



The Center on
Conscience & War

The Reporter for Conscience' Sake

Volume 62

2005

Number 3

Army Teaches Killing In War Is Moral

A Response to Work of Major Peter Kilner

By Bill Galvin

CCW Counseling Coordinator

On Aug 17, 2005 the Wall Street Journal reported that Major Peter Kilner's articles on the ethics and morality of war have been receiving wider attention. "At the Army's school for newly minted chaplains in South Carolina, Major Kilner's writings are being incorporated into a new course to be offered later this year on how to counsel soldiers on the morality of war." Possessing a seeming fascination with this issue and believing the military to have ignored the matter of morality when training soldiers to kill effectively, Kilner has produced several recent publications, beginning with his Master's thesis, *Soldiers, Self-Defense, and Killing in War*. An active duty officer, he has also taught these and similar topics in a variety of contexts including at the United States Military Academy at Westpoint. He even maintains a blog, *Thoughts of a Soldier-Ethicist*, providing a forum for his own essays and encouraging public discussion. Since CCW receives calls daily from soldiers struggling with the morality of their role in war, it is essential to explore what Major Kilner and the Army is teaching chaplains on this subject.

direct order from someone of authority. However, it was discovered that it was fear of killing, rather than the fear of being killed, that largely influenced the actions of these soldiers. Even when there was a perceived threat to the soldiers, relatively few actually fired their weapons. General S.L.A. Marshall, one of the official historians of WWII wrote, "[The American soldier] is what his home, his religion, his schooling, and the moral code and ideals of his society have made him. . . He comes from a civilization in which aggression, connected with the taking of life, is prohibited and unacceptable. . . [this teaching] has been expressed to him so strongly and absorbed by him so deeply and pervadingly—practically with his mothers milk— that it is part of a normal mans emotional make-up. This is his great handicap when he enters combat" Marshall notes that "at the vital moment [the rifleman] becomes a conscientious objector."²

See **KILNER**, Pg. 4

From Warriors to Resisters

A Book Review

By Theo Sither

CCW Lobbyist



"By putting my weapon down I chose to reassert myself as a human being."

-Camilo Mejia

"I sold my soul to the Marine Corps a long time ago, but every time I tell my story, I get a little piece of it back."

-Jimmy Massey

No one knows the reality and horrors of war better than veterans, providing no better voice for peace and resistance. Veterans bring a unique perspective to the peace movement. They are the storytellers of the war experience, providing a sense of urgency and passion with each See **BOOK**, Pg. 6

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The "Problem" With Current Training

Studies conducted after WWII indicated that fewer than 25% of soldiers actually fired their weapons at the "enemy."¹ Peer pressure increased the likelihood of firing, as did a



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The Reporter for Conscience's Sake is a publication of the Center on Conscience & War.

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News Briefs

South Korea Reviews Conscientious Objection Issue

After the National Human Rights Commission recommended in December the recognition of conscientious objectors within the South Korean compulsory conscription system, Defense Minister Yoon Kwang-ung proposed the formation of a committee to explore the idea of an alternative civil service system. In August a Constitutional Court ruled the current conscription practices as fully within the law, and many still believe alternative service would only weaken national security. However, each year around 700 conscientious objectors are jailed or otherwise disciplined.

(The Korea Times 1/6/2006)

A Question of "Opting-Out"

Parents may be surprised to learn that even after "opting-out" of having their child's information provided to military recruiters at schools, this information remains in a larger Pentagon database, the Joint Advertising Market Research and Studies (JAMRS). The Pentagon insists that JAMRS is necessary in order to maintain the volunteer military and claim that one central directory will even save money. However, both the budget and legality have been put to question. In June 2005 seven senators requested that Rumsfeld "immediately cease creation of this database." Until that happens, there is a push for more easily accessible "opt-out" options; however, even with such a request for the information to not be released, the child's name and information is never actually removed, making the value of "opting-out" of JAMRS uncertain.

(Vermont Guardian 1/17/2006)

Canada Divided On Fate of U.S. War Dodger

In January 2004, Jeremy Hinzman, 27, left his 82nd Airborne unit, heading to Canada days before he was to be deployed. Now, having been denied refugee status and awaiting a Federal Court review, two human-rights advocacy groups are attempting to intervene on his behalf. Amnesty International and the International Human Rights Clinic argue that Hinzman's claim that the invasion of Iraq was illegal is adequate evidence that he is indeed a conscientious objector. However, in his March hearing, the board rejected the war legality argument, ruling that as Hinzman is not a pacifist, he is not a conscientious objector. While the U.S. does not recognize this kind of selective conscientious objection, Hinzman's lawyer is asking Canada to consider UN jurisprudence that "talk(s) about objecting to a specific war, if its character is contrary to fundamental human norms." As at least 20 others are currently seeking similar refugee status, this case is sure to set precedence.

(Canada Press 2/5/2006)

Turkey Charged In CO Case

On January 24, 2006 the European Court of Human Rights ruled that Turkey had violated Article 3 of the European Convention on Human Rights by giving conscientious objector Osman Murat Ulke multiple prison terms for refusing to serve his compulsory military service. While the ruling does not exempt Ulke from his service or stipulate a change to Turkey's draft system, it does raise the question of reform. *(Turkish Daily News / The Anatolian Times 1/15/2006)*

From The Hill // Theo Sittler



On December 18, 2005 president Bush addressed the nation justifying his decision to invade Iraq. In this speech he said, "My most solemn responsibility is to protect our nation, and that requires me to make some

tough decisions. I see the consequences of those decisions when I meet wounded servicemen and women who cannot leave their hospital beds but summon the strength to look me in the eye and say they would do it all over again." The President, however, failed to mention that there are many who take the courageous step and say that they cannot kill or participate in war. Katherine Jashinski is one of the most recent examples of such conscientious objection. In Katherine's case, CCW executive director J.E. McNeil has continued to be part of her legal team as she waits at Fort Benning, Georgia and is "disciplined" for refusing to train with weapons.

Currently it is only military policy to discharge someone who is a conscientious objector. Since a CO discharge is not law, the Pentagon can suspend this policy at any time. In fact, the CO policy was suspended during the Persian Gulf War in 1991 resulting in thousands of COs going to jail or going AWOL because their conscience would not allow them to go to war. In 1992, Rep. Ron Dellums (D-CA) introduced the Military CO Act. Under this bill, the military would no longer be able to arbitrarily take away the right of discharge, and the soldier would not be deployable or be forced to carry a weapon. The legal definition of a CO would also be redefined to include someone who is conscientiously opposed to his/her participation in a "particular war."

The Center has been busy lobbying Congress to extend the rights of conscientious objectors in the military like Katherine. Under current military policy, the CO discharge process usually takes approximately one year. During this time a CO applying for the discharge can get deployed, be ordered to pick up a weapon, or risk harassment. Under a Military CO Act, the person applying for a CO discharge would gain protections against the violation of his/her conscience. Simply, the process would be more fair and smooth. Others would

not be forced to choose between going to war and violating their beliefs or being punished. However, lobbying for this bill in the current political environment is an up-hill struggle. While many members of Congress are sympathetic towards the bill, no one is willing to take the lead to introduce it. In spite of this we are working very hard to educate congressional staffers and members on conscientious objection and working to find a lead sponsor. If you would like to speak to your Congress member about this issue please get in touch with me through e-mail (tsittler@CenterOnConscience.org) or by telephone (202.483.2220).

A New Face Here and Gone



Marilyn Schirk has been a diligent addition to the office over the past few months. Volunteering her time one or more days a week, she has all but finished transcribing a manual of military medical deferments to be used

by draft counselors. "It's been wonderful to be able to help the Center with such important work. This project will hopefully allow the Center to continue counseling conscientious objectors and GIs." While Marilyn has now left CCW, she and her husband will soon be pursuing six more months of service through Brethren Volunteer Service as they work with SERRV International, a nonprofit alternative trade and development organization in New Windsor, Maryland.

CCW Bids Another Farewell



The Center regrettably says goodbye to Dan O'Connor. Dan has been a law clerk in the office since September as part of his class load at American University's Washington College of Law. A

third-year part-time law student, Dan divided his time between classes, a full-time position at a law firm, and his work with CCW. With an interest in human rights issues, Dan was eager to defend the right of conscientious objection. While he will be focusing more on work and school this semester, he has assured everyone that he will continue periodically volunteering at the Center.

Questions of Morality in War

KILNER, *From Pg. 1*

It is not surprising that because of these findings, the military has altered and continues to alter training methods to increase the likelihood of active participation within combat. Anyone who counsels military conscientious objectors is well aware of this, as it is often this training that is the beginning of the “crystalization” of their beliefs. One conscientious objector wrote of the blatant symbolization of the human shaped targets they were shooting and the plastic dummies they were stabbing. When the training escalated to a video enhanced, real time encounter with Arab people coming at the soldier as he walked down the street, this objector knew that he was being trained to do things that violated his deepest Christian values. However, many in training do not dwell on these exercises as this young man did, and this kind of training has proven to be effective in preparing many to actually kill in combat. Studies now indicate that 90% of soldiers shoot their weapons.³

Kilner argues that the military is only doing half of its job when training soldiers, and that is creating a problem. The new training has emphasized “reflexive” killing rather than “reflective” killing. While he says this is good because they actually shoot their weapons, and if they reflected on it first, they might get shot, he cautions that “conditioning soldiers to reflexively engage targets prepares them to deal with the enemy, but it does not prepare them to deal with their own consciences.”⁴ To illustrate his point, he gives an example of a Sargent who killed two Iraqis in Desert Storm and seemed ok with it at the time. He is now at Walter Reed Army Medical Center after two suicide attempts. Kilner quotes an officer in this man’s unit who said, “I believe that in the heat of battle he did something contrary to his (and possibly human) nature. I don’t believe that there really is a moral justification to killing in combat.”⁴ This is a problem that Kilner would like to fix by teaching soldiers that it is morally right to kill in battle.

Kilner’s Solution: Killing In Combat Is Morally Justified

Kilner believes that soldiers must learn that what they have been taught to do as a reflex (shoot to kill upon orders or in response to certain situations) is what they would have done if they had the time to reflect on the

action before doing it. He claims that the moral justification for killing in war is rooted in “Judeo-Christian and Kantian moral thought.” His theory is this: it is morally justifiable to kill someone if they are (1) consciously choosing to (2) threaten your life or liberty, (3) the threat is imminent, and (4) you have no other reasonable way to avoid the threat. He says that all four of these elements must be present to morally justify killing. Furthermore, he claims that if one is in a caretaker role for another, such as a police officer or in combat, one who has a responsibility to look out for others in his unit, that person is morally obligated to kill when these four conditions are met.

Judeo-Christian?

While Kilner did incorporate many elements of Christian “Just-War” teaching into his course at Westpoint and refers to Christian pacifism in a footnote of his thesis, it is difficult to recognize mainstream Christian ethical teaching in his theory. At no point is the primary Christian value raised that war is generally (or always) wrong or that war represents the brokenness of our world and a failure of God’s people to be faithful. Nor is there any reference to the Jewish tradition that peace is the most divine fulfillment of God’s will, the centrality of shalom in the Jewish tradition, or the draft law in Deuteronomy 20 that exempts those of tender heart (interpreted by ancient rabbis to mean those who are afraid they might sin by killing someone). Nor is mentioned the basic teaching in the Talmud that to take a single life is to destroy the entire world, just as to save a single life is to save the entire world.

In fact, in the only overt reference to fundamental Judeo-Christian principles to be found in his writings, the ten commandments, “‘Thou shalt Not Murder’” he says, “is arguably the closest thing there is to a universally accepted norm. Yet military leaders expect young soldiers to ignore well-learned moral codes and to kill whenever ordered to do so.”⁵ This statement comes in his description of the “problem” he is trying to fix. His theory supposedly based on “Judeo-Christian and Kantian Moral thought” relies very little, if any, on the Judeo-Christian part. Even if one accepts “Just-War teaching, it is a huge leap from that to Kilner’s “rights-

based” justification of killing in combat.

Setting aside whether or not this line of reasoning comes out of a “Judeo-Christian” morality, his “rights-based morality” begins with two basic assumptions. First, a person has a right to life and liberty, and second, s/he has the right to defend this life and liberty. When he applies this to combat, his thought process becomes very interesting.

A key element in his theory is that those who pose a threat to one’s life or liberty lose their own right to life and liberty. This is why it is moral for a soldier to kill one who poses such a threat. “Enemy soldiers are morally responsible for the threat they pose. At some time, they chose to be soldiers, and they must know they are at war against other people. . . (and referring to draftees) They had other options, however unpleasant they may have been.”⁶ To Kilner, even those who are in the military because of severe pressure, even the threat of death, have made a conscious choice to pose a threat. He claims that while people are not responsible for things beyond their control, such as whether or not their nation goes to war, “people who choose to be soldiers in war are morally responsible for the threat they pose to their enemy. . . All enemies (soldiers) are either direct threats or accomplices to direct threats. They all act for the same end– to deny the target any right to life and liberty. Soldiers have no recourse to a higher authority to defend them; they must fight, or they will lose those rights.”⁷

While his justification for killing in war relies on “reason,” there are some pretty big contradictions in his line of thought. He doesn’t seem to apply the same standard to US soldiers. If a soldier is automatically, by definition a threat, and by definition has lost his right to life, isn’t a US soldier a threat to the enemy soldier? So doesn’t that mean s/he has also lost his/her right to life and liberty? How can s/he morally justify killing someone because they are a threat to a right that doesn’t exist?

How Does This Relate To Conscientious Objection?

By holding soldiers responsible for the threat they pose, Kilner appears to be arguing in favor of draft resistance and conscientious objection. However, here is the important issue for us: the normative value is not killing

people! So often in doing this work we hear that violence or war is “human nature.” Kilner talks at length about the efforts expended by the military to teach people to go against their nature and do things they have been taught to be wrong since infancy. He traces the high levels of Post-Traumatic Stress Disorder to the fact that so many soldiers have done what they know deep in their heart is wrong. It is not uncommon for a military officer to say (referring to conscientious objectors), “nobody really believes that stuff! It’s just something they make up to get out!” But Major Kilner shows that in reality, most of us believe “that stuff.” The military, however, works hard to overcome the reservations that we have against taking human life. Says Kilner, “Soldiers are human beings who naturally feel it is morally wrong to kill other human beings. As a result, without training that overcomes that moral aversion, most soldiers in combat would choose not to kill the enemy.”⁵ Although Kilner intends to solidify his position, in fact, he makes it more clear that conscientious objection is not only legitimate but completely natural.

We should be happy that the evidence shows that most people, including soldiers, have a moral aversion to killing, but all people of faith should be alarmed that new chaplains are being trained in how to morally justify killing in war. This training is not based on religious tenants but rather a Kantian logical argument that begins with false premises and continues with contradictions. Most conscientious objectors we counsel report that military chaplains were of little help as the CO tried to sort out the conflicts between his/her values, religious beliefs, and the things they were being trained or ordered to do as members of the military. It is unlikely that the kind of training proposed by Kilner will help chaplains provide meaningful spiritual guidance to these soldiers in the future.

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1. Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (New York: Little, Brown, and Co., 1996) and S.L.A. Marshall, *Men Against Fire: The Problem of Battle Command in Future War* (New York: William Morrow and Co., 1961)
 2. Marshall 78-79.
 3. Grossman 189.
 4. Peter Kilner, “Military Leaders’ Obligation to Justify Killing in War,” *Military Review* Mar./Apr. 2002: 28.
 5. Kilner 25.
 6. Kilner 30.
 7. Kilner 31.

Veterans Give Their Stories

BOOK, From Pg. 1

account. It is this driving force that brings to light the truth of war. The expanded 2005 edition of *From Warriors to Resisters: U.S. Veterans on Terrorism* is a book that gives us that unique perspective.

This book chronicles the stories of fifteen warriors turned war-resisters. Each chapter is a hard-hitting story written by veterans talking about their experience as a soldier and their transformation to resister. The first ten stories are by resisters from World War II and wars since then, save the current Iraq war. Each of these resisters also talk of their current work and resistance to the School of the Americas (SOA). Father Roy Bourgeois, a central figure in the movement to close the SOA, talks about his transformation by saying, "We were warriors, believing our cause was noble. Then something happened. The suffering and death and the body bags coming home began to change us. We started questioning our country's violence as a dead-end street."

The second part of this book is stories by conscientious objectors from the current war in Iraq. The five Iraq resisters featured in this book are Stephen Funk, Camilo Mejia, Diedra Cobb, Michael Blake and Jimmy Massey. These voices are essential to the current anti-war movement. They represent the truth of our current times, and they rekindle a hope and a passion to end the war. Diedra Cobb, whose conscientious objector application was denied by the Army, had this to say:

"I sit here in limbo, telling the world MY story, which is OUR story, so that those who have even a snippet of curiosity about why so many people are screaming, "Not in our name!" might have some inspiration. I tell my story for those who have a passion for peace that needs to be revived, that they might realize that they do make a difference. Because it is the small parts that make up the whole—and, oh, what a powerful energy that whole exudes when we choose peace and love and compassion!"

There is so much power in the stories of these veterans whose life and experience in the military brought them to a place of resistance to the overwhelming military

machine. Read this book and allow it to rekindle your passion and hope.

To obtain copies of this book contact SOA Watch or visit www.resistersbook.org. Online version available.



Operation Refuse War

Washington D.C.

Tentative Schedule of Events:

May 11 - 16: Operation Refuse War: Conscientious Objection Conference

May 13: GI Rights Hotline Summit

May 14: Eyes Wide Open Exhibit

May 15: International CO Day
CCW Advisory Counsel Mtg.
Eyes Wide Open Continues
Silent March

May 16: National Conscientious
Objection Lobby Day

Join us to advance the rights of worldwide conscientious objectors. Registration required. More information soon.

www.CenterOnConscience.org

A Civil War CO

The following is an excerpt from Southern Heroes: The Friends In War Time by Fernando G. Cartland. Published in 1895, it serves as a record of the actions, ideas, and treatment of Friends in the war-time south between 1861 and 1865. This is just one of many stories of conscientious objectors during the Civil War.

Gideon Macon was taken from home as a conscript by the soldiers. He was passed from one guard-house to another as a prisoner, was scoffed at and jeered on the way, and told of the dreadful things that would happen to him if he would not fight. He was finally sent to Lee's army, and was immediately called upon to take a gun, which was handed to him; but he declined to do so. Upon ascertaining his determination not to receive the weapon, he was ordered to the rear to take a soldier's place as cook. He explained that he could not for conscience' sake take a soldier's place; that cooking in itself was needful, and he would not object to doing his own; but to take this man's place would be doing a soldier's work, and he might as well do the fighting as the cooking. He could take no part in any duties of a soldier.

The law of force is the law of war, and the officers, knowing perhaps no better way, thought that by punishing him they could compel this man of peace to do their bidding; but sometimes human power fails, and although they punished him all they knew how without killing him, he was, through silent suffering, the heroic conquerer.

A severe punishment called "bucking-down" was practiced in the army, and in Gideon's case this was first resorted to. As we shall have occasion to use this term repeatedly, it is best here to describe the manner of doing it, that the reader may form some idea of the terrible punishment thus meted to innocent men. The man who is condemned to this trying ordeal is made to sit down on the ground; his wrists are firmly bound together by strong cord or withes; drawing up the knees his arms are pressed over them until a stout stick can be thrust over the elbows, under the knees, and thus the man's feet and hands are rendered useless for the time being. He can neither crawl nor creep. For hours Gideon Macon thus

suffered, enduring not only the pain of body but the taunts of men who thought to ridicule and shame him into a surrender of his principles.

The next day General Lee was so closely pressed by the Northern army that he was obliged to fall back. As they were retreating, the officers tried to make Gideon take a gun, but he was no more willing to take it when retreating than when advancing, and refused to touch it, at which the general in command of the division was very angry. His orders were not only disregarded, but openly disobeyed before his subordinates, and this must not be permitted in any army whose success depends upon complete obedience. With fearful oaths the officer informed him that he would be immediately hung if he did not take the gun.

Gideon could not be frightened. Death had no terror for him then, and fearing to disobey God more than men, he chose to keep a good conscience, and looking calmly at the general, he told him that he was in his power so far that God permitted that power to be exercised. He was not afraid to die, but would not disobey God's command. The general then peremptorily ordered men to hang him to a certain tree. He was not aware of the close proximity of the Northern army, and before the order could be obeyed the men detailed were compelled to rush on for their own safety, and Gideon was hurried along with them.

Refusing to accept any occupation of a military character, even to carry the officers' baggage, they abused him, kicked and beat him cruelly, but the man of peace could no more retaliate than he could fight the Yankees, and he meekly endured all for Jesus' sake. Having arrived at Petersburg he was put in the jail, where he underwent great hardships. Not only was personal abuse inflicted upon him, but the necessities of comfort and cleanliness were refused him. Even water to wash with he was deprived of for three weeks.

Upon the disbanding of General Lee's army, after the surrender at Appomattox, our suffering prisoner was liberated, having endured months of cruel torture and imprisonment. He returned to the quiet of his home at Holly Spring to enjoy its blessings and a conscience void of offense toward God and man.



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From the Desk of the Executive Director

My week began talking at a Catholic Church and ended talking at a synagogue. In the middle I spoke at a Quaker Meeting, with a reporter and with a group of interfaith leaders about the war in Iraq. I just got an email from a friend of mine (whose dad was and sister is career military) forming a peace group in Texas .

The most dramatic of my remarks are ones I say over and over again. I tell the words and stories of the COs we help every week. The less dramatic point I try to make over and over again is that opposition to this war is not the special province of the historic peace churches. Nor is it the special province of the people who live on the coasts of the United States. Nor is it the special province of Liberals and Leftists.

The people who oppose this war run the gamut. They worship at Meeting Houses, churches, temples, synagogues, and mosques—or they don't worship at all. They live in New York state, Washington, DC, California, Texas, Ohio, Illinois, Nebraska, Iowa—well, all of the states and territories of the United States. They voted for Nader, for Kerry, for Badnarik, for Bush or didn't vote.

What they have in common is their clear understanding that **THIS WAR IS WRONG**.

I still speak to people who think my notion that all war is wrong is quaint or naive. I talk with people who believe that we need a military to protect our freedoms.

But what I have in common with them is our clear understanding that **THIS WAR IS WRONG**.

But there are hundreds of people in the military who are unaware that the Center and the GI Rights Hotline stand ready to assist. There are hundreds of people in the military who are unsure and don't know who to talk to and whom they can trust. There are thousands of people across this nation who feel they are unheard in their objection to this war or are afraid to speak out lest they be thought unpatriotic—or worse, be a target of the very nation that they love.

The Center reaches out to all of these people: On the one hand those who are in the military and need help and support. On the other hand those whether in the military or not who want to be heard that **THIS WAR IS WRONG**.

You know and I know: **THIS WAR IS WRONG**. The Center makes sure that the voices that make this plea within the military and within the civilian world are heard.

May 15, International CO Day and May 16 our Lobby day are already fast approaching. Contact us at

CCW@CenteronConscience.org

and see how you can help make all of our voices heard.

Yours for Peace and Justice,

J.E. McNeil

