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# **Close-Combat Ethical Lethality Development: A Need for the Rigorous Examination of Human Factors**

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September 2022  
Approved for public release;  
distribution is unlimited.  
IDA Paper NS P-33243  
Log: H 22-000390

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**About This Publication**

The work was conducted by the Institute for Defense Analyses (IDA) under CRP C6582.

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The author is grateful to Megan E. Malone (technical editor), Amberlee M. Mabe-Stanberry (senior publications coordinator), and Flo Purnell (managing editor) for editing and publishing this article.

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**Close-Combat Ethical Lethality Development:**  
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*I am committed to improving the combat preparedness, lethality, survivability and resilience of our nation's ground close-combat formations. The formations have historically accounted for 90% of our casualties and yet our personnel policies, advances in training methods and equipment have not kept pace with changes in available technology, human factors science and talent management best practices.*

– James N. Mattis, Secretary of Defense<sup>1</sup>

Historically, military leaders have sought to develop close-combat lethality primarily through advances in weaponry, protections, communication systems, and vehicles.<sup>2</sup> In the domain of warfighter non-materiel lethality development, most basic military training has been aimed at desensitization and breaking down the assumed natural aversion to kill<sup>3</sup> of humans through operant conditioning.<sup>4,5,6,7</sup> This approach has also been proposed as a way to prevent psychiatric casualties from combat.<sup>8,9</sup> Yet, an examination of nearly a century of U.S. training to psychologically prepare troops to kill in combat suggests that these assumptions are inadequately supported by empirical evidence. Consequently, little progress has been made in our understanding of how to develop warfighters' psychological lethality.<sup>10</sup> Further, technological advances may distract from the human element in lethality, camouflaging a deficit in our understanding.

*I keep my soldiers on a tight leash when it comes to the rules of engagement, and they hate me for it. When they're frustrated and angry, especially after we've taken casualties, they want to unleash hell on somebody, anybody, to get some payback. At times like those, any Iraqi who appears at all sketchy looks like an enemy.*

*I don't allow them to engage targets that are at all questionable. This is my third deployment, and I've seen what happens to the guys who kill recklessly. When we go home, they drink too much, beat their wives, get divorced, and kill themselves. I won't let that happen again. My soldiers are angry with me now—thinking I put too many restrictions on them—but once this deployment is over, they'll be thanking me for the rest of their lives.*

– A U.S. Army Infantry company commander during OIF<sup>11</sup>

Warfighters must know when to kill and when not to kill. Ethical lethality development has both proactive (killing ethically) and inhibitive (not killing unethically) aspects and related standards of conduct.<sup>12</sup> The Law of Armed Conflict (LOAC),<sup>13</sup> applicable principles, and rules of engagement. For U.S. marines and soldiers, the basic LOAC (e.g., *Jus in bello*<sup>14</sup>) are found in *Soldier's Rules*<sup>15</sup> and the Marine Corps' *Basic Principles*,<sup>16</sup> and in greater detail in *The Commander's Handbook on the Law of Land Warfare*. These capture the Hague and Geneva Conventions on the use of deadly force.<sup>17</sup>

However, conforming to rules and applying ethical decision procedures have practical limitations in the volatile, uncertain, complex, ambiguous, and psychologically challenging context of combat.<sup>18,19</sup> Further, research has not confirmed that rule-based training regimes prevent moral injuries. For warfighters, simply learning these rules is insufficient both before and after combat. Research is needed to inform future advances in the development of ethical lethality training and awareness.

## **Suggestions for how DOD might advance the development of ethical lethality training and awareness**

### **1. Rigorously investigate proactive and inhibitive human factors that affect ethical killing across levels of moral engagement and responsibility to better inform ethical lethality training efforts.**

Legal and moral principles, as they relate to the values/norms for the performance of collective actions<sup>20</sup> or individual professionals,<sup>21</sup> arguably offer little insight into the reality of killing in close-combat as experienced by those whose core function is to do it. Neither do these philosophical concepts suggest how to practically develop ethical lethality in actual warfighters. To better understand factors that affect warfighters' propensity to kill ethically, a new theoretical framework is needed. Ethical lethality may be examined at several levels of analysis:

- Intrapersonal<sup>22</sup>
- Interpersonal<sup>23</sup>
- Intergroup<sup>24</sup>
- Societal/cultural<sup>25,26</sup>

For example, refraining from killing may be socially organized (intergroup level), but the justification for engaging in individual violence appears to be as retribution for the transgression of a cultural/societal norm (societal/cultural level). Actual factors related to ethical lethality at each level of analysis—and their relative importance—have yet to be explored.<sup>27</sup> Research examining the weight of factors related to proactive and inhibitive aspects of ethical lethality at each of these levels would assist DOD in determining how to more effectively leverage finite ethical training resources.

### **2. Examine attitudes and moral ideas about the ethics of killing in military families and broader society.**

In recent decades, as part of DOD recruitment and retainment efforts, greater attention has been paid to the competing roles and core identities of service members (e.g., marine, parent, spouse). When roles or core identities conflict for an individual, his/her performance (in one or more identity-related domains) is impaired and psychological

wellbeing is jeopardized by identity “fragmentation.”<sup>28,29</sup> This process is particularly relevant to ethical lethality development, not only during the military acculturation of new recruits, but throughout one’s military career (particularly in the National Guard), and beyond, as troops individually and in groups create and recreate narratives to deconflict their core identities.<sup>30</sup> To limit the risk of moral injuries, the decisions to kill or not to kill in combat must be guided by perceived moral rights and obligations that are somewhat consistent across core identities and over time. As observed with combat veterans, transition to a life outside the military can prompt re-examination of past behaviors during combat, to include killing. Exaltation once experienced with others in a unit following a successful engagement with enemy combatants may give way to a solitude and a sense of alienation around civilians. To mitigate these risks, warfighters need assurance that their use of deadly force was ethical and obligatory. Initial and subsequent moral justifications must be shaped by the ethics of the military profession and consistent with the moral ideas of their service members’ communities and families. Ethical lethality development efforts might therefore be informed by an examination of attitudes about the ethics of killing in combat in military families and communities, and in U.S. society in general.

### **3. *Train as you fight*: Examine the integration of ethical lethality development into existing combat field training.**

Currently, ethics training and training in the effective use of deadly force are taught separately. Use of deadly force is drilled using sophisticated simulations that mimic combat conditions (e.g., fatigue, deprivation, frustration), while ethics is taught in the pasteurized classroom environment.<sup>31</sup> A “train as you fight” approach that integrates these elements into traditional combat training<sup>32</sup> may be necessary to improve the development of ethical lethality. Exploration of “train ethics as you fight” methods may provide insights to better prepare warfighters for close combat.

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<sup>1</sup> Establishment of the Secretary of Defense Close Combat Lethality Task Force, 8 February 2018.

<sup>2</sup> Based on the Close Combat Strategic Portfolio Review from its Cost Assessment and Program Evaluation (CAPE), the Office of the Secretary of Defense (OSD) allocated over \$1.2B for Army and Marine Corps small units, most of which was used in equipment (i.e., weapons, soldier protection, sensors, and various types of vehicles).

<sup>3</sup> In a field plagued by lack of empirical evidence, a study of tribes in the Amazon points to the opposite: Greater evolutionary fitness (i.e., higher reproductive success) in men who kill than those who don’t (Napoleon A. Chagnon, *The Fierce People* (New York: Holt, Rinehart and Winston Publishers, 1968)).

<sup>4</sup> Samuel Lyman Atwood Marshall, who served in the American Expeditionary Forces during WWI, before working as a journalist, and later as a combat historian during WWII and the Korean War, suggested in *Men Against Fire: The Problem of Battle Command* that less than 1/4 of U.S. service members engaged in combat fired their weapons at the enemy. Today, the rigor of SLA Marshall’s methodology (i.e., non-systematic note-taking during unstructured interviews of non-representative samples) and major findings are widely disputed.

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- <sup>5</sup> Richard Holmes, *Acts of War: The Behaviour of Men in Battle* (London, UK: Cassell, 2003) (first published 1983); Ben Shalit, *The Psychology of Conflict and Combat* (New York City, NY: Praeger, 1988); Joanna Bourke, *An Intimate History of Killing: Face-to-Face Killing in Twentieth Century Warfare* (London, UK: Granta, 1999).
- <sup>6</sup> Grossman, D., *On Killing: The Psychological Costs of Learning to Kill in War and Society* (New York City, NY: Back Bay Books, 2009).
- <sup>7</sup> Skinner, B. F. *The Behavior of Organisms: An Experimental Analysis* (New York City, NY: Appleton-Century-Crofts, 1938); Skinner, B. F. (1950). "Are Theories of Learning Necessary?" *Psychological Review* 57, no. 4 (1950): 193–216. doi:10.1037/h0054367.
- <sup>8</sup> It is worth noting that there is no psychological evidence that operant conditioning of a behavior suspected to increase risk for trauma is effective in mitigating that trauma.
- <sup>9</sup> Unpublished research by the author, while serving in the Army Surgeon General's Mental Health Advisory Team in Iraq, suggests that, controlling for quantity and quality of experienced combat, being responsible for the death of an enemy combatant actually mitigates the risk for symptoms of post-traumatic stress injuries.
- <sup>10</sup> The work of Roger J. Spiller (Army's Combat Studies Institute), for example suggests that the terrain, the types of weapons, prior combat experience, and other particular circumstances affect soldiers' propensity to fire or not fire their weapons at the enemy during combat.
- <sup>11</sup> A U.S. Army Infantry company commander during OIF, as reported in interviews conducted by LTC(R) Peter Kilner.
- <sup>12</sup> The Department of Defense Law of War Manual constitutes the authoritative statement on the law of war for DOD.
- <sup>13</sup> As stated in FM 6-27/MCTP 11-10C, the key purposes of LOAC, based on the principles of military necessity, humanity, honor, distinction, and proportionality, are i) protecting combatants, noncombatants, and civilians from unnecessary suffering, ii) providing certain fundamental protections for persons who fall in the hands of the enemy, particularly prisoners of war, military wounded and sick, and civilians, iii) facilitating the restoration of peace, iv) assisting the commander in ensuring the disciplined, ethical, and effective use of military force, v) preserving the professionalism and humanity of combatants, and vi) preventing the degeneration of warfare into savagery and brutality.
- <sup>14</sup> In international law, it refers to the conduct of hostilities and the protection of war victims, from combatant who are wounded and out of combat, to prisoners of war and civilians; it is more generally understood as fighting justly.
- <sup>15</sup> Department of the Army Headquarters, *Army Training and Leader Development (AR 350-1)* (Washington D.C.: Department of the Army, December 10, 2017), [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/ARN18487\\_R350\\_1\\_Admin\\_FINAL.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN18487_R350_1_Admin_FINAL.pdf).
- <sup>16</sup> Department of the Navy, Headquarters of the U.S. Marine Corps, *Marine Corps Order 3300.4A (MCO 3300.4A)* (Washington, D.C.: Department of the Navy, January 9, 2014), <https://www.marines.mil/portals/1/MCO%203300.4A.pdf>.
- <sup>17</sup> Department of the Army Headquarters & Headquarters of the U.S. Marine Corps, *Field Manual No. 6-27 (FM 6-27)/Marine Corps Tactical Publication No. 11-10C (MCTP 11-10C)* (Washington D.C.: Department of the Army, August 07, 2019), [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/ARN19354\\_FM%206-27%20\\_C1\\_FINAL\\_WEB\\_v2.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN19354_FM%206-27%20_C1_FINAL_WEB_v2.pdf). p. vii: Fight only enemy combatants, do not harm enemies who surrender (disarm and turn over to superiors), do not kill or torture enemy prisoners of war or other detainees, do not attack medical personnel, facilities, or equipment.
- <sup>18</sup> Schulzke, M., "Ethically Insoluble Dilemmas in War," *Journal of Military Ethics* 12, no. 2 (2013): 95-110.
- <sup>19</sup> Mullaney, K. & Regan, M., "One Minute in Haditha: Ethics and Non-Conscious Decision-Making," *Journal of Military Ethics* 18, no. 2 (2019): 75-95.
- <sup>20</sup> Legal foundations include, for example, the U.S. Constitution, Title 5, 10, 26 U.S. Code, LOAC; moral foundations, include Just War tradition, Civ-mil trust relationships.
- <sup>21</sup> Legal foundations include, for example, UCMJ, Rules of Engagement, Soldier's Rules, USMC Basic Principles; moral foundations include Service values, creeds, and universal norms.



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- <sup>22</sup> Focus on an individual's traits and ways of perceiving and thinking about the social world, to include his/her affective and psychological states during close-combat.
- <sup>23</sup> Focus on how individuals influence and relate to one another during close-combat.
- <sup>24</sup> Focus on how group identifications influence close-combat behavior.
- <sup>25</sup> Focus on the impact of shared cultural norms and ideas about killing in close-combat.
- <sup>26</sup> While refraining from killing may be at the intergroup level (e.g., Baggaley, K., Marques, O., Shon, P.C. "An Exploratory Study of the Decision to Refrain from Killing in the Accounts of Military and Police Personnel," *Journal of Military Ethics* 18, no. 11 (2019): 20-34), primary motivation to engage in individual violence appear to be most commonly at the societal level (e.g., Raj, T. & Fiske, A., *Virtuous Violence* (Cambridge: Cambridge University Press, 2014)).
- <sup>27</sup> As an example of level of analysis and its weight in violent behavior, research on gang member incarcerated for murder suggest that own ideas about right and wrong matters, and particularly as shaped by the ideas of those they care about and respect. As such, interventions that involve negatives messages about gang violence from own community have seen greatly reduced shooting.
- <sup>28</sup> Berghaus, Paul T. & Cartagena, Nathan L., "Developing Good Soldiers: The Problem of Fragmentation within the Army," *Journal of Military Ethics* 12, no. 4 (2013): 287-303.
- <sup>29</sup> It is worth noting that the French Foreign Legion, to eliminate such conflicts, has had a long tradition of not allowing married men and fathers to enlist.
- <sup>30</sup> A conceptualization of ethical lethality development as an ongoing process that includes greater self-awareness, self-understanding, unit awareness, unit understanding, as part of their professional ongoing development may benefit defragmentation. Indeed, ethical lethality development may require engaging in praxis, in which warfighters both reflect and take action on their reality when it comes to lethality so as to break through any prevailing narratives associated with increased risks for both not failing to exercise the use of ethical deadly force and not engaging in the unethical use of deadly force. Such new level levels of self- and unit awareness and understanding, and professionalism is not only expected to both initially impact ethical lethality over time, it may also offer a framework for a stronger integration of the larger military ethic into warfighters' overall sense of self and identity.
- <sup>31</sup> It is worth noting that classroom instructions tend to offer troops opportunities for recovery for arduous field training.
- <sup>32</sup> It is worth noting that the closest form of ethical lethality development may be currently found in intense CQB training involving hostages and/or non-combatants.

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