Chapter 3

Ethics, Command Responsibility and Dilemmas in Military Operations

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3.1 Introduction

Many human activities involve moral choices. Sometimes, the moral argument is explicit and specific. Sometimes it remains implicit, but that does not mean that it is not there. Anyone in a position of leadership in a crisis situation will have to make difficult choices on a daily basis. A commander is often forced to make a choice. He cannot avoid it, even if he wants to, since deciding not to choose is a choice in itself. Regardless of whether he chooses, he will bear responsibility for the consequences. In the course of your career, you will frequently have to explain (to yourself, to colleagues and subordinates, to the senior commander, and so on) the moral choice that your actions are based on. Such an explanation will not always be straightforward. Hence this chapter, the aim of which is to contribute from an ethical perspective to your preparation for deployment. It is not sufficient merely to read this chapter, as it will not be enough to retain the subject matter. It is about more than that. The material will encourage you to ask questions such as “How would I have done that?” and “Why do I see that differently?” It is not, therefore, just about remembering the material, but also about looking at yourself in the mirror, in all honesty, and asking yourself whether you have prepared yourself well enough for the awkward moral problems that you could encounter in a crisis area.

The structure of this chapter is as follows. We will start with some observations which touch briefly on the “why-question” (paragraph 3.2). We will then, with your position of future commander in mind, outline the reasons why people do not abide by rules, values and standards (3.3. and onwards) and how to deal with that. In the second half of this chapter, we will look at the moral aspects of some specific problems that a commander might face, such as command responsibility, the proportional use of force, targeting, combat and the blurred distinction between combatants and non-combatants. The “how-question” will be examined in this context.
3.2 Career Choice, Ethics and the Personal Significance of the Military Profession

There is a big difference between the “how-question” and the “why-question”. A “how-question” results in answers at the level of skills, methods and tactics. Training and instruction can usually be found at the level of the “how-question”. A “why-question” results in answers at the level of intentions and justifications. Repeatedly posing a “why-question” could reveal fundamental assumptions. Some of those answers are not easy to express, but that does not make them any less important. Taken superficially, the question “Why am I evacuating these refugees?” is not so difficult to answer. The answer might be: “Instructions to that effect were contained in the mandate.” At a more fundamental level, the same question becomes considerably more difficult. That requires, for example, an explanation as to why you are concerned that acts of war in countries far away from your own have robbed people of everything they have built up in their lives: “Am I (partly) responsible for the fate of desperate refugees? And if so, how far does my responsibility go?” It is good to ask yourself such questions. The quest for a satisfactory answer – even if you don’t get one immediately – will help you to focus on the responsibilities which you will bear as a future commander in the Dutch armed forces.

The tragedies associated with names such as Srebrenica, Bihać, Kigali and others evoke more profound questions about the personal significance of the military profession. You can interpret those more profound questions personally in the first instance: it is about establishing a link between yourself and your career choice. The perspective is your own life: past, present and future. What am I really looking for in my future life? In more concrete terms: why do I want to be a member of the armed forces? Why do I want to take risks by being in a crisis area? What moral responsibilities do I have in respect of desperate civilians? Am I willing and able to bear those responsibilities? Can I, as a commander, answer these questions clearly enough to motivate my troops? Asking “deeper questions” in the context of one’s career choice is a characteristic of the path to adulthood. Learning to take responsibility is also part of that journey. Koene, a former lecturer at the Royal Military Academy, wrote: “Bringing up a child is raising a person to become an adult personality. Allowing the development of a sense of responsibility. Being able to account for himself and his life is the central premise. Personally assessing the requirements set by each individual and unique situation. (...) Becoming aware that one has to use limited, available knowledge to make a decision and that one has to accept responsibility for that decision” (Koene, 1979, 22).

By searching for the answer to questions such as these, you establish a link between your profession and the desire to perform work that suits you and that you feel is useful, satisfying and worthwhile. Both the military training that you have had and will have and chaplains can help you to find an answer. In the age group from, say, 17 to 24, choices have to be made in respect of profession, specialisation and life in general, which gradually grow into an inner and lasting engagement. Something that the military profession has in common with the occupations of surgeon, police