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## Special Commentary: COVID-19 and the Ethics of Military Readiness

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April 30, 2020 | Dr. C. Anthony Pfaff

### INTRODUCTION

As is well known, then acting Secretary of the Navy Thomas Modly fired Captain Brett Crozier, captain of the aircraft carrier USS *Theodore Roosevelt*, after he wrote a letter arguing that all but ten percent of the crew should disembark the ship to prevent the spread of the COVID-19 virus. Doing so, he acknowledged, would diminish the carrier's readiness and slow its response time in a crisis. Justifying that decision, however, he argued, "We are not at war. Sailors do not need to die. If we do not act now, we are failing to properly take care of our most trusted asset — our Sailors."<sup>1</sup>

The problem for the captain, of course, was not the content of the letter as much as it was the subsequent leak to the *San Francisco Chronicle*. Setting aside the fiasco that resulted in his firing, and led to Modly's sudden resignation,<sup>2</sup> the captain raises some important concerns regarding what the risks sailors, soldiers, airmen, and marines<sup>3</sup> should be required to take in peacetime. Because it is peacetime, he argues, "[W]e ... cannot allow a single Sailor to perish as a result of this pandemic unnecessarily."<sup>4</sup>

Of course, even in war no one should die unnecessarily; however, the captain raises a good question: "what risks are necessary in peacetime?" To answer that question it is first important to understand what risks are necessary in wartime.

### OBLIGATED RISKS IN WARTIME

During wartime, of course, his sailors would be required to risk their lives. It is not hard to see why. By virtue of the social contract, states are obligated to defend their citizens from external threats. Those citizens who take up that obligation by joining the state's military thus consent to the risks associated with fulfilling that obligation. When those external threats employ lethal force, those risks are existential. As Brian Orend observes, it just is not possible to

square the practice of defense without the necessity for soldiers “to be put in circumstances where it is foreseeable that some of them might be killed.”<sup>5</sup>

This obligation to expose oneself to foreseeable existential harms, even in wartime, has its limits. The term “existential” in this context does not just include lethal harms, but also those harms that are so severe that one’s ability to live the life one intended is no longer an option. The loss of one’s limbs, eyesight, and hearing are obvious examples. Such harms, however, could also include permanent organ damage or other conditions that would preclude continued military service.

First, of course, any risk must be associated with activities that are necessary to defeating the enemy. Second, even when a particular risk is necessary, one is not required to take on so much risk that one’s effort will certainly fail or that future operations would not be possible. As Michael Walzer argues, “The limits of risk are fixed, then, roughly at that point where any further risk-taking would almost certainly doom the military venture or make it so costly that it could not be repeated.”<sup>6</sup> The point here is that taking so much risk that defense is impossible is self-defeating and irrational as well as unethical.

These limits do not preclude that soldiers may be expected to undertake operations where their individual chance of survival is virtually nil. It does mean, however, they are not obligated to take on so much risk that the chance of success is virtually nil. Of course, soldiers may choose to take on such risk. Doing so, though, would be supererogatory.

## **OBLIGATED RISKS IN PEACETIME**

The question, then, is under what, if any circumstances may military leaders impose similar risks on soldiers in peacetime. The answer cannot be “never.” The practice of defense extends well beyond the demands of wartime. The military’s real value is not so much in fighting wars but in deterring would-be adversaries from starting one in the first place. To the extent that avoiding war is preferable to fighting one, deterrence is worth some sacrifice.

To the extent that readiness is a means to deterrence, then readiness, as well, should be worth some sacrifice. In fact, of the 16,652 active duty US personnel and mobilized reservists who died from 2006 to 2019, 73 percent died for reasons unrelated to war. Of those, 31.9 percent of those were accidents.<sup>7</sup> Separately, according to a report for the House Armed Service Committee, more than four times as many military personnel died of training accidents in 2017 as died from combat.<sup>8</sup> The point here is that while military leaders certainly have an obligation to ensure the safety of their personnel, it is equally certain that some soldiers will die or be seriously harmed, even in training. Military training and operations, even in peacetime, are dangerous and it is certain some will die.

There is a difference, however, between unavoidable and foreseen. To illustrate, consider the following analogy. Every time one gets in a car, one puts one’s own and others’ lives at risk.

Drivers often fail to pay appropriate attention or make some other kind of error that leads to an accident. So, while no one should get into a car knowing with a high degree of certainty such an accident will happen, it does not follow that one should never drive even though one knows accidents might happen. The risk simply does not warrant banning the practice. This point gives us our first principle regarding the ethics of readiness: soldiers may be obligated to risk unavoidable but unforeseen harm when conducting activities related to readiness.

Of course, to resolve the captain's problem one needs to say more about the kinds of harms that are permissible to risk. As noted previously, risks that are self-defeating relative to a practice should be avoided. So, to the extent COVID-19 would render the crew incapable of operating the carrier, it would be nonsensical not to disembark as much of the crew as possible. However, the disease affects persons very differently: some are asymptomatic, others experience minor symptoms, while others experience severe symptoms that leave lasting effects, and others die. Those severe symptoms, however, are mostly associated with underlying conditions not associated with young, healthy populations that generally make up the military.<sup>9</sup>

Having said that, the estimated mortality rate among the population aged 10-39 years old is just 0.2 percent.<sup>10</sup> Of course, at this time, such estimates come with a high degree of uncertainty, but even if they were off by half, given a crew of approximately five thousand, as many as five persons would likely die. Given that foreseen existential harm in peacetime is unacceptable, the captain made the right call. The fact that a sailor has died just underscores this point.<sup>11</sup>

However, it is worth considering would it have been permissible to risk lesser harms associated with the virus had estimates indicated no foreseen existential harms. Would it have been permissible to allow the disease to spread through the crew if most would only experience mild symptoms, and only few experience more severe, though not existential, ones?

Answering that question first requires an analysis of possible costs if one does not accept the risk. In the context of COVID-19, it is important to take into account the fact that adversaries, especially China, are also affected. They also likely have diminished abilities to take advantage of any reduction in the United States' deterrence capabilities. To the extent that they cannot take actions that threaten core security-related interests, then it makes little sense to accept the non-existential risks described above.

Even if adversaries are capable and likely to take advantage of reduced readiness, any risk must still be proportional to the advantage the adversary might gain. For example, the Chinese recently sent their aircraft carrier through the Miyako Strait near Japan and then past Taiwan demonstrating that its readiness has not been affected as much as the US Navy.<sup>12</sup> North Korea, as well, recently fired missiles in advance of South Korea's parliamentary elections, in a possible attempt to intimidate voters.<sup>13</sup> While provocative, these activities do not represent, by themselves at least, a threat to regional stability or place US forces at a significant or long-term disadvantage. So, it stands to reason that taking risks beyond what is necessary to, for example, operate a carrier, would not be warranted.

Even if there remains a real security concern, one must still establish that any particular risk in question is necessary. Necessity, in general, requires not only that an activity contributes to a particular effect, such as victory in the case of war and deterrence in the case of peace, but that it also does so at the least cost. This point gives us our second principle regarding the ethics of readiness: military leaders must consider alternatives to achieve the effect and select the one that is both effective and comes at least cost. So, for example, if air power can achieve a similar deterrent effect without incurring similar risks, it should be preferred over other military means. In fact, with the *Theodore Roosevelt* remaining in port in Guam, the US Air Force recently conducted an “elephant walk,” parading fourteen aircraft, including five B-52 Stratofortress bombers, along the runway in Guam to signal China and North Korea regarding US military capabilities in the region.<sup>14</sup>

In applying this principle, however, one should not simply consider military alternatives. Deterrence is a political effect where military means play an important, but not exclusive role. Thus to exhaust the demands of an ethic of readiness, one must also consider political options as well before determining a risk is necessary. For example, if one can reach a diplomatic agreement to cease military operations temporarily in a contested region, one should pursue that option.

## **CONCLUSION**

It should be obvious that the difficulty for assessing ethically permissible risk is the uncertainty associated with actions an adversary might take as well as the effectiveness of any response. Even in wartime, it is often impossible to assess whether a particular operation is suicidal or simply risky. In peacetime, such assessments are even more complex given the difficulty of establishing a necessary connection between an act of deterrence and its desired effect. Given that it is impossible to prove a counter-factual, one can never really know if the risk—and subsequent harms—of deterrence were worth it.

Military decision-making, however, has always been as much, if not more, art than science. Making judgments and taking risks is not a hazard of the military profession, it is the requirement. Often, the best decisions, given what is known at the time, do not produce good results. This uncertainty, however, underscores the importance of getting it right from the ethical perspective.

Here the lines, while perhaps not bright, are at least discernible. In peacetime, soldiers should not be exposed to foreseen existential harm as is permissible in wartime. However, unforeseen existential harm is unavoidable given the demands of peacetime defense, thus soldiers are obligated to undertake training and operations that can be dangerous. That danger, however, must be proportional to the expected effect. Where there are foreseen, but non-existential harms, military leaders must account for the likelihood an adversary will take advantage of diminished readiness, and consider all alternatives, selecting the one that is effective at the least cost.

## ENDNOTES

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