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THESIS

**ARMY OF LIES: ETHICAL CONSIDERATIONS OF
DECEIVING CIVILIANS IN WAR**

by

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**ARMY OF LIES: ETHICAL CONSIDERATIONS OF DECEIVING CIVILIANS
IN WAR**

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Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

This thesis explores the ethical permissibility of deceiving civilians during military operations, primarily military deception operations. It examines this issue using both consequential and non-consequential frameworks and explores how the potential ethics of deceiving civilians interacts with current just war theory, the doctrine of double effect, and non-combatant immunity. These common ethical frameworks are used to develop a method for evaluating the ethical considerations of deceiving civilians in war. This method is then applied to a case study involving deception of civilians in Syria. Weighing those considerations in a real-world scenario provides information on how these types of deceptions measure up morally both in theory and practice. Ultimately, a recommendation on the probable morality of any future deception of civilians is determined.

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LIST OF ACRONYMS AND ABBREVIATIONS

COB	civilians on the battlefield
COIN	counterinsurgency
DDE	doctrine of double effect
ISIS	Islamic State of Iraq and Syria
JWT	just war theory
MILDEC	military deception
NCI	non-combatant immunity
PSYOP	Psychological Operations
SDF	Syrian Democratic Forces

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I. DECEIVING CIVILIANS AS AN ETHICAL ISSUE

A. THE FALL OF TROY AND LIBERATION OF MANBIJ

Troy was burned. The people surely cried to the gods in anguish for the Greeks, led by cunning Ulysses who had deceived them. This is not merely an old story, but one of the oldest stories. But more importantly, it is possibly the earliest story of military deception. And so, it is striking that in this Methuselah of deception tales that Ulysses relied not only on fooling the king of Troy, Trojan heroes, and soldiers, but also the common citizenry. With the threat of the Greek army believed to have evaporated, the citizens of Troy streamed out and marveled at the abandoned camp and the infamous horse which bore Ulysses and his commandos hidden in its timbers. It was to shepherds that the lying Sinon surrendered and to the people of Troy that he told his deceitful tale that helped convince them to bring the horse within the impenetrable walls of Troy.¹ Military deception has comprised a core role in military strategy within multiple cultures throughout history. Western strategist Carl von Clausewitz states that “without [surprise] superiority at the decisive point is hardly conceivable.”² Perhaps the most famous quote concerning the necessity of military deception comes from Sun Tzu. The very first chapter of *The Art of War* mentions that “All warfare is based on deception. Hence, when we can attack, we must seem unable; when using our forces, we must appear inactive; when we are near, we must make the enemy believe we are far away; when far away, we must make him believe we are near.”³ The treatises of these two timeless authors relate to defeating, and where possible deceiving, the enemy. Ulysses’ deception focused on the military of Troy, which the Greeks could not defeat on the field of battle otherwise but relied on fooling civilians to extract the desired enemy action of moving the horse within the city walls.

¹ Homer, *The Odyssey*, trans. Robert Fagles (New York, NY: Penguin Group, 1997), 132–133; *The Virgil, Aeneid*, Trans. Robert Fagles (New York, NY: Penguin Group, 2010), 74–85.

² Carl von Clausewitz, *On War*, trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 198.

³ Sun Tzu, *Art of War*, trans. Chow-Hou Wee (Upper Saddle River, NJ: Pearson Prentice Hall, 2003).

If the mythological account of the sacking of Troy were the only reference to using the deception of civilians as an aid to successfully deceiving the enemy then the following discussion might be purely academic. However, a potential case of just such a situation has arisen in America's most recent conflict in the Middle East against the Islamic State of Iraq and Syria (ISIS). Due to the highly secretive nature of military deceptions, it may be decades before the Pentagon declassifies an official version so what is presented here remains unverified. However, the information gleaned through open sources paints a compelling picture of what was likely a modern-day military deception that included deliberately deceiving civilians as a core piece of the operation. What follows is not meant to be an exhaustive history or analysis of counter-ISIS operations in Syria during the summer of 2016. Instead, it will set the stage with the key pieces of information that could lead a reasonable observer to conclude that a deception operation had occurred.

In the spring and summer of 2016, it appeared to outside observers that U.S. military forces and their Syrian partners began setting the stage to capture Raqqa, the capital of ISIS's self-proclaimed caliphate. Below is a collection of known actions that the U.S. military or its partners, the Syrian Democratic Forces (SDF), took that created the impression that an attack on Raqqa was imminent. These actions comprise what I believe to have been a deception operation.

- U.S.-led coalition aircraft conducted airstrikes in and around Raqqa, apparently to demoralize ISIS fighters before the SDF assaulting the city.⁴
- Thousands of SDF fighters moved south from staging areas to the front lines north of Raqqa.⁵

⁴ Jamie Dettmer, "Raqqa Civilians Flee Airstrikes as Kurds, Jihadists Clash," *Voice of America*, May 25, 2016, <https://www.voanews.com/middle-east/raqqa-civilians-flee-airstrikes-kurds-jihadists-clash>.

⁵ Liz Sly, "U.S.-Backed Offensive in Syria Targets Islamic State's Capital," *The Washington Post*, May 24, 2016, https://www.washingtonpost.com/world/middle_east/ground-offensive-in-syria-seeks-to-squeeze-islamic-state-stronghold-raqqa/2016/05/24/68035454-21b0-11e6-b944-52f7b1793dae_story.html.

- SDF forces then conducted a limited assault towards Raqqa, capturing about six kilometers of terrain along the front and clearing several villages of ISIS fighters.⁶
- The SDF publicly stated that 31 different military units, including 19 brigades would be taking part in the assault on Raqqa.⁷
- SDF commander Rojda Felat wrote on Twitter that the goal of the new offensive was to “liberate northern Raqqa”.⁸
- Dropped leaflets on Raqqa telling civilians to flee the city.⁹ (See Figure 1)

⁶ Eyn Isa, “What Has Happened during the Operation Liberate North Raqqa?,” ANF News, May 26, 2016, <https://anfenglish.com/kurdistan/what-has-happened-during-the-operation-liberate-north-raqqa-15025>.

⁷ Isa, “What Has Happened during the Operation Liberate North Raqqa?”

⁸ “Syria Conflict: Kurds Launch Campaign North of IS-Held Raqqa,” *BBC News*, May 24, 2016, <https://www.bbc.com/news/world-middle-east-36371226>.

⁹ William M. Cotter, “Do Military Leaflets Save Lives or Just Instill Fear?,” SAPIENS, May 4, 2017, <https://www.sapiens.org/language/military-leaflets-warfare-language/>; Natasha Bertrand, “The US-Led Coalition Is Dropping These Leaflets on ISIS’ Capital in Syria to ‘Mess with Them’,” *Business Insider*, May 21, 2016, <https://www.businessinsider.com/leaflets-isis-capital-raqqa-syria-2016-5>; Hannah L. Smith, “Coalition Leaflet Drop Signals Raqqa Assault,” *The Times*, May 20, 2016, <https://www.thetimes.co.uk/article/coalition-leaflet-drop-signals-raqqa-assault-p933b0t3t>; Andrew. Tilghman, “The U.S. Military Is Trying to Psych out ISIS by Letter Bombing Its Capital in Syria,” *Military Times*, August 8, 2017, <https://www.militarytimes.com/flashpoints/2016/05/20/the-u-s-military-is-trying-to-psych-out-isis-by-letter-bombing-its-capital-in-syria/>.



Figure 1. In Arabic, this reads, “The time you have long awaited for has arrived. It’s time to leave Raqqa.”¹⁰

This last action is the part of the suspected deception that concerns this study. The leaflet is speaking directly to the city’s civilian population, urging them to flee. This is exactly the type of message you would expect to see before an urban assault to minimize civilians on the battlefield (COB). While not every news site or blog at the time appears to have believed that the SDF was actually about to take Raqqa, these actions were certainly convincing to many. Charles Lister, a Senior Fellow at the Middle East Institute asked “Is the much-vaunted YPG/SDF offensive on ISIS’ de facto capital of Raqqa approaching? Force deployments this morning suggest: Yes,” on Twitter.¹¹ ISIS was also visibly reinforcing northern Raqqa for the coming assault.¹²

What then makes all of this almost certainly a deception? Only a week after these displays and dropping the leaflets, on 31 May 2016 the SDF conducted a surprise attack to the west to liberate the city of Manbij, Syria. This operation involved U.S. airstrikes, the deployment of an Armored Vehicle-Launched Bridge (AVLB) across the Euphrates River,

¹⁰ Bertrand, “The US-Led Coalition Is Dropping These Leaflets on ISIS’ Capital in Syria to ‘Mess with Them’”

¹¹ Hamoud Almousa, “Leaflets On Raqqa And Military Movements In Ein Essa.” *Raqqa is Being Slaughtered Silently*, April 2, 2018, <https://www.raqqa-sl.com/en/?p=1809>.

and significant SDF manpower.¹³ Encircling the city in a matter of days and capturing it two months later cut ISIS off from its supply lines in Turkey, a major strategic victory.¹⁴

On its own, this might only be an interesting bit of military history in the larger war against ISIS. However, what is unclear is the impact on the civilian population in Raqqa after the United States disseminated the deceitful leaflet. For while there were scattered reports of refugees leaving the city immediately following the dissemination, a more complete picture would not emerge until after the SDF liberated Raqqa.¹⁵ A RAND study suggests that while the population of Raqqa increased in 2015, by the late spring and early summer of 2016 there was a sharp decrease. By June, RAND contends that Raqqa's population had decreased by more than 25% from its high the previous year.¹⁶ A REACH study reported a similar finding, that several hundred thousand refugees had fled Raqqa starting as early as April 2016, continuing a trend until Raqqa was liberated later that year.¹⁷

None of these reports provide direct proof that the leaflet drop was causally responsible for the exodus of refugees from Raqqa at this point in the war. The timing and size of movements do indicate that the populace did believe such an attack was coming and is reasonable that the direct message telling them to leave was at least a contributing factor. Logically, if the citizens saw evidence of a coming assault without being directly targeted as a part of the U.S. deception it is reasonable for them to flee the coming battle. This creates a situation where a military deliberately deceiving civilians as a part of military deception is not merely plausible, but likely to have already occurred. Effects of that

¹³ Zen Adra, "SDF Inch Closer to ISIS-Held Manbij." *AMN News*, June 1, 2016. <https://www.almasdarnews.com/article/sdf-inch-closer-isis-held-manbij/>.

¹⁴ Krishnadev Calamur, "What Happens When a Town Is Liberated From ISIS," *The Atlantic*, August 13, 2016, <https://www.theatlantic.com/news/archive/2016/08/syria-manbij-liberated-from-isis/495779/>.

¹⁵ Jamie Dettmer, "Raqqa Civilians Flee Airstrikes as Kurds, Jihadists Clash," *Voice of America*, May 25, 2016, <https://www.voanews.com/middle-east/raqqa-civilians-flee-airstrikes-kurds-jihadists-clash>.

¹⁶ Eric, Robinson et al., *When the Islamic State Comes to Town: The Economic Impact of Islamic State Governance in Iraq and Syria*, RR-1970-RC (Santa Monica, CA: RAND, 2017), https://www.rand.org/pubs/research_reports/RR1970.html.

¹⁷ REACH Initiative, *Ar-Raqqa Crisis Overview: November 2016 - October 2017 - Syrian Arab Republic*, (OCHA ReliefWeb, November 13, 2017), <https://reliefweb.int/report/syrian-arab-republic/ar-raqqa-crisis-overview-november-2016-october-2017>.

deception could in theory be quantified, providing a working starting point to explore any ethical problems or considerations concerning deceiving civilians during war.

B. THE ETHICAL PROBLEM

A quick review of modern U.S. military doctrine concerning military deception is not particularly helpful in determining where civilians or other non-combatants fall during a military deception. JP 3-13.4 *Military Deception* only contains one reference to civilians or non-combatants when declaring that deceptions considered to be perfidy are illegal, due in part to the harm they may cause civilians.¹⁸ The U.S. Army's FM 13-3.4 *Military deception* is not much better with the same mention as well containing the admonishment to ensure deceptions do not harm civil-military relationships.¹⁹ By doctrine, this leaves the idea of directly attempting to deceive civilians as a part of a larger military deception in a bit of a grey area. Furthermore, while deceiving civilians during a military deception aimed at defeating an enemy force seems like the most likely time when civilians would be targeted, it is perfectly reasonable to expect that other times and reasons might present themselves to military commanders.

Illuminating whether militaries deceiving civilian populations during a war can be ethically justified can be determined by scrutinizing two existing areas of literature. By exploring existing thought on military ethics and lying, two apparent disjunctive syllogisms occur, that if affirmed would provide a reasonable basis for making an ethical determination:

1. Either deceiving civilians violates one or more established principles of military ethics and is never justified, or if it may be justified, it must be consequentially proportionate to be justified.
2. Either deceiving civilians constitutes lying and must be treated accordingly, it does not constitute lying but is morally equivalent, or it is neither lying nor morally equivalent.

¹⁸ Joint Chiefs of Staff, *Military Deception*, JP 1 (Washington, DC: Joint Chiefs of Staff, 2012), 18.

¹⁹ Department of the Army, *Military Deception*, FM 3-13.4 (Washington, DC: Department of the Army, 2019), https://armypubs.army.mil/ProductMaps/PubForm/Details.aspx?PUB_ID=1006341, 42, 47.

C. PURPOSE OF THE PRESENT STUDY

The purpose of this study, then, is to:

1. Utilize existing philosophical thoughts on military ethics and the ethics of lying and deception to determine parameters for evaluating the morality of deceiving civilians.
2. Elucidate justifications for or against the deception of civilians during war following previously established parameters.
3. Establish the limits within which the purported claims are reasonably justified.

Chapter II provides a review of the pertinent existing literature. Due to there being very little current overlap between the literature on military ethics and the ethics of lying and deception each will receive a dedicated subchapter. Key topics include Just War Theory (JWT), the Doctrine of Double Effect (DDE), Non-Combatant Immunity (NCI), and the moral distinction between, if any, between lying and deception in general.

Chapter III discusses the methodology of determining the parameters for evaluating the morality of deceiving civilians by utilizing some of the key elements brought forth during the literature review.

Chapter IV evaluates the morality of deceiving civilians in war utilizing the aforementioned parameters. The chapter divides into sections for consequentialist arguments, non-consequentialist arguments, and key elements of existing JWT. Each section will address potential counterarguments for that section's reasoning and conclusions.

Chapter V coalesces the various arguments from the previous chapter and synthesizes a conclusion that included under what circumstances, if ever, targeting civilians for deception can be justified. Recommendations for further research are also presented.

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II. THE CURRENT LITERATURE ON MILITARY ETHICS AND LYING

A. DIVIDING THE LITERATURE

Perhaps unsurprisingly, no direct research on the ethics of deceiving civilians during war appears in the existing literature that could be found. One scholar, John Mattox, has written several pieces on the ethics of military deception. However, his research focused on the ethics of deceiving the enemy and not civilians caught up in the deception, which is the focus of this research. Without specific pre-existing scholarly thought on which to build, this work will review two different areas of scholarly thought that together provide a well-rounded foundation to draw from.

The ethics of war and military usage are far-reaching, with a deep well of thought to draw from. For this research, it can be narrowed down significantly to focus on two areas. First, existing thoughts on the ethics of military deception in general will be explored. Next, the JWT as relating to non-combatants and civilians will be examined. Together these will provide the lens through which to view the broader topic of lies and deceptions in general in the second part of this chapter. It also provides important context for how scholars have previously reasoned other military ethical issues from the positions of different normative theories.

Following the discussion on military ethics, this chapter makes a close investigation of the ethics of lying. This extends to what constitutes a lie, whether military deception is or is not a lie, the moral weight of lies, and can they be good or right. This is important as the morality of lying is possibly one of the oldest ethical topics, with recorded discussion going back to the ancient Greek philosophers. While the research topic involves the military as the deceiver, because the civilians potentially being deceived are not military personnel a less focused and more universal view on the nature of lying is required. This broader view is important to avoid military group think when developing a framework for answering this research question in further chapters by seeking ethical arguments concerning lying that may not otherwise be considered relevant from a military perspective.

B. MILITARY ETHICAL VIEWS

When considering the ethics of deliberately deceiving civilians during war, as a part of a military deception operation ultimately designed to deceive an enemy decision-maker, it seems prudent to start with what has been written on the ethics of deception in war. However, since little writing on the ethics of military deception currently exists, a broader range of related topics must be examined before delving into the problem of deceiving civilians. To do this several topics concerning the idea of Non-Combatant Immunity (NCI) should be explored to determine how civilians should be treated during war in general and other related scenarios such as non-lethal weapons and Information Operations that provide a starting point to apply ethical thought to the primary question of this research.

Is military deception lying? The idea that it is not might be counterintuitive but is exactly the argument Mattox makes, which has serious implications for any ethical discussion of military deception.²⁰ This is especially true if deception operations are to be evaluated against a Kantian deontological approach under which all lies are harmful. While Mattox does not argue that all military deceptions are separate from lies (and therefore morally blameless), citing classic cases of perfidy as falling into the second category, he and Hempson-Jones appear to rely heavily on the military necessity of deception rather than its inherent morality.²¹ It is also important to note that these arguments are exclusively looking at the ethics of deceiving the enemy, without mention of civilian considerations. Mattox's argument also seems to take too rigidly or too simplistically the idea that a Kantian view must hold that lies are never morally permissible; or it is too rigid, at any rate, for a more general non-consequentialist view. Kantian and other non-consequentialist views often do maintain that lying could still be the best overall choice as the 'lesser evil' among a range of choices, even while maintaining that it is still an evil. If the idea of Just War allows for activities such as killing that would otherwise be impermissible it leaves

²⁰ John M. Mattox, "The Moral Limits of Military Deception," *Journal of Military Ethics* 1, no. 1 (2002): 4–15, <https://doi.org/10.1080/150275702753457389>.

²¹ Justin S. Hempson-Jones, "The Ethics of Online Military Information Activities," *Journal of Military Ethics* 17, no. 4 (February 2018): 211–23, <https://doi.org/10.1080/15027570.2019.1586357>.

open for further examination the idea that lies would not necessarily be unjust or wholly impermissible, even if they are seen to be harmful by their usual nature.

This raises a simple response that many seem to hold regarding the permissibility of deception in war. If JWT tells us that some people can be morally liable to be killed in war such that the killing is justified and permissible, given certain constraints and conditions, then surely a significantly lesser harm like lying could also be justified, under certain constraints and conditions. However, of course, under JWT civilians, in particular, are immune from killing in war and other harms. Does this protection extend to the ‘harm’ of lying, even in cases of necessity? Determining an acceptable answer requires further exploration of the existing ethical thought concerning what constitutes ethical treatment of civilians in war.

Many scholars discuss the concept of the Doctrine of Double Effect (DDE), which has existed since the beginning of Just War Theory and has commonly been expressed in four tenants, with some variation. Here it is included with common examples of each as presented by Kauffman.

1. The action must not be wrong in itself. For example, the strategic bombing of legitimate military targets in a just cause is not itself wrongful.
2. The agent must not intend the bad effects. Thus, the strategic bomber must not intend to harm the civilians.
3. The bad effects must not be the means to the good effect. In strategic bombing, the good effect is the destruction of legitimate military targets; harm to civilians is a side effect but not the means by which the legitimate military targets are destroyed.
4. The good sought must be proportionately important relative to the bad effects that are foreseen. The destruction of the legitimate military targets

must be a sufficiently weighty value to justify harm to civilians; a target of trivial value would not justify significant harm to civilians.²²

While the DDE is commonly accepted in this basic form it is not without controversy in several areas that scholars continue to debate. Part of this simply comes from the many theories of ethics that the DDE can be interpreted through as Jensen lays out, to include both the three common ethical theories of consequentialism, non-consequentialism, and virtue theory. But could also include other less accepted models such as religious universalism.²³ However, much of the debate is between whether the intent requirement of the third tenant or the utilitarian calculation of the fourth should have primacy. Proponents of the deontological approach focus on the intent to not harm civilians; unintended but foreseen harm to civilians is (potentially) morally justifiable according to the DDE, while the same amount of harm done intentionally would not be justifiable according to these ‘intent’ tenants. In this view, the fourth tenant of proportionality can be easily abused not because the underlying utilitarian calculation is wrong but because the humans making the calculation is prone to weigh their own needs higher than the “other” to include foreign civilians.²⁴ Furthermore, a consequentialist reading would allow for the killing of some amount of civilians to save some larger number but Mayer points out that the immunity that noncombatants have from being intentionally harmed or targeted is possessed by each noncombatant.²⁵

The counterargument would say that relying on intentions would mean that since intentions are an interior act of the mind that a military planner could “direct their

²² John M. Mattox, “The Ethics of Military Deception” (master’s thesis, U.S. Army Command & General Staff College, 1998), 100, <https://apps.dtic.mil/sti/citations/ADA350010>; Whitley Kauffman, “What Is the Scope of Civilian Immunity in Wartime?,” *Journal of Military Ethics* 2, no. 3 (2003): 186–94, <https://doi.org/10.1080/15027570310000685>.

²³ Mark N. Jensen, “Hard Moral Choices in the Military.” *Journal of Military Ethics* 12, no. 4 (2013): 341–56, <https://doi.org/10.1080/15027570.2013.869897>.

²⁴ Peter Olsthoorn, “Intentions and Consequences in Military Ethics,” *Journal of Military Ethics* 10, no. 2 (2011): 81–93, <https://doi.org/10.1080/15027570.2011.593711>; Michael Walzer, *Just and Unjust Wars: a Moral Argument with Historical Illustrations* (New York: Basic Books, 1977).

²⁵ Chris Mayer, “Nonlethal Weapons and Noncombatant Immunity: Is It Permissible to Target Noncombatants?,” *Journal of Military Ethics* 6, no. 3 (2007): 221–31, <https://doi.org/10.1080/15027570701539552>.

intentions” in a suitable way for the action they wish to take and then the actual consequences would not matter because the intention was correct. Since under utilitarian theory all lives are equal regardless of the distance from the person making the calculation, a biased decision such as dropping the bombs on Hiroshima and Nagasaki could not be honestly attributed to utilitarianism, as American lives were valued over Japanese civilians.²⁶ Additionally, when specifically looking at military deception, Mattox unsurprisingly finds that a utilitarian approach seems to be more consistent to overcome objections to lying that deontology might raise.²⁷

Walzer goes beyond simply trying to determine which of the four tenants should have primacy and proposes a fifth tenant: that it is not enough to avoid civilian casualties as much as possible but that a soldier must do this while accepting costs to himself. Walzer calls this double intention in that first the intention must be to hit the intended target and not something else, with the second being to minimize the number of civilian casualties. If necessary, at risk to oneself.²⁸ This potential addition would seem to be supported by Ficarrotta who pushes for the idea that strictly within a military context, military professionals can be held to a higher moral standard than others.²⁹ Olsthoorn sees this as addressing the DDE’s weakness of leniency but thinks it still assigns the most importance to a sincere effort to avoid civilian casualties rather than addressing the actual consequences that civilians may suffer. To Olsthoorn, the question remains why in a military setting the intention should matter *that much* (author’s emphasis), believing that Walzer has not fully justified the reasoning.³⁰ Ultimately, there seem two strong arguments for both the deontological and utilitarian aspects of the DDE, it appears likely that when applying the DDE to deceiving civilians that there will remain this tension that will need to be accounted for.

²⁶ Olsthoorn, “Intentions and Consequences in Military Ethics”; Walzer, *Just and Unjust Wars*, 155

²⁷ Mattox, “The Ethics of Military Deception,” 100.

²⁸ Walzer, *Just and Unjust Wars*, 155.

²⁹ Carl J. Ficarrotta, *Kantian Thinking about Military Ethics* (New York: Routledge 2016), <https://doi.org/10.4324/9781315590899>.

³⁰ Olsthoorn, “Intentions and Consequences in Military Ethics”; Walzer, *Just and Unjust Wars: a Moral Argument with Historical Illustrations*.

While much of the literature offers an opportunity to see the various arguments for consequentialism and non-consequentialism playing out, the work of Mayer on NCI and non-lethal weapons may bear particular relevance to deception. Specifically, when considering Mattox's argument that not all military deceptions are lies. Even if that is accepted as true for military targets, Mayer's arguments on why non-lethal weapons cannot be ethically used against those protected by NCI offer reasons why a deception used against those same targets may also be unethical. His first argument is that using any weapon, even a non-lethal one, against civilians is treating them as combatants and thus causing harm as they are being targeted for military purposes even if the intent is to minimize civilian harm otherwise. Additionally, if a civilian has NCI, they have not consented to be a part of military action, so there is no military justification for targeting them. Mayer also posits that NCI not only prohibits causing physical harm to a noncombatant but prohibits treating them as if they have a military status or value. Another way to think of these positions might be to say that is not permissible to use civilians as a means to a military end even if the intent is to reduce civilian casualties or does not involve physical harm. Finally, he argues that using coercion or not allowing non-combatants to make their own choices is harmful in its own right, which is an argument that will require addressing directly.³¹

Kaurin agrees with Mayer's argument for why non-lethal capabilities are not inherently more ethical and provides clear simplified reasoning. She points out that while non-lethal weapons offer the potential to achieve better proportionality, they must not violate the Principle of Discrimination that establishes the difference between combatant and non-combatant.³² Regardless of the reduction in harm a non-lethal weapon does, by intentionally targeting non-combatants, violates this principle despite a good intention to do less harm.

³¹ Mayer, "Nonlethal Weapons and Noncombatant Immunity," 221–23.

³² Pauline M. Kaurin, *The Warrior, Military Ethics and Contemporary Warfare: Achilles Goes Asymmetrical* (Surrey: Ashgate, 2014), 60–61.

C. ETHICS OF LYING AND DECEPTION

Lying may be one of the oldest subjects in philosophy and ethics, with the debate ongoing. To start it will be important to determine a definition of what exactly constitutes a lie as not all deceptions may constitute a lie. If this is so, then it is also important to capture scholar's arguments for whether there is a moral difference between lying and other types of deception such as misleading. Currently, there appear to be largely two camps, one that argues all lies are bad but that not all deceptions should be considered lies and thus may be permissible, and another that believes lies and other deceptions may be different by definition but are necessarily morally different. Within these two sides, there are other issues such as duty, virtue, mental reservation, and the importance of intent and consequences that require some level of exploration. Due to the focus of the core topic, accidental lies and arguments for or against lying based on religion are not included but this is not meant to signify their lack of worth to the greater philosophical discussion of lying.³³

1. Definition of Lying

The definition of what constitutes a lie appears to be for the most part similar but with authors being more precise over time, drawing a greater distinction between lies and other forms of deception. Though some authors appear to take the definition of lying as common knowledge and do not provide one, perhaps see lying like Supreme Court Justice Stewart viewed obscenity, you know it when you see it. For those that do provide some form of definition, below are a few definitions by different scholars in increasing complexity:

- “An intentionally untruthful declaration to another man”³⁴

³³ While this study is focused on deliberate deception of civilians there remains the possibility of unintentionally but perhaps foreseeably, deceiving civilians during war. While beyond the scope of this study, such unintentional deception could likely be analyzed for permissiveness through the existing Doctrine of Double Effect discussed in Chapter II.

³⁴ Immanuel Kant, *Ethical Philosophy: The Complete Texts of Grounding for the Metaphysics of Morals, and Metaphysical Principles of Virtue, Part II of The Metaphysics of Morals, with On a Supposed Right to Lie Because of Philanthropic Concerns*, Trans. James W. Ellington (Indianapolis: Hackett Pub. Co., 1992), 64.

- “An intentionally deceptive message in the form of a *statement*” (emphasis by author)³⁵
- “A lie is a statement made by one who does not believe it with the intention that someone else shall be led to believe it”³⁶

By the third example we find three general parts, (1) a person makes a statement; (2) they believe it to be untrue; (3) they intend to make someone else believe it. Furthermore, multiple scholars make the point that regardless of whether they use the term statement, utterance, declaration, etc., that this includes any means of direct communication to include verbal, written, sign language, Morse code, or even smoke signals.³⁷ Saul adds further precision to the definition in her work comparing the ethics of lying with misleading. She admits that there may be lies that exist outside this definition but that it strives to eliminate deceptions that are not lies.

Lying: If the speaker is not the victim of linguistic error/malapropism or using metaphor, hyperbole, or irony, then they lie iff (1) they say that P; (2) they believe P to be false; (3) they take themselves to be in a warranting context. In order for an utterance to say that P, its audience must *reasonably* (emphasis by the author) take the speaker to mean that P.³⁸

This definition works to significantly constrain what is considered a lie, while notable not requiring that a P be false. It also requires that the speaker is in a warranting situation, whether formal such as under oath in a court or informal in day-to-day conversation, unless under a special circumstance such as joke-telling. It also removes the requirement that the speaker intends to deceive so that “bald-faced lies” are included. Removal of intent from lying pushes it back into the realm of deception in general so that

³⁵ Sissela Bok, *Lying*, 2nd ed. (New York: Random House, 1999), 15.

³⁶ Arnold Isenberg, “Deontology and the Ethics of Lying,” *Philosophy and Phenomenological Research* 24, no. 4 (June 1964): 463–80.

³⁷ Bok, *Lying*, 13; Isenberg, “Deontology and the Ethics of Lying,” 466; Jennifer M. Saul, *Lying, Misleading, and What Is Said: An Exploration in Philosophy of Language and in Ethics* (Oxford: Oxford University Press, 2015), 3–19.

³⁸ Saul, *Lying, Misleading, and What Is Said*, 19, 36.

a lie becomes merely a specific method for deception. It is important to note though that intent to deceive is different from intent for deceiving which this chapter covers later when discussing scholar's thoughts on the moral difference between lying and misleading.

2. Condemning Lies but Accepting Deceptions

Immanuel Kant and St. Augustine are two philosophers who take possibly the strictest interpretation to condemning the morality of lying. For Augustine, the lie even included lies of omission or silence and other deceptive utterances. Even lying to save a life was not to be permitted.³⁹ Kant, as seen in the examples given above was stricter in his definition of lying. However, he was just as absolute in his condemnation, stating that “For a lie always harms another; if not some other [specific human being], then it nevertheless does harm to humanity in general, in as much it violates the very source of right.”⁴⁰ For Kant, if a person tells the theoretical murderer at the door that their target is not in the home then that person is completely blameless in every way if the murderer then finds and kills that target for they did the right thing and are not responsible for the murderer's actions.⁴¹ To many people, this may seem extreme and while many other philosophers agree with the wrongness of lying, they take a more nuanced approach to what constitutes a lie and what deceptions might be permissible.

The first concept that is used to permit deception without lying is the idea of equivocation or mental reservation. Woods uses the story of St. Athanasius to demonstrate his point that equivocation does not include the malice of a lie. In short, St. Athanasius was being pursued but when the guards sent to apprehend him came upon him on the road, they failed to recognize him, asking if he had seen Athanasius. He replied, “Oh yes, he is not far away. Make haste and you will catch him.” Woods posits that while Athanasius meant literally that he was standing before them, the mental reservation, that the guards might have discovered this if they had thought carefully. It is on the recipient of the statement to

³⁹ Remo Gramigna, “Augustine on Lying: A Theoretical Framework for the Study of Types of Falsehood.” *Sign Systems Studies* 41, no. 4 (December 17, 2013): 446–87, <https://doi.org/10.12697/sss.2013.41.4.05>.

⁴⁰ Kant, *Ethical Philosophy*, 64–65.

⁴¹ Peter Singer, ed., *Ethics*, (Oxford: Oxford University Press, 2013), 280–281.

carefully interpret the message and as long as it is possible, even if not likely that the message can be correctly interpreted then there is no lie or moral failing.⁴² Pascal provides a similar escape from lying, for example, if swearing that you did not do a certain thing, even if you had done it as long as in your head you maintained that you were swearing you had done it at a specific place or time that would make the statement true. Additionally, he goes as far as to say that promises are not binding if you have no intention of keeping them *when the promise is made* (emphasis added).⁴³ This would be on the very lenient side of what equivocation can do to avoid the moral impermissibility of lying.

While Bok will be discussed further when examining the moral equivalency of lies and other deceptions, she does bring forth Grotius as an example of those scholars that argue for rights and duty being required before an untruth becomes a lie. She relates how Grotius believed that if an individual did not have a right to truthful information then there is no duty to provide the truth and to speak falsely would not be a lie in this case.⁴⁴ Returning to the example of the murderer at the door asking if their intended victim was inside, under this definition of lying it would not be a lie to tell them an untrue answer because a murderer has no right to that information. Mattox takes a different approach. He maintains the deontological prohibition on lies but separates other deceptions that may be permissible under certain circumstances, specifically war. While some deceptions that classify as lies would still be considered immoral under his model, during war there is an understanding that adversaries will attempt to deceive each other within limits. Figure 1 represents how deception, the intent to deceive, and lies interact and how military deception can fall both within and without lying.

This is a clear example of a theory where deceptions, even when done with intentionality are not necessarily morally impermissible if they are not strictly lying.

⁴² Henry Woods, *A First Book in Ethics* (New York: Joseph F. Wagner, Inc., 1923), 134–135.

⁴³ Singer, *Ethics*, 269–270.

⁴⁴ Bok, *Lying*, 37.

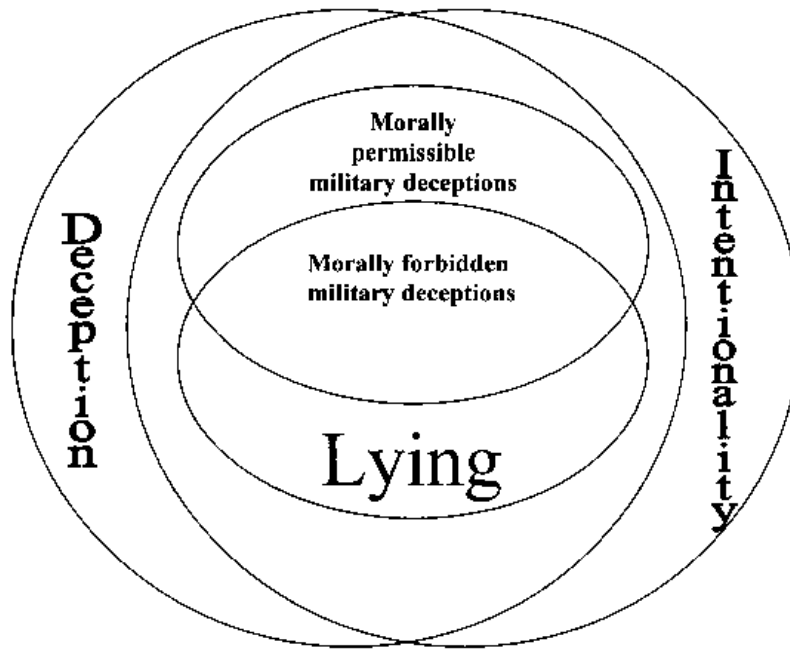


Figure 2. The intersection of spheres that encompass lying, deception, intentionality, and military deception⁴⁵

Finally, one further philosopher who has yet a different reason for lies being unethical is Aristotle. Not only do lies potentially harm the person they are told to but they harm the liar. Zembaty breaks down the various factors that Aristotle uses throughout his discourses that touch on the topic. While Aristotle is often associated with the more inward-focused field of Virtue Theory, he makes multiple arguments, internal and external as to why lies have an inherent negative weight. On a macro scale, they damage the trust needed for society while on the micro-scale they do injustice to the receivers of the lie that as rational agents lose agency when they act on deceptive information. Aristotle also believed that the person that lies can be harmed from their deception and demonstrates a likely lack of the qualities needed to act virtuously. While Aristotle discusses the possibility of a lie that does not harm, the list of hurdles such a lie would need to meet makes it exceedingly difficult to imagine practical applications that would find his approval.⁴⁶

⁴⁵ Source: Mattox, “The Moral Limits of Military Deception,” 5.

⁴⁶ Jane S. Zembaty, “Aristotle on Lying,” *Journal of the History of Philosophy* 31, no. 1 (January 1993: 7–29), <https://doi.org/10.1353/hph.1993.0008>.

3. Moral Equivalency of Lies and Deceptions

The second major camp of philosophers generally concurs in maintaining a distinction between lies and other deceptions. However, that does not necessitate that they have different inherent moral weights. These scholars can cross the consequentialist/non-consequentialist spectrum, using either normative theory or even both to determine the ethicality of a given lie. For some lies do carry an intrinsic negative moral weight but it is slight enough to overcome depending on the intent and/or consequences.

Saul deliberately scrutinizes whether deception in the form of misleading is always preferable to lying. She does not find an acceptable defense to the assertion that misleading is always morally preferable to lying. However, she does believe that there are special circumstances when misleading is preferable and that the choice between the two can illuminate moral information about the agent:

1. Whether an agent chooses to lie or merely mislead can make an important difference to the moral evaluations of an *agent* (author's emphasis).
2. In an adversarial context like a courtroom, misleading is morally better than lying.
3. Where there is a prior agreement that misleading is to be preferred to lying, misleading is morally better than lying.⁴⁷

It is important to understand that (1) does not mean that an agent that lies is worse than one that misleads even if the deceptions are equivalent. Instead, either method of deceiving might weigh against the agent more depending on the circumstances. Returning to the murderer at the door problem, Saul states that if Kant is wrong and that deception to save an innocent life is permissible then there is no reason misleading the murderer is preferable to lying.⁴⁸ Another argument she makes is that lies should not be judged morally differently from other actions. In the case of violence, Saul argues the reason for the violence is evaluated rather than the method used. Homicide for self-defense is morally

⁴⁷ Saul, "Lying, Misleading, and What is Said," 99.

⁴⁸ Saul, 73-76.

very different than murder and it should not matter if the agent uses a rock or an assault rifle. Therefore, if deception is moral or immoral it makes no difference whether done through a lie or misleading.⁴⁹

Bok also equates deceit with violence, acknowledging the harm it can do while maintaining the idea of self-defense and in the case of lies triviality.⁵⁰ Unlike Saul, who weighs lies individually, Bok applies innate moral negativity to lies. She believes even lies that do not harm the recipient still harm the trust that is necessary for society. They spread through methods such as imitation, retaliation, or to forestall suspected deception and thus erode societal trust.⁵¹ Even with this initial presumption of moral negatives, through a consequentialist calculation, that value can be overcome making some lies ethical. Bok strongly cautions against bias in that calculation when done by the liar. While it is possible for the lying agent to be unbiased, she takes the rare stand and must be acknowledged if agents are to have any chance at overcoming it in the future.⁵² The importance of consent in lies is another factor she explores. The notion of the noble lie, one told by leaders or governments to the people to allow action without proper public scrutiny is the context where Bok finds the lack of consent particularly disturbing. Consent and the ability for supervision by the people that it allows is a vital part of the necessary societal trust. She gives the cascading lies from President Roosevelt to Johnson to Nixon as an example of this breakdown.⁵³

Isenberg also sees that lying can have an intrinsic moral negative weight but finds that it may be so slight as to be irrelevant. That ultimately lies must be evaluated individually for intent and consequences, with him putting more weight on the former.⁵⁴ Lies are not intrinsically better or worse than any other lie. A lie can be morally worse depending on the specific subject matter, motive, and consequences but with these details

⁴⁹ Saul, 85.

⁵⁰ Bok, *Lying*, 18.

⁵¹ Bok, 26.

⁵² Bok, 50–51.

⁵³ Bok, 166–174, 179–180.

⁵⁴ Isenberg, “Deontology of Ethics and Lying,” 479–480.

stripped out, any intrinsic wrongness must equal the value of the least serious lie. However, because there is no such thing as a “bare” lie, Isenberg does not believe that this argument can be proven even if true. Every lie is “told *to* a certain person *about* a certain thing *from* motives *with* such and such probable results.”⁵⁵ Because of this, each lie must be evaluated separately. While he agrees with utilitarian thought that “lying can be good as a means, therefore right, and perhaps a duty if the actual or probable consequences are good ones.”⁵⁶ However, he points out the epistemic problem that “actions of any kind are apt to have boundlessly variable consequences” and the problem that causes for trying to justify a lie purely from its projected consequences, no matter how probable.⁵⁷

Finally, Bell and Whaley are not philosophers but experts in military affairs, deception, and intelligence. They offer a different type of scholarly approach, based on a realist view that lies and deception are a part of human nature and experience and hold no moral weight. They see deception as merely an advantageous distortion of the target’s perceived reality.⁵⁸ Taking perhaps a cynical view, they posit that everyone gets cheated sometimes and that life is not fair, therefore you should expect it and lie when advantageous.⁵⁹ They also do not see a difference in types of deception, even stating that “truth is the safest lie,” meaning that misleading by telling the truth so that the listener believes it to be untrue is the best deception.⁶⁰

⁵⁵ Isenberg, 470–471

⁵⁶ Isenberg, 478.

⁵⁷ Isenberg, 475.

⁵⁸ J. Bowyer Bell and Barton Whaley, *Cheating and Deception* (New Brunswick, NJ: Transaction Publishers, 1991), 47.

⁵⁹ Bell and Whaley, 328–331.

⁶⁰ Bell and Whaley, 60.

III. DEVELOPING A FRAMEWORK FOR EVALUATING DECEPTION

Having developed a sense of the relevant literature on ethical thought concerning war and lying it is time to develop a method of evaluation. This will allow for a systematic approach to determining the ethical considerations of deceiving civilians during war. The two examples given in Chapter I, Troy and Syria, deal specifically with deceiving civilians as a part of a larger military deception. There is no reason for this research to avoid looking at the morality of deceiving civilians during war in other situations. While there are possibly limitless potential situations where such a deception could happen—certainly too many to be judged individually—it is reasonable to at least explore the general concept. This may be critical to determining if specific examples are in line with existing JWT.

First, it is important to determine the inherent morality of lies and whether they are intrinsically worse than other deceptions such as deliberate misleading info/data, misdirection, etc. From the literature review, there appear to be four possibilities.

1. Lies are always unjustifiably bad but deceptions not involving actual lies may be morally justifiable. This is a classical deontological position and has a lot of supporters but is not without issues.⁶¹
2. Lies are inherently good. While there does not appear to be anyone arguing for this position it is the logical reverse of position one, but can be discarded as indefensible as there are lies and deceptions that can be found to be bad and wrong based on the intent and consequences.
3. Lies are inherently neutral and must be judged individually and cannot be justified or condemned without context. Due to this, lies are not better or worse than other forms of deception by their nature.⁶²

⁶¹ Kant, *Ethical Philosophy*, 64–65; Woods, *A First Book in Ethics*, 134–135.

⁶² Saul, *Lying, Misleading, and What is Said*, 46–47, 99.

4. Lies and other deceptions are equivalent and have a slight inherent negative moral weight due to the damage done to trust all other things being equal.⁶³

While the first possibility is popular with Mattox, who utilizes this line of reasoning in his defense of the morality of military deception in general, Saul effectively demonstrates why this is problematic.⁶⁴ Combined with Isenberg's arguments for lies having a slightly negative moral starting balance and option four seems to be the most promising. This gives a starting point:

Ignoring all other factors, deceiving civilians in war, regardless of whether through lies or other means, has an inherently negative moral weight that must be justified through weighing intent, consequences, and compliance with other JWT criteria.

In other words, it is morally preferable to not use deception over actions that do use deception, all other things being equal. That is if a given act X uses deception, and another act Y does not employ deception, but the actions have the same exact outcomes, it is morally preferable to pursue act Y over X. With this foundation, how to evaluate the designated types of deceptions against the JWT norms of the DDE and NCI are the next step in developing a framework.

A. APPLYING THE DOCTRINE OF DOUBLE EFFECT

Chapter I discussed deceptions targeting civilians that were a part of a larger deception meant to ultimately fool an enemy military commander. These examples fit well within the existing usage of the DDE. However, as mentioned earlier there are possible situations where the deception of civilians is less closely tied to a military objective. Assuming these deceptions are still meant to in some way benefit a military campaign or objective, it makes sense to still measure them against the DDE. Primarily, the third and fourth tenants will be utilized for this scrutiny.

⁶³ Isenberg, "Deontology of Ethics and Lying," 479–480.

⁶⁴ Mattox, "The Moral Limits of Military Deception," 4–15; Saul, "*Lying, Misleading, and What is Said*," 85.

Lies have been determined to have a default minor negative aspect so if there was no aspect of the lie that was redeeming the first tenant would certainly apply. Scrutinizing deceptions and lies based upon intent and consequences will be explored further below. Similarly, while there will likely be some theoretical examples that egregiously violate the second tenant of the DDE, determining whether the agent intended any harm from a deception would appear to be relatively clear cut. This is assuming that the actual intention is perfectly known as it is possible, even likely that a publicly stated intention would itself contain deception. Therefore, when looking at possible examples, the true intention will be explored as best as possible. For future analysis of real-world examples, determining the true intent may be difficult to ever know perfectly.

The third principle of the DDE, stating that the bad effects cannot be the means to the good effects will require closer scrutiny when applied to deceive civilians. If deceptions are inherently at a starting negative, then without redeeming factors that can be viewed as automatically violating this tenant. What really must be reconciled though, is that this principle is normally applied when an attack on a military target will cause collateral civilian damage. In the quintessential bombing of an enemy factory, it is the destruction of the factory that must be the means to victory, not the deaths of any civilian workers or other collateral damage. When applied to target civilians for deception, there appear to be several possible interpretations. Specifically, it is the harm to civilians as the means to an end that violates the third tenant, not the fact that harm is done or that civilians were involved. Therefore, if the lie or deception to a civilian is the means to achieving the military ends and involved deliberate harm that is integral to being effective, then such a deception would violate this tenant.

The fourth, and final tenant of the DDE deal with the proportionality of the action. The hardest part of determining if the harm is proportional to the gain will be minimizing the bias in the justification. It is unlikely to be fully eliminated, but if bias can be accounted for then there is a better chance to make an honest assessment of the positive and negative consequences of deception. Chapter II mentioned the scholarly debate about whether the third or fourth tenant should have primacy. However, this research project is treating them

equally in an attempt to stay true to the classic reading of the DDE, therefore no amount of good consequences can make up for a deception that violates any of the previous tenants.

After identifying how each tenant interacts with the DDE, Kauffman's version can be reworded to be more specific to deceiving civilians.⁶⁵

1. The deception must overcome its innate negative moral weight through intended or actual consequences.
2. The purpose of the deception must not be to harm civilians.
3. Deliberate harm to civilians through deception cannot be the means of achieving a military end.
4. Any foreseen but unintended harm caused by the deception must be proportional to the good achieved.

When judging a deception targeting civilians, if the deception does not violate any of these four tenants, then the deception may be ethically sound. However, further analysis is necessary to ensure other accepted moral principles are also respected.

B. APPLYING NON-COMBATANT IMMUNITY

NCI interacts with the idea of deception in several ways. Looking back to Mayer's arguments they can be broken down into three parts.⁶⁶ Similar to the tenants of the DDE, this allows for multiple evaluations that are less complex than trying to determine whether NCI has been violated all at once.

1. Using weapons on civilians, even non-lethal ones treat them as military targets.
2. Civilians with NCI have not consented to be targeted during a conflict therefore have no military value.
3. Coercive weapons or not allowing civilians to make their own choices is harmful.

⁶⁵ Kauffman, "What Is the Scope of Civilian Immunity in Wartime?," 189–194.

⁶⁶ Mayer, "Nonlethal Weapons and Noncombatant Immunity"

The first part would be a strict prohibition if deception is considered a weapon. Under U.S. Army doctrine, MILDEC is an Information Related Capability (IRC), falling under Information Operations (IO).⁶⁷ Civilian populaces are an integral part of the Information Environment (IE), with other IRCs such as Psychological Operations (PSYOP), Public Affairs, and Civil Affairs targeting civilians through their activities with on occasion or almost exclusively depending on the IRC. This supports the supposition that IO, regardless of the IRC, is not a weapon but a capability. If this is the case, then deceiving civilians would not immediately violate the first principle. However, as it has been established that lies and deceptions can cause harm this does not provide an automatic pass as it is foreseeable that deception could be used against civilians in a way that is weaponized.

The second principle also has issues when trying to apply it to activities in the IE. For example, Military Information Support Operations (MISO), conducted by PSYOP forces, specifically exists to influence foreign target audiences, and change their behavior. This includes civilian populations as well as militaries.⁶⁸ Perhaps, then the second principle only applies to targeting civilians in ways that deliberately cause harm. It does not make sense that there can be no interaction between militaries and civilians on the battlefield. A large part of the professed strategy in the recent counterinsurgency wars in the Middle East has involved the concept of “winning the hearts and minds” of the local populaces so civilians must have a form of military value that allows them to be targeted within the IE without violating the NCI. Part of this may be because unlike other types of non-lethal weapons, information has to be interacted with, at least cognitively, by the target audience. If the information is presented so that this cognitive interaction is done consciously then it allows the target audience, the choice of whether to accept the information and whether to interact with it. In this way, when a military introduces information into the IE, civilians then retain the choice of whether they want to act on it. For example, if a military provides truthful information about an upcoming strike to warn

⁶⁷ Department of the Army, *The Conduct of Information Operations*, ATP 3-13.1 (Washington, DC: Department of the Army, October 2018), 38–39.

⁶⁸ Department of the Army, *Military Information Support Operations*, FM 3-53 (Washington, DC: Department of the Army, January 2013), 11–20.

civilians it is the civilians' choice to flee or not. Deceptive information may be different though because it deliberately provides false or misleading information that changes the audience's ability to interact with it in the same way. Presenting deceptive information places the audience in a position where any choice they make based on that information is tainted because it is probable that they would not have made the same decisions if they had known the information was false. When looking at a specific example, this may be one of the most difficult ethical hurdles to overcome when justifying deception towards civilians vs other types of IO. A key aspect of making such a determination will rest on the intended reaction to the deception. If harmful to the civilian audience then using deception or other persuasive means that interfere with the receiver's normal ability to make decisions would prevent them from consenting to any actions taken directly because of the disinformation. In effect, disinformation used in this way would be considered coercion as force, in the means of deception, is being applied to make civilians act against their own best interest.

This is a more nuanced approach than what the U.S. army currently takes. According to the U.S. Army's FM 3-53, military deception does not qualify as coercion or thought reform as force is not applied.⁶⁹ Mayer discusses examples such as sleep gas or other weapons that target indiscriminately and may reduce civilian casualties but still cause harm. These types of weapons may have better consequences but for Mayer, NCI is an absolute.⁷⁰ Still, such a strict interpretation would also potentially preclude many of the non-harmful forms of IO previously mentioned. As this paper is meant to not adopt a purely consequentialist or non-consequentialist approach, but instead strive to find a logical ethical balance that is useful to military commanders, a more nuanced ethical evaluation is required. Since it seems reasonable that IO, to include deception, can be conducted ethically, simply targeting civilians with an IRC such as deception would not necessitate violating NCI. With this view, deception may not inherently violate the third principle. Saul and Bok both equated deception with violence but both accept that violence or force,

⁶⁹ Department of the Army, *Military Information Support Operations*, 18.

⁷⁰ Mayer, "Nonlethal Weapons and Noncombatant Immunity."

in general, is not always unethical.⁷¹ Additionally, while deception may stack the deck, it does not apply force in the same way that even a non-lethal weapon does, but instead applies pressure to make certain beliefs or behaviors more likely. This is not to say that there is not potentially a larger moral cost to deception. The specific goal of the deception is likely important here. If the intent is to create thousands of refugees to interfere with an adversary's military operations, then that would be a definite violation. But, if the goal were to simply get civilians to talk about a piece of deceptive information on social media with the hope that the adversary's intelligence would pick up on it, then it becomes less clearly a violation.

Overall, when trying to determine how to evaluate the deception of civilians against the principle of NCI, it appears to be walking the edge of what might be ethical. To aid this evaluation in the next chapter, here is another rewording to fit the NCI more to IO in general and particularly deception.

1. Using weapons against civilians is prohibited but IRCs such as deception are not inherently weapons.
2. Civilians have a different type of value than military targets that requires discrimination between the two. Only IO intended to be non-harmful can be targeted towards civilians.
3. Deception cannot coerce civilians into action and cannot seek to persuade civilians to take any action that would be harmful to themselves.

With both the principle of NCI and the DDE, some elements placed importance on intent and consequences. Because of this, the answer to whether deceiving civilians violates either one or is ethical at all requires examination of these variables.

C. WEIGHING INTENT AND CONSEQUENCES

The intent was a factor that appeared both within the DDE and NCI. When looking at how to weigh the intent of deception, two immediately appear as affecting its ethical

⁷¹ Bok, *Lying*, 18; Saul, "*Lying, Misleading, and What is Said*," 85.

weight. First, deception requires a purpose. Second is the intended outcomes, including intended and foreseen benefits and/or harm to any parties involved. For consequences, it is not simply a tabulation to see if the deception did greater good than harm, in a utilitarian style. The possible and probable outcomes for both should be identified before the operation and then the outcome captured.

When looking at the intent, the reason should capture the need for deception in the first place. Just like any military objective, the means used must intend to accomplish the necessary ends with the least harm done. When considering deceiving civilians, there is already a need to justify any starting harm caused by the deception itself. Therefore, the intent must be to achieve a good that requires both deception while also not using the civilians as a mere means to a military end. If the intent is not to ultimately bring good to the civilians being deceived, it is likely the deception cannot be justified. This includes the intended consequences, as while the true outcome is impossible to know before the deception, the intended outcome should be beneficial not just to the actor but to the deceived as well.

When evaluating the consequences of deceiving civilians many factors will need to be captured. As Bok cautioned, while doing this it will be critical to be aware of any bias towards the side doing the deception. A deceiver has a natural tendency to be biased towards the justification of their lies and deceptions and to unfairly discount the value of others.⁷² Regardless, this will still be a subjective comparison as the good consequence of deception might be to save many combatant lives at the cost of hurting many civilians over a longer period. Additionally, deceptions might cause long term effects that are less likely to be identified and quantified and thus provide less data for case study analysis in a scholastic setting or training vignettes in a military classroom setting. For this paper, the example from Syria will provide a starting point, with which a range of possible consequences can be explored. Since it is not possible to know every potential consequence of even a simple lie, it is not expected that all possibilities will be discussed but instead, themes will be explored through specific examples. Ultimately what is sought is whether

⁷² Bok, *Lying*, 50–51.

the harm to civilians is proportional to the good and does not violate any portion of the previous JWT norms that focus on consequences such as proportionality.

Between intent and consequences, several questions would appear to be important in determining the morality of wartime deception of civilians. The order they are presented in is what seems to be a logical one for narrowing in on ethical issues but is not otherwise in a particular rank order.

- Is the deception necessary or could another method produce the same outcome? If the mission can be accomplished without deceiving civilians it should be unless there is a justifiable reason for why deception causes the least amount of harm.
- Does the deception treat civilians as having a military value in a traditional sense or rely on force or coercion?
- Is the intent to harm civilians? Deliberately seeking to harm civilians would immediately make the deception unethical.
- Is any unintended harm proportionate to the likely good achieved?
- Is the desired outcome probable or even possible? Determine if an intended good outcome for the civilians is achievable, and have reasonable factors been considered to account for possible long-term harm from the deception.

These questions combine the reformed versions of the DDE and NCI to provide the framework for analyzing the ethical considerations of deceiving civilians in the next chapter. This framework provides a method but again, in seeking a common middle ground between major normative theories, a purest of either will find fault with it. However, this provides a reasonable way to analyze the ethical considerations utilizing both consequentialist and non-consequentialist requirements.

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IV. EVALUATING DECEIVING CIVILIANS

Now that a method for applying normative standards such as the DDE and NCI to the deception of civilians in war exists, it is time to determine whether such deceptions are, or can be justified. For this evaluation, the Syria case study introduced in Chapter I can provide a real-world foundation. However, while this case study allows for a more substantive look at the potential consequences, intent, and other components of normative theories it is important to remember that the potential consequences and intent behind an action are theoretically infinite. Syria does provide an example where the various ethical factors can be reasonably evaluated and represent a type of deception towards civilians that would have a high likelihood of being repeated in other conflicts.

For this chapter, the likely potential consequences of the Syrian deception will be contemplated first, considering both the positives and negatives. Then the possible intents will be explored, focusing particularly on the aspect of harm because that will be important for the next section involving the DDE and NCI. Following these independent evaluations, the application of the reworked DDE and NCI considerations from Chapter III provides a rounded evaluation without focusing only on the consequentialist or non-consequentialist factors. While this case study will involve factors different from other theoretical deceptions, the purpose is to evaluate how ethical norms interact with deceiving civilians, not pass judgment on this one military operation. This approach allows for the possibility of reaching a greater understanding of the ethical considerations likely to support or condemn the idea of deceiving civilians in war more broadly.

A. CONSEQUENCES: MEASURING THE ENDS

When inspecting the Syrian deception there appear to be four categories of consequences that require an accounting. The first is the general consequence of degrading trust by the civilian population towards the deceiving military when the deception becomes known. This includes both the population deceived and the greater civilian audience that becomes aware of the deception. The second is the effects on the population of Raqqa that was deceived. While there are not solid quantitative numbers on how many people fled the

city due to the deception, it is probable, even likely that of the known population that left at least some would fall into this category. The third is the effects on the population of Manbij, the city that was the true target of the SDF and U.S. attack. Fourth, there are effects on the military personnel conducting the deception. While there is a danger of the actor overemphasizing positive consequences for themselves and conversely for the deceived to be biased towards themselves, this study will endeavor to measure them from a neutral point of view. With all of these possible consequences, no matter how likely they would occur, it remains epistemically impossible to know for sure what the actual consequences will be for any given action.

1. General Effects

Bok attached a general erosion of societal trust to lying, even if the act could overcome that innate negativity.⁷³ While societal trust might be an amorphous ideal, difficult to quantify, the Syria example provides a couple of specific ways it can apply and thus needs to be accounted for. While it is foreseeable that deception against civilians could be undetected and therefore unknown to the deceived, many military deceptions in general and the Syria example in particular only remain undiscovered until the true target is attacked. Once that happens it is reasonable to expect that both the adversary and any civilians deceived will know that the actor was lying. Once that happens several consequences are reasonably likely to occur.

Any civilians that believed the false information, as well as potentially civilians not involved in the deception, that later learn of the deception are likely to have a negative reaction. While it is normal for an individual to be angry at having been lied to, Bok specifically warns about the potential harm of a government lying to a populace.⁷⁴ For the moment assuming that no other harm was done to the civilians deceived other than the lie itself, and assuming the military operation was successful so that interaction between the military and the populace will continue, there are several possible consequences to account for.

⁷³ Bok, *Lying*, 26.

⁷⁴ Bok, 50–51.

With the degradation of trust between the military and the populace, any future IO efforts may not be as effective as they otherwise would be regardless of how honest or noble the messages are. But beyond that, a populace that feels that their trust has been betrayed may not be as willing to participate in other efforts such as post-conflict reconstruction, political realignment, or counterinsurgency (COIN) efforts. This is particularly true in conflicts where the military has openly declared that it is attempting to win the ‘hearts and minds’ of the populace. Some amount could even join or provide direct aid to insurgent forces though this is likely to be a very small subset of the overall population if the one act of deception is the only contributing factor. Beyond the exact truth, rumors, and gossip about the deception can grow and twist the reality for the populace that creates further detrimental mindsets that could lead to action against the deceiving force. Regardless, these possibilities demonstrate that there are significant possible responses by the civilian population that could have long-ranging effects on friendly operations. The Syria scenario certainly provides for this type of scenario where the entire enemy government, in the form of ISIS, is being removed from the city and the support of the population would be beneficial if not required for successfully standing up a new one. Because of these potential consequences, the idea that there is an inherent negative moral weight to deception due to damaged trust should be coupled with the knowledge that there may be serious real-world consequences even if there is no other harm other than the deception itself.

2. Raqqa Civilians

The citizens of Raqqa were the direct target of the deception and face a range of potential consequences from that deception, both physical and immaterial. While none of the possible consequences here have direct causation for the Syria example, they do provide an understanding of what is likely and provides at least some way to potentially quantify these consequences in the future. When civilians are told to flee their city before an expected attack by a military force that until that point they would have seen as a credible, even if unliked, source of information it is logical to assume that many would heed the warning and flee. Therefore, this section looks primarily into the consequences of becoming a displaced person, and in particular a refugee. However, this will not be an

exhaustive study of life as a refugee and simply seeks to provide a set of effects that are common enough to apply generically to refugees and still have existing data to impact the consequentialist calculus portion of the overall analysis being done.

The Watson Institute of International and Public Affairs at Brown University found has cataloged numerous hardships that refugees face. Regardless of whether displaced internally within their home country or externally as refugees, displaced persons often struggle to live in inadequate circumstances. This can include but is not limited to a “lack of access to food, health care, housing, employment, and clean water and sanitation, as well as loss of community and homes [with] refugees also [facing] difficulties in renewing visas, the denial of civil rights and services, the fear of deportation, and anxiety about the future.”⁷⁵ Looking at the mental trauma caused by being a refugee, the Refugee Health Technical Assistance Center reports that:

common mental health diagnoses associated with refugee populations include post-traumatic stress disorder (PTSD), major depression, generalized anxiety, panic attacks, adjustment disorder, and somatization. The incidence of diagnoses varies with different populations and their experiences. Different studies have shown rates of PTSD and major depression in settled refugees to range from 10–40% and 5–15%, respectively. Children and adolescents often have higher levels with various investigations revealing rates of PTSD from 50–90% and major depression from 6–40%.⁷⁶

If these negative factors were not already difficult enough to compare against any potential positive consequences quantitatively, children of refugees often inherit that status, so that these issues become generational.⁷⁷

While many people worldwide might face these issues, it seems difficult to justify tricking potentially tens of thousands of individuals into fleeing a city that will not truly be attacked. While the potential positive consequences are still to be explored, it may be

⁷⁵ Neta C. Crawford et al., “Costs of War: Refugees and Health,” Watson Institute of International and Public Affairs, September 2020, <https://watson.brown.edu/costsofwar/costs/human/refugees>.

⁷⁶ Refugee Health Technical Assistance Center, “Traumatic Experiences of Refugees,” Accessed November 7, 2020, <https://refugeehealthta.org/physical-mental-health/mental-health/adult-mental-health/traumatic-experiences-of-refugees/>.

⁷⁷ United Nations, “Refugees,” Accessed November 7, 2020, <https://www.un.org/en/sections/issues-depth/refugees/>.

difficult to overcome the level of harm this deception could cause. As using surprise to minimize casualties will likely be the best defense to balance this harm it is important to recognize that every year thousands of migrating refugees die trying to reach safety.

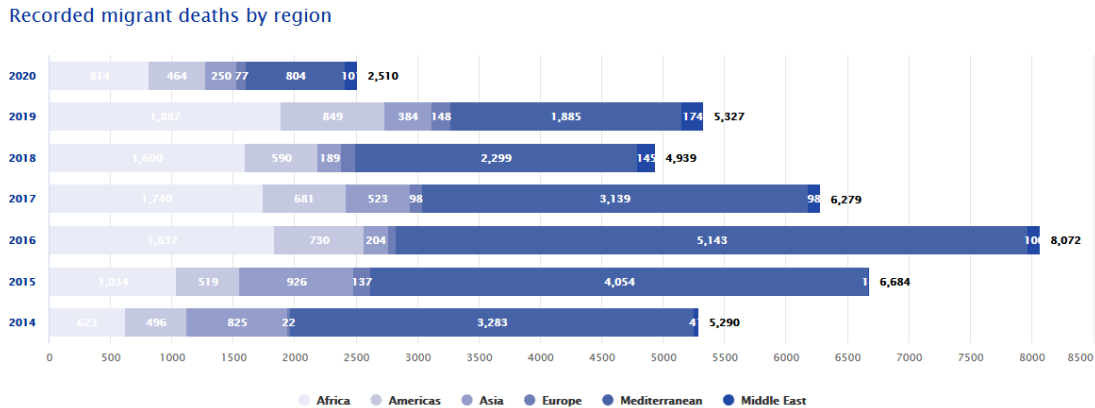


Figure 3. Migrants deaths 2014–2020 by region.⁷⁸

These consequences represent a significant range from the loss of home and community to death, so any potential benefits, not just to the military perpetrating the deception but to the civilians deceived must be equally great if there is to be any chance of justifying it.

3. Manbij Civilians

While the most apparent group of civilians that needed to be accounted for was the population in Raqqa, the civilians in Manbij are also affected by the Syria deception. In effect, it is the opposite situation from the Raqqa populace. Whereas in Raqqa, civilians may have needlessly fled a city before a non-existent attack, in Manbij the populace was not given the opportunity to flee before the real assault. While becoming a refugee is a life-changing and potentially deadly situation to be in, civilians trapped in a city under siege can face even more significant risks.

⁷⁸ Source: Missing Migrants Project, “Latest Global Figures,” Missing Migrants Project: Tracking Deaths Along Migratory Routes, November 9, 2020, <https://missingmigrants.iom.int/>.

Specifically, looking at urban conflicts in Iraq and Syria, the International Committee of the Red Cross (ICRC) found that armed conflicts within urban areas were eight times more deadly for civilians than battles in other areas.⁷⁹ Considering that while the surprise attack on Manbij successfully surrounded the city in a matter of days, it took two months of intense fighting to capture the city.⁸⁰ While not broken out in their findings, it is reasonable to assume civilian deaths during urban combat are caused by a combination of direct exposure to combat and secondary effects of being in a city under siege such as starvation and disease.

In this situation, by not providing advanced warning, the civilians are forced into a situation they might have otherwise avoided by fleeing. If some decided to remain, it would have been their choice, which does not remove their NCI protections, but would be supported by the principle of not taking away a non-combatant's free will. Adding the suffering and death faced by the unaware citizens of Manbij to what the previous section already described for Raqqa further complicates the ability to balance the consequences of such a deception.

4. Effects on Friendly Forces

Deception to achieve surprise is ultimately about defeating an enemy with the least amount of life possible for friendly forces. Towards this purpose, surprise achieved through deception can change the odds significantly towards the attacker, and according to Gerwehr and Glenn, change the ratio of the enemy to friendly casualties from 1:1 to 5:1.⁸¹ With a reduced number of casualties, it is logical to expect that there are decreased other costs logistically that make deception a valuable investment for a military force. With urban combat being particularly dangerous for attackers, comprised of vertical spaced, subterranean features and canalizing canyons, understandably, an assaulting force would

⁷⁹ ICRC, "New Research Shows Urban Warfare 8 Times More Deadly for Civilians in Syria and Iraq," October 1, 2018, <https://www.icrc.org/en/document/new-research-shows-urban-warfare-eight-times-more-deadly-civilians-syria-iraq>.

⁸⁰ Calamur, "What Happens When a Town Is Liberated From ISIS"

⁸¹ Scott Gerwehr and Russell W. Glenn, "Chapter 4: The Role of Deception in Urban Operations" in *The Art of Darkness: Deception and Urban Operations*, MR-1132-A (Santa Monica: RAND, 2000), 37.

desire an edge over a defending opponent.⁸² Gerwehr and Glenn posit that because of this complexity that deception is particularly potent in urban areas where there is a large amount of what they term “background noise” within the IE.⁸³ However, when balanced against the potential harm done to the civilians in both Raqqa and Manbij, there does not appear to be a benefit of sufficient level to justify the deception consequentially. However, the final section of this chapter will more closely examine this when introducing the DDE and NCI to the evaluation.

B. INTENT: ASSESSING THE MEANS

Determining the intent for the overall deception in Syria is not difficult. While lacking confirmation without access to planning documents or from the military planners involved, it is still highly likely that the SDF and U.S. military were attempting to fool ISIS about the direction of the impending attack to prevent Manbij from being reinforced. However, what is of concern when determining if the portion of the deception targeting civilians was ethical. Indirectly, ISIS is by any objective measure an organization that is unethical in its actions, bringing large amounts of pain and suffering to the people under their rule.

When looking at the declared reasons for fighting ISIS, both the Department of State and the Department of Defense so explicitly mention rescuing the civilian populations that lived under ISIS rule.⁸⁴ So, at least some measure of the desired end did include improving the lives of the civilian populace, including those living in Raqqa and Manbij. Therefore, deceiving the civilians may not have been entirely a case of using them as a mere means to an end. However, much as the idea of destroying a city to save it seems self-contradictory, the idea that any amount of harm brought upon civilians or their use as mere

⁸² David Johnson, “Urban Legend: Is Combat in Cities Really Inevitable?” War on the Rocks, May 6, 2019. <https://warontherocks.com/2019/05/urban-legend-is-combat-in-cities-really-inevitable/>.

⁸³ Gerwehr and Glenn, “Chapter 4: The Role of Deception in Urban Operations,” 44–46.

⁸⁴ Department of State. “Joint Statement by the Political Directors of the Global Coalition to Defeat ISIS - United States Department of State.” (Department of State, June 8, 2020), <https://www.state.gov/joint-statement-by-the-political-directors-of-the-global-coalition-to-defeat-isis-2/>; Department of Defense, “5 Things to Know About the Fight Against ISIS in Syria.” (Department of Defense, December 20, 2018), <https://www.defense.gov/Explore/News/Article/Article/1718356/5-things-to-know-about-the-fight-against-isis-in-syria/>.

means in specific operations, simply because there exists a strategic level goal of saving them does not seem to make sense or be justifiable. The operation to seize Manbij from ISIS was primarily about cutting off ISIS's supply lines from Turkey and not to free any civilians forced to live under ISIS rule.⁸⁵ And as Oliver notes, governments sometimes discuss liberating civilians, especially women, living under their adversary's control even if the reason for war had nothing to do with those civilians to portray the conflict as having additional moral justifications.⁸⁶ Therefore, other motives should be scrutinized before taking any declarations of good intent at their word.

When looking at the Syria deception, the intent behind deceiving civilians was likely meant to add an additional aspect of realism to the overall deception targeting ISIS military leaders. Realism is a vital aspect of any military deception and is a function of the adversary's intelligence apparatus and the amount of time needed to analyze friendly deceptive actions.⁸⁷ Before a major urban assault, it is reasonable to expect the U.S. military to attempt to take some measures to mitigate civilian casualties, with some component of that existing in the IE. It is then understandable to expect ISIS to monitor U.S. and SDF activities in the IE to look for such signatures. Furthermore, if the civilian populace is acting in ways that indicate they believe the attack is coming it reinforces the enemy's belief in that same direction. This places civilians as a conduit for a piece of the deception, with their interactions with the deception aiding in transmitting that belief in a false reality. There remains a large hole in the plan to use civilians as a part of the deception, and that is whether it was truly necessary to include, and thereby directly target for deception, civilians at all. Chapter I listed numerous ways the SDF and U.S. military sought to build the deception, but would the deception have been significantly more likely to fail if the civilians were not deceived? This is an empirical question. While impossible to know for sure, it seems unlikely that deceiving the civilians of Raqqa was critical to success. This

⁸⁵ Calamur, "What Happens When a Town Is Liberated From ISIS."

⁸⁶ Kelly Oliver, *Women as Weapons of War: Iraq, Sex, and the Media* (New York: Columbia University Press, 2007), 37, 56–57.

⁸⁷ Charles Fowler and Robert Nesbit, "Tactical Deception in Air-Land Warfare." *Journal of Electronic Defense* (June 1, 1995): 44, 76.

creates a large ethical problem as any harm caused would be unjustifiable. Removing the civilian portion of the operation would not make a difference to the civilians in Manbij but without deceiving the populace of Raqqa, any harm caused is easier to justify as foreseen but unintended, if civilians are not being directly targeted for deception.

While understandable, if deceiving civilians in this case study was unnecessary, then it is unlikely that it was undertaken with good moral intent. To make a final determination though, the next section will take what was learned in both the consequentialist section and this section and apply that information to the revised versions of the DDE and NCI. This should allow for a holistic view, ensuring all relevant aspects have been considered.

C. APPLYING THE DDE AND NCI

In Chapter III, both the DDE and NCI were reworked to be specific to deceiving civilians. These versions will not provide a framework for evaluating the Syrian deception and thus provide insight into the ethical consideration likely to be inherent in deceiving civilians in war in general. These were then combined into five questions that are the foundation for evaluating the Syrian deception. This evaluation will also potentially provide truths that can elucidate considerations that will apply to other deceptions against civilians.

- Is the deception necessary or could another method produce the same outcome? If the mission can be accomplished without deceiving civilians it should be unless there is a justifiable reason for why deception causes the least amount of harm.
- Does the deception treat civilians as having a military value in a traditional sense or rely on force or coercion?
- Is the intent to harm civilians? Deliberately seeking to harm civilians would immediately make the deception unethical.
- Is any unintended harm proportionate to the likely good achieved?

- Is the desired outcome probable or even possible? Determine if an intended good outcome for the civilians is achievable, and have reasonable factors been considered to account for possible long-term harm from the deception.

Taking what was determined in the previous sub-chapters will now be applied to answer these questions in order. Also, any considerations for how it would apply to deceiving civilians in war outside of the Syria case study will be examined as appropriate. Regardless of any ethical issues that arise in any one question, all will be examined to provide a comprehensive evaluation.

When looking at whether it was necessary to deceive the civilians to achieve the mission, it has already been shown that it was most likely that it was not necessary. The SDF and U.S. military would likely have been successful in deceiving ISIS about where they would attack without specifically targeting civilians as a part of the operation. The coalition conducted more than enough deceptive actions to create a reasonable expectation that the SDF would be attacking Raqqa rather than any other location. Additionally, since many of those deception pieces would have been seen by civilians, it is entirely possible that they would have reacted the same way regardless, but without the moral issues that are now being evaluated. Due to the lack of necessity and the known harm, even if it was limited to the general degradation of trust inherent to lies, it was still unethical to deceive civilians in this situation. However, it is still important to try to determine if deceiving civilians might be necessary for other situations. While it is impossible to conceive every possible reason for deceiving civilians, the most probable would be a deception intended to incite a particular action or inaction unrelated to deceiving any other outside force. If such an action would only happen if the target audience was deceived, then by its nature the deception could be considered necessary. It does not mean that such a deception would thereby automatically be permissible, all things considered, only that it might not fail this inspection.

The Syrian deception does arguably treat civilians as if they have traditional military value. Because the ultimate goal was to fool ISIS, the fact that civilians were

utilized as a method to achieve that deception via also deceiving those civilians, the populace was explicitly linked to a military operation. This is a clear violation of the principle of NCI. In a different scenario, it is again easy to imagine a situation where the deception was not tied to a military objective and would not violate the first part of the question. It is less certain that any deception could avoid violating the second portion, whether a deception relies on force or coercion. Mayer's arguments for any action that takes away a civilian's free will and Bok's assertion that lies do constitute force come into play here.⁸⁸ A lie between two individuals impairs or even denies the deceived person's ability to know the reality of the subject they have been lied to on. Any decision or action or taken based on the lie has been forced upon them by corrupting their data in the same way that a computer can only make correct decisions if fed correct information. The idea that garbage in leads to garbage out in such situations seems apt. While there is no reason to believe that a person with perfect knowledge would make good or healthy decisions, in such a scenario no outside entity can be blamed. It may be likely that in a real-world situation a military commander that could save civilian lives through deception would fall back on a utilitarian view and do so but just because the deception created good ends does not prevent it from being wrong. Likewise, a deception against an adversary that expects to be the target of force could be justified with the same intent used to complete any ethical military operation and a low standard of good consequences. It is that expectation of not being targeted for the use of force that seems to make deceiving civilians immoral by the normative standards that support the principle of NCI.

While the Syria case study has not fared well so far during this evaluation, the third question of whether harm to civilians was intended is one more likely to provide a positive result. Remembering that this is not yet an evaluation of actual harm done or good achieved, but only a look at the intent behind the deception. In this case, the immediate intent would be the goal of deceiving civilians so that their behavior assists in the deception of ISIS. The long-term intent was to aid in the removal of ISIS, including from the areas where they brutally controlled the populace such as Raqqa. While the leaflets dropped

⁸⁸ Mayer, "Nonlethal Weapons and Noncombatant Immunity...." 221-31; Bok, *Lying*, 18.

encouraged civilians to flee, if they had decided to stay in Raqqa but talked about the coming assault it could plausibly have been just as effective. However, it would take incredible naiveté to believe that if the deception were successful that civilians would not flee the city, possibly in great numbers. Such a migration could easily aid friendly forces by clogging up roads and removing supplies from Raqqa that would then be unavailable to ISIS. Why impossible to know, there is the very real possibility that even if not specifically intended, such migration was considered a desirable outcome. This demonstrates the danger in this question because while it may be easy to have good intentions, this is also an area where the actor undertaking the deception can easily be dishonest with themselves about what they want to happen and if deception is likely to lead to a harmful end that happens to be beneficial to the deceiver.

This leads directly to the question of proportionality. Assuming all other investigations resulted in a judgment of the deception in Syria being ethical, it was not proportional. Regardless of intent, civilians becoming unnecessary refugees leaving Raqqa, potentially on the order of tens to hundreds of thousands, with all the documented horrors that go along with doing so is no way offset by the military gain. Even, disregarding the population of Manbij that was denied the opportunity to flee, the fight to take Manbij involved significantly fewer soldiers on both sides than the number of civilians impacted. However, this is another area where the deceiver is in danger of not weighing all lives as being equal and therefore harm to friendlies, enemies, and civilians as equal. That is not to say that deception against civilians could not be proportionate, but it is difficult if not impossible for a reasonable observer to label the Syria case study as proportionate.

Deceiving ISIS and through that deception being able to remove them more quickly from power in Syria was a reasonably likely and certainly possible outcome. From a macro view then the final question is satisfied. If an estimated 25%, and potentially an even greater number, had fled the city and may never return then it does seem like a case of destroying the city to save it.⁸⁹ While certainly, some portion of the population remained until liberations, for the portion that left, the idea of liberating them from the hardship of

⁸⁹ REACH Initiative. "Ar-Raqqa Crisis Overview."

living under ISIS becomes moot if that hardship has been unnecessarily replaced with the hardship of being refugees that may never see their homes again. This is a case where the short-term benefits seem to have been overvalued while the potential long-term harm was undervalued and the reality of what achieving the good intent meant practically was possibly downplayed or ignored altogether.

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V. CONCLUSION

Understandably, military commanders may not see the harm in using deception against civilians, preferring lies to physical violence. Quantifying harm from deception is undeniably more difficult than from the direct application of violence. Even in the application of physical force, the outcome is typically described by the military in numbers of civilians killed or injured, rarely looking into the non-physical harm that results from physical violence. However, Chapter IV presented how deception against civilians, even in its most benign form can cause harm in both physical and non-physical ways. The Syria case study in particular highlights a situation where the immediate benefits to the military campaign were easy to ascertain but the long-term harm was likely unidentifiable before the operation. Based on the completed analysis utilizing the framework questions developed in Chapter III, the Syria deception arguably failed all five evaluations. In this particular case, including civilians as targets of the deception was unethical from multiple perspectives. Granted that while Syria represents only one deception, it is characteristic of MILDEC in general and provides vital insights into how other deceptions would fair under similar scrutiny. Ultimately, this analysis is not about passing judgment on an event that has already transpired but providing a means for determining the morality of deceiving civilians in the future.

With this approach then, there appear to be several points that future military commanders need to keep in mind when considering using deception against civilians. The Syria deception illustrates the dangers of only considering short-term benefits for the deceiver and not maintaining a moral equivalency between the deceiving military unit and civilians when weighing potential effects. Improved understanding here could foreseeably create a situation where a deception could pass the proportionality portion of the moral litmus tests involving proportionality, intent, and the possibility of success. It is even possible that if the desired end state were separate from any military objective that the requirement for civilians to not be treated as having a military value in the traditional sense could be met. However, the more a deception plan answers these framework questions satisfactorily the more it stands to wonder why the deception is necessary in the first place.

As seen, even the general degradation of trust that comes from being deceived can have long-lasting effects on the relationship between the civilians and the military organization within the IE. So a MILDEC that did not cause disproportionate harm to civilians compared to the good it caused them, did not treat them as having military value, and is likely to achieve the desired good outcome seems unlikely to be impactful enough to justify using deception in the first place.

The hardest obstacle that has presented itself is the question of whether deception uses force or coercion. Accepting that deception can be justifiably be classified as using force/coercion because it puts the deceived individual in a position to make decisions that they would not have otherwise made, similar to if physical coercion was used to the same effect. This is a difficult position to counter as there are methods of behavior change that do not involve force or coercion such as PSYOP that relies on truth-based persuasion. For the same reasons that non-lethal weapons violate NCI, so does deception. It is difficult, if not impossible to think of an example where deception is not coercive, and still have the situation require the use of deception rather than other means for the good objective to be achieved. Because of this, deceiving civilians is likely to always have serious ethical issues, regardless of how careful a military planner is when crafting the deception. It is therefore this author's recommendation that future military deceptions do not include civilians. Indeed, even in cases where a MILDEC does not target non-combatants, care must be taken to mitigate foreseen but unintended consequences as any deception have the potential to cause horrendous suffering for those tangentially affected.

However, if for whatever reason a deception involving civilians or other non-combatants is deemed necessary, following the five-question framework developed in Chapter III provides a method for understanding the ethical considerations involved and minimizing them if not outright mitigating them. The nature of having infinite possible deception situations makes it unrealistic to hold up any framework or litmus test to perfectly determine ethical status, this framework covers the important areas from multiple normative theories. This holistic approach is less likely to allow for a single normative theory such as utilitarianism to be abused to justify an immoral action. By forcing a military commander to evaluate areas such as intent that they might not otherwise consider, it can

be hoped that deception will not be used against civilians in the manner of the Syria case study again.

Future research into the moral limits of how the U.S. military employs PSYOP and other information-related capabilities is recommended due to the increased focus of conducting warfare in the IE. While PSYOP and other information operations do not generally rely on deception, there is a gray area between treating non-combatants as having military value when a military force engages with them as a part of a military operation. Defining where that line might be and what constitutes what is and is not ethical engagement with civilians in the IE is certainly a worthwhile goal for ensuring future military activities remain ethically justified.

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