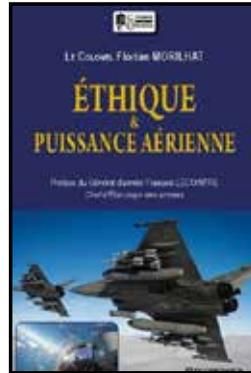


Éthique & Puissance aérienne

Colonel Florian Morilhat



Review by
lieutenant colonel Raphaël Briant

Is there such a thing as air power ethics? What about airmen's ethics? What moral dilemmas do pilots face when opening fire in the heat of the action? These are some of the queries that Lieutenant Colonel Florian Morilhat attempts to answer after a thorough and unprecedented reflection. As he points out, the topic - ethics and air power – had as yet never been addressed in a holistic manner. This observation compelled the helicopter pilot and officer of the French Air and Space Force, to draw upon his rich operational experience as well as his theorizations around the ethics of decision-making, which he also teaches at the French National Institute of Languages and Oriental Civilizations (INALCO). And he happens to do so very convincingly. A matter of course is laid forth when turning the final page of this book. By querying the airman unequivocally on the way his identity, his values and his traditions influence the way he faces his responsibilities, the author succeeds in demonstrating the centrality of ethical questioning within airmen's commitment, going against some preconceived ideas.

The next lines do not intend to summarize the author's comprehensive approach, but to enlighten the reader in a critical way, by resituating some of the notions that are mentioned within the wider field of humanities and social sciences. This is, in fact, what Lieutenant Colonel Morilhat encourages us to do in the prolegomena, by reminding us that airmen's ethics are rooted in both their personal convictions and in their shared experience. This is why it must be approached through both an individual and a collective angle, at the crossroads between multiple disciplines, such as sociology, history and law. Whilst the moral and legal concepts developed by F. Morilhat indisputably demonstrate the existence of ethics that are unique to air power, other arguments of his are more debatable on a socio-anthropological front, inter alia those surrounding the ethics of care. Therefore, the point is here to contextualize the essay within a multidisciplinary debate rather than to make a one-dimensional review.

Ethics and courage

One of the main aims of Florian Morilhat's essay is to reinstate airmen's moral conscience. This is a major challenge. Indeed, while it may be relatively difficult to grasp the question of military ethics due to their surrounding paradoxes¹, querying the ethics about air weaponry is an even more sensitive matter. One merely has to reflect for instance on the devastating effects of air bombings during WWII or the Vietnam War. Yet, if we refer to the various strategic bombing doctrines that were inspired by the first air power theorists such as Douhet or Trenchard, the end goal has always been to use air power to annihilate the enemy's will and ultimately abbreviate the horrors of war. Unlike preconceived ideas, ethics were far from being inexistent in the initial considerations on the use of air weaponry. However, the trauma of strategic bombings are deeply rooted in our collective subconscious and has caused sustainable damage to the airman's chivalric image, turning him into a cold-blooded murderer with no moral virtue.

Would it be possible today to imagine, as Patricia Cook² quite rightly points out, that a pilot could aspire to blindly bomb civilians? Between aspiration and reality, the ambivalence surrounding the question of airmen's ethics is the reason why F. Morilhat endeavors to untangle the threads of ethics that are unique to air power on the one hand, and military ethics inherited from the customs of a ground war on the other hand. In terms of the use of air weaponry, the author limits himself to three legal frameworks: *jus ad bellum*, *jus in bello* and *jus post-bellum*. Though he establishes that, due to its political significance and intrinsic violence, air weaponry is primarily concerned by laws of armed conflict - as recognized by article 49 of the first

1. Lucas, G. R., (ed.), *Routledge Handbook of Military Ethics*. London, Routledge/Taylor & Francis Group, 2015. p. 36.

2. *Ibid.* p. 37

additional protocol to the Geneva Convention - he also notices that when it comes to *jus post-bellum*, its application is more limited. We may remark that some authors go much further than F. Morilhat on these points. David Cumin, for instance, explains that despite the special right regulating the use of air weaponry in *jus in bello*, air power has brought the principle of combatants versus non-combatants into question, as it “widens the *theatrum belli* and (abolishes) the distinction between front and rear”³. Some other authors, such as Daniel R. Brunstetter, also refer to *jus ad vim* as a normative framework around a use of air power that is limited to carrying out corrective actions under the threshold of armed conflicts⁴. Moreover, the *jus ante bellum*, which considers the importance of law in the preparation of war, would have warranted a more substantial place within this essay⁵.

Having unfolded the normative aspects which frame air power along with the precedence of rules of engagement, the author returns to the difference between ethics and morals⁶. Since “law obliges but ethics recommend”, an expression, which we owe to French Army General Benoit Royal, the airman’s behavior in the heat of the action will be determined by a lot more than the rules of international law. F. Morilhat thus notes that the airman’s ethics come, first and foremost, from a need to take on the potential consequences of his actions *ex ante*, regardless of whether they are in perfect compliance with the rules set out by the legal frame within which they take place. In other words, the airman’s courage must be acknowledged in the light of the acceptance of the potential consequences of the damage that he has yet to cause. As opposed to an infantryman who often fights in the name of higher values such as glory, honor and nation, the airman acts according to accountability, as it was theorized by sociologist Max Weber at the beginning of the 20th century. This is why the physical distancing between the aircrew and their target must not be seen as a way of paring down accountability.

Modern-day doctrinal evolutions and technical progress, because they associate the increase of weapons range with a certain dilution of responsibilities within the chain of command, admittedly call into question a hypothetical “decline in airmen’s ethical reflexes”⁷. Hence Gerard Dubey and Caroline Moricot’s legitimate question: “what are today’s thoughts, feelings, hardships, of those whose work it is to open fire, to bring destruction and chaos, but remotely, far from the screams and far from the blood (...) far

3. B. Durieux, J. B. Jeangène Vilmer, and F. Ramel, (dir.), *Dictionary of War and Peace*. Paris, PUF, 2017. p. 388.

4. *Ibid.* p. 750

5. G. R. Lucas, (ed.), *op. cit.*, p. 47

6. Morilhat, F., *Ethics and Air Power*. Paris, Economica. 2020. p. 8.

7. *Ibid.* p. 69

from the dread of war itself?”⁸. An answer can be found in the mention of courage, which can be both physical and moral. According to the two authors, whilst the ethics of warmongering is effectively “based on putting one’s life at stake in order to rise above oneself to face one’s fears”⁹, according to French Army General Thierry Marchand, “other levers, such as the nobility of the cause to defend, inurement or group conditioning, enable to face the threshold of fear”. He adds “but they would not suffice unless supported by a personality trait, a temperament or an individual virtue which is commonly called courage”¹⁰.

Courage is therefore a moral virtue. Robert Sparrow explains that moral bravery lies in the ability to do what seems right whatever the circumstances and to face the consequences¹¹. The prologue to « *La guerre vue du ciel* », which narrates a Mirage 2000D pilot’s missions in Afghanistan, gives a very good example of this conceptual notion of courage, through the moral dilemmas faced by Commander Marc Scheffler when the rules of engagement prevent him from supporting friendly troops under enemy fire¹². However, moral bravery can also be seen somewhat as a tolerance for error. T. Marchand, basing his argument on a fighter pilot’s experience, explains that “the more technical progress there is, the more decision-making and responsibility there is, adding more weight to human error which is now hunted down by airborne recorder systems”. Thus, he writes, “confronted with the fear of making a mistake, courage becomes only intellectual”¹³.

In order to improve the understanding of the nature of the moral dilemmas faced by aircrews, it is necessary to examine how air weaponry is used in modern warfare: counterinsurgency warfare, hybrid warfare and the increasing use of armed drones and autonomous weapons systems. In the first case, close air support missions are characterized by a significant interweaving of forces on the ground and combat among populated areas. Caught between very restrictive rules of engagement and the will to effectively intervene in support of ground forces, aircrews regularly find themselves confronted with moral dilemmas that force them to take full responsibility for opening fire. This is the exact situation that Marc Scheffler finds himself in when he decides to deliver ordnance in order to save his fellow soldiers on the ground before even being authorized to do so by his hierarchy. Secondly, in the case of asymmetric warfare or “gray area conflicts”, Benoit Royal explains: “even

8. G. Dubey, C. Moricot, *Dans la peau d'un pilote de chasse: le spleen de l'homme-machine*. Paris, PUF, 2016. p. 16.

9. *Ibid.* p. 39

10. T. Marchand, « Military Courage », *Inflexions*. 2013, vol.22 n° 1. p. 96.

11. G. R. Lucas, (ed.), *op. cited.* p. 383

12. Scheffler M., Lert, F., *La guerre vue du ciel: Les combats d'un pilote de Mirage 2000D*. Paris, Nimrod, 2017. p. 15-31.

13. T. Marchand, *art. cit.*, p. 96

if the methods of the enemy are rooted in a tactic and a strategy of terror without any ethical consideration, it is not acceptable to have one's ideals and one's values contaminated by the temptation of tactical effectiveness regardless of any human morality."¹⁴ In a context of engagement where the airman enjoys relative impunity, the main moral danger for him is to corrupt the use of force, thus depriving the act of war of its initial meaning, that is to say, preventing it from reaching necessary conditions for the return of a lasting peace. Finally, the use of armed drones and autonomous weapon systems also raises questions, especially in the case of targeted elimination campaigns. Complementing the previous point of view, Shane Riza identifies two main reasons for the observed discrepancies: the first is that, unlike the pilot in his plane, a drone operator is unable to perceive the effects of a higher order on the human environment of operations meaning that his restricted field of vision does not allow him to understand the systemic consequences of targeting within the population. The second is that drones and autonomous weapon systems violate the principle of "mutual respect" for the adversary, without which no dialogue, and therefore no political outcome, is possible¹⁵.

To further broaden the perspective on the ethical consequences of technological progress in modern air warfare, it is worth considering this warning from General Gallois: "Technology atrophies energy and decisiveness. [...] It leads to an exaggerated confidence in the equipment and to a decline in personality and temperament among specialists"¹⁶. We can therefore legitimately question the behavior of crews from an ethical point of view, seen as mere "system managers". Far from noting a "disintegration of martial virtues"¹⁷, Sophie Lefeez observes on the contrary that the combativeness of the pilots is exacerbated by the need to control their environment. She notes, for example, that the majority of missiles fired during recent air combat (Falklands, Iraq, Serbia) were fired at very short distances because the pilots in flight, even when they had the possibility of engaging from a safe distance, have generally sought to get closer to the enemy even if doing so could expose them to danger. This is, she said, the only way they could justify the act of killing without being ostracized by morality.¹⁸

14. B. Durieux, J.B. Jeangène Vilmer, and F. Ramel, (dir.), *op. cit.*, p. 512.

15. M. Shane Riza, *Killing without Heart: Limits on Robotic Warfare in an Age of Persistent Conflict*. Washington, D.C, Potomac Books, 2013, p.219.

16. J. Henrotin, *21st century Air Power: challenges and perspectives of airborne strategy*. Bruxelles, Bruylant, 2005. p. 93.

17. G. Dubey, C. Moricot, *op. cit.*, p. 171

18. *Ibid.* p. 28

Airmen's ethics in question

As F. Morilhat remarks, ethics specific to air power, dictated by the uniqueness of the environment and the technological nature of air weaponry, guide the airman in the exercise of his responsibilities. Nevertheless, as a human being, how well does he cope with the moral dilemmas before him? The modern-era debate distinguishes the ethics of the soldier from the ethics of the airman, but also individual ethics from collective ethics. To better understand the ethical uniqueness of the airman, it is therefore necessary to use the tools of the human and social sciences in order to apprehend the facets of the airman's temperament.

Ensuing the work of Charles Moskos and Bernard Boëne, F. Morilhat first calls to mind the mainly occupational nature¹⁹ of the role of the serviceman in the air and space force. It is inherent to the airmen's condition. In fact, the latter is steeped in the culture of civil aviation. As previously mentioned, the decline of martial virtues has also accentuated the tendency to establish safety as the paramount value to the detriment of more traditional soldier's values. C. Moricot and G. Dubey highlight in particular how dexterity and fineness have gradually established themselves amongst the features that are now characteristic of airmen²⁰.

While the proud distinction of the first pilots originated in the desire to differentiate themselves from the anonymous infantryman, technical perfectionism today tends to suppress this desire for differentiation. The airman must therefore appeal to traditions to rediscover the chivalrous identity to which he claims to be. However, as the author points out, this is not a question of the military tradition in the broad sense, but rather plural traditions understood from a community perspective²¹. It is through the traditions that cement the cohesion of the group that the identity of the airman endures. His personal ethics are thus inseparable from collective ethics.

Is it even possible, however, to define the airmen's ethos through a collective point of view, going against numerous preconceptions? Paradoxically, F. Morilhat insists first of all on what forges his ipseity, that is to say, a relative autonomy within action which relies on a stimulating collective²². The story of a Royal Navy Sea Harrier's first victory over an Argentine *Mirage III* on May 1, 1982 during the Falklands War, as told by the 800 NAS Commander²³, gives a good account of the fighter pilot's freedom of action at the command of his plane. As opposed to a war vessel's crewmembers, he is the

19. F. Morilhat, *op. cit.*, p. 63

20. *Ibid.* p. 172

21. F. Morilhat, *op. cit.*, p. 83

22. *Ibid.* p. 70

23. N. D. Ward, *Sea harrier over the Falklands*. London, Cassell, 2001. p. 200.

master of his own fate and sole responsible for the successful outcome of the maneuver. For the pilot, it is not only about engaging oneself body and soul in combat²⁴, but also about living up to the myth by relying on a collective that makes up a backdrop to his own feats. It sometimes arises that, in the excitement of combat, the pilot detaches himself from the collective to pursue the heroic act. This is related by Iftaq Spector, who takes the example of an Israeli squadron in the early 1970s, whose pilots, out of pride, were in the habit of getting rid of their air-to-air missiles to seek out victories by canon over the Egyptian Migs.²⁵

The evolution in the use of fighter aircraft over recent decades, moreover when it comes to fire support, has progressively reinforced the weight of the collective in the conduct of air warfare. This is the case for instance within the way that responsibility is shared between the team and the Joint Terminal Attack Controller during Close Air Support missions. Individual action thus no longer prevails, instead it is the shared willingness to reach the outcome. Trust is thereby erected more as a cardinal virtue, and the way in which the patrol is managed becomes the key to victory, epitomizing a collective that from then on takes on a levelling role as it represses excessive personalities. “Mutual looks gauge, appreciate, measure, check (...) that there is a necessary order relevant to every unexpected situation, that an immediate action comes in response to every given order. From these reciprocated looks stems a very strong and imperious collective requirement which applies to each and every one according to their position and rank.”²⁶ *Ceteris paribus*, these words, borrowed from General Lecointre, apply just as well to an air mission. Ultimately, for F. Morilhat, “airmen’s ethics are not to seek to replicate a heroic model or follow a glorified ideal, but rather to recognize their belonging to a more intimate group, of which members feel both supportive and dependent”.²⁷

Far too few accounts shed light on airmen’s very own ethical collective, yet the history of the French Air and Space Force abounds with them. Consider for instance the story of Captain Jean Robert, patron of the French airbase 942 of Lyon-Mont Verdun. He lost his own life whilst saving that of his gunner, Warrant Officer Jannin, on June 4, 1940. Chased by three *Meerschmidt 109* on his way back from a photographic reconnaissance mission in the region of Guise, he managed to escape and land behind French lines before succumbing to his injuries. How could he justify not completing his commitment if the importance of responsibility of protecting the lives of

24. J. B. Stockdale, *Thoughts of a Philosophical Fighter Pilot*. Stanford, Hoover Institution Press, 1995.

25. I. Spector, *Loud and Clear: the Memoir of an Israeli Fighter Pilot*. Minneapolis, Zenith Press, 2009. p. 198.

26. T. Marchand, *art. cit.*,

27. F. Morilhat, *op. cit.*, p. 82

his crew did not overrule everything else? The story of Captain Maurice de Seynes, who died on July 15, 1944, attests of comparable magnanimity. Following a hydraulic failure after takeoff, the Normandie-Niemen pilot, despite receiving the official order to proceed to the evacuation of the aircraft in flight, made four attempts to land in order to save the life of his Russian mechanic who was not equipped with a parachute. He failed to land due to the severity of the breakdown, but his desperate gesture is the epitome of the fellowship at play in fighter squadrons.

All in all, does this amount to the expression of the ethics of care as suggested by Morilhat? If this approach seems in the very least unusual, it is hard to believe that it could influence airmen's moral concepts in a determining manner. The high percentage of women within the French Air and Space Force (22%) as highlighted by the author, along with Carol Gilligan's essentialist conception of feminine morals²⁸ only marginally account for the strength of the solidarity that unites airmen within their communities. Conversely, airmen's absence of curiosity and of historical knowledge he deplores seems excessive²⁹. One look at the traditions which still thrive within some operational units of the French Air and Space Force and the extent to which they reinforce cohesion within those same units suffice in proving the very opposite. Nevertheless, other factors could weaken airmen's collective ethics. On the socio-anthropological front, it is unclear that the impact of a rise in drones and autonomous systems would ultimately only be marginal. C.Moricot and G.Dubey do not hesitate to see in this "men without quality", in reference to Robert Musil; bereft of the titles of (moral) nobility that are ordinarily bestowed upon the "barons" of air power. On a separate note, the essay unfortunately lacks to mention the ethical consequences of the use of performance-enhancing substances of crews in operation, a topic which interested several Anglo-Saxon studies.³⁰

To conclude, there is no doubt that Lieutenant Colonel Morilhat's book will make its mark. It is essential that those who will next wield the incumbency of making air strikes read it. Remarkably well argued and written, it brings many answers relative to the moral questioning which is brought forth by the use of air power and concurrently reconciles the airman with himself. At a time where the use of drones and autonomous weaponry systems is becoming more generalized in operations, this book is a firm reminder that any distancing with war must not equate to moral non-accountability. The airman, in his diversity, must become aware of the fact that he must use the values, beliefs and traditions anchored in the collective as a guide in action to face the increasing complexity of operations.

28. *Ibid.* p. 73

29. *Ibid.* p. 82

30. G. R. Lucas, (ed.), *op. cit.*, p. 406