Toxic Warrior Identity, Accountability, and Moral Risk

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Introduction

Academics working on military ethics and serving military personnel rarely have opportunities to talk to each other in ways that can inform and illuminate their respective experiences and approaches to the ethics of war. The workshop[1] from which this article evolved was a rare opportunity to remedy this problem. Our conversations about First Lieutenant (1LT) Portis's experiences in combat provided a unique chance to explore questions about the relationship between oversight, accountability, and the idea of moral risk in military operations. In this article, we outline a particular experience of 1LT Portis's that formed the basis of our discussions, before elucidating the ethical issues this experience raised. In particular, we see 1LT Portis's experience as, first, illustrative of the problem of moral risk – when military personnel are placed in situations of moral temptation. The problem of moral risk, we propose, is best understood through the framework of the military's duty of care. Second, we see his experience as highlighting tensions within the dominant moralized warrior model of the military profession. What we call a *toxic warrior identity* — a distorted form of the moralized warrior identity[2] —

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can negatively affect the attitudes of military personnel toward rules, policies, procedures, and accountability mechanisms, particularly in relation to non-combat related roles and duties and when leaders must choose between competing bureaucratic demands. We see 1LT Portis's experience as illustrative of these tensions, yet his experiences also highlight important concerns about the impact of increasing bureaucratic demands on military functioning. In the conclusion, we address the need to balance concerns about toxic warrior identity with legitimate criticisms of overly demanding bureaucracy and suggest avenues for further research on this issue.

1. The case study

[Please note that the case study [the current section of the article] is told in the first person singular from 1LT Portis's perspective. The rest of the article will use the first person plural.]

In 2007, while deployed in support of Operation Iraqi Freedom from 2006-2008, I had an additional duty position known as the Battalion Pay Agent. In this capacity, I would withdraw large amounts of US dollars from a finance office located on an American Forward Operating Base (FOB), FOB Taji, and then pay that money to local contractors to fund construction projects and micro-grants to improve the local infrastructure and economy. My job was to account for the money, pay the contractors, provide receipts and billing statements, and secure the money during and between patrols to pay the local Iraqi contractors. I commonly withdrew between $10,000 and $100,000 at a time, and I rarely had any physical security while withdrawing the funds or oversight from my

superiors when I paid the money to the contractors. I would simply go to the finance office, provide legal documents that justified the amount of money I needed, and withdraw the cash. From there, I would methodically record each serial number on a spreadsheet before sticking the money in my backpack and walking out the door. The denominations were almost always $100-dollar bills, and my fingertips were always black when I walked out of the building because, as I counted the money, the oils from my hands would rub off some of the ink from the crisp, uncirculated greenbacks. In truth, my experience was not unlike many other pay agents I knew in Iraq during that era of the war.

The first time I walked out of the building - alone and with $10,000 in my backpack - I was taken aback by the fact that *no one* was watching me. I was a bit stunned to realize how much trust my military leaders had placed in me. I was a twenty-six-year-old first lieutenant (1LT) and had previously been a platoon leader and executive officer in charge of soldiers' lives and millions of dollars' worth of equipment, so I had proven my trustworthiness. However, the type of trust required for my new responsibilities felt different because I wasn't subject to the same level of oversight and accountability as in my previous positions. What's more, dollar bills would be way easier to conceal than a humvee, and money doesn't talk in the same way soldiers do.

I remember thinking how easy it would be for a mal-intended individual to take advantage of the system and falsify records to skim money off the top, which actually happened in other areas of operation. For example, while I was drawing money out of the FOB Taji finance office, a West Point classmate, Michael Nguyen, was doing the same on

the other side of the Tigris River, except that much of the money that Nguyen withdrew never made it into the hands of the locals. Over the course of the deployment, Nguyen stole nearly $700,000 that was intended for the Iraq reconstruction. He would mail the money home to himself, stuffed in combat boots or uniform items. When he redeployed home to Fort Lewis, WA, he opened bank accounts and made large purchases like a new BMW. He might have gotten away with stealing the money and getting it out of Iraq, but his lavish lifestyle made his superiors, and eventually the government, suspicious (Associated Press 2009).

Whenever the money was not at the finance office, it was in one of two places: in a safe in my office, or on my person. Regulations required the money be in a safe, though I was the only one who knew the combination and the safe was chained to the floor in my office. For added security, the door to my office - which I did not share with anyone - remained locked whenever I wasn't occupying it. The double lock and key gave me confidence that it wouldn't be stolen. I don't remember ever talking about the money with other officers, though it was no secret to the leaders in the unit that I was the pay agent and my job was to withdraw cash and pay it to local contractors. If someone had wanted to take the money by gunpoint or by force they could have, though I was constantly surrounded by other soldiers who would have been able to respond to assist, if needed. In sum, when the money was in my battalion area under lock and key, my risk of being robbed or having the money stolen was negligible. That simply wasn't a concern. However, because I did not have oversight even during those times - no inspections, no internal inventories, no one else having access to the safe - someone in my position would

have had enough autonomy to skim money off the top and dispense of it however he or she desired. There was next to no oversight when the money wasn't on my person.

When the money wasn't in the safe, it was on my person, either en route between the finance office and the safe in my office, or on a payment mission that required me to join a patrol off of the FOB to a nearby village or joint security station. It was when I was transporting the money between the finance office and my office that I incurred the most risk. Because my only protection was me and my sidearm, I knew that if someone — a group of soldiers or interpreters or local nationals — had wanted to rob me, they would have met minimal resistance. It was during these times that I was most vulnerable. Consequently, it was because of these moments of transiting the money that I asked my Squadron Commander to lend me his personal security detachment (PSD) for my subsequent withdrawals. I knew many of the soldiers on the PSD, and I trusted them. If they were with me during those missions, this would effectively eliminate the risk of being overwhelmed and robbed. At first, the senior commander resisted. If he loaned me his PSD, then he wouldn't be able to patrol his subordinate unit's area of operations off of the FOB. But, when I pushed the issue and explained my concerns, the commander agreed that I could use them whenever the PSD wasn't in use. I deconflicted his schedule from there. From that point on, I had security while I moved with the money.

The other time the money was on me was whenever I was on missions to pay local contractors. On these missions, I usually accompanied the company commander and had plenty of security while off the FOB. Whenever I paid the contractors, I always gave the money only after they provided me with a receipt or bill of laden. Furthermore, I insisted

on taking pictures of me handing the money to the Iraqi contractors, added proof in case I ever lost the paperwork. If a contractor ever claimed that I hadn't paid them in full, I could produce their receipt, their signature, and a picture that proved I had paid them the money. The receipt was part of the paperwork I owed to the finance office in order to clear my balance from the previous funds withdrawal; the photo, however, was voluntary. But if I had wanted to only pay an Iraqi contractor $8,000 even if I owed him a $10,000 payment, the contractor likely still would have provided a receipt and signature, regardless of the size of the payment. After all, they were communicating through an interpreter and no one else ever controlled any of the money. In short, the surest way to steal money from this program would have been to skim it off the top and cover my tracks by taking advantage of the actual contractor with whom we were working. And had I - or any other pay agent - wanted to do that, there would have been ample opportunity to do so by exploiting the language barrier, the differences in power and authority between the US military and the local Iraqis, and by the simple fact that no one seemed to be providing a second set of eyes throughout this process.

2. Overview of ethical issues

During our conversations about this case study, we identified several ethical issues in this case. The most obvious ethical issue is the ease with which the money could have been misappropriated. However, our focus in this article will be on a different aspect of the case that we believe raises more pressing ethical issues: the lack of oversight.[3] We see the lack of oversight as raising two related issues: 1) the dangers of "moral risk" –

circumstances in which military personnel are placed into situations of moral temptation due to an apparent lack of concern for security and accountability and 2) problematic attitudes towards accountability and oversight within the military. We see these attitudes as illustrative of, on the one hand, legitimate concerns about the extent of bureaucratic demands on military personnel and, on the other hand, of toxic forms of the military's moralized warrior identity that are likely to manifest in situations where time constraints force leaders to choose between fulfilling competing bureaucratic requirements.[4] Below, we explore each of these in turn. Our goal is not to provide a solution to the ethical questions raised by 1LT Portis's experience, but to explore and map out the different ethical dimensions of the case and suggest some avenues for further research and discussion.

2.1. Moral risk, moral injury, and the military's duty of care

What is moral risk?

This case study is remarkable both in the high degree of autonomy and responsibility given to 1LT Portis and in the low level of oversight provided by the military. He had no physical security, even though he was regularly withdrawing over $10,000 at a time, and while he did track serial numbers and submit receipts for the funds, no one else ever counted the payments he made to contractors. This lack of supervision makes one wonder if the military's organizational systems made it permissible for mid-level leaders to not care, or at least not verify, whether those dollars were used for their intended purposes. The lack of oversight shows a willingness to subject an officer to both physical

risk and moral risk - physical risk, because of the risk of robbery to which he was exposed, and moral risk, because of how easy it would have been for him to behave unethically, given the lack of oversight. Moral risk occurs when a person is placed in a situation in which it is possible for them to engage in clearly unethical behavior with little chance of being caught or punished. Of course, not everyone will engage in unethical behavior when placed in such situations. But, since we have reason to be skeptical about the efficacy of character alone in preventing unethical behavior,[5] it is irresponsible to hope that a person's internalized moral code will be sufficient to ensure ethical behavior in the absence of external oversight and accountability.

In the case study described above, moral risk is present in two prevailing ways. Firstly, moral risk refers to the risk of negative consequences that could result from the unethical use of the money. These consequences include not only the potentially negative consequences for 1LT Portis had he stolen the money, but the impact of such theft on the projects for which the money should have been used. Secondly, moral risk refers to the risk to the moral character and even the identity of military personnel placed in situations such as the case study we are considering. The lack of oversight and the relative ease with which a person could engage in unethical behavior in this and similar cases could undermine the capacity and willingness of military personnel to restrain themselves in similar situations. Much as we would like to believe that military personnel have the inner moral resources to resist temptation, the range of ethical scandals that have plagued all services of the military in the last decade casts doubt on the belief that military personnel have greater moral "willpower" than other individuals placed in similar situations (a point

we shall explore further in the next section). Furthermore, the relaxed attitude toward accountability and safety demonstrated by Portis's superior officers could easily lead military personnel to take a dismissive or similarly lax attitude toward other kinds of accountability measures in other military activities.

The military's duty of care

One way to think about this concern is through the framework of the military's duty of care. It is uncontroversial that the military, like other high-risk professions such as policing or firefighting, has a duty of care to its members to ensure they are not placed in situations of unnecessary or excessive danger. For example, the military has an obligation to adequately house, feed, and provide medical care for its members and, arguably, an obligation not to expose them to excessive or unnecessary risk.[6]

The existence of a duty of care may be uncontroversial, but the extent and scope of this duty of care is *not* uncontroversial. For example, some authors writing in military medical ethics have questioned whether the military has the right to compel military personnel to take prophylactic or untested medications (e.g., see Wolfendale and Clarke 2008). Others have framed this issue in terms of workplace safety, arguing that military personnel might have a moral right to disobey orders if those orders place them in situations of unjustified risk, such as orders to fly a plane that has failed recent safety inspections (Coleman 2016).[7]

Typically, the debate about the scope of the military's duty of care to military personnel has been framed as a conflict between different conceptions of military necessity and soldiers' rights. For example, how far and for what reasons is the military justified in exposing military personnel to the risk of physical harm? How are such calculations to be made, and by whom should they be assessed? What rights do military personnel have if they are placed in a situation that they feel exposes them to unjustified risk?

We suggest that the idea of moral risk falls within the military's duty of care to military personnel because of the effect that situations involving moral risk can have on the moral health of military personnel. The military has a duty of care to limit the exposure of military personnel to situations of moral risk because moral risk not only increases the likelihood that military personnel will commit unethical acts, but also because moral risk can distort the moral capacity of military personnel in ways that can cultivate morally problematic attitudes toward proper constraints on behavior in combat that can lead to further unethical behavior.

In addition, for some military personnel exposure to situations of moral risk could result in moral injury. There are several different definitions of moral injury, but a representative definition is as follows: "Moral injury is a particular type of psychological trauma characterized by intense guilt, shame, and spiritual crisis, which can develop when one violates his or her moral beliefs, is betrayed, or witnesses trusted individuals committing atrocities" (Jinkerson 2016, 122).[8] Moral risk, as we have described it, is not synonymous with moral injury and situations of moral risk do not inevitably lead to moral

injury. A soldier could be placed in a situation of moral risk yet feel no qualms whatsoever about taking advantage of that situation. But, situations of moral risk could result in moral injury in two ways. Firstly, military personnel who commit unethical acts in situations of moral risk might experience excessive guilt and shame.[9] Secondly, military personnel who witness others committing unethical acts in situations of moral risk could experiences a sense of betrayal. In addition, a soldier's awareness of being placed in a situation of moral risk by her superior officers could also be a source of moral injury because it indicates a lack of concern on the part of those officers for her moral wellbeing and the moral standards that are supposed to govern military conduct.

So, the concern about moral risk that we see as relevant to this case study is a concern that has ramifications for the prevention of unethical behavior in the military more generally and the scope and nature of the military's duty of care to military personnel. If the military is genuinely committed to reducing moral risk for soldiers, then the military institution needs to pay attention to a) minimizing exposure to morally risky situations, b) inculcating internalized respect for the law and accountability mechanisms and c) modeling respect for the law and accountability throughout military operations.

At this point one might object that the Army (and other services) already exercise this responsibility for the moral wellbeing of military personnel by educating its members through classes in ethics, training them on proper protocols for handling money, and by subscribing to values that connote honorable living (i.e., the Army Values). In Portis's formal undergraduate education, for example, he (along with other West Point graduates) had to take a philosophy course, which included topics like Kantian ethics and

Just War Theory. As a commissioned officer, he attended legal briefings intended to keep leaders informed about the decisions they make or enforce, and he received specific training on handling money.

It is of course true that military academies typically instruct military personnel in ethics and relevant laws and policies and rely heavily on values statements to inculcate morally appropriate behavior. However, current approaches to military ethics training are arguably insufficient to minimize the problem of moral risk for two reasons. Firstly, many enlisted military personnel simply do not receive substantive ethics training. Secondly, the kinds of ethics training that military personnel do receive is, arguably, inadequate to the task of instilling genuine ethical behavior.[10] Such training may be too limited in scope, fail to address relevant research on the relationship between ethical behavior and situational factors, and/or does little to prevent unethical behavior when such behavior is encouraged or tolerated by superior officers and/or reinforced through informal socialization practices and norms. Current approaches also fail to grapple with the disconnect between the attitudes towards ethics and values that we see in military academies, and the attitudes towards ethical (and legal) constraints that can occur "on the ground." One of the things we think the case study highlights is a problematic attitude toward the need for certain kinds of oversight and accountability. Indeed, it was the lack of oversight that particularly struck Portis when reflecting on his experiences.

However, while reducing moral risk may be an important part of the military's duty of care, perhaps encouraging soldiers to internalize respect for all rules, regulations, and accountability measures (and encouraging compliance with all such rules) would be

counterproductive, because the number of such rules hinder effective military functioning, fail to take into account the needs and circumstances of military operations "on the ground," and distract military personnel from core military roles and responsibilities. In this view, cases like Portis's highlights problematic attitudes towards accountability measures but also raises questions about the impact of bureaucracy on military functioning and identity.

2.2. Conflicts between bureaucracy, warrior identity, and effectiveness.

The attitudes that military personnel of all ranks have toward the legal, administrative, and bureaucratic rules that govern their actions play an important role in the degree to which such rules are followed. These different attitudes reflect and reinforce distinctive attitudes and beliefs about the military's core function or purpose and the self-identity of military personnel and thus impact which accountability measures are viewed as essential as opposed to those which may be inessential or tangential. Therefore, underlying conceptions of the nature and meaning of military service and military self-identity have a profound impact on how seriously military personnel view the different accountability measures to which they are subject and how ethical lapses in the military are perceived.

In this case study we see this dynamic play out. On the one hand, we see an attitude of care toward the use of the money insofar as Portis's leaders knew there was a finite amount of money, and they believed that it could do good to employ young men who may otherwise gravitate toward supporting Al Qaeda, and to support the creation of

local jobs and infrastructure. On the other hand, as we have seen, despite the care with which grant applications were assessed, there was little practical oversight over the process of drawing the money and paying it out. His superiors simply trusted 1LT Portis to do his job and that he could furnish paperwork to prove it – and account for the money – at any point that he needed to. The difference between 1LT Portis and his West Point classmate Michael Nguyen was that Portis's receipts and paperwork were authentic, while Nguyen's were not. Now, it's possible that the reason for this lack of oversight was that there was a legitimate concern that adding more bureaucracy to the process would slow down the timeline for making payments, and this, in part, was why leaders were so prone to use those funds. If they needed it quickly, they could get it. However, a cursory search reveals Michael Nguyen was not the only officer who defrauded the government through this financial program. This implies that those in charge of monitoring the retrieval and use of this money either did not view the proper tracking of this money as a priority or held a (as it turned out) naive belief that all the officers appointed to handle money would remain honest and resolute while being exposed to positions characterized by high moral risk and low oversight.

Whether or not 1LT Portis's leaders were motivated by trust or by indifference toward his handling of the money, this case study raises questions both about appropriate levels of accountability and oversight in the context of military operations in a combat zone and about the appropriate attitudes that military personnel should have toward such accountability mechanisms. Put simply, we see this case study as highlighting tensions between the moralized warrior model of the military profession, toxic variants

of this model, and increasing bureaucratic demands on the time and resources of military personnel.

The moralized warrior model of the military profession

It has long been noted that the American military is "both profession and bureaucratic organization" (Crosbie and Kleykamp 2018, 524). The idea of the military as a profession refers broadly to the military's autonomy regarding areas of military expertise [11] combined with a commitment to a set of guiding ethical ideals and internalized virtues. The moralized model of the military profession is reflected in the content and form of commissioning sources and professional military education (PME), ethics education, and the many core value statements found on the websites and training materials of each arm of the military (Mattox 2013).

According to the moralized warrior model, the military profession is founded on shared values and a shared identity based around traditional martial virtues.[12] The role of military ethics education is to inculcate these shared values and shared identity in military personnel across all services (perhaps in different degrees, depending on rank) not only to constrain the behavior of military personnel but to create an internalized motivation to go above and beyond what mere duty might require. To develop, according to one account, an ethic "that must embody the moral aspirations of the military, typically understood as traditional martial virtue and honor, in order to inspire military professionals toward supererogatory conduct" (Jennings and Hannah 2011, 551).

Peter Jennings and Sean Hannah argue that a moralized conception of the purpose and function of the military profession is necessary for the "moral legitimacy" of the profession (2011, 551). Without such a moralized foundation, it is difficult to see how the distinctive function of military profession – specifically, the use of lethal force – could be morally justified. As Jennings and Hannah put it, given that military personnel will engage in the "preeminent military task – killing and dying," this must be made "morally redeeming both for those who undertake the task and for the society they serve" (2011, 552). The only way to do this, in their view (and in the views of many others who write on military ethics), is to shape military identity around a core set of martial virtues, including honor, sacrifice, duty, and courage (e.g., Macintyre 2015). While the best methods for inculcating such virtues are the subject of much debate, many military ethicists argue that internalized virtue is both the appropriate framework and goal for military ethics education and is likely to be the most effective method of mitigating the likelihood of unethical behavior.[13]

There are two implications of the moralized warrior model for understanding the behavior of military personnel. Firstly, in this model military personnel are held to a higher moral standard than members of other organizations. They are expected to act according to comprehensive set of ethical values and internalize a set of virtuous character traits, not just do their jobs. Secondly, in the moralized model, unethical behavior is liable to be construed as resulting from the actions of a few "bad apples" (Crosbie and Kleykamp 2018, 523) - individuals who have failed to live up to or internalize the military's image of the ethical warrior - rather than, say, being caused by systemic or structural problems. If

unethical behavior is framed as a "bad apples" problem, proposed solutions to instances of unethical behavior are likely to focus on improved ethics training or methods of internalizing virtue (e.g., MacIntyre 2015, Snow 2009) rather than structural reform or increased supervision or accountability mechanisms.

The moralized warrior conception of the military is, arguably, the dominant conception of the military profession among writers in military ethics (and among many military personnel). However, an obvious challenge to this model is the number of serious and (in some cases) ongoing ethical lapses that have occurred in all arms of the military, ranging from the commission of war crimes including torture and the killing of civilians, to numerous cases of bribery, cheating, mismanagement, widespread dishonesty, and sexual assault (see Crosbie and Kleycamp 2018, 23; Wong and Gerras 2015). For example, a 2015 US Army War College Strategic Studies Institute report found extensive evidence of routinized dishonesty including "dishonest training practices, incomplete inventories, and falsified medical reports" (Lilley 2015; Wong and Gerras 2015). In December 2020, it was revealed that 70 West Point Cadets had been accused of cheating on their exams (Romo and Bowman 2020). An April 2020 Pentagon Report on sexual assault in the military found that, despite decades of training programs, rates of sexual assault had not declined and, indeed, sexual assault reports went up in 2018-2019 (Myers 2020). And in November 2020 a report on the command climate at the Army base at Fort Hood, Texas, found that "there was an environment at Fort Hood that allowed sexual assault and harassment to proliferate" (Rempfer 2020).

We do not have space here to discuss all the factors that contribute to these cases of unethical and illegal behavior. But there is one common factor that is particularly relevant to our discussion: in many of the cases mentioned above, those involved in perpetrating unethical acts and/or covering them up displayed a lax attitude toward, if not outright disregard for, safety and accountability mechanisms such as training programs and reporting requirements. One explanation for this disregard is frustration with the burden of adhering to accountability and reporting requirements while at the same time trying to properly prepare military personnel for their jobs. For example, many officers interviewed in the 2015 US Army War College Strategic Studies Institute report justified their dishonesty on the grounds that constantly increasing demands for compliance with ever-changing rules and regulations (such as mandatory training sessions) were so time-consuming and impossible to satisfy that they hindered more important military objectives like providing soldiers enough time to train on operating their combat vehicles at night or preparing for company-wide maneuvers and live fire exercises. According to the report, "many Army officers, after repeated exposure to the overwhelming demands and the associated need to put their honor on the line to verify compliance, have become ethically numb. As a result, an officer's signature and word have become tools to maneuver through the Army bureaucracy rather than being symbols of integrity and honesty" (Wong and Gerras 2015, ix).

The concern that administrative tasks can undermine essential military preparation and training is an important one, but to attribute the lack of regard for accountability mechanisms solely to this concern is to miss another source of disregard

for such measures: a *toxic warrior identity*. In some of the cases mentioned above, the disregard for accountability mechanisms reflected and reinforced a distorted normative judgement on the part of officers (junior and senior) about what being a warrior entails, and what traits, attitudes, and behaviors "true" warriors display.

For example, in their report Wong and Gerras document a particularly dismissive attitude toward training designed to prevent sexual assault and harassment. Wong and Gerras quote a captain who speaks about the difficulty of completing mandatory Sexual Assault Prevention and Response Program (SHARP) training while preparing for combat operations. This officer said, "We needed to get SHARP training done and reported to higher headquarters, so we called the platoons and told them to gather the boys around the radio and we said, 'Don't touch girls.' That was our quarterly SHARP training" (2015, 28). On the one hand, this officer is raising the concern, mentioned above, that the burdens imposed by mandatory reporting and training requirements are too great. But, on the other hand, this officer's attitude toward sexual assault prevention is undeniably dismissive. Despite the continuing high rates of sexual assault and harassment in the military, this officer clearly does not see sexual assault prevention training as a priority in comparison to his other duties. In either case, the lack of oversight and accountability, as well as the dismissive attitude toward critical training, set the conditions for this subordinate leader to act on his own initiative. This can lead both to the circumvention of necessary training when a leader is forced to pick and choose between tasks that cannot all be fulfilled and highlights cases where such conditions make it easier for leaders to compromise an honorable warrior identity.

The Fort Hood report similarly documents a lack of enforcement of, and respect for, the SHARP Program: "Rather than viewing SHARP as a critical component of Soldier safety, morale, and respect, NCOs and officers at the Company/Troop level and below, treated SHARP as a perfunctory task, not a priority" (Fort Hood Independent Review Committee, 2020, 17-18). Other research has found that such attitudes toward the SHARP program are a factor in the persistence of high rates of sexual assault and harassment in the military (Myers 2020).

The failure of prevention and training programs around sexual assault and harassment suggests the lack of enforcement cannot be attributed simply to the added administrative burden imposed on officers and instructors by programs like SHARP. Rather, according to Elizabeth Jean Wood and Nathaniel Toppelberg, disdain for these programs and the continued toleration of sexual assault and harassment in the military has its roots in informal socialization practices that cultivate what they call a form of "'hyper masculinity' – an exaggerated form of masculinity characterized by beliefs in dichotomous, polarized, and stereotypical gender roles; the valorization of control, power, competition, and pain tolerance; the celebration of heterosexual virility; and the denigration of traits associated with femininity" (Wood and Toppelberg 2017, 624). This is an extreme form of a toxic warrior identity, in which traits such as courage, toughness, and loyalty are distorted by practices such as "hazing and abusive, sexualized language targeting women and others perceived as weak" (Wood and Toppelberg 2017, 628), the use of sexual assault as a punishment for women and men who don't meet gender norms,

and commanders and instructors at military academies and bases who do not enforce the policies and "may mock the training" (Wood and Toppelberg 2017, 627).

The 2020 Brereton report, documenting evidence of war crimes (including 39 murders) committed by Australian Special Forces soldiers in Afghanistan from 2007-2012, similarly illustrates the effects of a toxic warrior identity built around the valorization of the tolerance for, and the infliction of, pain and the rejection of rules and procedures as antithetical to true warrior identity. This report found that a "warrior-hero culture of killing" (IGADF 2020, 334) contributed to the war crimes: "Soldiers became more and more confident over time, 'a law unto themselves', and these 'behaviours [the killing of civilians] became permissible and equated with being a good and effective soldier'. For some rotations, a new team member fresh into theatre who hadn't yet shot someone would be required to shoot a prisoner, 'to pop his cherry...to prove that he was up to it'" (IGADF 2020, 516).

Lesser degrees of a toxic warrior identity can undermine respect for and adherence to accountability mechanisms when warrior identity becomes synonymous with combat roles. The conflation of the "paradigm of the masculine-warrior" with training for and participating in combat (Do and Samuels 2021, 26) is evident in U.S. military training, despite the fact that many military personnel, if not most, occupy roles that have little to do with combat. This means that traditional conceptions of warrior identity and warrior values may not reflect the experience of many military personnel. For example, Air Force personnel almost never engage in one-on-one combat with an adversary and only four percent are pilots (even fewer are fighter pilots). Yet,

nonetheless, the language of "warriors" is used through cadet training (by officers, other cadets, and in the names of events and locations, such as "Operation Warrior" and "Warrior Run") and Air Force basic training explicitly evokes combat models of identity involving:

> … a construction of masculine work, which includes themes of danger and hardship, where cadets become "hyper-invested" in a warrior identity through training conditions simulating combat … this indoctrination initiates cadets into desired cultural norms that reinforce qualities such as a power, toughness, dominance, aggressiveness, and competitiveness, resulting in an image of a "combat, masculine warrior." (Do and Samuels 2021, 27).

The discrepancy between this combat-based warrior identity and the reality of military service for most military personnel is striking. Indeed, even military personnel who are trained for combat roles may never face combat: "a soldier may go the entirety of his or her career training and preparing for a day or moment that never arrives" (Robillard 2017, 205). This means that the moralized conception of military personnel as warriors guided by an internalized set of warrior virtues may not only fail to match the experiences of many military personnel; it may also leave them ill-prepared for the duties that they are required to undertake.

But lack of preparation is only one potential problem arising from this disconnect between a warrior identity based around combat and the reality of military service. Not only may military personnel be ill-prepared for non-combat roles, but roles or missions that require traits like empathy or cultural sensitivity, [14] such as peacekeeping or humanitarian missions, may be viewed with disdain. For example, the Brereton report notes that "Australian forces began to align themselves towards a 'Warrior mentality' culturally at odds with the mission that was still supposed to be based on a 'hearts and minds' approach" (IGADF 2020, 515). Additionally, as Michael Robillard argues, a toxic warrior identity can lead soldiers and officers to engage in higher risk activities including, "unnecessary initiations of combat engagements as well as unnecessary acts of risk-taking, self-sacrifice, and sometimes martyrdom" (2017, 216).

The scope and range of the ethical failures described above challenge the moralized warrior model of the military that is prevalent in PME and in military ethics literature in at least two ways. Firstly, these cases raise doubts that the moralized warrior model creates military personnel who are held to a higher ethical standard, and are more ethical and honorable, than members of other professions. For example, even cases of extremely serious immoral acts, such as rape, did not result in serious punishment and were covered up by those who engaged in them and their superior officers. Secondly, these failures raise concerns about whether current military training and socialization practices (both formal and informal) are cultivating an honorable warrior mentality or a laying the groundwork for a toxic warrior identity. The rhetoric of warrior identity is one of honor, courage, duty, and loyalty. But if military personnel internalize forms of a toxic

warrior identity because of socialization practices that reinforce and reward distorted versions of warrior traits, then ethical lapses are likely to continue.

3. The case study, warrior identity, and bureaucracy

1LT Portis's experience, we believe, illustrates how the moralized warrior model can potentially affect attitudes and behavior "on the ground" in problematic ways (particularly in relation to non-combat tasks and responsibilities) and also highlights the problems of increasing bureaucratic demands on military personnel, particularly when operating in stressful and complex combat arenas, whether at home or abroad. The administrative processes involved in assessing the grants and distributing the money are characteristic of bureaucratic approaches to military operations involving "[r]epetitive situations, work done by following SOPs, administrative rules, and procedures" (Snider 2015, 18). But, while 1LT Portis's role occurred in the context of a deployment to a combat zone, the tasks of assessing grant applications and distributing funding are well outside the traditional conceptions of a warrior identity. Portis recalls other pay agents lamenting their positions as "signing checks" rather than "pulling triggers." That is to say, some of his counterparts privileged operational jobs over staff positions. It is possible, therefore, that one explanation for the lack of oversight of 1LT Portis's and others' actions is that their superior officers did not see these tasks as part of the military's central mission, and therefore viewed these tasks as less important compared to other, more traditionally martial, military operations. This is consistent with the dismissive attitude toward non-traditional roles and toward rules and procedures that were documented in the Fort Hood

and Brereton reports and in other cases of ethical lapses. But, it is also possible that Portis's senior officers simply trusted him (with good reason) to fulfill his responsibilities without requiring significant oversight and viewed the bureaucratic and administrative requirements involved in tracking money payments as a unnecessary hindrance to completing this mission efficiently. So, one problem that this case study highlights is how bureaucratic requirements (SOPs, rules, policies, reporting requirements, and so forth) can, if taken too far, undermine the military's ability function *as* a military. For example, a 2002 U.S. Army War College study found that "company commanders somehow have to fit 297 days of mandatory requirements into 256 available training days" (Wong 2002, 9), and a review of a 2015 Fort Leavenworth study found that there was "nearly 20 months of annual mandatory training crammed into a 12-month calendar" (Burke 2016). Simply put, there are literally too many requirements on an annual basis to be able to accomplish them all.[15] So, what we see in 1LT Portis's experience is a combination of two issues related to attitudes towards accountability requirements and other bureaucratic demands. On the one hand, 1LT Portis's experience illustrates how elements of the moralized warrior model can foster a dismissive attitude toward administrative and bureaucratic requirements that are viewed as not part of "real" (read: combat) military. On the other hand, this case study highlights problems with the burden of accountability requirements currently in place. And when bureaucratic requirements are excessively time-consuming, officers have to make decisions about which accountability mechanisms to prioritize and which to ignore or "work around." While these judgments can reflect

trust in subordinate personnel, it is also in these situations that a toxic warrior identity

can influence those decisions in ways that can be extremely harmful, as we have seen.

What follows from recognizing these issues? If we reject a moralized model of the

military because of the dangers associated with toxic versions of the moralized warrior

identity, we are faced with a dilemma: How do we reconcile the need for a moral

foundation for the existence and use of military force (specifically, the use of lethal force)

with increasing bureaucratic demands? We have two responses to this dilemma. Firstly,

it is important to understand that accountability mechanisms (rules, training programs,

reporting requirements, and so forth) are not necessarily in conflict with a moralized

conception of the military profession. Accountability mechanisms can reinforce important

moral norms related to, for example, respect and care for military personnel.[16] Secondly,

the moralized warrior model is not the only way of conceiving of the moral foundation of

the military and the self-identity of military personnel. As we have seen, formal and

informal socialization practices and training can create a toxic warrior identity that can

promote and sustain unethical behavior, including the toleration and perpetration of

sexual assault and war crimes, and this gives us good reason to consider alternatives to

this model. For example, some military forces, such as the Dutch military, adopt a

conception of the military's moral identity that combines a warrior identity with a

peacekeeping and humanitarian identity (op den Bujis et al. 2019). But whether or not

such alternative conceptions of military identity are viable for the U.S. military depends

on the willingness of the military (and military ethicists) to entertain radical revisions to

the self-conception of military personnel, and to take steps to actively counter toxic

warrior identities at all levels of training and socialization. As is clear from the failure of SHARP and "no tolerance" policies about sexual assault and harassment, this requires far more than creating new policies and rules; it requires a genuine reckoning with the formal and informal practices that sustain toxic warrior identity and a genuine openness to considering non-combat military service as "real" military service. This will require leaders at all levels to identity and confront practices, attitudes, and behaviors that inculcate toxic warrior identities; exercise greater oversight of programs, initiatives, and missions that are most important to all aspects of military functioning and, if doing so in a climate that mandates more tasks than can be accomplished, prioritize for their subordinate commands what is truly important.

4. Concluding thoughts

In this article we have used 1LT Portis's experience to highlight several ethical issues connected to oversight and accountability. We see the case study as illustrating a new area of concern for the military's duty of care – the potential for moral risk – and as highlighting problems with toxic forms of moralized warrior model of the military profession combined with the rise of bureaucratic demands on military personnel.

If the tension between too many "mandatory requirements" and "not enough time" cannot be resolved, this can create further situations of moral risk, particularly when combined with a dismissive attitude toward bureaucratic requirements that do not chime with traditional conceptions of the military warrior identity. This raises the question of whether the military's duty of care might require senior military leaders – and

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congressional leaders – to both reduce the bureaucratic requirements put on subordinate leaders and to ensure that military personnel take seriously those requirements that are necessary for the protection, wellbeing, and integrity of all military personnel (whether it is in regards to the individual soldier proficiency on weapons systems or Sexual Harassment/ Assault Response Prevention training). As we noted above, this may require a thoroughgoing revision of the moralized warrior model of the military profession and a willingness to consider alternative moral conceptions of the military profession and the identity of military personnel. In light of such a revision, it must be understood that rules, training, and accountability practices that are designed to protect military personnel from moral risk, and to protect vulnerable military personnel from assault and harassment, are not antithetical to the military's moral foundation and purpose. Such rules must be understood as sustaining the military's core moral foundation, rather than acting as a hindrance to the meaning and purpose of military service.

References

Associated Press. 2009. Fort Lewis Army captain pleads guilty to stealing $690,000. *The Seattle Times*, December 7. https://www.seattletimes.com/seattle-news/fort-lewis-army-captain-pleads-guilty-to-stealing-690000/

Barno, David W. 2014. The Army's next enemy? Peace. *The Washington Post,*

July 10. https://www.washingtonpost.com/opinions/the-armys-next-enemy-peace/2014/07/10/f02b5180-f0dc-11e3-914c-1fbd0614e2d4_story.html.

Burke, Crispin. 2016. No time, literally, for all requirements. *Army Magazine, Association of the United States Army*, April 4. https://www.ausa.org/articles/no-time-literally-all-requirements

Cartagena, Nathan L. 2017. Military ethics and the situationist critique. *Journal of Military Ethics* 16: 157-172.

Crosbie, Thomas, and Meredith Kleykamp. 2018. Fault lines of the American military profession. *Armed Forces and Society* 44: 521-543.

Doris, John M., and Dominic Murphy. From My Lai to Abu Ghraib: The moral psychology of atrocity. *Midwest Studies in Philosophy* 31: 25–55.

Fernandez, Xochitl. 2019. Understanding the "why": Growing in honorable living through the SLDP-H program. Interview by David Siry. The West Point Center for Oral History. http://www.westpointcoh.org/interviews/understanding-the-why-growing-in-honorable-living-through-the-sldp-h-program

Fort Hood Independent Review Committee. 2020. *Report of the Fort Hood Independent Review Committee*, November 6. https://www.army.mil/forthoodreview/

French, Shannon. 2003. *The Code of the Warrior: Exploring Warrior Values Past and Present.* Oxford, UK: Rowman & Littlefield.

Jennings, Peter L., and Sean T. Hannah. 2011. The moralities of obligation and aspiration: Toward a concept of exemplary military ethics and leadership. *Military Psychology* 23: 550-571.

Jinkerson, Jeremy D. 2016. Defining and assessing moral injury. *Traumatology* 22: 122-130.

MacIntyre, Alasdair C. 2015. Military ethics: A discipline in crisis. In *The Routledge Handbook of Military Ethics*, ed. George Lucas, 3-15. Abingdon, UK: Routledge.

Mattox, John Mark. 2013. Values statements and the profession of arms: A reevaluation. *Joint Force Quarterly* 68: 59-63.

Myers, Meghann. 2020. A culture that fosters sexual assaults and sexual harassment persists despite prevention efforts, a new Pentagon study shows. *Military Times*, April 30. https://www.militarytimes.com/news/your-military/2020/04/30/a-culture-that-fosters-sexual-assaults-and-sexual-harassment-persists-despite   prevention-efforts-a-new-pentagon-study-shows/

Navin, Mark. 2013. Sincerity, accuracy, and selective conscientious objection. *Journal of Military Ethics* 12: 111-128.

Olsthoorn, Peter. 2017. Situations and dispositions: How to rescue the military virtues from social psychology. *Journal of Military Ethics* 16: 78-93.

Op den Buijs, Tessa, Wendy Broesder, Irina Goldenberg, Delphine Resteigne and Juhan Kivirähk. 2019. Warrior and peacekeeper role identities: associations with self-esteem, organizational commitment and organizational citizenship behavior. *Journal of Military Studies* 9: 3-15.

Rempfer, Kyle. 2020. Fourteen leaders relieved or suspended after scathing report on Fort Hood. *Army Times*, December 8. https://www.armytimes.com/news/your-army/2020/12/08/fourteen-leaders-relieved-or-suspended-after-scathing-report on-fort-hood-crimes/

Romo, Vanessa, and Tom Bowman. 2020. More Than 70 West Point Cadets Accused Of Cheating in Academic Scandal. *NPR*, December 21. https://www.npr.org/2020/12/21/949025580/more-than-70-west-point-cadets-accused-of-cheating-in-academic-scandal

Sherman, Nancy. 2005. *Stoic Warriors: The Ancient Philosophy Behind the Military Mind*. New York: Oxford University Press.

Snider, Colonel Don M. 2015. American military professions and their ethics. In *The Routledge Handbook of Military Ethics*, ed. George Lucas, 15-32. Abingdon, UK: Routledge.

Snow, Nancy E. 2009. How ethical theory can improve practice: Lessons from Abu Ghraib. *Ethical Theory and Moral Practice* 12: 555-586.

Wolfendale, Jessica. 2015. Military culture and war crimes. In *The Routledge Handbook of Military Ethics*, ed. George Lucas, 82-97. Abingdon, UK: Routledge.

Wolfendale, Jessica, and Steve Clarke. 2008. Paternalism, consent, and the use of experimental drugs in the military. *Journal of Medicine and Philosophy* 33: 337-355.

Wong, Leonard, and Stephen J. Gerras. 2015. *Lying to Ourselves: Dishonesty in the Military Profession*. Carlisle, PA: US Army War College, Strategic Studies Institute.

Wong, Leonard. 2002. *Stifled Innovation? Developing Tomorrow's Leaders Today.* Carlisle, PA: US Army War College, Strategic Studies Institute.

Yiannaros, Andreas. 2018. Refusing to kill: Selective conscientious objection and professional military duties. *Journal of Military Ethics* 17: 108-121.

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[1] This paper emerged from the Individualization of War Engagement Workshop. This workshop was held at the United States Military Academy, West Point, on February 13-14, 2019, and paired military personnel with academics to explore connections between the experiences of military personnel and the research expertise of academic researchers from a variety of disciplines.

[2] Toxic warrior identity can come in degrees. Some distortions of warrior identity may be less serious than others in terms of their impact of the behavior and attitudes of military personnel.

[3] There are two additional set of ethical issues that relate to the moral imperatives of placing soldiers in positions to "develop" occupied countries during reconstruction efforts. Firstly, the participation of soldiers in reconstruction efforts that are outside the scope of traditional military duties raises questions about the training needed for such roles, and questions

about the appropriateness of soldiers making decisions (intentionally or unintentionally) between the "haves" and "have nots." But the issue of lack of oversight that we identify is not unique to these non-traditional military operations. Secondly, the money that was marked for reconstruction was US money that had originally belonged to the Iraqi government. So, one important question is: what are the ethics of taking back US money that had belonged to the Iraqi people and then deciding who gets to use it and for what? We see questions such as this as important and worthy of exploration, but we will not be able to explore them here.

[4] To be clear, we are not claiming that 1LT Portis's superior officers were operating from a toxic warrior identity. But, their behavior is consistent with attitudes toward accountability that can arise with some forms of toxic warrior identity.

[5] See, e.g., Doris and Murphy 2007. For discussion and critique of the situationist claims, see Cartagena 2017 and Olsthoorn 2017.

[6] See Nikki Coleman, *Does the Australian Defence Force have a compelling justification for the duty to obey orders?* (UNSW Canberra School of Humanities and Social Sciences, 2016): 60. The existence of and justification for the military's duty of care is not straightforwardly reducible to or explained by the moral principles of *jus ad bellum* and *jus in bello*. Instead, it is based on the fact that members of the military profession are likely to be placed in situations of danger and that is true regardless of whether a war is just or unjust. We thank an anonymous reviewer for raising this point.

[7] Military personnel may not have a legal right to disobey such orders, however. According to the Uniformed Code of Military Justice (UCMJ), the *only* type of order that a soldier

can legally disobey is an unlawful one. If the order is immoral and/or unnecessarily puts the soldier in harm's way – as might be the case of flying a plane that failed a maintenance inspection – the UCMJ may in fact uphold the order. Now, of course, any soldier can disobey any order – and a soldier may well disobey an order to fly a plane that failed an inspection – but that soldier could conceivably be charged under UCMJ for doing so.

[8] This raises the question of the military's responsibility to treat military personnel who suffer from moral injury – a responsibility that arguably falls under the military's duty of care as described earlier.

[9] Note though that guilt and shame may be morally *appropriate* responses to committing wrongful acts. Describing all such responses as forms of "moral injury" is misleading, given the association of injury with impairment of health. Appropriate feelings of guilt and shame at one's wrongdoing are evidence of moral health, not of injury that is in need of repair. Indeed, it is the lack of such feelings that might be more accurately characterized as a kind of moral injury.

[10] See, e.g., Wolfendale 2015. While West Point's recent Special Leader Development Program for Honor (SLDP-H) had shown improvements in Cadet behavior in relation to honor code violations (Fernandez 2019), this success has been undermined by recent revelations of widespread cheating by 70 West Point Cadets (Romo and Bowman 2020)

[11] What these areas of expertise are has been the subject of much debate, which we will not address here. For example, Samuel Huntington defines the military's professional expertise as the management of violence (1957, 189-192), whereas Don Snider argues that the Army,

Navy, and Airforce are "three distinct military professions ... each identified with the physical domain in which their warfare expertise resides" (2015, 15).

[12] This is the most prominent conception of military identity and values in PME and in much work in military ethics. See, for example, French 2003 and Sherman 2005. There are far too many recent works in military ethics to list here. A brief survey, for example, of the articles published in this journal provides a good indication of the continued acceptance of the moralized warrior model of the military profession.

[13] See, for example, MacIntyre 2015, Sherman 2005, and Snow 2009. A related question is whether and to what degree all soldiers are required to develop this moralized foundation. Some might argue that it is more important that senior officers do so than junior officers or enlisted personnel. Certainly, the emphasis on values statements and ethics training is greater in officer training than it is in basic training for enlisted personnel. Alternatively, given junior officers' crucial role in shaping the attitudes and behavior of personnel under their command, such training may be equally, if not more, important at that level. We don't take a stance on this issue here, but will simply note that while the degree of moral education may currently vary according to rank, the dominance of virtue and value language at all levels of service (for example, in the core values statements of each service) suggests that the moralized warrior identity of military service is intended to be internalized by members of all ranks.

[14] This is particularly likely when emotional traits and behaviors traditionally associated with feminine gender roles are derided and criticized. For example, Do and Samuels

describe how male Air Force cadets "who fail tests of masculinity often are discredited as 'girls, pussies, weenies, and wimps'" (2021, 29).

[15] This is not the first time the military has grappled with this idea. In 1979, amidst the burgeoning bureaucratic requirements of the post-Vietnam War military, then-Army chief of staff General Edward "Shy" Meyer suggested that one way to empower junior leaders might be to support a notion of "selective disobedience" (Barno 2014, Washington Post). According to LTG (ret.) David Barno, who was an infantry company commander at the time, the idea resonated with him not because he could "ignore laws or violate ethical standards," but because the "policies, regulations and requirements vastly exceeded the time available to comply" (Barno 2014).

[16] We thank an anonymous reviewer for this suggestion.