

A SOLDIER AND HIS CONSCIENCE

by

SIR JAMES GLOVER

A soldier is trained to kill. He may be ordered to, or he may order others to break the Sixth Commandment. He can commit, in the course of duty, an intensely personal act the memory of which may haunt him for the rest of his days. As many of us know only too well, he may hold the enemy in the sights of his rifle and then watch him fall. He is not protected by that shell of remoteness that shields the sailor in his ship and the airman in his aircraft. In simple terms this—the act of killing—poses the soldier's ultimate moral predicament.

But, of course, the debate reaches out to embrace so many more than the infantryman with his rifle and the tankman with his gun. What about the artilleryman with his hand on the firing lever?—the trucker delivering the nuclear round?—the staff, operational and logistic, producing the orders?—the commander in the field making the decisions?—and the Chief of Staff looming behind it all? No one can escape the dilemmas, whether he be a four-star general or a rifleman, a man or a woman.

The whole poignancy of the predicament is heightened when we are committed to internal security operations within our own country. We are then no longer fighting an external, identifiable enemy; we face our own fellow citizens. The moral dilemmas are more painful (as I found to my cost in Northern Ireland). Furthermore, not only the public, but also, of course, the soldier himself is now far more aware and far better educated than in the past. He tends to be more quizzical of authority. Consequently, whether he likes it or not (and he may not), he answers to a more acute and demanding conscience.

But conscience is difficult to define. Socrates likened it to an inner voice telling him what *not* to do. Yet it is all too easy to deceive oneself. The temptation to do nothing and to sit back, or to turn a blind eye, is often irresistible. Thus, I believe that "conscience" is probably best described as a fallible moral judgment which, if acknowledged, produces action and which, if ignored, merely produces guilt.

How, then, shall we tackle this elusive but absorbing subject? First, by looking at the law, in the broadest sense, within which a soldier deploys his conscience. Second, by examining the moral pressures within these legal boundaries—in short, the conflict between morality and military necessity. Third, by assessing how the antidote, the classic soldierly qualities (or the age-old warrior virtues), impacts on this conflict. And, finally, by drawing the strands together and discussing how the whole debate impinges on the soldier's position in society today.

THE FORCE OF LAW

The soldier is subject to the codes of international law and to those of the law of the land. But two critical questions have to be answered before we can define the legal boundaries within which he operates: Is there such a thing as a just war? And is obedience to superior orders a valid defence when a crime is committed?

The controversy of whether war can be "just" has raged over the centuries. In the 15th century, for instance, Calvin and Martin Luther were at loggerheads. The former

warned against war and undue cruelty. But Luther was far more ruthless. He declared that "it is both Christian and an act of love to kill the enemy without hesitation, to plunder and burn and injure him by any method until he is conquered." As a nice afterthought he added: "except that one must beware of sin and not violate wives and virgins!" But the founder of modern international law is the Dutch jurist Grotius. He was a man of formidable scholarship who in 1625 published in Paris a remarkable book—*De Jure Belli ac Pacis*. It shocked and fascinated the traditionalists. Grotius did not look for authority for war in church or creed, but in the conscience of the individual. He concluded with a dire warning that although war may be undertaken for a just cause, it may become unjust if it gives rise to unjust acts.

However, the whole nature of war has of course changed—utterly. The innocent are no longer immune. In insurgency the peasant by day is the guerrilla by night, and in general war the weapons of mass destruction speak for themselves. All attempts to outlaw war have failed. But the United Nations General Assembly has tried to distinguish between the legal and the illegal use of force (it was under the banner of the UN Charter—Article 51—that Great Britain went to war in the Falklands). Furthermore, at the UN's instigation, the International Law Commission has designed seven principles governing the acts of individuals in war. Number four is of critical interest to us. It states that "the fact that a person acted on the orders of his Government or of a superior does not relieve him from responsibility under international law, *provided a moral choice was in fact open to him.*"

This takes us straight into our second question: superior orders as a valid defence. The nub of the soldier's problem is not the existence of the law itself but rather whether "a moral choice [is] in fact open to him." Yet his duty demands that he obey orders instantly and without hesitation. Any legal encouragement to disobey strikes at the very roots of military discipline. But in the heat of battle, whether the enemy be a Russian, an

Argentinian, or even an IRA terrorist, things are necessarily and rightly done which later, in the frigidity of a law court, may seem outrageous—for war is a rough game. The law of the land, certainly of Great Britain and the United States, usually acknowledges this. Witness the legal aftermath of some of the incidents in the Falklands, for instance, the exoneration of a Royal Marine Sergeant who had deliberately shot, to put him out of his agony, an Argentinian prisoner who was literally burning to death.

In essence, then, the soldier when answering to his conscience must remember that he not only has the right, but he also has the duty, to disobey an unlawful order. It is one of his privileges for serving a democracy, as it is one of his burdens that he must answer for his own actions. We cannot have one without the other. We in Great Britain accept this. Every soldier in Ulster who accidentally kills a civilian—by mistaken identity or even by bullet ricochet—has to stand full trial in a civil court. Similarly, after the Iranian Embassy siege in London, and despite the circumstances, all those regular-soldier members of the SAS who had shot the

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terrorists holding the hostages were put in the dock—but exonerated.

THE MORAL PRESSURES

In a letter to *The Times* (London), Laurens Van Der Post wrote that “the most urgent problem of our age is the problem of discovering a way of overcoming evil without oneself becoming a force of evil in the process.” It is this very conflict between what may seem necessary and yet is in itself wrongful that highlights the moral pressures to which a soldier is exposed. His own actions may precipitate a profound feeling of guilt, which then arouses and alerts his conscience. The playwright William Douglas Home is himself a graphic example of this reaction. In the closing stages of the last war, he found he was unable to accept the moral burden of being involved in, although not directly responsible for, the killing by bombardment of innocent civilians. This led him in 1944, as a captain in the Scots Guards, to refuse to participate in the final assault on Le Havre. He was arrested, tried by court-martial, cashiered, and imprisoned in Wordwood Scrubs Gaol where (as *he* says) his “conscience found rest at last.”

A soldier’s refusal to conform may spring from a wide variety of motives, ranging from sheer exhibitionism to cowardice, or even to masochism. But we are talking here about his refusal to do something which he reckons to be wrong. The rarity of this deliberate refusal says much for the normal legitimacy of the soldier’s orders and also for the exceptional moral courage which the actual act of refusal demands. The infrequency can also be linked to those potent *quieters of conscience* which protect the soldier, yet do not necessarily deaden his sensitivities. They include:

- First, “leadership by persuasion” which silences the soldier’s misgivings. It may be no more than a simple injunction to “kill or be killed.” But today the soldier’s needs are different, especially in peace—he must be able to come to terms with the growing anger

of the peace movements, the advocates of capital punishment for terrorists, and other such groups.

- Second, the soldier’s loyalty to, and pride in, his own outfit, which convinces him that he is part of something bigger than himself, and which he cannot abandon. This is, of course, the essence of the regimental system.

- Third, the very presence of others who are doing the same thing as he without funk or complaint, whom he just cannot let down. It is this, the loyalty he has to his mates, which ultimately persuades the frightened infantryman to get up and tangle with the enemy on the other side of the hedge. In sum, these three represent the critical ingredients of high morale. They flourish in a unit with fine esprit and languish in one where morale is faltering. And it is in the latter, where the ties are not so strong, that the depths of demoralization are reached. Men can see manifest crime committed and are then so despairing of all remedy that their consciences grow numb and impotent.

On a different note, a soldier may be deterred from deliberately cutting himself off from the security and comradeship that surrounds him by the prospect of the desolate loneliness which would then be his lot. He may also reject his conscience because his efforts are so puny that in no way can he alter the course of events. For instance, many a German soldier in World War II might have screwed up the requisite courage had he thought that his action would have any effect. Yet a handful did. One such was a member of a firing party ordered to execute Dutch hostages. When a party formed up, he suddenly stepped out of rank and refused to take part. He was charged on the spot with treason, found guilty, placed among the hostages, and promptly shot by his own comrades. He had answered his conscience. And he paid a terrible penalty for doing so.

The distinction between right and wrong is probably more easily blurred when one has discarded the principle that “in the sight of God all men are equal” than by the rejection of any other ethic. That particular rejection

breeds double standards—one for “them” and one for “us.” Some Americans encountered it in Vietnam and we British have done so all too frequently elsewhere. It can precipitate appalling inhumanity. Yet often it strangely fails to impact on the soldier’s conscience.

Now to the last and most disputable of the moral pressures, the mandate that the end justifies the means. The arguments range between two extremes, the purist and the ruthless. Many military commanders have, over the years, subscribed to the latter, no one more confidently than General Massu who, in Algiers in 1957, openly and blatantly condoned the use of torture by the 10th Parachute Regiment. As General Massu put it, “we must accept these methods [i.e., torture] heart and soul as both necessary and morally justifiable.” But what happened in Cyprus, in Malaya, in Northern Ireland (in the early days), and perhaps in Vietnam too? Indeed, the controversy is at its sharpest in counterinsurgency. For it is here that “the means” impinge on the civilian population, many or most of whom may be innocent. Searches, interrogation, and resettlement may be operationally essential and morally justifiable, but the soldier of conscience must assure himself that what he is doing is within the law and is genuinely necessary. If he does not boldly reject brutality he will be lost because, first, he will be operating outside the law and will have no defence. In Belfast we had to suffer the frustration of watching known murderers of British soldiers walking the streets as free men because the law could not touch them. And we had to bite back the temptation to eliminate them in some way because we too would then have been outside the law.

Second, the soldier must reject brutality because by matching the terrorists at their own methods the soldier will only be playing into their hands. The threshold of violence will escalate. Ultimately he will find himself using methods so outrageous that not only will they revolt his own conscience but they will also attract the hatred of the very people whom he is protecting and whose support is vital to him.

Under these circumstances, the end can *never* justify the means, however expedient it may seem at the time.

Yet there will be other situations when the moral dilemma is more blurred, as anyone who has been in the intelligence game (as I have these last two years) knows only too well. But it can also be far more acute. To take an extreme, consider the need to torture a terrorist to force him to reveal the location of a hidden nuclear device set to explode shortly. What then about the balance between expediency, morality, and the law?

THE MILITARY VIRTUES

Let us now turn to the antidote—the military virtues and their impact. We have already discussed how once a soldier’s conscience is aroused, it defines a line he dare not cross and deeds he dare not commit, regardless of orders, because those very deeds would destroy something in him which he values more than life itself. If the path of military operations and this line of a soldier’s conscience collide, disobedience and mutiny erupt. It happened in the British Army in Ireland in 1914 at the Curragh; it happened to the French Army in 1917; it almost happened before Suez in 1956; and perhaps even elements of the United States Army came close to it in the early 1970s.

Conscience is a voice within a soldier long before it becomes a force. It is during this embryonic phase that it can be influenced. Although principles cannot be breached, potential collisions can be averted. And it is here that the classic soldierly qualities have their effect and can hold the pressures at bay. These, the ageless virtues of the warrior, have been well rehearsed by the great captains of the past: Napoleon, Washington, Wellington, Lee, Allenby, MacArthur, Guderian, and Slim—each has produced his own muster. But I would limit mine to five: professionalism, judgment, willpower, courage, and above all, integrity. These represent the very stuff of leadership.

• *Professionalism.* The need for professionalism is clear. It breeds, or should breed, the thinking man. But if the soldier is

left to his own, he can misinterpret the rationale behind his orders. He may then react stupidly or blindly or, because his conscience is aroused, he may even refuse to act at all. It was to overcome this very weakness that Sir John Moore in 1809 introduced the British Army to the concept of the "thinking, fighting man." And today the *Bundeswehr* ideal of the "Citizen in Uniform," or "*Innere Führung*," reflects a similar philosophy. Its origins are the same; it too was born in a revolt against rigid, unthinking military obedience. But its aim, to develop an army of morally self-determining soldiers, is far more ambitious.

• *Judgment.* The taking of risks is innate to the soldier. Indeed we probably put our consciences at risk more so than others—but are we not therefore less sensitive as a result? Similarly, are our consciences not sometimes dulled by the sheer professional challenges and by the hectic tempo of operations? Both can erode our judgment, and we must beware.

• *Willpower.* The ultimate test of willpower surely is the ability to dominate events rather than be dominated by them. I refer to the leader who can stand his ground, coolly and imperturbably, when chaos surrounds him. A strong will is the function of a sound conscience. And judging from my own limited experience, the prime flaw in those commanders who have cracked under pressure has usually been a lack of willpower to stand up to the pressures of people and events—or possibly an inability to relax.

• *Courage.* Bravery is the quintessence of the soldier, and it is a quality that happily runs richly through both the American and the British armies. But moral courage—the strength of character to do what one knows is right regardless of the personal consequences—is the true face of conscience. Sacking your best friend, facing up rather than turning the blind eye, accepting that the principle at stake is more important than your job . . . Such actions demand moral courage of a high order. Yet courage is no longer the product of an empty mind. In particular, *effective* moral courage is now more dependent on intellectual prowess than

in the past. This applies as much, in a way, to the higher echelons of command striving to maintain an Army in an era of stringent economy as it does to junior commanders striving to master the intricacies of an antitank plan.

• *Integrity.* And so to the greatest of the virtues on my list, one without which the leader is lost. Integrity, of course, embraces much more than just simple honesty. It means being true to your men, true to your outfit, and above all true to yourself. Integrity of purpose, loyalty upward and loyalty downward, humanity, unselfishness—these are its components. They come more easily to a man of conscience.

THE SOLDIER IN SOCIETY

Despite all our efforts, the chance of a clash between conscience and duty through ignorance and misjudgment is still very real. The risk is there in peace, it is probably at its height in counter-insurgency, and it smolders in general war. All the while, the soldier's actions are exposed to, and his principles questioned by, society as never before. In many ways he is closer to that society than his forebears, yet—and I believe this applies to both the American and the British armies—he is still absurdly isolated.

Both at home and abroad, the soldier is confined to military garrisons almost totally divorced from the local civil community: houses, schools, hospitals, shops, pubs—all are exclusively military. As internal pressures build up within the country, this grass roots lack of communication could breed mutual disinterest, misunderstanding, and even hostility. In turn the soldier could become unsympathetic and introverted. His conscience would then operate on false premises and jaundiced principles—it might become brittle and closed to persuasion.

Indeed, in the last resort it is the leader's ability to persuade which influences the path of the soldier's conscience and avoids the needless moral collision. A true leader must have that ability to think out what he wants and then persuade others to do it. He must impress their imagination yet impose his will,

regardless of the difficulties. Remember Marshal Foch's immortal exhortation in 1917: "*Mon centre cede, ma droite recule, situation excellente—J'ATTAQUE!*" Dramatic? Yes. But it must have stifled doubts and quietened consciences.

CONCLUSION

Violence is deterred by four kinds of force: the force of law, the force of public opinion, the force of conscience, and, lastly, military force. Frequently these will enmesh and coincide. But it is when they do not that the soldier faces a moral, and sometimes legal, dilemma of fundamental significance. He can only resolve it if, in some way, he has been prepared or has prepared himself for the battle with his conscience.

Although the soldier may strive to change the law (as some of us have done in Ulster), he must not operate outside it, however attractive the argument that the end will justify the means may seem. Despite the necessary brutality of war and the military necessity of obedience, a soldier is respon-

sible for his own actions even though he is in duty and in law bound to other disciplines.

A man at war fights better if his mind is at peace. And a quiet yet active conscience is most likely to be found where esprit is high, where a sustained effort is made to enlighten and educate the soldier, and where leadership by persuasion rules. If the soldier is to retain an open conscience, he rejects at his peril the society of which he is part. This is not to say that he should necessarily mirror that society's standards, but rather that he must steadfastly preserve his own discipline, professionalism, and self-respect. Yet he must resist the lure of setting up even the semblance of a praetorian state within a state.

Finally, I submit that a man of character in peace is a man of courage in war. As Aristotle taught, character is a habit, the daily choice of right and wrong. It is a moral quality that grows to maturity in peace and is not suddenly developed in war. The conflict between morality and necessity is eternal. But at the end of the day the soldier's moral dilemma is only resolved if he remains true to himself.

