Teaching Morality in Armed Conflict—
The Israel Defence Forces Model

Amos N. Guiora

CASE WESTERN RESERVE UNIVERSITY

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I.   INTRODUCTION

Teaching morality and ethics during armed conflict to combat units presents unique challenges to both military educators and commanders. However, it must be understood from the outset that the ultimate responsibility of morality and ethics is the commander's, in terms of both words and action. If the commander is unwilling to go beyond "talking the talk," or if his actions contradict what he has instructed his forces regarding issues of morality, the potential for violations by his forces are great. The military educator, who comes from outside the unit and is therefore not a member of the immediate family (though he serves in the same army), literally and figuratively, leaves after speaking to a unit on issues of morality. The commander must be both the role model and teacher of morality and ethics; an absolute commitment on the part of the commander is the single, most critical component of the teaching of morality in armed conflict.

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[1] Professor of Law and Director, Institute for Global Security, Law and Policy, Case Western Reserve University School of Law. Served for 19 years in the Israel Defence Forces, held senior command position in the Judge Advocate General's Corps including Legal Advisor to the Gaza Strip, Judge Advocate for the Navy and Home Front Commands and Commander IDF School of Military Law. In this last capacity had command responsibility for the development of an eleven point interactive video teaching IDF soldiers and commanders a code of conduct based on international law, Israeli law and the IDF ethical code.

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II. The Military Culture

The military culture, like any other professional culture, has its own sets of rules and codes. What makes the military culture different from other professional cultures is that it is the only one that trains, teaches, encourages and rewards the killing of other human beings. The soldier who is drafted or volunteers to "serve his country" will be indoctrinated immediately into a culture where the self is largely irrelevant (an oft-cited example of that is the "crew-cuts" given to all new recruits) as the greater good is emphasized by the commanders at every opportunity. It is literally driven into the new recruit as an absolute truth. This concept is not a mere abstraction—soldiers must be able to blindly—literally—trust their comrades in arms just as their comrades in arms must trust them. Otherwise, a combat unit will be unable to effectively perform its mission. Esprit de corps is not a mere phrase—it is the absolute guideline. Combat soldiers must be closer than brothers; they are brothers in arms ready, willing and able to kill and be killed in order to protect each other in order to guarantee mission accomplishment. It is truly a concept of the "greater good."

That greater good, implicitly and explicitly, includes the killing of the enemy, defined by the State as threatening the welfare and safety of that particular nation. A soldier must be prepared to make what is referred to as the "ultimate sacrifice"—his own life. In order to reach this psychological state, whereby young men and women are indeed ready to die for what someone else has defined as the "greater good," the enculturation process must be thorough, rapid and literally overwhelming. The commander cannot allow himself the luxury of combat soldiers unwilling to pay this price—otherwise he will lead mutiny ridden units on the verge of desertion. Accordingly the military demands—rightly from its perspective— total commitment to unit and mission to achieve the desired victory.

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That having been said, there are at least two overriding principles that we seek to address—the soldier must be taught how to identify the enemy and simultaneously distinguish combatants from non-combatants. In addition, the soldier must understand that issues of morality are not less significant than what action must be taken when the gun jams. To turn a phrase, morality in armed conflict needs to be another tool in the tool box of the commander.

Without internalizing and understanding these fundamental concepts, the soldier is being sent into today's battle unprepared. A soldier who goes into battle unprepared is literally a disaster waiting to happen.

III. Morality in Armed Conflict

There are those who argue that a soldier's primary—if not the only task—is the killing of the enemy. That being said, the increasing centrality of the of teaching morality in contemporary armed conflict must be understood. Contemporary combat is profoundly different from traditional warfare. Understanding and appreciating this fundamental reality is a must.

Traditional warfare, as witnessed in WWI or WW II, involved large armies matched one against another on large battlefields—the overwhelming machinery available to the commander included, amongst others, tanks, planes, missiles and ships firing at each other. Soldiers were taught to operate these increasingly sophisticated weapons for the singular purpose of killing the enemy soldier; the enemy soldier was given similar instructions. On the other hand, soldiers who were expected to defeat the enemy were also taught that a captured enemy soldier was a to be considered a Prisoner of War according to international law conventions signed and ratified by nations as part of the laws of war.

Nevertheless, history is replete with examples of wrongful treatment of captured enemy soldiers—egregious conduct ranging from torture to killing and everything in between. Whether this is a result of the very nature of battle, insufficient training, or willful violation of international law will be left for others to comment on.

IV. Contemporary Military Training

What concerns us is how the contemporary army prepares itself for today's war, which is fundamentally different from yesterday's war. That difference relates to the core question of whom is the soldier fighting; who is the enemy? Contemporary armed conflict does not and will not take place on the vast battlefields of the past; rather, it will occur in the back alleys of Groznyy, Nablus and Mosul. The soldier will not be facing another soldier wearing a uniform with insignia, carrying his weapon openly, and serving in a unit with a clear chain of command. In the contemporary combat arena, the combat is far more complicated, complex, and ambiguous than in traditional warfare for two primary reasons. Increasingly, combat will occur in urban centers and not on a battlefield, and civilians will be very much present.

The Geneva Convention requires that for a combatant to be designated a soldier he must wear a uniform with insignia while carrying his weapon openly and be part of a chain of command.[2] Does this mean that the Geneva Convention is irrelevant to contemporary warfare? Not necessarily, but it does suggest that changes may be required in order to ensure continued

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[2] Geneva Convention (III) Relative to the Treatment of Prisoners of War, *opened for signature* Aug. 12, 1949, art. 4(2).

relevance. What is critical for our purposes is that the Geneva Convention requires an army to educate its forces on issues of international law.[3]

In contemporary armed conflict, the soldier placed in the zone of combat (loosely defined as the parameters are ill-defined) will often-times encounter an individual wearing civilian clothes—jeans and a tee-shirt are standard attire— without clear certainty as to whether that individual is friend, foe, or perhaps neither. The attire of the foe in contemporary armed conflict is in many ways an effective metaphor for explaining the fundamental change in warfare—from the traditional to the modern. In modern combat, the soldier's world is a much more ambiguous, complicated one precisely because the combatant standing opposite is at best wearing faded blue jeans…as are all those around him.

V. Modern Zone of Combat

It may be argued that the equation has been turned on its head—if in traditional warfare non-combatants were in the minority in the combat arena, today combatants (whose status will be discussed) are in the minority. What complicates the contemporary soldier's mission enormously is that the omnipresent civilians are generally non-participants, meaning non-combatants. These civilians are in many cases women and children; what may be said about them, with a fair degree of certainty, is that they are innocent civilians and therefore are defined as protected individuals according to the Geneva Convention.[4]

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[3] Protocol Additional to the Geneva Conventions of Aug. 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), *opened for signature* June 8, 1977, art. 83.
[4] Protocol Additional to the Geneva Conventions of Aug. 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), *opened for signature* June 8, 1977, art. 50.

What complicates the modern soldier's task significantly is that the person standing next to an innocent civilian may perhaps be a terrorist, but will be similarly dressed and will look the same as the other person. Not only that, but as the soldier looks to his left and right, he will see an "arena" fundamentally different than he would have seen twenty years ago—the virtual certainty of knowing who is the enemy is no longer present as there are no uniforms-- BUT he knows that somewhere in that crowd of people (who speak a language he does not understand and have cultural mores alien to his) are those intent on immediately killing him. The reality, from the perspective of the soldier, is that in that crowd are indeed individuals who are intent on killing him and his comrades; the problem is that those individuals are largely unseen, until it is literally and figuratively too late. The phrase "unseen shadows in dark alleys" only partially explains the nature of this new combat; it must be added that when the soldier finally confronts an individual in one of those dark alleys—it will generally be very difficult to absolutely ascertain whether that individual is friend or foe.

The effect on the soldier of this reality is critical—he is in doubt as to who is the enemy. A soldier in doubt is a scared soldier—a scared soldier armed to the teeth and trained to kill the enemy. In modern combat the soldier does not necessarily know who the enemy is and therefore the training of the today's soldier must—and the must cannot be sufficiently emphasized—be fundamentally different than in the past. Commanders who do not understand both this transformation and its attendant responsibilities will not only be remiss in their obligations to their soldiers, they will also be placing their nation and its leaders in situations with potentially enormous political damage, internally and externally.

VI. Preparation for Modern Zone of Combat

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How different nations prepare their soldiers for this new reality will be our fundamental focus, but one additional preliminary comment is necessary. In contemporary combat—when the soldier is confronted with an individual, a civilian, in most circumstances the soldier will not know instinctively whether that person is friend or foe. A soldier's training is in many ways the teaching of instinctive reactions---better to kill than be killed. "Reaction time is valued," "better to be the initiator," "take the fight to the enemy" are all phrases associated with traditional warfare when the soldier instinctively and clearly knew who was the enemy. The challenge facing commanders and military educators today is how, on the one hand, to teach a soldier to respond instinctively and immediately, and yet and the word YET cannot be sufficiently emphasized, on the other hand to ascertain that the civilian is a foe and not a friend. In the split second that the soldier must make that distinction—one of the critical international law requirements[5]—between a combatant and the innocent civilian, the civilian clearly enjoys the advantage since the soldier is mandated to ascertain to which population group that individual belongs. That split-second, which may seem like a life-time for the soldier, is in many ways the focus of this paper. If the soldier has been properly trained, not only operationally, but also regarding issues of morality, he will know how to run through a mental check-list that while far more complicated than in the past, is absolutely critical to contemporary armed conflict. The civilian—or at least the person dressed like a civilian—may actually be a terrorist; or he may truly be an innocent civilian who desires nothing more than to return home safely to his family. The dilemma facing the soldier who must decide to which population group that individual belongs is literally overwhelming. A wrong decision has potentially dramatic ramifications, not

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[5] Protocol Additional to the Geneva Conventions of Aug. 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), *opened for signature* June 8, 1977, art. 48.

only for those immediately involved in this vignette, but trickle-down effects going far beyond the immediate confrontation.

VII. The Education of the Soldier

How the soldier prepares himself for that vignette, how his commanders prepare him for that dilemma, and ultimately how he conducts himself is the principal focus of this inquiry. This inquiry will focus on the Israel Defence Forces. While other armies (the US, Canada, and England primarily come to mind) are engaged in the training of soldiers on issues of morality and conflict, I am of the opinion that the IDF model is most relevant to the issues raised throughout this paper. In preparation for this paper, I visited with and spoke with members of the armed forces of the nations above. Their comments tend to support my claim that the IDF model is the one best suited not only for the inquiry at hand, but is also the most advanced and developed model around. That does not mean that IDF soldiers shall not in the future commit acts that violate both standards of morality and the law.

In all probability, mistakes shall occur because an 18 year old, no matter how well trained and sensitized he is, is still only 18 years old. The reader is asked to remember that the 18 year old has been placed by his government in a situation that has been described as lose-lose.

The issue of how IDF soldiers should conduct themselves vis-à-vis the Palestinian civilian population in the face of Palestinian terrorism became a widespread issue discussed amongst commanders in the past few years. The issue was actively addressed at all command levels. This is not to suggest that previously the IDF was an immoral army; it is only to note that in the past few years, the issue of morality in armed conflict became an important issue amongst commanders.

A case in point was the pronouncement by then Chief of Staff, Lt. Gen. Moshe Ya'alon that the true battle facing the IDF today is the fight for its moral soul; in the opinion of Lt. Gen. Ya'alon this "battle" must be joined immediately and thoroughly. While critics may question—and have—why this effort has only been so clearly emphasized recently, it is not my intention either to respond to such criticism or to explain the why "now;" rather the purpose of this article is to explain "how" morality in armed conflict is taught. The politics of the issue is best left to others.

VIII. How to Educate and Train Soldiers

The overriding issue I faced my upon appointment to the position of Commander of the IDF School of Military Law (March, 2002) was what would be the greatest contribution that could be made to the soldier confronting two almost untenable situations: 1) that of fighting terrorists in what the media refers to as "urban warfare" and 2) manning checkpoints and having to determine—literally—who shall go forth and who shall not. In both cases the soldier must act quickly—if not, he may well pay with his life.

Over the course of many years, IDF soldiers had regularly received lectures regarding international law and the law of war. Whether or not this was effective is not clear; what was apparent is that the educational effort had to be expanded beyond the presentation of legal issues only. The dilemma faced was how to teach soldiers—aged 18-21—not only the law, but also morality without losing the audience in the process. A challenge in teaching morality is that the subject can be considered abstract and "soft," requiring nothing more than a fair dosage of "common sense." The possibility of a dismissive response—if the subject is not presented creatively—is very real.

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In many conversations with a broad range of commanders (junior, including Non-commissioned officers, and senior grades from both regular army and reservists serving in the Ground Forces, Air Force and Navy) it became clear that there was a willingness to try a different approach. To their credit, commanders were willing to cooperate in an effort to create a new mechanism whereby morality would be taught to junior commanders and soldiers alike. The challenge facing us was what would be the technique?

Fortunately, young creative minds at work were able to identify the most graphic way to explain morality in armed conflict from the perspective of international law. That creative approach highly recommended avoiding —unless field and operational circumstances and conditions dictated otherwise—"stand-up" lectures to units whose soldiers were either in training or preparing for deployment. The preferred solution was the development of an interactive software, based on Hollywood movies and state-of-the-art graphics, to teach an eleven point code of conduct.

This eleven-point code of conduct is based on international law and was developed after careful study and analysis of the practice of other armed forces. While there is always a danger in desiring to "reinvent the wheel," we were of the belief that with respect to the teaching of morality, we did indeed need to literally do so. While other armies had indeed developed training material on this issue, there was "something" missing that would truly "speak" to the soldier in a way that he could best relate to. The client—the only intended audience—had to be "hooked" so as to ensure (as much as is realistically possible) that a genuine learning process will take place. A training video using actors—role-playing –as an educational tool as has been incorporated in other armed forces, was found to be to "unnatural;" staged would be the best expression. Our goal was to create an educational tool that the audience could relate to, not only in the context of

present experience but also something that he would be familiar with from prior to his military

service. In addition, that tool—given the inherent complexity of morality as an educational

subject and the understandable tendency of young soldiers to dismiss the issue—had to literally

be entertaining at least in its approach; it would be fair to state that in our view, the product had

to have a marketing edge to it. Otherwise there was a strong possibility that the soldier would not

"buy into it."

IX. The Israeli Model

The decision was made to teach the codes by using two to three minute clips from

relevant Hollywood movies that would be familiar to the majority of our "clients;" not by chance

is the word client used, an educational mission that is not client oriented is a guaranteed failure.

The eleven codes that we developed and the attendant movies are as follows:

1) Military Objectives/Targets—*Apocalypse Now*
2) Necessary Force and Collateral Damage—*Rules of Engagement*
3) Weapons and Ammunition—*Three Kings*
4) Human Dignity—*Platoon*
5) Religious and Cultural Property—*The Eagle Has Landed*
6) Pillage—*Kelly's Heroes*
7) POW's Detainees, Surrendered and Arrested Persons—*The Siege*
8) The Wounded and the Sick—*Apocalypse Now*
9) Foreign Representatives and International Workers—*The English Patient*
10) Persons with Unique Status—*The Year of Living Dangerously*
11) Reporting Violations—*Casualties of War*.

What is it that the video attempts to teach? The overriding motif is the absolute

requirement that the soldier treat the Palestinian civilian population with the utmost dignity and

respect. In a number of documented cases, IDF soldiers have not met that requirement. The why

will not be addressed here; rather, what is critical to understand for our purposes was the

determination by commanders and military educators alike to address that issue that head-on.

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The segment shown from the movie *Platoon* (starring Charlie Sheen depicting a My-Lai like incident) is extremely powerful in its images and sounds—soldiers are seen burning huts and throwing grenades into dug holes which may well be hiding places. Children are begging that their parents, to whom they are clinging, not be taken from them. Against this background of the hell of war, the camera focuses on the commander walking away deep in thought and reflection. The graphic which complements this clip emphasizes---and frankly reemphasizes—the absolute requirement to maintain the dignity of the Palestinian population by addressing with relevant voice-over the following issues: *Palestinians at checkpoints; house demolitions and who may authorize them; the absolute illegality of committing sexual assaults and the absolute requirement of protecting innocent civilians*.

X. Checkpoints

A word about check-points is in order---it is clear to even the casual observer that checkpoints are where the frictions and tensions between the occupied and the occupier come to a head. In many ways, the checkpoints are the most difficult issue that must be dealt with. To this end, the IDF has created the position of checkpoint commander and established an intensive two-day course (in which local representatives of the International Red Cross participate) in order to provide the to-be commanders with an operational tool-box and equally importantly, with an additional tool-box which includes basic words in Arabic, an explanation regarding the various identity cards seen at checkpoints, and a lecture by the IDF School of Military Law. In the graphic referred to above there is a picture (still) of a soldier checking a group of men at a checkpoint. In the picture there is a small boy. When units are asked who is the most important

person in the picture the majority understand that the boy is—precisely because if a soldier humiliates (or worse) the father, the end result may well be the birth of a new terrorist.

On a number of different occasions, Palestinians who were sent on suicide bombing missions that for whatever reason did not succeed, told their interrogators that the impetus (or at least one of them) for their decision to become a suicide bomber was having witnessed a family member (most importantly a parent) mistreated at a checkpoint. This then is the potential cost that must be avoided.

From an educational perspective the soldier then has seen the clip and the graphic—what has he taken away? The issue of human dignity, the concept of innocent civilians and the subsequent price paid should he err.

In deciding to create the software our principal concern was how to educate the soldier regarding these eleven codes; that is, how can we apply the movie and graphics to his experience? We decided that simulations based on actual events that transpired in the IDF's Central Command, which has command control over the West Bank, would be most effective. Educationally, confronting the soldier with real-life dilemmas that either his unit or similar units have experienced was felt to be the most realistic and, hopefully, effective manner. It was paramount to "translate" the movie clip/graphic into a valid educational experience with only one purpose in mind—ensuring that IDF soldiers would indeed concretely understand morality in armed conflict. The following are the six scenarios chosen and the dilemmas they represent:

> 1) Two soldiers driving in a jeep in the West Bank (topographically identifiable) come across a pile of rocks that may well be booby-trapped; the dilemma is whether they may order a local inhabitant to remove the pile?

> 2) The commander has just been informed that a wanted terrorist is in the area and the only vehicle available is an ambulance; the dilemma is whether a medical evacuation vehicle may be used for operational purposes?

3) A combat unit operationally active near a hospital hears gunfire coming from a nearby hospital; the dilemma is whether the commander can order his soldiers to enter the hospital in order to end the shooting?

4) A force deep in enemy territory after completion of its operation comes upon a shepherd who may endanger the unit should he run away; the dilemma is whether the commander may order his troops to kill the shepherd?

5) After completion of an operation, a unit comes upon a destroyed factory; the dilemma is whether the commander may allow his soldiers to take with them a small souvenir from the factory?

6) A unit is based in a family's house (the family is still living in the house) and someone from the family is injured by gunfire; the dilemma is whether the commander must allow an ambulance to approach the house at all costs?

After viewing each simulation, the soldier is asked a series of questions to test his understanding of the underlying legal and moral issues involved. That is to say, educationally speaking, the soldier who to date has been passively watching clips, graphics and simulations, must now become active and attempt to integrate all that has been presented to him.

One of the most interesting phenomena that occurred when control groups (NCO School, Officers Training School) were shown the video, prior to distribution for general use, was that there was much chatter amongst the soldiers during the "passive" period and then absolute quiet would fall over the room when the soldier became "active."

XI. Scenarios and Codes

Though there are eleven codes, there are only six simulations; the question has often been asked is should there not be a scenario for each code? This was an issue that was indeed debated, though ultimately it was felt that the six scenarios and the subsequent questions are, educationally speaking, broad enough and would effectively relate to all eleven codes. Furthermore, the questions, which are a combination of legal and morality related issues, also

serve to "close the circle" with respect to all eleven codes. In creating the video it was thought that too many simulations would not prove to be educationally beneficial.

The operational reality of armed conflict short of war is that a soldier must make multiple decisions involving various factors, all of which have never-ending "spin-off" potential—every decision is not only complicated in and of itself, but each operational situation has a number of "forks." The implication is that no decision is linear, it leads to additional dilemmas and forces further decision-making.

XII. Questions

Following the presentation of each simulation and its attendant dilemmas, the soldier is presented with a battery of questions touching upon legal and morality issues alike. As an example, the questions for the first scenario are as follows:

> Is it forbidden to force a local resident to help move an obstacle?
> THE ANSWER: It is forbidden to use a local resident or an enemy soldier to clear an obstacle when there is a suspicion that it is booby-trapped;
>
> If there is suspicion that the obstacle is booby-trapped, is it permissible to have a local resident help out so that the unit won't be endangered?
> THE ANSWER: Use of civilians as hostages or as human shields is strictly forbidden;
>
> The unit should not wait for the bomb squad because time is of the essence and the force is in danger?
> THE ANSWER: Clearing an obstacle which is suspected of being booby-trapped shall be performed as circumstance permit and pursuant to combat doctrines in existence;
>
> If you witnessed a local resident placing the stones in the road, may that same resident be used to remove the stones?
> THE ANSWER: An individual who has been seen placing the stones may be used to removed the stones.

After the soldier has finished answering the questions, which are in the form of a true/false exam, the correct response appears on the screen; in addition, the accompanying voice over explains the rationale behind the correct answer. There is no final score and through August 2004, passing the exam has not been a criterion for course completion.

XIII. Pedagogical Considerations

In many cases, though not all, the use of the video was accompanied by a discussion led by an officer from the IDF School of Military in the presence of and with the contribution of that particular unit's commander. It was—from our perspective—imperative to have the commander a full participant in the educational process. If the commander is not present, then the message is a very clear "this is not an important issue." In addition, morality in armed conflict is ultimately a command issue and not a JAG issue; the JAG can be a significant contributor but he cannot instruct the soldier how to command himself as he does not give orders. That is why the phrase adopted to explain the relationship between the video, the JAG, and the commander was "another tool in the commander's toolbox."

XIV. Conclusion

The dilemmas facing soldiers and commanders—junior and senior alike—are literally overwhelming. The IDF School of Military Law under my command made a conscious effort to assist commanders in the teaching of perhaps the most important issue in the contemporary battlefield. In developing the interactive video, we learned from other armies; however, the final product that was ultimately released represents a creative and unusual educational effort. There is no guarantee whatsoever that the interactive video in and of itself will prevent tragic mistakes

from happening. However, the overwhelming response of other armies to the video spoke volumes as to its potential effectiveness and hoped for contribution. After all, if as a result of the video, one Palestinian is spared humiliation then it can be defined as truly an effective military educational tool.