Sergeant Davis's Stern Charge: The Obligation of Officers to Preserve the Humanity of Their Troops

Shannon E. French

Inamori Professor of Ethics, Department of Philosophy, and Director, Inamori International Center for Ethics and Excellence, Case Western Reserve University, Cleveland, OH 44106, USA Tel: +1 216 368 2456; Fax: +1 216 368 4455; E-mail: shannon.french@case.edu

For ten years, I taught a class called "Military Ethics: The Code of the Warrior" to midshipmen at the United States Naval Academy in Annapolis. As a civilian philosopher, I found it helpful to enrich some of the units of my course by bringing in guest speakers with real combat experience. My hope was that these combat veterans who had "been there, done that" would back up the moral lessons I was attempting to convey to my students. I must admit harboring the fear that, intentionally or not, one of my guests would say something to undermine my teaching. I deemed it worth the risk, however, because my greater concern was that without the inclusion of genuine warrior voices my "Code of the Warrior" classes would lack credibility. I did not want my students to dismiss my subject as too abstract or unrealistic. I took seriously my mission to foster meaningful dialogue on critical military ethics issues – both timeless and contemporary – that my students would soon face as young military leaders, when they accepted their commissions as officers in the U.S. Navy and Marine Corps.

One semester, a naval colleague of mine helped secure an incredible guest speaker for my course: one of the few living U.S. Medal of Honor recipients, Sergeant Sammy Davis. Sgt. Davis is a compelling and engaging speaker, and he held my class riveted. It was a thrilling day for me and my midshipmen. Then, in the question and answer period, came a moment of truth. There was a student in that particular class (I will call him Tom) who was very bright but also rather cocky and somewhat cynical. Tom enjoyed challenging authority.

Tom's hand shot up the moment Sgt. Davis opened the floor to questions. When Sgt. Davis called on him, Tom asked something like this: "All semester, our professor has been talking to us about the importance of preserving our humanity in war. But you've lived through the realities of combat. Isn't the truth that, as an officer, I should not waste time worrying about the humanity of my troops? My only job is to keep them alive."

I held my breath. Sgt. Davis now had the power to completely undo everything I had tried to accomplish as an ethics instructor that semester – not to mention potentially shatter my own faith in the material I had been teaching and writing about for so long. I need not have worried. Sgt. Davis's response did more to encourage my midshipmen to take military ethics seriously than anything I had (or ever could have) done in the classroom, before or since.

Sgt. Davis went right up to Tom, and shouted at him as only a sergeant can, "If that's what you believe, you do not deserve to be an officer, and you need to get out of my military right now!" After that opening blast, he went on with great passion to instruct Tom and all the other midshipmen present that, as officers, they must do everything in their power to safeguard the humanity – and not only the lives – of their troops. War is always an assault on the humanity of every individual caught up in its destructive path. That assault must be resisted as much as any physical threat. The men and women you lead into combat are your responsibility, and ensuring that what you lead them to do does not strip them of their humanity is critical to discharging your fundamental duties as an officer.

By the end of Sgt. Davis's tirade, Tom was chastened to a degree I had not thought possible. (I have to confess that I enjoyed that a little bit.) But he was not alone in having been shaken up by the sergeant's words. All his classmates were sobered by the heavy burden of expectations placed upon them, in such a dramatic fashion, by a man they so admired and respected.

What exactly were those expectations? What does it mean for an officer to be responsible for safeguarding the humanity of his or her troops? How should we understand Sgt. Davis's stern charge to my students, and is it justified?

Sgt. Davis's words reminded me of a scene in Shakespeare's *Henry V*, when the King, disguised as a simple soldier, wanders among his men on the eve of battle. Henry is shocked to learn how much responsibility his subjects place on the king's shoulders:

KING HENRY V

... methinks I could not die any where so contented as in the king's company; his cause being just and his quarrel honourable.

WILLIAMS

That's more than we know.

BATES

Ay, or more than we should seek after; for we know enough, if we know we are the king's subjects: if his cause be wrong, our obedience to the king wipes the crime of it out of us.

WILLIAMS

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¹ I have done my best to recall Sgt. Davis's words, but I am sure my memory is not exact. This statement is therefore merely an approximation. If it misrepresents Sgt. Davis in any way, the fault is entirely mine.

But if the cause be not good, the king himself hath a heavy reckoning to make, when all those legs and arms and heads, chopped off in battle, shall join together at the latter day and cry all 'We died at such a place;' some swearing, some crying for a surgeon, some upon their wives left poor behind them, some upon the debts they owe, some upon their children rawly left. I am afeard there are few die well that die in a battle; for how can they charitably dispose of any thing, when blood is their argument? Now, if these men do not die well, it will be a black matter for the king that led them to it; whom to disobey were against all proportion of subjection.²

Henry's men attempt to burden their king with responsibility for their very souls, if they, following his commands, kill fellow human beings in an unjust cause. Using the language of the Just War Tradition, this is a *jus ad bellum* concern, centering on whether one is being led into a just or an unjust war. How does this question relate to Sgt. Davis's assertion that officers are responsible for preserving the humanity of their troops? First, we must ask if fighting in an unjust war is a threat to an individual's humanity, in the sense intended by Sgt. Davis. Some would contend that participation in any war, regardless of whether one's own side of the conflict's participation fulfills Just War criteria, damages one's humanity by driving one to maim and kill fellow human beings, destroy property, and otherwise shatter lives.

Some scholars and clinicians assert that any violence against another human being causes the perpetrator psychological damage, even if the actions were taken undeniably in self-defense. Rachel MacNair, clinical psychologist and author of *Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing*, describes the dangers of taking another human life:

All of these things – anxiety, panic, depression, substance abuse – can also be included in the "psychological consequences" of killing, along with such things as increased paranoia or a sense of disintegration, or dissociation or amnesia at the time of the trauma itself. [...] In the case of killing, feelings of guilt can vary widely, from killing that is not socially approved, such as criminal homicide, to killing that is not only approved but expected, such as soldiers in war. People can feel guilty even under circumstances that involve clear self-defense.... [S]evere PTSD can be suffered

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² William Shakespeare, King Henry V, Act IV, Scene I.

without any feelings of guilt at all, and guilt can be suffered without any symptoms of PTSD.³

However, even if we concede MacNair's conclusions, does the trauma to which she refers translate to a loss of humanity? If so, could this be a loss of humanity of the sort that concerned Sgt. Davis?

I believe that when Sgt. Davis spoke about officers helping to preserve the humanity of their troops, he did not mean that officers should try to shield their troops from committing any acts of violence or encourage them to refrain from killing other human beings. Clearly, this would interfere with the military's ability to carry out combat missions, and, unlike MacNair, Sgt. Davis is not a pacifist. If he acknowledged the category of psychological consequences of killing identified by MacNair, he would probably consider the burden of such trauma simply one of the many inescapable costs of enduring combat on behalf of one's nation.

Might Sgt. Davis have been suggesting that officers should try to protect their troops from killing in an unjust cause? Killing in an unjust cause can cause unique psychological trauma, beyond that MacNair and others associate with any forms of killing. Individuals who believe that they ended or destroyed the lives of others without adequate moral justification may be plagued with (not unreasonable) feelings of guilt, shame, sorrow, and regret.

There are two reasons why I do not think these considerations were the driving force behind Sgt. Davis's comments. First of all, the experience of psychological trauma such as Shay describes does not equate to or necessarily manifest concomitantly with a loss of humanity. When we speak of someone having lost his or her humanity, we are generally referring to an individual who can no longer feel sympathy or empathy for fellow human beings or act towards them with understanding, compassion, or perhaps even basic respect. Consider the god Apollo's harsh description of the ultimate Greek warrior, Achilles, after he has violated the warrior's code by desecrating the corpse of his fallen enemy, the Trojan Prince Hector, in Homer's masterpiece war epic, the *Iliad*:

His twisted mind is set on what he wants,
As savage as a lion bristling with pride,
Attacking men's flocks to make himself a feast.
Achilles has lost all pity and has no shame left.
Shame sometimes hurts men, but it helps them, too.
... But this man? After he kills Hector,
He ties him behind his chariot
And drags him around his dear friend's tomb.

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³ Rachel M. MacNair, *Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing*, Westport, CT and London: Praeger Publishers, 2002, pps. 7-8.

Does this make him a better or nobler man? He should fear our wrath, good as he may be, For he defiles the dumb earth in his rage.⁴

Note that Homer uses animal imagery to indicate the loss of Achilles's humanity. He is now a beast who kills and destroys without pity or remorse. Achilles's heart, as Hector observes shortly before his death, is a "lump of iron." He no longer has the capacity to feel the experience the full range of human emotions. He is a creature of rage alone.

Achilles achieves some redemption when he returns Hector's body for a proper burial after a moving encounter with Hector's father, King Priam, reignites the fading spark of Achilles's humanity. Nevertheless, his recovery is never complete. As the myth of the Trojan War proceeds, Achilles meets on the battlefield the love of his life: the Amazon queen, Penthesilea. Sadly, he remains so damaged by war that he is unable to stop himself from fatally impaling her with his spear, even as he recognizes her as his last chance for happiness and a full human life. His death, at the divinely-guided hands of the cowardly Prince Paris, follows soon after. And as an empty shade in Hades, he laments the life he traded for martial glory.

The experience of war and combat did far more than kill the "god-like" Achilles; it obliterated any chance he had to flourish as a human being. Surely Sgt. Davis wanted the future officers in my class to preserve their future troops from that dire fate. Thankfully, discerning that one has been engaged in an unjust war, while unarguably traumatic, is not by itself sufficient to bring a warrior to such a pass. Indeed, if individuals caught up in fighting for an unjust cause feel emotions such as I referenced above (e.g., guilt, shame, sorrow, remorse), that is a sign that they have not lost their humanity. They have retained the capacity to care, however painful it may be.

The second reason why I doubt that Sgt. Davis meant to invoke *jus ad bellum* considerations is that it may be neither possible nor desirable for officers at the beginning or in the middle of a conflict to pass judgment on the overall justice of it. The U.S. military does not permit selective conscientious objection. In other words, it is not permissible for an individual to commit to military service but then refuse to fight in a particular conflict because it violates Just War Theory criteria. A military service member who experiences a religious conversion to a belief system that forbids participation in combat of any kind may be discharged from his or her military obligations, but it is not enough to be against some wars or certain kinds of conflicts.

There are practical reasons for this policy, of course. The military cannot afford to be constantly losing personnel due to mere "changes of heart." Even if it were possible to

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⁴ Homer, *Iliad*, trans. Stanley Lombardo (Indianapolis/Cambridge: Hackett Publishing Company, Inc., 1997), 24.45-59.

distinguish cold feet or opportunism from sincere doubts about a conflict's moral grounding, there remains an appeal to the sanctity of civilian control over the military. Out of fear of tyranny and military coups, the U.S. established that civilian authorities alone determine which wars will be fought. Accepting military service means agreeing to abide by the will of the democratically elected civilian leadership and deploy when and where one is told. "Theirs is not to reason why," as Tennyson wrote. Or, as I have heard modern military personnel put it, such decisions are "above my pay grade."

This is not intended to close the book on the subject of selective conscientious objection. Rather, I am ruling out the idea that what Sgt. Davis was advocating was for officers to help protect their troops' humanity by (somehow) pulling them out of conflicts when their overall justification is in question. Beyond the other considerations I have raised, this would place an unfair burden on officers who may not have access to the relevant information that would make it possible for them to assess a conflict on *jus ad bellum* grounds. Serving officers may also be victims of intentional deception by their ultimate commanders.

In his landmark Just and Unjust Wars, Michael Walzer absolved officers of the responsibility for the overall justice of a conflict, even up to the rank of general. This is not an uncontroversial stance, but there are both practical and intuitive reasons for accepting it. Using the case of German General Erwin Rommel in World War II to explore the issue, Walzer notes that Rommel is remembered for his chivalry, despite having fought on behalf of the indefensible Nazi cause:

> [Rommel] was, so we are told by one biographer after another, an honorable man. "While many of his colleagues and peers in the German army surrendered their honor by collusion with the iniquities of Nazism, Rommel was never defiled." concentrated, like the professional he was, on "the soldier's task of fighting." And when he fought, he maintained the rules of war. He fought a bad war well, not only militarily but also morally. "It was Rommel who burned the Commando Order issued by Hitler on 28 October 1942, which laid down that all enemy soldiers encountered behind the German line were to be killed at once..." He was one of Hitler's generals, but he did not shoot prisoners.

Walzer then provides the following analysis of why we do not condemn Rommel for serving a vile and corrupt regime:

⁵ Michael Walzer, Just and Unjust Wars: A Moral Argument with Historical Illustrations, New York: Basic Books, 1977, p.38.

It would be very odd to praise Rommel for not killing prisoners unless we simultaneously refused to blame him for Hitler's aggressive wars. ...[Otherwise] Rommel's case would be exactly like that of a man who invades someone else's home and kills only some of the inhabitants, sparing the children, say, or an aged grandmother: a murderer, no doubt, though not one without a drop of human kindness. But we don't view Rommel that way: why not? The reason has to do with the distinction of *jus ad bellum* and *jus in bello*. We draw a line between the war itself, for which soldiers are not responsible, and the conduct of war, for which they are responsible, at least within their sphere of activity. ...[B]y and large we don't blame a soldier, even a general, who fights for his own government. He is not the member of a robber band, a willful wrongdoer, but a loyal and obedient subject and citizen, acting sometimes at great personal risk in a way he thinks is right.⁶

Rommel's example and others persuade Walzer that, just as the soldiers in $Henry\ V$ assert, "The atrocities that [a soldier] commits are his own; the war is not. It is conceived, both in international law and in ordinary moral judgment, as the king's business – a matter of state policy, not individual volition, except when the individual is the king."

To understand what Sgt. Davis had in mind we must follow Walzer's lead and shift over to the realm of *jus in bello*. Here, we can plausibly attribute to officers some level of control – and therefore responsibility – over the specific actions of their troops that might place the troops' humanity in jeopardy. For, as Walzer concludes, "even the pawns of war have rights and obligations" when it comes to the moral conduct of war.⁸

A warrior's humanity is most obviously at risk when he or she participates in an atrocity. Vile actions such as rape, the intentional slaughter of civilians, or the torture of prisoners of war dehumanize the victims and degrade the perpetrators. We require officers not to lead or order their subordinates to commit criminal actions such as these.

If this had been the only point that Sgt. Davis intended to convey to Tom and the other midshipmen in my class, it would not have had such a great impact upon them. After all, he would not have been setting a very high bar by merely enjoining them to avoid blatant violations of the most basic laws of war. I think he was placing a much broader responsibility on them, and, judging by their reactions, my students thought so, too. But how broad? To return to the wisdom of *Henry V*, Shakespeare's disguised ruler refuses to accept responsibility for every action taken by the men he commands, or for their general character or past sins:

⁶ Ibid pps. 38-39.

⁷ Ibid p. 39.

⁸ Ibid p. 40.

KING HENRY V

So, if a son that is by his father sent about merchandise do sinfully miscarry upon the sea, the imputation of his wickedness by your rule, should be imposed upon his father that sent him: or if a servant, under his master's command transporting a sum of money, be assailed by robbers and die in many irreconciled iniquities, you may call the business of the master the author of the servant's damnation: but this is not so: the king is not bound to answer the particular endings of his soldiers, the father of his son, nor the master of his servant; for they purpose not their death, when they purpose their services. Besides, there is no king, be his cause never so spotless, if it come to the arbitrement of swords, can try it out with all unspotted soldiers: some peradventure have on them the guilt of premeditated and contrived murder; some, of beguiling virgins with the broken seals of perjury; some, making the wars their bulwark, that have before gored the gentle bosom of peace with pillage and robbery. [...] Every subject's duty is the king's; but every subject's

soul is his own.9

We are no more able to fight our wars with "unspotted" paragons of virtue than were the kings of old. Despite our best attempts to screen out criminals and deviants from our forces, a certain percentage will inevitably slip into the ranks. Officers must endeavor to police their troops as much as possible, but no officer can stand watch over all of his or her subordinates day and night and control their every action. At best, transgressions can be kept to a minimum and punished swiftly when they occur. What else is Sgt. Davis justified in expecting of officers, relevant to their responsibility for preserving their troops' humanity?

It makes the most sense that the responsibility Sgt. Davis was talking about is what the military often refers to as an officer's obligation to maintain an ethical "command climate."

> Command climate is the culture of a unit. It is the way a unit "conducts business." The leader of the organization is solely responsible for the organization's command climate. Commanders at all levels establish this climate by what they say and what they do. Character-based leadership is the bedrock requirement for a successful command climate.

⁹ Henry V, Act IV, Scene I.

Commanders send clear messages to their units by the way they do simple things and the things they check (an arms room inventory, a material readiness report, appropriate use of rules of engagement and escalation of force, timely and accurate reporting of checkpoints, and so on). For example, commanders (leaders) who give cursory attention to the importance of accurate (ethical) reporting, training to standard, discipline under fire and treatment of noncombatants set a command climate that is prone to failure (or worse). ¹⁰

An ethical command climate is essential to preventing troops from committing acts that endanger their hold on their own humanity precisely due to the point noted above that an officer cannot literally oversee every move his or her troops make. As Christopher Kolenda observes in *Leadership: The Warrior's Art*, this is especially true in modern warfare, with its diverse components and increased autonomy of small units and individuals:

Only when results and values exist in a complementary relationship will the organization develop a healthy culture and a positive command climate. When leaders, peers, and subordinates possess the discipline to function within these standards, an environment of trust is forged. [...] Vision provides the focus; performance results and values furnish the necessary boundaries within which an organization and its members will operate.

This form of discipline and the organizational culture it fosters occupies a critical place on the modern battlefield. [...] [In] modern combat... a platoon leader, never mind a general, might not even see a large part of his force until the battle is over. [...] Trust, the implicit understanding that senior, peer, and subordinate alike are doing their absolute best to accomplish the mission in the right way, forms the bedrock of organizational effectiveness for any profession. Discipline forges the foundation of trust at the organizational level, bringing with it a level of maturity necessary to develop and practice independence and initiative. ¹¹

In their brief but compelling 2008 article on "Command Climate" for the Army Magazine, Lt. Col. Joseph Doty and Maj. Joe Gelineau provide us with a searing example of how a corrupt command climate can contribute to an entire unit's moral decline:

Historically, there are examples of questionable command climates resulting in behaviors that are not in tune with our professional military ethic or a result of character-based leadership. An AR 15-

¹⁰ Lt. Col. Joseph Doty and Maj. Joe Gelineau, "Command Climate," *Army Magazine*, July 2008.

¹¹ Christopher D. Kolenda, *Leadership: The Warrior's Art*, Carlisle, PA: Army War College Foundation Press, 2001, pps.88-89.

6 investigation report, released by the Department of the Army in 2000, concluded that the command climate in Company A, 3rd Battalion, 504th Parachute Infantry Regiment, 82nd Airborne Division, serving on a peacekeeping mission in Kosovo, resulted in a West Point lieutenant (torture) and a staff sergeant (rape and murder) being involved in criminal conduct. The unit's battalion commander, also a West Point graduate, believed that his unit was only doing what the situation required. Some of this "required" behavior included grabbing ethnic Albanian women's breasts, drinking alcohol in violation of Army rules and roughing up ethnic Albanians. A unit's motto is a reflection of its command climate and a window into the way the unit conducts its business – the company's motto was "shoot 'em in the face."

More recently, a corrupt command climate was cited as a major contributing factor to the shameful treatment of prisoners by American MPs at the Abu Ghraib detention center in Iraq:

The Independent Panel concurs with the findings of MG Taguba regarding the Commander of the 320th MP Battalion at Abu Ghraib. Specifically, the Panel finds that he failed to ensure that his subordinates were properly trained and supervised and that he failed to establish and enforce basic soldier standards, proficiency and accountability. He was not able to organize tasks to accomplish his mission in an appropriate manner. By not communicating standards, policies and plans to soldiers, he conveyed a sense of tacit approval of abusive behavior towards prisoners and a lax and dysfunctional command climate took hold.¹³

In other words, by their actions and inactions, by giving commands or failing to say a word, and most of all by their example, officers play a dramatic role in calibrating the moral compasses of their units. The worst will pollute the minds of their troops with hateful speech and behavior that dehumanizes the enemy. They reject the warrior's code all together, embracing war as an opportunity to act outside the norms of society, seemingly with impunity. Such leaders can contaminate the moral reasoning of their subordinates, causing them to question their basic values and override any pangs of conscience.

The best leaders, by contrast, champion the warrior's code even at the most difficult times when its restraints increase the physical risk to their troops. Taking a proactive stance, they talk to their troops in advance of the most challenging engagements, acknowledge the temptation to set the code aside for expediency's sake, and reaffirm the importance of holding on to basic principles that underlie the difference between warriors and murderers. When mistakes

¹² Lt. Col. Joseph Doty and Maj. Joe Gelineau, "Command Climate," *Army Magazine*, July 2008.

¹³ Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror*, New York: New York Review of Books, 2004, p. 356.

are made, they offer transgressors a path to redemption, rather than demanding perfection and "throwing under the bus" anyone who fails to meet that impossible standard. They recognize that a "zero defect" environment only makes cover-ups and other forms of deception more likely.

Falling outside these categories are the jaded cynics who neither instigate atrocities nor aggressively act to prevent their troops from slipping the bounds of *jus in bello* constraints. They think the rules are mostly foolish, written far from the front lines by people who have never seen combat themselves. However, they are equally disgusted by "true believers" who use dogma to justify unnecessary violence, and they have no patience for personal quests of vengeance. Finally, there are "deer in the headlights" leaders who are too overwhelmed by their responsibilities to accept the moral weight of their authority and take any stand at all.

I believe the charge that Sgt. Davis laid upon my students was to be leaders of the best type. He was telling them to create and maintain healthy command climates in their units. He knew that this was no small thing to require, as did they. No wonder, then, that even the usually overconfident Tom, who originally provoked the sergeant with his question, found the answer daunting.

Yet even Sgt. Davis left a proverbial elephant in the room by directing my midshipmen to protect both the lives and the humanity of their troops. What if they must choose their lives or their humanity? I, too, will set this question aside for now, except to express skepticism that such a choice occurs frequently in modern combat. I find it more likely that the officers who concern themselves with preserving their troops' humanity also enhance their physical safety by not clouding their professional judgment with blind rage, or making them targets of hatred themselves, or causing them to underestimate their enemies through lack of respect.

Mere survival is not all that matters, as heroes like Sgt. Davis understand. Sgt. Davis risked his life to save those of his comrades-in-arms, whom he loved like brothers. He would not have wanted to live, if he had not had the courage to make that attempt. There are fates worse than death, and for some, living with a moral failure is one of them.

In 2001, a story came to the public's attention about then Senator Robert Kerrey, who served in the elite U.S. Navy SEALs during the Vietnam War. Journalist Gregory Vistica conducted an extensive and soul-searching interview of Senator Kerrey, in which he revealed the anguish he continues to suffer, even decades later, as the result of having killed innocent noncombatants:

As an inexperienced, 25-year-old lieutenant, Kerrey led a commando team on a raid of an isolated peasant hamlet called Thanh Phong in Vietnam's eastern Mekong Delta. While witnesses and official records give varying accounts of exactly what happened, one thing is certain: around midnight on February 26, 1969, Kerrey and his men killed at least 13 unarmed women and children. The operation was brutal; for months afterwards, Kerrey says, he feared going to sleep because of the terrible nightmares that haunted him.

The restless nights are mostly behind him now, his dreams about Vietnam more reflective. One of those, which he says recurs frequently, is about an uncle who disappeared in action during World War II. "In my dream I am about to leave for Vietnam," Kerrey wrote in an e-mail message last December. "He warns me that the greatest danger of war is not losing your life but the taking of others' and that human savagery is a very slippery slope."

[Kerrey] says he has spent the last three decades wondering if he could have done something different that night in Thanh Phong. "It's far more than guilt," he said... "It's the shame. You can never, can never get away from it. It darkens your day. I thought dying for your country was the worst thing that could happen to you, and I don't think it is. I think killing for your country can be a lot worse. Because that's the memory that haunts." 14

Even if one questions whether Senator Kerrey would truly rather be dead, the intensity of the emotions he expresses in the above statement should not be disregarded. Officers must take seriously their responsibility to protect their troops as much as possible from unrecoverable losses, physical or otherwise. At the extreme, these potential losses include the loss of their humanity. Short of that, but still devastating, is the loss of the ability to reconcile their actions in war with the values that used to ground their very identity. Such a loss could indeed make survival almost unbearable. That is a sacrifice no service member should be asked to make.

¹⁴ Gregory L. Vistica, "One Awful Night in Thanh Phong," New York Times Magazine, April 25, 2001.