

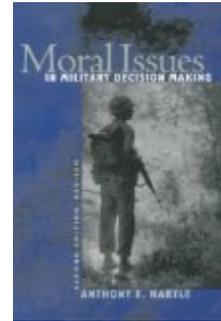
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Anthony E. Hartle. *Moral Issues in Military Decision Making.* Lawrence: University Press of Kansas, 2004. viii + 271 pp. \$35.00 (cloth), ISBN 978-0-7006-1320-5; \$16.95 (paper), ISBN 978-0-7006-1321-2.

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Moral Dilemmas of War

Brigadier General (retired) Anthony E. Hartle, former chair of the English department and resident expert on moral philosophy at the U.S. Military Academy, retired in the summer of 2004 following over two decades of service on the faculty. Hartle, an infantry officer, Vietnam combat veteran, and doctor of philosophy, invigorated West Point's curriculum on ethics, and his book, *Moral Issues in Military Decision Making*, earned praise and recognition when it first appeared in 1989. In addition, Hartle served as an early supporter and later executive board member of the Joint Services Conference on Professional Ethics, an organization bringing together military professionals, academics, and others for annual conferences on ethical topics of interest.[1] Given his contributions and insights, the 2004 revision of *Moral Issues in Military Decision Making* is somewhat disappointing. Hartle's revisions are limited to one new chapter on "Human Rights and the Just War Tradition" and eight new case studies at the close of the book. Those seeking a sustained discussion of recent moral dilemmas—from debates about preemption versus prevention to discussions about terrorism to prisoner abuse scandals—will need to look elsewhere.

Hartle approaches the topic of morality and military service from the perspective of the professional ethic. Rather than approaching right conduct from a particular moral theory or tradition, Hartle asserts that society endows certain professions with differentiated or partially differentiated codes of ethics. Using the legal and med-

ical professions as an example, Hartle argues that these professions are granted liberties and duties not given to those outside that profession, with defense lawyers, for example, obliged to defend their client even when aware of their client's guilt. This serves a social good, and is therefore permissible. The military, likewise, follows a differentiated code of ethics for the purpose of protecting society.

Having stated his case, Hartle then presents a careful and logical argument that places boundaries to this differentiated morality. First, the American military ethic—as expressed in the Oath of Office, the commission, various service codes, and the laws of war—sets boundaries on the permissible. Even more restrictive, however, are the boundaries set by the fundamental values of American society, among which Hartle includes freedom, individualism, democracy, and equality. He argues that both the laws of war and the values of American society are morally grounded, springing from the fundamental principles that individuals deserve respect as such, and that human suffering ought to be minimized.

In short, Hartle argues that society grants only a *partially* differentiated moral role to the military professional, because the military ethic and the values of society limit and constrain acceptable military behavior. The soldier does indeed have a moral duty to kill and destroy—but only under certain circumstances. The mission should be completed—but not at any and all cost.

Given America's overwhelming military power and international obligations, Hartle cautions that ethical considerations are not an inconvenience but rather a pressing necessity.

Hartle's analysis exhibits numerous strengths. First, Hartle presents a logical, well-developed argument against consequentialism and utilitarianism, arguing that the ends do not justify the means if the means employed violate military ethics, the laws of war, or fundamental American values. Second, Hartle's approach allows him to tackle ethical dilemmas that fall outside the just war framework of proportionality and discrimination. Putting professionalism at the center of his analysis, Hartle tackles cases of false reporting, cheating, and careerism alongside the moral dilemmas posed by combat itself. Lastly, Hartle makes a very effective case that "commitment to professional activity brings with it a commitment to moral constraint."

Despite its many strengths, the work falls short in a number of areas. By making professionalism and role differentiation the mainstay of his analysis, Hartle overlooks the fact that for much of its history, the United States has relied on volunteers, militia, draftees, and reservists to provide the mainstay of its forces. Since by Hartle's own definition these troops lack the characteristics of the professional, a moral schema based on professionalism and role differentiation is inadequate to explain how these short-timers grappled with moral dilemmas in times of war. A great number of military decisions have been made by nonprofessionals, not just at the unit level but historically up into the higher ranks, and some discussion of how, why, and when volunteers and draftees have embraced or rejected norms and standards would strengthen Hartle's study.

Second, while carefully developed, the work seems to lack balance and organization at times. Hartle devotes more attention, for example, to arguments about full and partial role differentiation than he does to discussing the just war tradition, one of the fundamental moral schemas

positing limits to acceptable conduct in war. He notes at the beginning of a newly inserted chapter that the influence of the laws of war have been examined previously, when in fact he only turns to these in the following chapter. His case study on human shields at the end of the book applies a concept (the theory of double effect) never discussed in the main text. In short, the revisions stand out and are not smoothly integrated into the main argument.

Lastly, Hartle's moral argument tends toward complexity and rigidity. His case study on a pilot ordered to bomb an enemy's capital envisions an elaborate, multi-step process of self-reflection that seems unduly ponderous when compared to the well-known just war concepts of proportionality and discrimination. A different case study, examining the morality of using torture, claims that the morality of the act is independent of its consequences, regardless of whether one person or fifty thousand are saved (p. 175). Hartle claims to advance no particular moral theory, but clearly tends toward an intrinsicist position without acknowledging the same. The reviewer finds the just war approach both more practical and flexible than Hartle's rigid differentiated analysis, but recognizes that Hartle's approach should be judged on its own merits.

In conclusion, Hartle's study remains an important and thought-provoking work. One can find dozens of books using just war theory to examine morality and war, and one frequently encounters utilitarian arguments about what is acceptable in war. By taking a different approach, emphasizing professionalism, role differentiation, and morality, Hartle's analysis can be used to address a broader spectrum of moral dilemmas. The revised version only lightly touches the current war on terrorism, but adds some eight new case studies that will provoke reflection and discussion.

Note.

[1]. See JSCOPE website at <http://www.usafa.af.mil/jscope/> for details.

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