. In addition, and more generally, such low-intensity operations may involve long spans of waiting when nothing happens, and boredom is what most easily gets in the way of mustering courage and acting courageously. It is important to keep in mind Moran's observation that courage is a capital of which we are continuously spending (Moran 2007). Therefore, soldiers cannot endure forever, rest is needed, and looking forward to leaving can be the hope of ISAF soldiers too, which makes them endure in the efforts of solving their task the way they are supposed to. That said, based on the case description, there is reason to assume that the pressure on the courage of these particular ISAF soldiers is not wearing them down over time quite the same way as it would in a battle situation. On the contrary, these soldiers still seem quite focused and determined to solve their task. Yet, the possibility of moral exhaustion should not be underestimated.

So far, I have discussed some important aspects of courage which, in view of the present context, needs attention. The core elements of courage according to Aristotle – fear, risk, choice, intention, emotion, judgment, noble end, and action – can be seen as defining courage in the ISAF case. At the same time, judgment, loyalty and knowledge of the situation can be seen as other virtues or qualities that are necessary in order to recognize and realize courage in this complex situation. Physical courage as the ability to cope with the feeling of fear, and moral courage to speak one's mind risking shame or ridicule, are aspects of courage

that we can recognize in the ISAF case to a greater or lesser degree. The crucial element of whether we recognize courage or not seems to be the element of judgment. Lack of judgment in this situation of competing factors and obligations leaves the soldiers more to the vicissitudes of moral luck than to courage. The question is whether these elements, or these virtues, are determined more by either character or situation, or by an interplay between them. This is the crucial question I want to give more attention by looking at the contribution of what has been called the inter-actionist view on virtues. The notion of 'right action' is central and constitutes a relevant follow-up discussion, as soldiers are very conscious about "doing the right thing" in morally challenging situations (Vikan 2009, 29, my translation).

The inter-actionist view on virtues

A key part of the idea of military virtues lies in the Aristotelian idea that one must train and habituate oneself in order to be properly virtuous. In short, we become virtuous by acting virtuously (Olsthoorn 2017). However, this view can be challenged or at least complemented by other perspectives. One such perspective is the inter-actionist view on virtues. According to this view the choice of action depends in part on character and in part on situation. The interactionist view combines two main views on virtues. One view emphasizes character, in line with an Aristotelian view. Consequently, if a courageous person does not act courageously, it is because of weakness in their character. The other view holds that virtue, or acting virtuously, is also about situation: Sometimes the situation makes people act in ways contrary to what they normally would do according to their character. The view is known as *the situationist challenge* (Olsthoorn 2017, 79). In combining elements of these two views on virtue, Olsthoorn holds that virtues are dependent both on character, that is, something relatively stable if not completely constant, and situation-specific factors, that is, variables that are unstable. To illustrate the point, we can borrow the example of a virtuous woman

jumping into the river to save a child (Crisp 2012). According to an interactionist view, if she wants to save the child, but cannot swim, she would obviously not be able to save the child – or herself. Consequently, to jump into the river would not be a very virtuous thing to do although she has the character to do it. However, maybe she could call for help, or maybe she has a rope she could make into a lasso and throw into the water in order to save the child, or she has a lifevest and jumps in after all. She would do it because she has the character to do it and she has a phone, a rope, a lifevest or other necessary equipment. In fact, she would do anything she can to save the child, except jump into the river and drown.

A follow-up to the interactionist view, which reinforces the role of situation, is the line of argument that Crisp makes: We should distinguish between the value of virtue and the notion of *right action* (Crisp 2012). There is a distinction between right or virtuous character on one hand, and acting rightly or virtuously on the other, he argues with reference to Aristotle's ethics. Crisp's point when it comes to action is that "certain actions are called for in certain circumstances, and their rightness depends not only, or indeed not at all, either on their being in accordance with a principle, or on the consequences or outcome of performing them" (Crisp 2012, 11). To illustrate the point, Crisp gives the above-mentioned example of a virtuous woman jumping into a river to save a drowning child. According to Crisp, she would give many reasons for doing so except the reason that it is a virtuous thing to do. At the same time, a person who is *not* virtuous may act out of character in a given situation and do what a virtuous person characteristically does. A notorious, vicious gangster, who is ready to kill and terrorize people, and does so, may one day come across someone whose life is in danger, and maybe because her perfume reminds him of a past girlfriend, and thus out of sudden compassion, he helps her, totally out of character (Crisp 2012, 14). This is why it is important to distinguish between an action being virtuous, and an action being done in accordance with virtue.

For the virtue of courage, this would imply distinguishing between an action as courageous and an action being done in accordance with courage. Thus, in view of the ISAF case, an attempt to save the boy from the practice of bacha bazi might be a right action, possibly done in accordance with courage. If the soldiers compromise security by trying to save the boy, their action would not appear to be in accordance with courage; it would rather be in accordance with foolhardiness or bad judgment. In reality the problem is that we do not know with absolute certainty that it would be right to try to save the boy, because trying to save him could lead to loss of the important confidence of the Mujahedeen men. Knowledge *about* the situation and applied judgment *in* the situation are important to explain the rightness of a decision to act, independently of the soldiers' character, even though reaching a decision may *require* the virtue of courage, and performing the action itself would also *require* active courage. Thus, it seems more relevant in this situation to look at what makes an action right, rather than looking at whether the action would be in accordance with courage. Again, here the contextual factor of security is decisive.

Crisp also asks why morality should require more than right acts done rightly, and moreover: Why should we value the disposition to perform such acts? He suggests that the valuable thing about virtue is

> the 'categorical' base of the disposition to feel and to act in the right way, and that, on the Aristotelian view, consists primarily in a properly habituated set of standing concerns, desires, and wishes, along with the cognitive capacity to grasp what is morally salient in the circumstances and what those circumstances require of one (Crisp 2012, 15).

Crisp shows that such an account leads to thinking that valuing somebody´s character independently of actions leading to or resulting from that character might seem like an aestethic attitude (Crisp 2012, 15). The value of virtue as "the disposition to feel and to act in the right way", as explained above, seems to mean that virtue is not only about "a properly habituated set of standing concerns, desires, and wishes", but includes the ability (i.e.

cognitive capacity) to make sound judgments in a situation and act accordingly (i.e. grasp what is morally salient in the circumstances and what those circumstances require of one). Again, a courageous person will not always act courageously. It depends on the circumstances. Claiming this does not imply that we deny the importance of character and character building as such. People's character is important for our relation to them, as it will contribute to both predictability and safety in our lives. Thus, emphasizing the importance of the situation or context does not diminish the value of character as such, but it leads us to understanding that circumstances may prompt a person with the best of character traits and attitudes to act otherwise than what we would normally expect. In addition, the view recognizes the possible consequences of an action (ref. saving a drowning child). In a way, it comes close to the Aristotelian prerequisite that for an act to be truly courageous, there must be a noble end that can be understood as a good cause. Thus, there is a difference between acting to achieve a noble end, and acting because it seems courageous to do so. At the same time, a noble end does not alone justify action to achieve it, as it depends on factors such as knowledge of the situation, judgment, etc. as discussed above.

Concerning our ISAF soldiers: If they were to try to save the boy one way or the other, the reason would probably be neither an analytical statement that the end is noble, nor that it is courageous to save him, even though saving him is a noble end. The reason would probably be that it is right under the circumstances to take action and try to save him because they recognize a general moral obligation: They should do something to stop the suffering of this child. The question, in other words, seems to rely more on the circumstances and combination of virtues like knowledge, judgment and loyalty, than the character of the soldiers. At the same time, it is reasonable to think that without a certain character, the soldiers would not discuss any options in the first place.

Trying to save the boy would also require some active courage. It could involve talking to the Mujahedeen about the practise they dissaprove of, or forcibly abducting the boy, or some other action. Active courage is, as the term suggests, associated with action, while passive courage is associated with character. These distinctions are evident as dichotomies: courage in "attack" and courage in "endurance", courage as "bravery" and courage as "persistence" (Hackney 2010, 61). The perspective of courage as involving some action is usually seen as integrated in the soldier's role, but passive courage is needed no less.

Concerning passive courage, the ability to endure something painful, we can imagine the need for the ISAF soldiers to have such courage in order to endure the pain of knowing about this practice, being invited in, refusing, and yet not helping. Their passive courage does not necessarily qualify for a prize in courage, but it constitutes a necessary part or aspect of courage in this situation. It can look like a sin of omission, and yet it may be a responsible way of handling the situation.

Again, in line with Crisp's argument, it is no justification for an action to argue that this is what a virtuous/courageous person or anyone would characteristically do, because "virtuous people characteristically do certain actions for (good) reasons that are quite independent of the fact that these actions are such that virtuous people would characteristically do them" (Crisp 2012, 8–9). Thus, referring to the example of the woman jumping into the river to save a drowning child, and the notorious killer helping a woman in need as two examples of such situations, we find the reasons to act in contextual factors rather than in the unknown character of the subjects.

Thus, I agree with Crisp that we have to look at the context. In the case of the drowning child, we see a need for courage because we want somebody who walks by and sees the child to jump in and save her, and to do that takes courage in one or the other sense. Courage is therefore still relevant, but the focus is *what can be done for the child*, not acting

courageously *per se*. The same thing applies in the ISAF case, where the soldiers ask themselves what they can do for the boy. As mentioned, I think the elements of risk and fear, which in the Aristotelian view are prerequisites for courage, need more attention. In the following we shall see that fear has important roots in different risks other than death that we need to recognize.

The status of fear

Returning for a moment to Aristotle (Barnes and Kenny 2014), one can describe courage as a mean related to fear on one side and confidence on the other. When it comes to fear, according to Aristotle, courage should not be associated with any kind of fear, but fear of death in battle, because such deaths "take place in the greatest and noblest danger" (Barnes and Kenny 2014, 268). Accordingly, death in battle is noble and therefore the kind of death soldiers should fear and overcome by courage. However, in military missions today the battle is not always one of high intensity warfare, and the battle scene is not always the traditional one of two adversaries fighting each other, as illustrated by the ISAF case. Are there still elements of fear in such situations that require courage? The question reflects Nicias' suggestion in the "Laches" that in order to define courage one must know something about what to fear (Woodruff 2016, Asscher and Widger 2008). The examples of a drone soldier and a bomber pilot along with the ISAF case illustrate that there are things to fear other than death in battle that do require real courage. And yet, some of these other kinds of risks may slide into risk of death. These risks include risks concerning mental health, risk of demoralization, risk of moral trauma, risk of shame, and risk of failure. There is thus a contrast between risk of death and these other kinds of risk, but also a possible overlap, as I will show.

One would think that far away from the battle scene, a drone soldier would not need courage, but a drone soldier's killing with a remote control may not seem so remote after all (Kirkpatrick 2015). She follows her target close up on a screen over time. She sees this person's day-to-day life, watches every move, sees how he is a friend and a father playing with his children and becomes accustomed to seeing this target as a person. Finally, the drone operator kills him, and thanks to advanced image technology she can watch in horror how the man slowly bleeds to death. Later she is supposed to do the same with a different target. The job is "to decide who on that battlefield gets blown up and who on that battlefield gets protected" (National Public Radio 2017).

We can imagine several serious risks and roots of fear in this description of what a drone soldier has to handle that would require courage. A serious risk concerns her mental health. It is hard to imagine that she can kill someone she has observed over time, maybe established a bond with, and stay unaffected, especially when the person she kills represents no physical threat to herself at all. One would have to be able to think instrumentally, thereby risking demoralization (Kirkpatrick 2015). It is indeed possible to argue with Kirkpatrick that the risk of moral trauma is even greater for a soldier who kills with no danger to her own life.

There are also serious risks to face if she should choose *not* to do the job. She risks losing her income or even becoming a sort of traitor. Thus, it seems true that those arguing that the lack of risk for one's own life makes courage irrelevant operate with a too narrow definition of fear and risk (Kirkpatrick 2015). We should therefore acknowledge the kind of risks drone soldiers face. From this perspective, a drone soldier's attack is an action done despite anguish and fear, involving serious risk, and therefore requiring a sense of courage. The example of a bomber pilot shows other roots of fear that should be taken seriously. The bomber pilot flies at a high altitude and does not necessarily see the details of the damage he does (Moldjord et al. 2007). He may experience technical malfunction, harsh weather

conditions and ground-to-air attacks at lower altitudes. These are serious risks, which we may associate with risk of death, and which the bomber pilot needs physical courage to handle. There may also be doubts about the target, in which case she should have the moral courage to question the order of engaging them. Questioning authority involves a different kind of risk, a risk of ridicule and shame, which may not seem that serious. At the same time, fear of ridicule or shame may be intertwined with more serious risks, as follows: Moral courage to speak up may involve a risk in macho environments to look weak in front of colleagues, a risk of shame. That is a kind of fear-provoking risk, which in turn can increase the risk of failure in cockpit, as I shall explain.

According to a Norwegian study, the emotional part of the experience has been missing in standard procedures of technical and cognitive debriefing. Among other things, the study revealed that because of the struggle to control fear, the pilot was stressed (Moldjord et al. 2007). The pilot did not just fear failing, but he feared experiencing the feeling of fear itself and later revealing it, because according to the prevailing culture, you should not experience such things. Lord Moran's account from World War I describes the same problem: Pilots got weary because they should not show their fear. Instead they started losing focus in the air (Moran 2007). In the case of the bomber pilot in the Norwegian study, being able to reveal his fear in a safe space apparently made him become less stressed and more focused in cockpit, as he could recognize his emotions instead of fighting to suppress them (Moldjord et al. 2007). In view of this example it seems true that the courageous soldier sometimes is "neither fearless nor someone who has overcome his fears, but someone fearful of what others think of him; a fear that can prevent him from showing the virtue of moral courage" (Olsthoorn 2007, 274). As the example shows, such fear can also have a negative effect on the ability to perform, which in turn creates a higher risk of actual failure to perform, which brings us back to risk of death. Thus, there are risks and roots of fear seemingly less important that

nevertheless are important to recognize, and sometimes these risks may slide into risk of death.

In the ISAF case, by contrast, we can imagine that fear is closely associated with the risk of immediate negative consequences for the soldiers' own security and more generally for the security mission, in the end a risk of injury or death. The responsive respect[37] that the soldiers have for the Mujahedeen men as potentially dangerous is indeed one of the reasons why the soldiers act with caution and do not intervene as a reaction to the practice of bacha bazi. It might be that the soldiers are perfectly justified to fear the consequences of confronting the men to the extent that they should not confront them. At the same time, the soldiers do not have any distance to the situation, and only an emotionally numb or demoralized person would not feel anything, including fear. However, I would hold that fear, combined with sound judgment based on available facts, seems to be a positive guidance to action in this case.

In addition, there are other possible roots to fear than death in the ISAF case. I have discussed the moment where the soldiers are offered time alone with the boy as a decisive point. In view of Kirkpatrick's example of the drone soldier, the ISAF soldiers also have reason to fear moral trauma. They are exposed to an unacceptable practice over time, and they are arguably in a position to do something about it, but they do not. Although they can justify their choice of action by referring to their primary obligations and risk assessments, they will have to live with the fact that they did nothing to stop the men from continuing the abuse. In view of the ISAF case, I hold that both the risk of negative consequences certain actions might have for security, in other words reasons to fear for your own security, and the risk of moral trauma cause fear that should be recognized, and they require a sense of courage.

It is important to note that in the midst of emotional distress, soldiers are required to make sound decisions, and that sound decisions do not happen without the involvement of

emotions. In general, emotions do seem to have a lower status than rationality in decision-making, while it is not necessarily the case that rational reasoning and emotions are independent of each other. With regard to the example of fearing to reveal fear itself in macho cultures, it is important to recognize the following: In the book *Descartes' Error* (Damasio 2001) professor of neurology, neuroscience and psychology Antonio Damasio discusses how emotions in general are essential in order for human beings to be able to make decisions and plans in the first place. Therefore a rationalistic view on decision-making, which excludes the role of emotions, or passion, in how we achieve the best results, will have its flaws. Damasio grounds his view in *the somatic marker theory*[38], and shows that without consulting our emotions, there is no way of moving ahead toward a sensible decision. Acknowledgment of the role emotions play is indeed closely related both to character and an adequate understanding of the specific situation. The primary feeling of fear, for instance, tells you about possible danger and urges you to get an overview of the situation.

Experience of different kinds of risk in war, not only risk of immediate death, are sources of fear requiring courage, and this courage is not merely a resemblance of courage, but should be recognized as real courage. In arguing this I recognize the risk of depleting courage of meaning. Still, exploring courage in view of complex military operations includes questioning requirements, such as the experience of risk. In summary, Miller is relevant: "Courage is not, it turns out, just about the mastery of the fear of death, but about different masteries of different fears of different kinds of deaths" (Miller 2000, 58), which to my understanding is a fair conclusion of the relation between courage, fear and risk.

Concluding remarks

In war we cannot expect of soldiers that they always discuss every possible action in a democratic manner. However, the focus of this article is on complex military operations that

challenge soldiers as moral decision-makers. Thus, in a situation like the ISAF case, we should expect soldiers to take ethical considerations along with considerations about security, or else the ethical training of soldiers makes little sense. Soldiers should fear the *opposite* notion: that they stop reflecting on morally complex situations. In this article I have shown how we can understand courage better in view of context-specific factors. Courage comes through as physical courage, endurance and moral courage, accompanied by virtues such as knowledge, loyalty and judgment. In the ISAF case, the soldiers arguably have reason to fear moral injury and a much worse security situation, depending on their choice of action. Altogether we need to recognize both physical and moral perspectives, strength of character, awareness and knowledge about each situation, determination, and sound judgment to better understand courage in complex military contexts. At the same time, a soldier must have an adequate understanding of his role and mission and be ready to perform his task under pressure of fear, but this does not in any way diminish emotions as something unimportant and plainly irrational. Courage understood as dependent on, and interwoven with, other virtues and specific situations makes a better platform for recognizing soldiers' moral reality.

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Epilogue

It takes war experience to understand what war is like, how complex conflicts can be, and what it truly takes to be a soldier. I hold the uncontroversial view that we must work to minimize the extreme potential for destruction and suffering in war as long as war exists. The Values and Standards of the Norwegian Armed Forces appeal to humanity in war. In a way, the core values of the Norwegian Armed Forces seem like slogans on a wall:

RESPECT. RESPONSIBILITY. COURAGE.

This thesis has looked for the meaning behind these words and revealed that they are rich concepts once they are taken down from the wall and put into action. The challenge in applying the insights of this thesis is to keep in mind the importance of context-specific factors and judgment.

The Norwegian Lieutenant General (r) Robert Mood states within the context of leadership, taking care of people involves making demands of them (Mood 2017). His view serves to illustrate that we should require that soldiers strive to live up to certain standards, even in situations where they ultimately cannot live up to all of them.

We should therefore continue to develop the educational scope and practice of soldiers to activate and train their moral competence, given the Aristotelian idea that virtues can be trained. This increases the chance that they possess a better capacity to unite virtues in challenging situations demanding sound judgment. The Norwegian Armed Forces have for some time integrated the core values in their educational program, but the job is not done just because of that. Based on this investigation, new questions can be asked about how soldiers possibly can prepare for unexpected moral challenges in their service. Is it possible to develop a moral-ethical stamina and robustness to handle such things?

One could also ask if we put too much pressure on soldiers, who due to their role carry the greatest of paradoxes on behalf of the rest of us: to be prepared to both kill and be killed to defend standards that are incompatible with killing. I am more worried that we do *not* make adequate demands of soldiers in order to make them sufficiently sensitive to this paradox. I want to join Michael Walzer in thinking that "given the suffering soldiering often produces, it cannot be the purpose of moral philosophy to make it easier" (Walzer 1980, 32). His words imply that we never should stop asking what our values and standards mean.

PUTTING WORDS INTO ACTION

Our values and standards apply to everyone in the Norwegian Armed Forces: those involved in day-to-day peacetime operations as well as those engaged in situations of conflict, crisis or war. They are lasting values, and are to be reflected in all our steering documents. Our values and standards must be internalised and kept alive through reflection and discussion on how they affect each and every one of us, and how they affect our choices, our behaviour and our professional culture. Our leaders have an important part to play as role models.

In situations of danger, severe pressure or other forms of stress, leaders must maintain team spirit and demonstrate clear leadership. Through our collective effort, we will ensure that the Norwegian Armed Forces' activities are based on the principle of human dignity and justify the legitimacy we have earned. Our core values – respect, responsibility and courage – are to guide us. They will help us build a common identity and a professional culture that we can be truly proud of.

(Facsimile from The Values and Standards, Forsvaret 2015)

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Notes

[1] The practice of "bacha bazi" – literally "boys for play" is an illegal, but common, practice in Afghanistan. These boys, orphans or boys from poor families, are sold to powerful men to dance/entertain and are often sexually abused by these men. The practice is also referred to as 'dancing boys' or 'tea boys'. See for instance http://www.pbs.org/wgbh/pages/frontline/dancingboys/etc/synopsis.html (20th April 2010, retrieved 22th June 2012) and http://www.guardian.co.uk/world/2009/sep/12/dancing-boys-afghanistan (retreived 22th June 2012).

[2] A Dutch study conducted by Michelle Schut and Eva van Baarle (2017) concludes that a non-recognition of bacha bazi as a moral issue, blurring of moral standards or moral distance to the practice may be a way of coping with the problem. At the same time the authors point to the danger of what they call *moral blindness* as a result of such an attitude, and they argue for the need to improve the moral competence of Dutch soldiers.

[3] Stories that show how commonly American soldiers have had to look away from the practice of bacha bazi are for example displayed in a New York Times article with the headline "Afghan Pedophiles Get Free Pass From U.S. Military, Report Says". The article can be found here: https://www.nytimes.com/2018/01/23/world/asia/afghanistan-military-abuse.html Link to the specific case I use in the article on respect here: https://www.nytimes.com/2015/09/21/world/asia/us-soldiers-told-to-ignore-afghan-allies-abuse-of-boys.html?action=click&module=RelatedCoverage&pgtype=Article&region=Footer

[4] In short complex conflicts like ISAF are operations that combine traditional peace-keeping principles and warfare (Ingierd 2011, 17). The term 'complex conflict' is described more thoroughly in a footnote in the article on responsibility.

[5] Helene Ingierd and Henrik Syse (2005) stress the role of the soldier as decision-maker in "Responsibility and Culpability in War" in *Journal of Military Ethics*, where an important point is that even lower-ranking soldiers in many cases must assume moral responsibility for their acts.

[6] *Low intensity operations* range from counter insurgency and offensive antiterror operations to peacekeeping operations and peace time contingency operations. See for example www.oxfordbibliographies.com/view/document/obo-9780199791279/obo-9780199791279-0090.xml. Last retrieved 29.05.2019. The ISAF was about establishing security, being a stabilizing factor – which is not so much associated with combat. Still soldiers had to be prepared to handle quick shifts in the situation.

[7] The Norwegian journal *Alfa* came out in 2010 as a new journal for men. The article about Norwegian soldiers' attitudes in Afghanistan provided the journal enormous PR. However, in late 2011 the

magazine went bankrupt (Wikipedia https://no.wikipedia.org/wiki/Alfa_(magasin) last retrieved 04.07.2019)

[8] Skavlan is a popular Scandinavian talk show hosted by the Norwegian journalist Fredrik Skavlan with Norwegian, Swedish and international guests. The show has been broadcasted on the public broadcaster NRK for years, but changed to the commercial channel TV2 in March 2018. https://www.dagbladet.no/kultur/skavlan-flyttet-til-lordag-slik-blir-den-nye-tv-krigen/70648740

[9] The military strategy of "winning hearts and minds" in Afghanistan came from acknowledging that the international forces needed the support from the population in Afghanistan in order to win the war. See for example here: http://edition.cnn.com/2009/POLITICS/09/28/afghanistan.obama/index.html

[10] According to Marcia Baron the term "Kantian ethics" is used loosely to refer to Kant's ethics and also contemporary ethical theories that rely on key ideas in Kant's ethics (Baron, Pettit and Slote, 1997:3). Since 'duty' is an essential notion in these theories, they are also commonly known as deontological theories or deontology.

[11] Marcia Baron argues on the contrary that the distinction between Kantian ethics and virtue ethics is not that clear (Baron, Pettit and Slote 1997), but this is for a different discussion.

[12] The version included in this thesis is the AAM (Author Accepted Manuscript), and I have included the last proofs.

[13] The version included in this thesis is the post print version. It contains minor corrections of language to match the published PDF version.

[14] I call the practice of bacha bazi unacceptable, because relativism is not an alternative. If I have to argue, I argue that it is unacceptable in view of the principle of non-maleficence.

[15] The term *complex conflict* is used to describe an ever more relevant context for the use of military force after the Cold War, and especially after 11 September 2001. Complex conflicts constitute different kinds of critical situations, low-intensity conflicts and other kinds of conflict, where use of international military force may be part of a comprehensive approach to the solution of the conflict (my thanks to Olof Kronvall for this summary.) In this respect, the conflict in Afghanistan can be regarded as complex. The ISAF operation can be categorized as a "complex peace operation", which covers military operations that combine traditional peacekeeping principles and warfare (Ingierd 2011, 17).

[16] Information on the practice of *bacha bazi* and child trafficking in Afghanistan from the time of the incidents of this article is available from sources such as BBC World Service http://www.bbc.co.uk/news/world-south-asia-11217772 (Quobil 2010); Frontline http://www.pbs.org/wgbh/pages/frontline/dancingboys/etc/synopsis.html (Quarishi 2010); The Washington Post http://articles.washingtonpost.com/2012-04-04/world/35451705_1_bacha-bazi-afghans-pashtun (Londoño 2012); and UN Office on Drugs and Crime http://www.unodc.org/documents/human-trafficking/Global_Report_on_TIP.pdf (UNODC 2009), all accessed 20 December 2017.

[17] The attitudes and character traits described in The Officer's Code presumably apply to soldiers, too.

[18] For instance, see Adeno (1997) on the limits of toleration.

[19] In the published version of this article the phrases 'value base' is used. The phrase refers to the values and standards described in the official statement *The Values and Standards of the Norwegian Armed Forces*. In the present version I have changed the phrase 'value base' where it occured to the more correct 'values and standards', and I have changed it to *The Values and Standards of the Norwegian Armed Forces*, also sometimes phrased as the Armed Forces' *Values and Standards*, when speaking of the official statement found on the English version of the web site of the Norwegian Armed Forces (see Forsvaret 2011 in list of references).

[20] The concept pair of special obligations versus general duties (Ingierd and Syse 2011) is similar to Walzer's hierarchical versus non-hierarchical responsibility.

[21] My Lai is known as one example of the atrocities of the Vietnam War. On 16 March 1968, US soldiers from Charlie Company massacred around 500 civilians – men, women, children and babies – in the village of My Lai. Only the company's commanding officer, Lt Calley, was convicted.

[22] The argument is borrowed from Walzer (2004) and adjusted to my case. Walzer uses a mid-level officer's responsibility up and down the hierarchy when facing an outwards responsibility to civilians, whose lives are at stake, to illustrate the same point.

[23] In their discussion of war crimes against the background of ideas from the just war tradition, Ingierd and Syse (2005) highlight three sorts of responsibility that are relevant: an individual, causal responsibility of each soldier; a command responsibility; and a shared causal responsibility of those who command illegal actions and those who execute them. An important distinction is drawn between *responsibility* and *culpability*: it is not unusual to have to take responsibility for an action with negative consequences in the sense of answering for it and explaining it, but this does not necessarily mean that one has done something morally blameworthy. In addition, one may be morally culpable without being *legally* so. Following this line of thought, the ISAF soldiers may not be legally or morally culpable in neglecting the boy's situation, but that does not mean they cannot be responsible.

[24] Such aspects of responsibility can be seen as based on respect for human rights, which in turn reflect the Kantian perspective of humanity as always treating human beings as ends in themselves (Korsgaard, 1996).

[25] The Norwegian Armed Forces in 2006 chose respect, responsibility and courage (RAM) to be their core values. These core values are meant to be integrated in all of the activity of the Armed Forces at all levels, collectively and individually.

[26] For simplicity I will use 'soldiers' for both officers and soldiers, since the core values are applicable to all individuals of all ranks in the Norwegian Armed Forces, and since leadership is essential to soldiers and officers alike.

[27] The case is based on an authentic experience. One of the soldiers involved conveyed it to me, and has verified my description for authenticity.

[28] The practice of "bacha bazi" – literally "boys for play" is an illegal, but common, practice in Afghanistan. These boys, orphans or boys from poor families, are sold to powerful men to dance/entertain and are often sexually abused by these men. The practice is also referred to as 'dancing boys' or 'tea boys'. See for instance http://www.pbs.org/wgbh/pages/frontline/dancingboys/etc/synopsis.html (20th April 2010, retrieved 22th June 2012) and http://www.guardian.co.uk/world/2009/sep/12/dancing-boys-afghanistan (retreived 22th June 2012)

[29] In medical ethics, four main ethical principles have been found to be a common ethical ground to judge by in ethically challenging situations. A prima facie duty is meant to work as a moral reassurance that no action is taken that is based too much on intuition and subjective opinion. The four prima facie duties in medical ethics are to be balanced against each other in concrete situations, and even if one or the other of them may be given more weight in the final judgment, it does not mean that the other duties are set aside. They still are just as important, and still should leave 'moral traces' (Ruyter, Førde, & Solbakk 2007). These principles are: 1) respect for autonomy – a norm concerning respect for autonomous persons' ability to make judgments, 2) non-injury – a norm meant to prevent injury, 3) beneficence – a group of norms to balance utility against risks and costs and 4) justice – a group of norms to spread out utility, risks and costs in a good way (Ruyter et al. 2007, 36, translation by author)

[30] If we read the Norwegian Armed Forces' home pages the wording of the mission in Afghanistan has changed accordingly over the years. Earlier part of the mission was to 'protect the Afghan' people. This wording has been removed and replaced by a sentence explaining that ISAF forces are to build up Afghan Security Forces so that they can protect the Afghan people (www.forsvaret.no, 29.01.14), which reflects the stronger focus on the task of mentoring Afghan security forces. During the last years of the ISAF contribution, which was ended in 2014, conducting mentor programs for Afghan security forces became the main task.

[31] It is nevertheless a fact that Afghan authorities fail to enforce this law. Even representatives of Afghan authorities, like security officials, take part in the practice of bacha bazi. The American case referred to in this article is about such an instant (Goldstein 2015)

[32] Look for example to the movie *Armadillo* and Carsten Jensen's novel *The first stone* as two fairly recent works illustrating my point about the risk of demoralization. (Jensen 2016; Pedersen 2010)

[33] For simplicity I will use "soldiers" for both officers and soldiers, since the core values are applicable to all individuals of all ranks in the Norwegian Armed Forces, and since leadership is essential to soldiers and officers alike.

[34] The paper "The meaning of responsibility in complex conflict: An Afghan case" is published in The Journal of Military Ethics, Taylor & Francis, in 2017. The paper "Soldiers and respect in Complex Conflicts. An Afghan Case" is published in Etikk i praksis. Nordic Journal of Applied Ethics, in 2018.

[35] The practice of "bacha bazi" – literally "boys for play" is an illegal, but common, practice in Afghanistan. These boys, orphans or boys from poor families, are sold to powerful men to dance/entertain and are often sexually abused by these men. The practice is also referred to as dancing 'boys' or 'tea boys'. See for instance http://www.pbs.org/wgbh/pages/frontline/dancingboys/etc/synopsis.html (20th April 2010, retrieved 22th June 2012) and http://www.guardian.co.uk/world/2009/sep/12/dancing-boys-afghanistan (retreived 22th June 2012)

[36] In this article I use "emotions" as a common term for "emotions" and "feelings", when not specified otherwise. Although Antonio Damasio has different explanations for "emotions" and "feelings", many authors use "emotions" and "feelings" as synonyms. Having read Damasio, there is no way I can within the scope of this article do justice to his discussion about the distinction he makes between "emotions" and "feelings". For the purpose of this article, which is to illuminate the role of emotions and feelings in decision-making, I therefore use the one term.

[37] Responsive respect is the kind of respect one has for someone or something that represents a threat in some way, be it a strong football team or an enemy in war. It is thus not a moral kind of respect. See for instance Dillon, Robin S. 2015. "Respect" [internet], Stanford Encyclopedia of Philosophy. Last Modified 18.02.2018, Accessed 19.12.2018. https://plato.stanford.edu/entries/respect/. See also my article on respect in https://www.ntnu.no/ojs/index.php/etikk_i_praksis/article/view/2258.

[38] Damasio explains *the somatic marker hypothesis* as a possible part of the nevrobiological basis for decisions (2001, 171–203). The somatic marker hypothesis is about the physical feeling we get when we think about negative consequences of a given action, which leads us to eliminate that option immediately. It works as an alarm signal. Damasio discusses what goes on when we try to cope with dilemmas and situations of choice in our everyday life, and presents two possible strategies. One is based on a traditional "logical" view of how to make decisions, and the other is based on the somatic marker hypothesis. Damasio holds that the logical view, rationality, will not work as a strategy if it is the only one available, because of the limited human capacity of memory and other cognitive limitations. According to Damasio, somatic (bodily) markers (the thought of given consequences of given actions) probably increases precision and efficiency in the decision-making process.