

Revolution in Military Affairs Doctrine and the Ethics of War: Assessing ethical conundrums in the utilitarian basis of disengaged combat doctrine

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Abstract:

Objective: To determine the significance of moral considerations to the utilitarian basis of disengaged combat, and thus, to gain an understanding of how this RMA doctrine can be used with effectiveness and legitimacy

Thesis: Disengaged combat doctrine can be a valuable instrument of military force, and its value given a measure of moral legitimacy when used effectively and with restraint

Outline:

I. Introduction

II. Utilitarian Arguments for/against disengaged combat

- A. Risk minimization to pilots
- B. Precision weaponry limiting collateral damage
- C. The ability to use force in casualty adverse contexts
- D. A tool of the powerful
- D. The problem of accuracy at high altitudes
- E. An over reliance on air power and military force

III. Ethical Considerations in disengaged combat

- A. The inequality of moral risk
- B. The moral imbalance between offense and defense
- C. Pilot risk and collateral damage minimization

IV. Further Analysis

- A. Encroaching state sovereignty and the loss of rights of terrorists and genocide perpetrators
- B. The importance of discretion and restraint

V. Conclusion

While the debate concerning the extent to which we are currently witnessing a revolution in military affairs (RMA) continues into the 21st Century, the RMA doctrine of disengaged combat has been a key component of airpower strategy in recent U.S.-led military campaigns. The ability of wealthy states like America with the military technology to carry out precision air operations from vast distances gives them a distinct advantage in the conduct of air war. The development of advanced precision weaponry provides pilots with the capability to fly at very high altitudes, away from the threat of anti-aircraft fire and surface-based detection systems. Despite the obvious utility of disengaged combat, however, some have questioned the moral legitimacy of using force without entailing risk to one's safety. Nonetheless, it will be argued that disengaged combat doctrine can be a valuable instrument of military force and be moral legitimate when used under proper circumstances and with a correct conception of military necessity.

The disengaged combat debate involves utilitarian and moral arguments, often overlapping. This doctrine allows for the use of force absent the threat of large numbers of casualties, which compensates for the strong aversion to casualties that domestic populations like the U.S. public often display. Victor Davis Hanson describes this strong dislike for casualties as a "body bag syndrome,"¹ which would certainly have precluded U.S. involvement in the NATO intervention in Kosovo if not for the disengaged combat capability of the U.S. military.

Precision weaponry is the principal force driving disengaged combat's utility. Satellite-guided missiles and bombs now constitute an increasingly greater percentage of the weaponry used by U.S. military aircraft. For example, while only nine percent of the air munitions used in the 1991 U.S.-led war on Iraq were precision guided, this figure increased about eight-fold to 70% in the 2003 war.² These highly accurate weapons are directed at highly specific targets by the Global Positioning System (GPS) in many instances, and help to reduce collateral damage since they require considerably smaller ammunitions payloads because of their accuracy. In the most recent Iraq war, precision weapons served to limit collateral damage and coalition casualties, as well as Iraqi civilian casualties. Although some civilian casualties are inevitable in a war of this magnitude, especially given Saddam Hussein's placement of Iraqi air defenses among hospitals, schools, and other civilian institutions, the lower explosive load requirement of precision munitions unquestionably reduced collateral damage and Iraqi civilian casualties.³

This ability of precision force to minimize collateral damage serves to bring the disengaged combat doctrine into compliance with the proportionality rule and the principle of double effect, provided that pilots exercise restraint by maintaining a proper conception of military necessity. On this latter point, the principle of military necessity

¹ Victor Davis Hanson, "Military Technology and American Culture," *The New Atlantis*, Number 1, Spring 2003, p.32.

² Max Boot, "The New American Way of War," *Foreign Affairs* 82 4 (July/Aug 2003), p.55.

³ *Ibid.*

in the fight against terrorism (for instance) states that military acts and activities are acceptable only if they are undertaken according to the following conditions:⁴

- 1) Purpose Condition: The act or activity is taken in fulfillment of the basic duty of the state to defend its citizens from terror acts and activities.
- 2) Relative Effectiveness Condition: Any alternative act or activity (including refraining from any act or activity, respectively) would expose the lives or well being of the citizens of the state, including its combatants, to greater danger.
- 3) Minimizing Collateral Damage Condition: The act or activity is carried out in a manner that strictly protects human life and dignity, by minimizing all collateral damage to individuals not directly involved in acts or activities of terror.
- 4) Proportionality Condition: The act or activity is carried out in a manner that takes into account the relationship between its contribution to the defense of citizens from dangers of terror and between the collateral damage it causes.
- (5) Fairness (or universalizability) Condition: The act or activity is of universal applicability: Its justification would justify carrying out parallel acts or parallel activities in all parallel situations.

The most relevant points within the context of disengaged combat are condition four, the proportionality condition, and condition three, the minimization of collateral damage condition. Condition four states that the costs associated with destroying a particular target (amount of collateral damage) must be proportional to the benefits (strategic and tactical) derived from the destruction of that target.⁵ So a reasonable assessment of military necessity is one that strikes for proportion between costs and benefits. Now of course not all military planners will have similar conceptions of what level of collateral damage should be considered reasonable, but given the contexts in which disengaged combat can be expected to play a major role--humanitarian interventions, preemptive strikes (against nuclear facilities in rogue states, or targeted killings of terrorists, for example), and conventional wars--the sensitivity to military and civilian casualties in these environments (the latter normally to a far lesser extent given the presence of a clear national interest) helps to temper looser conceptions of the acceptability of collateral damage and military casualties. While the problems associated with the concept of humanitarian intervention will be discussed later, this issue of the acceptability of military casualties and collateral damage is a key problem with intervention on humanitarian grounds.

Flowing directly from condition three--the minimization of collateral damage--is the doctrine of double effect. This doctrine states that it is permissible to perform a military act that is likely to result in the deaths of noncombatants, provided that the following four conditions are satisfied:⁶

- 1) The act is good in itself or at least indifferent, which means, for our purposes, that it is a legitimate act of war.
- 2) The direct effect is morally acceptable--the destruction of military supplies, for example, or the killing of enemy soldiers.
- 3) The intention of the actor is good, that is, he aims only at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends.

⁴ Asa Kasher and Amos Yadlin, "Military Ethics of Fighting Terror: An Israeli Perspective," pp.13-14. Attained directly from Kasher.

⁵ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. (Basic Books: New York), 1977, pp.129-30.

⁶ Dougherty, pp.65-66; cf. John C. Ford, S.J. "The Morality of Obliteration Bombing," in *War and Morality*, ed. Richard Wasserstrom (Belmont, California, 1970). Taken from Walzer, *Just and Unjust Wars*, and p.153.

4) The good effect is sufficiently good to compensate for allowing the evil effect; it must be justifiable under Sidgwick's proportionality rule.

So one can credibly assert that when used under proper circumstances and with a correct conception of military necessity, disengaged combat is consistent with all of these conditions.

But as one might expect, circumstances are not always optimal. In Kosovo for instance, the unwillingness of the U.S. military (and other NATO members) to risk the loss of any pilots (given the aversion of domestic populations to casualties in military campaigns lacking a clear national interest and threat to national security) forced pilots to altitudes beyond the reach of Serbian anti-aircraft fire. The problem is that the higher an aircraft flies the less accurate its weapons become, generally speaking, and thus, the greater amount of collateral damage is the result.⁷ So looking at clause three in the principle of double effect, it is clear that despite the increase in collateral damage that results from less accurate weapons, this effect "...is not one of his ends, nor is it a means to his ends."⁸ But Walzer would argue that it does not matter whether the pilot did not intend the evil effect; civilians are dead even if a pilot did not intend them to be so. As such, Walzer suggests that the principle of double effect should be corrected in order to give it greater moral credibility. Walzer's revised version of clause three is as follows:⁹

The intention of the actor is good, that is, he aims only at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends, and, aware of the evil involved, he seeks to minimize it, accepting costs to himself.

The obvious implication of this revised version is that pilots ought to fly lower and risk being shot down by enemy fire in order to minimize collateral damage. A failure to do so would bring the mission into contravention with this revised version of double effect, since the pilot is unwilling to accept risk to minimize the evil effect (collateral damage). This argument is related to another ethical criticism directed at disengaged combat.

In a recent book about the Kosovo conflict, Michael Ignatieff argues that disengaged combat or "virtual war" involves an inequality of moral risk between the two combating sides. He contends that war contains a tacit contract between two sides of moral risk in offense and defense.¹⁰ As such, the ability of one side to fight with impunity because the other side is unable to defend itself makes the war unjust for Ignatieff. Walzer has commented on the air campaign in Kosovo in this context, arguing that "you can't kill unless you're prepared to die."¹¹ The problem with this argument is that the side on the receiving end of precision strikes is not as defenseless as it seems. Anti-aircraft fire can render disengaged combat much less effective and make the risk gap between the two sides far narrower, assuming of course that military planners care enough about the accuracy of their air strikes to fly aircraft lower. Forces on the ground can also employ other defensive measures to coerce aircraft to fly lower, including camouflage, deception, frequent and rapid movement, and hiding under natural and man-made cover, techniques employed by the Serbian military in Kosovo. The key idea is

⁷ This being said, efforts to reverse this trend have been taken with the recent development of all-weather, all-altitude Joint Direct Attack Munitions (JDAMS). See Boot, "The New American Way of War," p.55 for a discussion of the role of JDAMS in the 2003 Iraq war.

⁸ Dougherty, pp.65-66.

⁹ Walzer, *Just and Unjust Wars*, p.155.

¹⁰ Michael Ignatieff, *Virtual War: Kosovo and Beyond* (Penguin: Middlesex), 2000, p.155.

¹¹ Michael Walzer, "Kosovo" in William Joseph Buckley (ed.), *Kosovo: contending voices on Balkan interventions* (Basic Books: New York), 1977, pp.333-336.

that to be militarily effective, fighter aircraft often have to fly at lower levels and assume greater risk, which has the effect of rectifying the inequality of moral risk between offense and defense. But even when missions are rendered less effective by defensive measures decision-makers are often still reluctant to fly aircraft lower (let alone commit ground troops), as the Kosovo case illustrates. This reluctance reflects an inherent weakness in the concept of humanitarian intervention; intervening states lack a clear national interest,¹² which makes them unwilling to accept risk in the conduct of the war. So it is important that disengaged combat be used under proper circumstances, an argument that will be discussed later.

Now it is clear that the rise of Unmanned Combat Aerial Vehicles (UCAV's) removes all possibility of pilot casualties. But in the present context, manned fighters still constitute an overwhelming majority of the aircraft deployed in U.S.-led wars. The considerable production expense of UCAV's (about \$3 million per unit) suggests that they will continue to play a secondary role to manned aircraft for the time being, at least in relatively large scale operations like conventional and preventative wars.¹³ In addition, the decision-making capabilities that are unique to the human mind points to a continuing role for men and women in the cockpit, despite increases in computer and communications technology that give commanders on the ground an effective view of the battlefield.¹⁴ The question of justice and UCAV's will be discussed later during a brief assessment of the rights of unlawful combatants like terrorists.

Returning to the utilitarian context of disengaged combat, it is clear that the doctrine can be an effective tool of wealthy and powerful states like the U.S. for accomplishing political and military objectives. A technologically sophisticated military requires a level of wealth that many states are unable to attain, a reality that gives affluent countries an inherent advantage in the conduct of war. In terms of the kinds of situations where the disengaged combat doctrine can be effective, traditional wars, preventative wars, and preemptive strikes are the most appropriate contexts. In conventional combat situations, disengaged force can debilitate the enemy and its defenses and shape the battlefield for ground forces without the risk of losing large numbers of soldiers before ground operations begin, and can support ground forces once they are deployed. In terms of preventative action, states like the U.S. may wish to conduct preemptive strikes with precision weapons as a part of a regime change operation against an outlaw state. In addition, disengaged force may be used to destroy nuclear facilities in rogue states, terrorist training facilities and hide-outs in collaborating or failed states, or ballistic missile launching sites in states hostile to America.

Within this context, it has been argued that disengaged combat contributes to an over reliance on military solutions to problems that may be resolvable through normal diplomatic efforts. The idea is that precision or "surgical" strikes become the solution to

¹² Robert D. Kaplan, "Why the Balkans Demand Amoralism," in Buckley (ed.), *Kosovo: contending voices*, pp.344-348.

¹³ It is reasonable to assert that UCAV's will be put to use more often in low-scale operations like targeted killings, where a single drone can be expected to be sufficient to do the job. The CIA's use of a UCAV to kill Al-Qaeda operatives in Yemen in 2002 is a useful example of this trend.

¹⁴ While advances in computer-based capabilities like artificial intelligence and robots portends to a diminishing role for humans in combat in the distant future, it is unrealistic to assume this will happen in the foreseeable future. A more realistic scenario would be an ever-increasing role for Unmanned Combat Aerial Vehicles (UCAV's) in air strategy, a topic that will be discussed below.

every problem, which some argue has the effect of heightening distrust towards powerful states like the U.S. among those most likely to be on the receiving end of such strikes. As Kissinger argues, states may become increasingly cynical of the foreign policy ambitions of America if it continues to involve itself in military campaigns (like Kosovo) undertaken in the name of humanitarian intervention.¹⁵ Some take the argument further, contending that this cynicism can result in the development of protective measures like weapons of mass destruction programs and the means to deliver them by states hostile to the U.S.¹⁶

At this point, it is necessary to offer some analysis regarding the moral implications of the various contexts in which disengaged combat can be employed. It is clear that forms of use which involve a clear national interest and a greater tolerance for pilot casualties and collateral damage, due to the importance of the military objectives to a state's national security are more appropriate contexts for the use of disengaged combat doctrine. This does not point to an inherent weakness of the doctrine, but to one in the concept of humanitarian intervention. As mentioned previously, one of the key problems associated with humanitarian intervention is the absence of a clear national interest, which if present, would lessen the aversion to military casualties. Generally speaking, a domestic population is willing to accept a level of casualties that is proportional to the strategic importance of the military objectives to the state. In theory, disengaged combat helps to compensate for the lack of an obvious national interest by reducing the probability that an unacceptable number of casualties will result. So the key issue becomes not whether a national interest is at stake, but the degree of proportion between risk and rewards, or means and ends.

Problematically however, due to the employment of various defensive measures on the ground that make it even harder to locate and destroy important targets (not to mention the accuracy difficulties that are inherent in fighting from very high altitudes), the risk of casualties increases when pilots are forced to fly lower to successfully hit their targets. The case of Kosovo reveals that problems such as these can extend wars unnecessarily; not only did NATO (led by the United States) not expect the air campaign to drag on for 78 days, but when taking concrete measures to end the war sooner (flying aircraft lower and/or using ground forces) required living with a disproportionate balance between risk and rewards, the Clinton administration chose the less risky option of flying higher.¹⁷ Of course, as mentioned previously the other problem with flying higher is that collateral damage normally increases, given that weapon's accuracy declines at progressively higher altitudes. Now this may not be viewed as a serious problem when military necessity dictates that although efforts will be taken to minimize collateral

¹⁵ Henry Kissinger, "Kosovo and the Vicissitudes of American Foreign Policy," in Buckley (ed.), *Kosovo: contending voices*, pp.293-305.

¹⁶ Robert Skidelsky, "May 3, 1999 letter to Michael Ignatieff," in Ignatieff, *Virtual War*, pp.75-77.

¹⁷ Were it not for the strategic bombing of Belgrade that pressured Milosevic to back down, the Clinton administration would likely have been forced to risk many casualties to decisively end the conflict. The ability of strategic bombing to strain the civilian population, and in turn the military leadership of an adversary reflects the incompatibility between achieving a decisive victory in a military intervention undertaken on humanitarian grounds and the minimization of collateral damage and military casualties. For a more in depth discussion of these issues within the context of Kosovo see Ward Thomas, *The Ethics of Destruction: Norms and Force in International Relations*, (Cornell University Press: Ithaca and London), 2001, pp. 166-167.

damage, the civilian population is unlikely to go unscathed. But civilian loss of life is the very thing a humanitarian intervention is designed to prevent, or at least decrease. So the difficulty with intervention rests in its inconsistency with an unfortunate reality of war; civilians are typically caught between the two sides even though tremendous effort is often expended to conduct fighting away from densely populated civilian areas.

The other forms of use more appropriate to the doctrine--conventional war, preventative war, and preemptive strikes--are not devoid of ethical considerations. As discussed earlier, Ignatieff and Walzer believe in the necessity of equality between combatant sides in terms of moral risk. Taking the case of terrorism--the most pressing security threat facing the civilized world today--one can argue that terrorist organizations and the states that harbour them forfeit their right to an equality of moral risk, since they are unlawful combatants and collaborators not entitled to the rights of legitimate soldiers. Now a state like the U.S. could justify disengaged attacks on terrorist organizations like Al-Qaeda on the basis of military necessity alone, and do credibly, but perhaps the absence of the aforementioned rights for unlawful combatants that commit acts of terror against innocent civilians gives disengaged combat a strong measure of moral legitimacy in this context. As such, it follows that the use ofUCAV's for targeted killings of terrorists can be considered just, even though there is no pilot to assume risk.

The RMA doctrine of disengaged combat has been a cornerstone of air strategy in recent U.S.-led military campaigns. The ability of states that possess the necessary military capabilities to conduct precision air strikes from vast distances gives them a unique advantage in military conduct from the skies. The development of advanced precision weaponry provides pilots with the capability to fly at very high altitudes, away from the threat of anti-aircraft fire and surface-based detection systems. However, despite the obvious utility of disengaged combat, some have questioned the moral legitimacy of using force without entailing risk to pilot safety. Nonetheless, it is clear that disengaged combat can be a valuable tool of military force, and given a measure of moral legitimacy when used under the correct circumstances and with a proper conception of military necessity.

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