

Essays in Philosophy

ISSN 1526-0569

Volume 18, Issue 2 (2017)

Moral Injury and *Jus Ad Bellum*

Andrew Fiala
California State University, Fresno

Abstract

Although *jus in bello* violations create transgressive acts that cause moral injury, the primary consideration in thinking about moral injury should be *jus ad bellum*. If one is fighting in an *ad bellum* just war, then transgressive acts can be rationalized in a way that allows for consolation. But for morally sensitive combatants engaged in an *ad bellum* unjust war, consolation is more difficult since there is no way to justify or rationalize morally problematic deeds committed in defense of an unjust cause. Morally serious combatants should consider the question of *jus ad bellum* as they struggle to deal with moral injury, along with other values such as obedience and loyalty. Such an inquiry can produce further trauma when the justness of the war is called into question. The paper examines moral injury and justice in war, grounding the discussion in concrete examples: the Second World War, the Vietnam War, and the U.S. war in Iraq. It concludes that in a democracy, ordinary citizens should demonstrate solidarity with combatants suffering moral injury, since those combatants serve in wars—even unjust wars—authorized by us and fought in our names.

Essays Philos (2017)18:2 | DOI: 10.7710/1526-0569.1585

Correspondence: afiala@csufresno.edu



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The moral injury of war is different from the trauma of war. Posttraumatic stress disorder (PTSD) results from fear-based traumas including both threats to the self, known as “life-threat trauma,” and the loss of friends or comrades, known as “war-zone traumatic loss.” While those sorts of losses, threats, and traumas are significant, the moral injury of war is different. Moral injury in war is a result of transgressive acts that violate a combatant’s conscience or sense of self (see Craig et al, 2016; Drescher et al., 2016; Frankfurt and Frazier, 2016; Litz et al., 2009). As Brock and Lettini explain, moral injury “comes from having transgressed one’s basic moral identity and violated core moral beliefs” (Brock and Lettini 2012, xiv). When this happens, these authors explain, soldiers “feel they no longer live in a reliable, meaningful world and can no longer be regarded as decent human beings” (Brock and Lettini, xv). That is a tragic result, which has significant resonance for critics of war. In addition to death and disability, war can produce moral dislocation and undermine the moral identity of those who are recruited to fight. This is especially true of wars that violate principles of *jus ad bellum*: wars that are fought in pursuit of unjust causes, wars that are fought for unjustifiable intentions, wars that are illegally declared, wars that are disproportional, or wars that are not fought as a last resort (to name a few of the considerations of *jus ad bellum*).

The emerging literature on moral injury usually emphasizes transgressive acts that occur *within* war, often without considering the larger question of the moral justification of war. In other words, much of the literature considers violations of what just war theory describes under the rubric of *jus in bello*: transgressive acts are atrocities that violate the war convention, that violate the principle of discrimination by deliberately targeting noncombatants, or that employ means that are *mala in se* (e.g., rape, poisoning water supplies, the use of chemical weapons, and so on). This paper shifts the conversation to a discussion of *jus ad bellum* concerns. It argues that the just war question of *jus ad bellum* is of preeminent concern, since if one is fighting in an *ad bellum* just war (or a war that one *believes* to be just on *ad bellum* grounds), then transgressive acts can appear to be justified or they can be rationalized in a way that allows forgiveness and consolation. But for morally sensitive combatants engaged in an *ad bellum* unjust war, the possibility of this sort of consolation appears to be foreclosed since there is no way to justify or rationalize morally problematic deeds committed in defense of an unjust cause. Other paths to consolation are possible, including an acknowledgment of the importance of duty and loyalty (or the fact that killing, even in war, can be focused on concrete instances of killing in self-defense or in defense of one’s comrades). But the *ad bellum* concern seems paramount, since duty, loyalty, and defense are ultimately connected to the larger question of the justice of the war in general. If this is correct, then morally sensitive and morally serious combatants must

consider the question of *jus ad bellum*, and we as a society ought to be more attentive of the justice of the wars in which we ask our soldiers to fight.

When I say that such combatants are *morally sensitive*, I mean that they depend upon a sense of morality for their self-identities. Given the description of moral injury provided above by Brock and Lettini, it is clear that moral injury can be significant for morally sensitive people. When I use the term *morally serious* in this discussion I mean that morally serious combatants are aware of their moral obligations, the moral implications of their actions, that they seek information about the justification of war and the morality of war, and that they are generally concerned to consider matters from a moral perspective. Moral seriousness leads to moral inquiry and reflection. This is an important consideration after war, when combatants who have suffered moral injury may seek moral consolation through a process of moral reasoning. Ideally, in the case of a just war, this can result in reconciliation: if transgressive acts are seen to be a necessary part of a justified war. Especially in the case of morally successful wars—where justified combatants emerge victorious—the sense of moral injury can be diminished. On the other hand, moral inquiry can result in further moral injury if it is discovered that the war was not *ad bellum* justified—or if it victory was denied and transgressive acts are viewed as futile and fruitless.

It is important to note at the outset that some combatants are morally immature or underdeveloped (neither morally sensitive nor morally serious). In such cases a combatant may be immune to moral injury. Young children, for example, might be less susceptible to moral injury, which may explain the use of child soldiers in some parts of the world and the need to recruit combatants at a young age. Psychopaths are likely also immune to moral injury. As Jeffrie Murphy once argued, psychopaths “can be injured, but they can be done no moral injury” (Murphy 1972, 294). Psychopaths and immature people may thus not care about moral inquiry or the opportunities for reconciliation and consolation that are provided by obtaining further understanding about the justification of war. Thus the problem of moral injury and the proposed resolution through a process of moral inquiry makes best sense only for those who are morally sensitive, morally serious, and morally mature.

Rationalization, Justification, and Moral Trauma

The moral injury of war suffered because of transgressive acts may be prevented—or healed after the fact—by appeal to an account that *justifies* or *rationalizes* such acts. The term “rationalization” is often used in a pejorative sense to indicate deceptive attempts to justify in ways that serve an “ego-need” (cf. Audi 1988). In the pejora-

tive sense, a rationalization is merely an excuse, which serves to explain away bad behavior in a way that serves our interests by making us look good either to ourselves or to others. In some cases, rationalization does occur, as a protective psychological defense mechanism. However, attempts at rationalization that seek to explain away moral trauma are inauthentic. One can tell oneself a “just so story” that turns one into a moral hero. Perhaps this may be psychologically effective. But such a strategy of self-serving rationalization includes the problematic need for continued self-deception, as well as the risk that the bubble of rationalization will be burst by the facts of the real world. Thus a more authentic and important consideration is the effort of sincere and informed moral justification and serious and sustained moral inquiry.

With regard to the deeds that are at the heart of the moral trauma of war, there are usually three ways that moral justification occurs.

1. If one is confronted with an unavoidable tragic choice—a “kill or be killed” choice—the necessity of the situation may provide for moral mitigation and assuagement of the conscience. This can also occur by a kind of transitive necessity, which considers the necessity of defending another—whether a noncombatant or a comrade.
2. Furthermore, if one is following orders, guilt may be mitigated, since moral responsibility is in a sense located in the source of the orders. This may include appeal to a variety of positive values that are connected to following orders: obedience, loyalty, patriotism, and the like.
3. Finally, if one is engaged in a morally justified activity that requires seemingly immoral or illicit behavior, then guilt can be mitigated and moral injury can be assuaged by appeal to the calculus of moral justification that trumps the apparent immorality of the supposed transgressive act. Thus apparent atrocities can be justified by appeal to the larger justice of the battle or the war itself.

With regard to the first possibility, this paper will say very little, other than to point out that there are in fact some tragic choices in combat—and in life. Truly tragic choices do create difficult moral, psychological, and metaphysical conundrums. And even those who kill in cases of justified self-defense can feel guilt and trauma. But the primary focus of the present paper is on the second and third possibilities, where moral responsibility for individual deeds is either outsourced to the chain of command or subsumed within the context of a larger structure of moral justification that ultimately leads us to consider the question of *jus ad bellum*.

We should note that these three attempts at moral justification often intermingle. We should also note that moral judgments about certain deeds and the psychological impact of those deeds vary and evolve in light of subsequent events and through the process of retrospective analysis. Thus, for example, a deed that appears to be justified at first because of loyalty, patriotism, or larger *ad bellum* consideration may come to be seen as immoral in retrospect. Or, in a different sort of example, a deed that appears *prima facie* unjust may come to be understood as morally justified as subsequent events unfold and a larger narrative is disclosed. One reason this is true is that moral analysis—and especially psychologically efficacious moral analysis—often involves multiple moral modalities, as well as complex matrices of explanation, rationalization, and justification. The details, facts, and historical forces at work are important and complex: they color our ongoing moral interpretation of events. Moreover, individuals usually weave together in their moral narratives a variety of frameworks and norms including consequentialist reasoning, ideas about duty, accounts of the virtues, and other norms, including political and religious ideas. Suffice it to say that the process of justification and/or rationalization is as complex as war itself—and there will be substantial room for variable interpretations, reinterpretation, perplexity, and doubt due in part to the so-called “fog of war.” Acknowledging this can also help in the process of dealing with moral injury—as one becomes aware of the complexity of the task of the moral justification of war.

One very significant consideration in all of this is the question of political loyalty. Behind much of the moral narrative surrounding war is an implicit theory of political legitimacy and obedience. The soldier’s oath is sworn to the Constitution, and his/her obedience points up the chain of command to the President and the civilian leadership. The problem of this idea is the fact that no ordinary person can be sure about the moral legitimacy of the bureaucratic structure in which orders are followed; nor can an individual be certain of the larger structure of moral legitimation—since *ad bellum* decisions are reached by processes that are far removed from the experience of individual soldiers. In other words, the difficulty here can be understood as a dilemma that all loyal functionaries confront: we must follow orders but we can never know with certainty that following orders is morally justified—either because the moral structure provided by the hierarchy is not transparently justified or because there are moral difficulties that plague most (or all) hierarchical structures and attempts at comprehensive moral justification.

This points to what we might call “the functionary’s dilemma.” This is a common problem of all bureaucratic structures that require loyalty and obedience. But it is severe in the case of war, since the stakes are higher and the moral disconnect within the mili-

tary chain of command is pronounced: obedience is required, the legitimacy of orders is assumed, and there is a substantial burden of proof placed upon the one who would disobey. This dilemma opens up significant questions about the morality of following orders and points toward a serious problem in the moral psychology of combatants. Soldiers are rarely certain that the orders they follow are morally legitimate, since those orders come from an external source. In other words, methods 2 and 3 (above) rely upon substantial trust—and serious moral inquiry can result in doubt and uncertainty. Thus there are significant moral burdens placed upon soldiers who are morally sensitive and morally serious. They need to trust that the wars they fight are morally justifiable and that the orders they obey are morally legitimate; but in a large-scale bureaucracy there remain substantial moral questions. One may shortcut all of this and place blind faith in the process and the chain of command, thus finding consolation for moral injury. One may also follow a path of “self-handicapping” as it is put in the literature—including self-medication (see Maguen and Litz, 2016; Ohler 2017; Kamienski 2016; Psypost 2016). But such shortcuts may appear facile and unsatisfying to morally sensitive and morally serious combatants engaged in reflective moral inquiry.

Recent literature has examined “moral repair” or “soul repair” (Brock and Lettini 2012; Litz et al 2009). This literature is rich and important, and I do not intend to recount all of it here. But it is important to note that a key component of that model is forgiveness, including self-forgiveness, for past transgressions—as well as a forward-looking approach that emphasizes hope and the on-going capacity to “do good” in the world. Spiritual and religious ideas can play a significant role in this discussion. But my interest here is moral argument—and not the simplistic turn to religion that Glenton criticizes as a glib attempt to provide “moral vaccination” (Glenton 2013). Even religious therapy must delve into the challenging problem of the moral justification of war. The basic hypothesis here is that if a combatant feels that his/her actions are morally justified—under general considerations of *jus ad bellum*—then transgressive acts are more easily forgiven, justified, or rationalized away. A related consideration is the idea of a moral duty of obedience, which redirects individual responsibility for transgressive acts up the chain of command. But, as discussed above, that redirection depends upon a larger framework of justification that provides a basis for the duty of obedience—and so connects back to the question of *jus ad bellum* and those questions are ultimately focused on those at the top of the chain of command or in the hands of the civilian-based political process that authorizes the war.

What is needed is genuine moral justification based upon principles of just war theory—that is, justification that is not merely a self-serving rationalization. One difficulty is that simplistic rationalizations can be infected by the problem of what Grossman

calls “moral distance” (Grossman 1996). A simplistic and self-satisfied sense of justification can create “moral distance,” which allows for killing without moral injury: a combatant who feels morally superior to the enemy (including noncombatants on the enemy side) will have less guilt about killing. Moral distance—viewing the enemy as subhuman, evil, etc.—can jaundice moral judgment and lead to self-serving rationalizations.

Genuine moral justification is the key to moral repair. It can provide a substantial and effective sort of “moral vaccine” (to borrow Glenton’s term). But a less praiseworthy (and more problematic) form of moral vaccination can also be accomplished by militarist propaganda, nationalistic imagery, and aspects of what we might call “the just war myth”—the idea that we are the good guys who always fight (and win) just wars (see Fiala 2008). The difficulty of this mythic context is that there is a closed circle of distance and justification: moral justification can create moral distance, but moral distance can also lead to a feeling of moral superiority and justification. The fact that moral distance impedes impartial moral judgment leads to a further problem, which is that flawed moral judgments are made at the level of *ad bellum* argumentation. This is what happens when the mythic complex of propaganda, nationalism, politics, and religion leads combatants, citizens, and civilian leadership to believe that unjust wars are actually just. As long as the mythic façade remains intact, it is possible to avoid moral injury. But when fallacious moral reasoning is discovered, moral injury can result—as for example, when soldiers discover after a war that they were wrong about their moral assumptions when fighting. To prevent all of this, genuine and impartial moral inquiry is essential.

A related problem occurs when soldiers fail to emerge victorious. Victory can provide a kind of moral vaccination, a sense that “it was all worth it,” especially when combined with a sense of justification. Justified victories—that leave the world better as a result of the sacrifices of war—are moral vaccines. But this means that when wars are lost there is further risk of moral injury. And when unjust wars are lost, the problem can be even worse.

Historical Cases

Discussion of the topic of moral injury in war—as with most conversations about the morality of war—requires historical specificity. Different wars, different social situations, and different cultural matrices of meaning will have an influence on our moral judgment and so affect the experience of moral injury. Much of this depends upon the structure of justification regarding *jus ad bellum*. If a war is determined to be fought

in pursuit of a just cause, then a process of rationalization and justification can help to ameliorate moral injury—even when there are violations of *jus in bello*. But, discussions of justice in war will differ in different wars—and in different historical contexts, depending upon social norms, moral education, and other contingent historical factors. So consider, for example, that many World War II veterans will insist that the use of atomic bombs, carpet-bombing, and fire-bombing during the war were justified. There is little sense of guilt among veterans of that war for whom those transgressive acts were morally justified. In addition to moral justification, the sense of victory is important. American and allied victories in World War II were decisive. And on most accounts, the world became better as a result. This sense of being part of a progressive historical effort can go a long way in helping to deal with transgressions and traumas experienced during the war effort.

To make sense of this, it is helpful to examine a historical artifact. Consider the argument made by Henry Stimson, the Secretary of War under Truman, when atomic bombs were used against Japan. Stimson argued that the U.S. had the moral high ground with regard to Japan: “we have great moral superiority through being the victim of her first sneak attack” (Stimson 1947, 103). Stimson also maintained that the use of the bomb would save lives, result in unconditional surrender that would demilitarize Japan, and bring about a lasting peace. History proved him right about those arguments. That sense of justification helps explain why many WWII vets do not feel a sense of moral injury. Paul Tibbets the pilot who flew the Enola Gay and dropped the bomb on Hiroshima explained, “It would have been morally wrong if we’d have had that weapon and not used it and let a million more people die” (quoted in McMahan 2009, 129). Moreover, the atomic bombs helped to effectively end the war—so they were useful and did what they intended to do: although massively destructive, they did have a beneficial long-term effect.

We should note that there have long been dissenting voices with regard to this issue: John Rawls, a World War Two veteran, for example, has argued that the atomic bombing was immoral (Rawls 1999). And despite the heroic stoicism of the greatest generation, PTSD afflicted World War II vets and a sense of moral injury experienced in the Second World War has been expressed by a number of authors who fought in the war, such as Howard Zinn (2010), Victor Gregg (2013), and of course Kurt Vonnegut, whose *Slaughter-House Five* is a classic attempt to represent PTSD and moral trauma (1969). Despite the fact that many have argued that Allied actions in the Second World War—fire bombing, atomic bombing, etc.—were immoral violations of principles of *jus in bello* (for discussion see Anscombe 1981; Bess 2006; Fiala 2008; Glover 2000; Grimrud, 2014; Rawls 1999; Gregg 2013), many veterans of that conflict feel (or claim to

feel) no sense of guilt or moral injury with regard to atrocities committed in the Second World War. The justness of the cause—to fight against Japanese imperial aggression or Nazi fascism—and the success of the war is apparently sufficient to assuage guilt and prevent potential moral injury. Or it might be that there is a bit of reverse causation here: the desire to prevent potential moral injury leads to an adamant commitment to the idea that the war was morally justified and with it the use of such apparently immoral weapons.

But if a combatant deems a war *ad bellum unjust*, moral injury is more difficult to avoid for morally serious and morally sensitive individuals. This may explain the problem with regard to some Vietnam era veterans. The Vietnam War was less obviously morally justified than the Second World War. And American forces were not successful in winning the war. Disputes about the morality of the war on the streets and on college campuses in the U.S. prevented the kind of moral closure that was possible during the Second World War—including recriminations and complaints about the causes of defeat. Indeed, the concept of “moral injury” appears to have evolved out of reflection on the trauma experienced by Vietnam era veterans. Jonathan Shay introduced the term in the 1990’s in his book *Achilles in Vietnam*. Shay explains, “I have come to strongly believe through my work with Vietnam veterans: that moral injury is an essential part of any combat trauma that leads to lifelong psychological injury. Veterans can usually recover from horror, fear, and grief once they return to civilian life, so long as ‘what’s right’ has not also been violated” (Shay 1994, 20). Not only were there atrocities within war during the Vietnam era but the *ad bellum* justification of the war was also in doubt: this war was less obviously justified than the Second World War in the eyes of American combatants—and the citizens back home. Indeed, conflicting moral judgments within the populace make for a difficult process of reconciliation: if one’s fellow citizens do not see the war as morally justified, then soldiers will suffer further moral injury—and resentment toward those who apparently authorized a putatively unjust war.

A similar sort of doubt appears with regard to more recent wars in Iraq and Afghanistan, leaving combatants struggling with a related sense of moral injury. With regard to these wars, as with regard to Vietnam and the Second World War, we should admit that judgments about *jus ad bellum* are complicated and conflicting—and the present paper must omit significant details. But note that, as with Vietnam, there was significant dispute about the justification of these war—especially with regard to the U.S. invasion of Iraq. This led to several well-documented cases of conscientious refusal (see Fiala 2010). And moral injury remains a significant problem for veterans of the war on terror (see Wood 2014). Not only is moral injury suffered when transgressive acts are done in the course of a war that is deemed unjust and that lacks support among

the populace—as happened in Iraq—but when war fails to obtain its aim there is also a sense of futility. In Wood’s analysis of moral injury among Iraq war veterans, veterans explained that problem of thinking “we did it all for nothing”—as the security situation in Iraq deteriorated and the region continues to be unstable.

Despite the difficulties of these recent wars, one progressive result is that we are developing greater understanding of the source of moral injury—in fundamental questions about the justification of war and the success of war. This greater understanding can help the hurting combatant to make sense of the phenomenon and find effective therapies. Understanding the larger structure of war, including the need for obedience, the structure of the chain of command (including civilian control of the military—in the U.S.), and basic principles of just war theory can all help combatants to make sense of their experience. This can also help our political hierarchy and culture be more aware of the problem and more serious about the justification of war. As Tyler Boudreau, an Iraq veteran explained, “Moral injury is a term that loosens the noose a bit around the necks of the veterans who are harangued by enormous personal guilt and distributes the responsibility for their actions (justified or not) more evenly among the chain of command, the government, and maybe even the American people” (Boudreau 2011, 753).

***Ad bellum and in bello* Considerations**

Boudreau’s point should be emphasized. In a democracy, the people are responsible for putting troops into harm’s way—through the democratic process and the structure of civilian control of the military created by the Constitutional system. And so we have a responsibility to our soldiers not to cause them moral injury by sending them into unjust wars. We may also have to consider whether it would be possible for a soldier to refuse to fight in an *ad bellum* unjust war under the rubric of “selective conscientious objection” (see McMahan 2009; Fiala 2010; May 2012; May 2015; McMahan 2016; and essays in Ellner, et al. 2016), although we cannot pursue this issue further here.

The challenge presented here is that discussions about *jus ad bellum* are usually thought to be beyond the purview of the ordinary soldier. *Ad bellum* considerations are the subject matter for statesmen and generals, for civilian and military leadership. It is the Congress and the President who declare wars, after all. This may be one of the reasons that discussions of moral injury tend not to focus on this issue—it may seem to be too abstract to be of use for the ordinary soldier hurting after war. But moral inquiry ultimately leads us back to the elephant in the room, which is the justice of the war in general.

Unfortunately, *ad bellum* judgments are very difficult to make for those of us without the relevant experience, expertise, and knowledge. This is especially true for young and inexperienced soldiers, who lack access to information, who may not understand larger historical forces and political contexts, and so on. In reality, combatants are often left to fall back on the necessity of following orders. This leads to what we called above “the functionary’s dilemma.” Following orders is good; there is a duty to obey. But there is no guarantee that the orders followed are part of a benevolent institution or project. Functionaries in many (if not all) bureaucratic institutions confront this dilemma in a variety of ways. But the dilemma is especially acute for soldiers. Soldiers value loyalty, patriotism, and duty. They believe that their service is necessary and noble. And they often have very little choice with regard to opting-out once hostilities have broken out. Given the importance of this dilemma for combatants, discussions of moral injury must take seriously the kind of moral dilemma that functionaries must face.

And this leaves us with a tragic conclusion, which we ought to acknowledge. It may be that in some cases it is not possible to fully heal moral injury. It may not be possible to find reconciliation when an atrocity is committed in pursuit of an unjust war. With regard to violations of *jus in bello*, it is possible to rationalize these through a process of justification that appeals to the larger justification of the war. But when this larger schema of justification is lacking, the rationalization process runs aground. This may be why, as Brock and Lettini put it (quoted at the outset), soldiers with moral injury can feel that they are no longer living in “a reliable, meaningful world” (2012 xv). If a nation sends its soldiers into an unjust and futile war, a returning soldier may be right to feel that the world he once trusted and believed in is no longer reliable and meaningful. But while Brock and Lettini also note that such soldiers may think that they “can no longer be regarded as decent human beings,” the truth is that it is the nation that sends its soldiers to fight in an unjust war that lacks decency—not the loyal soldier who was fighting on behalf of the nation (2012 xv). It is not the soldier’s fault, when he or she is asked to be complicit in an unjust war.

Nonetheless, given the insight offered by Boudreau above, there is one possibility of consolation in cases of unjust war: we ought to lift recrimination from off the back of the combatant and put it where it belongs by resting it on the shoulders of political leaders and the people who empower them. After all, decisions about going to war are never made by the soldier in the field. They are made in the halls of power. And those in power are put there by us through the electoral process. Thus we might offer a combatant suffering from moral injury a substantial amount of solidarity—by accepting the blame and by working to ensure that unjust wars are not fought.

Conclusion

As mentioned at the outset, one solution to the problem of moral injury would be to decrease moral sensitivity and seriousness through some process of self-handicapping or simplistic rationalization. But that is the wrong answer. We do not want soldiers to become cold, callous, bloodthirsty, and cruel. Such soldiers would presumably not feel guilty or suffer moral injury of the sort described here. But we should not want morally insensitive or cruel combatants to serve in a military that is dedicated to the idea of justice in war. Rather, we should want morally sensitive and morally serious combatants. This should help soldiers to fight more justly. And this should in turn remind us that we have an obligation to respect the moral integrity of those who fight on our behalf and in our names.

Anyone who has worked with soldiers and veterans will recognize that there are many morally sensitive and morally serious people involved in the military. ROTC programs and the military academies enroll smart, motivated young men and women who have good character. Enlistees are often motivated by a sense of duty and not merely by a paycheck. Veterans return from service and from combat with a kind of maturity and character that is recognized in the business world and in academia. This is a good thing. We ought to want a military that is staffed by morally sensitive individuals. One reason for this is that a military made up of good soldiers should make it harder to fight unjust wars. But this leaves us with the problem of moral injury: those men and women who serve our country will be susceptible to moral injury because they are morally sensitive and morally serious. And that is why we ought to take seriously the question of whether the wars we ask our soldiers to fight are just wars.

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