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Soldiers of Conscience: The Conscientious Objector as (Anti) War Hero

The producers of *Soldiers of Conscience* (Catherine Ryan and Gary Weinberg) claim that theirs "is not a film that tells an audience what to think, nor is it about the situation in Iraq today. Instead, it tells a bigger story about human nature and war," and the mental burdens carried by soldiers who have killed in combat.[1]

Notwithstanding the producers' claims that they do not intend to tell their audience what to think about the War in Iraq, *Soldiers of Conscience* illustrates Bruce Gronbeck's thesis that documentary is never neutral but is an inherently rhetorical medium.[2] I argue that the film has a three-fold strategy: to heroicize the soldier who refuses to fight as a righteous and courageous "fighter" for principle; to criticize current U.S. policy which denies conscientious objector status to those who argue that their service in Iraq constitutes a war crime; and to emphasize the dangers of training troops to engage in reflexive killing.

The Courage of Resistance

Soldiers of Conscience deconstructs the stereotype that soldiers who seek C.O. status are fakers, cowards, and traitors. The documentary tracks four soldiers who rejected combat after becoming horrified by the brutality of war in Iraq and, in particular, civilian casualties. Two of the soldiers, Joshua Casteel and Aiden

Delgado, were granted C.O. status; however, Kevin Benderman and Camilo Mejía were convicted of desertion and served time in jail before being dishonorably discharged.[3] In this "character documentary," we get to know each man through photos of his childhood and his family. Each soldier tells his story in his own words in close-up scenes in which he looks us straight in the eye.

As Lawrence Suid observes, the historical legacy of the Hollywood War film is that "combat is exciting" and "a place to prove masculinity."[4] In pro-war films about America's "good war," World War II, God fights on the side of the brave American soldier. John Henry Smihula posits that there is "a peculiarly Christian feature" to the willing sacrifice of the soldiers who shed their blood in World War II "as if the spilling of men's blood will wash away the sins of the world."[5] In *Saving Private Ryan* (Steven Spielberg, 1998), blood tinged waves lap against the shore during the landing at Omaha Beach, a reminder of the blood that Jesus shed during the crucifixion. As Smihula notes, Captain Miller dies in a posture that recalls Jesus hanging from the cross, after Miller has sacrificed his life to redeem Private Ryan.

In contrast to the comparison of Captain Miller to the crucified Christ, in *Soldiers of Conscience*, Jesus is associated with the conscientious objector. Casteel, who went to West Point, was raised in an evangelical Christian household. In the parlance of conscience objection, Casteel's "crystallization of conscience" occurred while he was interrogating prisoners at Abu Ghraib. As Casteel experiences an epiphany that his involvement in war is contradictory to Christian teaching that one should turn the other cheek, the film cuts to a mural of the gentle Jesus—as if to authorize, perhaps even to bless, Casteel's awakening.

The producers of *Soldiers of Conscience* face the challenge of depicting conscientious objectors as "real men" [6]—against the grain of the American cinematic tradition when "reel men" fight. [7] The conscientious soldiers who withdraw from fighting emphasize that it takes as much courage to withdraw from combat as it does to fight. Mejía tells about the hell that he endured once he "came out" as an applicant for conscientious objector status. Mejía's assertion that he "never felt so free" as when he went to jail for the cause of protesting an unjust war effaces the taint of the "deserter" label and instead associates his incarceration with those of Gandhi, King, Mandela, and other venerated prisoners of conscience. Mejía invites comparison with other Hispanic "hero-victims" featured in recent films on the Iraqi war like *In the Valley of Elah* (Haggis, 2007) and *The Battle for Haditha* (Broomfield, 2007).[8] Hispanics make up 19% of new enlistees and they are over-represented in the most dangerous categories of service.[9] One of the first U.S. soldiers to die in Iraq was in fact a Guatemalan citizen; José Gutierrez, killed in action in March 2003, was a permanent U.S. resident.[10] Mejía is an effective

spokesman for Hispanic soldiers because he is good-looking, forthright, and articulate.

On the other hand, Sergeant Benderman, who hails from Alabama, is a good old boy with the rugged jaw and tall, broad shouldered frame of a John Wayne. Benderman is the antithesis of a "sissy." Because he comes from a line of fighting men and because of his own military decorations, we credit Benderman's patriotism. To Benderman there is something wrong with shooting "M16s in the Garden of Eden." He revolts from the injuries done to the civilian population and is especially troubled about an incident where he saw an Iraqi child with a burnt arm, but could not pause to help her, given his orders. Benderman is no shirker: we follow the Sergeant on the morning of court martial as he puts on his uniform with great care and completes his farm chores before heading to court.

The film in effect equates moral courage—the courage to defy authority and refuse to join in morally irresponsible behavior—with the courage that it takes to risk life and limb on the battlefield. The conscientious soldier refuses to let authority, even the intimidating authority of military superiors, lead him to act in a manner that is contrary to his moral principles.

The Moral Duty to Object

These conscientious soldiers are in many ways reincarnations of Williams, the common soldier in Shakespeare's *Henry V*, who challenges the king on the eve of the battle of Agincourt by telling Henry LeRoy (the king in disguise) that the King will have a heavy reckoning to make for the casualties of war if it turns out that his cause is not just. Henry has assured Williams and his fellow soldier Bates that they should be content to die "in the king's company; his cause being just and his quarrel honorable."[11] When Williams protests that the justness of the King's cause "is more than we know," his companion Bates says that it is enough for the common soldier to know that he is the king's subject: "if his cause be wrong, our obedience to the king wipes the crime of it out of us."[12] Williams insists on the king's responsibility:

> But if the cause be not good, the king himself hath a heavy reckoning to make, when all those legs and arms and heads, chopped off in battle, shall join together at the latter day and cry all 'We died at such a place;' some swearing, some crying for a surgeon, some upon their wives left poor behind them, some upon the debts they owe, some upon their children rawly left.[13]

It is not only the loss of the soldiers' lives and limbs that troubles Williams, but the implications for the soldier who has killed of dying with an unshriven soul:

> I am afeard there are few die well that die in a battle; for how can they charitably dispose of anything, when blood is their argument? Now, if these men do not die well, it will be a black matter for the king that led them to it; whom to disobey were against all proportion of subjection.[14]

The dilemma of the Williams, the conscientious soldier, "grows out of the compulsory character of his participation; either criminal disobedience to the king who conscripted him, or damnation for unlawful homicide." [15]

The producers of *Soldiers of Conscience* encourage the common soldier to examine his own conscience with respect to the justness of the war in Iraq—in effect to identify with Williams rather than with Bates. Today's conscientious soldier may doubt both the justness of the U.S. Government's decision to invade Iraq and the morality of the conduct of the war.[16] Iraq and Afghanistan Veterans against the War argued in their 2008 "Winter Soldier" Protest that even if one accepts the initial position of the George W. Bush Administration that the presence of weapons of mass destruction justified invading Iraq, there is no justification either for the wastage of U.S. troops or civilian casualties the discovery that there were no weapons of mass destruction causes.[17] Jane Gaines writes that radical documentaries responding to the Iraqi war seek to convey a sense of outrage:

> These documentary works have been made against the backdrop of the fiction to end all fictions, that is, the fiction of the existence of weapons of mass destruction, the trumped-up excuse for U.S. mobilization to the Gulf, the most contradictory of situations in which an enemy is fabricated and evidence falsified as justification for making a region safe for the expansion of capital.[18]

What is the duty of the soldier who comes to the realization—rightly or wrongly—that he is fighting in an unjust war? In his landmark work, *Just and Unjust Wars*, Michael Walzer writes "by and large we don't blame a soldier, even a general, who fights for his own government":

> [T]he moral status of individual soldiers on both sides is very much the same: they are led to fight by their loyalty to their own states and by their

> lawful obedience. They are most likely to believe that their wars are just, and while the basis of that belief is not necessarily rational inquiry but, more often, a kind of unquestioning acceptance of official propaganda, nevertheless they are not criminals; they face one another as moral equals.[19]

Walzer argues that common soldiers are subject to a variety of pressures that compel their will: conscription, manipulation, belief in the moral authority of the government—conditions that absolve them of responsibility if the war is unjust. Other ethicists take issue with Walzer's position, and claim that soldiers have a moral duty to exercise their own judgment related to *jus ad bellum* and to inform themselves of the justness of the war rather than blindly trusting their leaders.[20]

For soldiers like Casteel who prioritize issues of conscience and salvation, whether an American war is just raises serious concerns. When certain Catholic bishops took the position that the War in Iraq did not meet the standards of a just war,[21] devout soldiers faced a crisis of conscience. Michael Davidson observes that a belief in the justness of the cause undergirds a soldier's willingness to bear the burdens and sacrifices associated with combat:

> For those members of the American military tasked to fight it, the war's characterization as just or unjust is particularly significant. ... The vast majority of service members describe themselves as practicing members of a religion, with over three-fourths of the armed forces declaring themselves to be Christians. ...Beyond purely religious considerations, America's warriors want, and perhaps even need, to believe in the justness of their cause. Military commanders must bear the heavy burden of sending their subordinates into hostile situations knowing that death, maiming, or other serious injury may result. Individual combatants, who struggle with and must overcome their natural moral aversion to killing another human being, seek justification for their actions.[22]

Soldiers of Conscience suggests that the current conscientious objector policy is too narrow, but does not exampling the explain the exemption doctrine or its rationale. In *Gillette v. United States* (1971), the United States Supreme Court ruled that the Army appropriately denied conscientious objector status to a Catholic soldier who opposed the Vietnam War as an unjust war.[23] The Court held that only those who

objected to war in any form could qualify as conscientious objectors even though their objection to a particular war may be rooted in the claimants' conscience, and religious in character. The Court ruled that the exemption policy does not improperly discriminate among religions (for example in favor of a Quaker as against a Catholic soldier), because the Government has a neutral, secular basis for limiting conscientious objector status to soldiers who oppose all wars and the policy was not designed to encourage membership in a favored religion.

Since that decision, the U.S. Court of Military Appeals upheld the court martial of Captain Yolanda Huet-Vaughn, who protested Operation Desert Shield by refusing to report for deployment in Saudi Arabia. The court denied her "Nuremberg defense" to the charge of desertion; this is a defense that applies only to individual acts committed in wartime, and does not authorize objection to the Government's decision to wage war.[24] *Soldiers of Conscience* shies away from the reasons why the military denied Mejía's and Benderman's petitions for conscientious objector status; instead an unattractive and officious bureaucrat takes us through the petitioning procedures. However, under current law, while a soldier can and should refuse to obey a patently illegal order, neither selective objection to the justness of a war (*justus ad bellum*) nor to specific aspects of conduct in the war (*justus in causa*) warrants conscientious objector status.

Soldiers of Conscience implicitly raises the question why conscientious objection should be limited to those who oppose all wars, as opposed to "selective objectors" who sincerely and conscientiously oppose a particular war. A constitutional scholar, Kent Greenwalt, has noted that the premise of the C.O. exemption is that the government "should refrain from demanding affirmative action that violates deeply held conscientious and religious feelings," and even more "should not require of objectors performance of an act as existentially significant as killing."[25] Supporters of extending the exemption to "selective objectors" argue that it is more efficient to have those unwilling to serve as combatants perform useful military noncombatant roles than to consign them to a jail where they can perform no productive service. The film makes a convincing case that Mejía and Benderman were sincere and intense in their opposition to the war in Iraq, and that this opposition was grounded on exposure to Abu Ghraib and other atrocities.

The film elides the difficult problems that would arise if individual soldiers could "opt out" because they disagree with the decision whether to wage a particular war or the manner in which that particular war is conducted. The reasons why nations go to war are complex and there is rarely a black and white case of naked aggression. Governments may possess information that is not available to citizens—

information that is not disclosed either for reasons of national security or for a variety of less legitimate political considerations. The exempting of selective objectors may be perceived as unfair to those who continue in the combat zone; morale may suffer if it is perceived that some have cleverly escaped the burden and risk being borne by those who remain in the field. Moreover, there is the consideration of military necessity: once war has been declared (rightly or wrongly), the government must be able to muster adequate manpower to fulfill military objectives and save the lives of other soldiers. If soldiers can leave the field of battle without facing jail time, there is a risk that large numbers of troops may decline to serve.

Soldiers of Conscience marshals a powerful array of arguments why soldiers should resist fighting in the Iraq War but evades the challenge of addressing the arguments against refusal to serve. The film may preach to a choir of those already opposed to the War in Iraq, individuals who would never enlist or support the war effort. The producers may miss an opportunity to persuade a middle group who have a more nuanced position about the implications of enlarging conscientious objector status to apply to soldiers who form a conscientious objection to fighting a specific unjust war.

Reflexive Killing

Soldiers of Conscience exposes the downsides of the "reflexive killing" training method that the U.S. military introduced after a study by an Army historian found that ¾ of American soldiers in World War II declined to fire their weapons under fire.[26] In *Soldiers of Conscience*, we see soldiers being trained at Fort Jackson to "Kill! Kill! Kill!"—a scene that evokes the brutalizing boot camp satirized in Stanley Kubrick's *Full Metal Jacket* (1987). The troops at Fort Jackson call out "kill, kill, kill without mercy! Blood, blood, blood makes the green grass grow!" Equally disturbing, one of the drill sergeants at Fort Jackson—coincidentally named "Todd Savage," —praises the "devastating," "gruesome" 50caliber machine gun. We recall the officer in love with the killing machine in Kafka's "Penal Colony," who praises his gruesome device as a "remarkable apparatus."[27]

We hear from Pete Kilner, a West Point professor whose ethos and patriotism can't be questioned. Kilner argues that war is necessary to preserve American's freedom, and that soldiers have a moral duty to fight. However, Kilner worries that the military has gone too far in training troops to pull the trigger without thinking about the moral implications of their action. In the film, Kilner identifies the psychological costs of the reflexive killing policy and the post-combat psychological trauma experienced by a soldier who takes another human life. Kilner expands on the toll of rote killing in a conference paper on the ethics of war:

> Training soldiers to kill efficiently is good for them because it helps them survive on the battlefield. However, training soldiers to kill without explaining to them why it is morally permissible to kill in combat is harmful to them because it can lead to psychological trauma. When soldiers kill reflexively—when soldiers kill because of military training that has effectively undermined their moral autonomy—they conduct their personal moral deliberation of their actions only after the fact. If they are unable to justify what they have done, they often suffer guilt and psychological trauma.[28]

Kilner argues that soldiers in combat act ethically when they undertake a "justified killing in self-defense. For Kilner, four criteria apply: (i) the soldier kills a morally responsible attacker; (ii) there is a threat to a value worth killing for—life or liberty; (iii) there is an imminent threat; and (iv) there is no other option to avoid the threat. The dilemma posed in the film is the split- second decision that troops must make under great pressure to determine if a civilian is a responsible attacker: Mejia describes the dilemma of shooting an Iraqi teen-ager with a hand grenade and the remorse he felt because he doubts whether the grenade was close enough to present a real danger. *Soldiers of Conscience* presents harrowing images of civilian casualties, and the anguished testimony of combat soldiers who are tormented by having killed children and other innocents. We hear from Jamie Isom, a soldier who, so far as we are aware, did not become a conscientious objector. Although Isom attempts to defend the U.S mission in Iraq, he nevertheless refers to his haunting experience of killing a child.

Soldiers of Conscience most effectively conveys its "just say no to war" message, when it shows the damage that the war does to the civilian population. Testimony at the 1971 Vietnam Winter Soldiers Investigation emphasized that the massacre of civilians at My Lai was not an isolated incident; to the contrary, one soldier after another testified about atrocities committed against civilians in which he had participated or which he had witnessed.[29] Notwithstanding reforms instituted after Mylai, Veterans of the War in Iraq and Afghanistan report retaliatory brutalities committed against civilians.[30]

Although *Soldiers of Conscience* does not directly deal with the question why atrocities against civilians occur, I suggest that we view the film in the context of this debate. Paolo Tripodi refers to "the evil zone"—a space in which individuals who are not evil commit evil acts—exemplified by battlefields where soldiers are uncertain whether civilians are dangerous, where they are in dread fear of their

lives, where there is no pause in that fear, and where they have experienced the loss of their fellow soldiers.[31] The soldier's moral decision-making process is distorted, if not overwhelmed, under these extreme conditions. John Doris and Dominic Murphy similarly argue that the soldiers who committed atrocities such as My Lai, Abu Ghraib, and Haditha were in a poor position to make the right moral judgments under the unspeakable cognitive and emotional pressures of combat.[32] The military trains its troops to "reflexively obey orders and unhesitatingly kill other human beings," and devotes "considerable resources to the dissolution of inhibitions regarding violent behavior."[33] *Soldiers of Conscience* places particular emphasis on the dangers of training troops to engage in reflexive killing.

Patricia Aufderheide classifies Iraq documentaries into three types: i) films that analyze "why we are there" and attribute motives to U.S. intervention; ii) "grunt" films that display the life of the ordinary soldier; and iii) films that attempt to give a voice to the local Iraqis.[34] For Martin Baker, the typical Iraqi War documentary shows soldiers are ordinary Joes, naïve innocents who are stunned by the hostility of Iraqis.[35]

Soldiers of Conscience is assuredly a "grunt film," focusing on the experience of the ordinary soldier; however, the "stars" of the film are the soldiers who show their moral heroism by withdrawing from war. The not so subtle message of *Soldiers of Conscience* is that it is immoral to fight a war which turns the Garden of Eden into a killing field. Instead of focusing on bonding with one's unit, the film extols the soldier with the courage to abandon his weapon and stand alone. It takes more courage to separate oneself from one's fellows and accept the stigma that one is a coward and a traitor than to continue as part of a band of brothers. The film thus heroicizes not the soldier who risks his life but the soldier who refuses to fight.

Notes

1. PBS, "*Soldiers of Conscience* Film Description," http://www.pbs.org/pov/soldiersofconscience/film_description.php.

2. Bruce Gronbeck, "Celluloid Rhetoric: On Genres of Documentary," in *Form and Genre: Shaping Rhetorical Action*, ed. Karl Kohrs Campbell and Kathleen Hall Jamieson (Falls Church, Virginia: Speech Communication Association, 1979), p.139.

3. Camilo Mejía, *Road from Ar Ramidi: The Private Rebellion of Staff Sergeant Mejía* (New York: New Press, 2007).

4. Lawrence H. Suid, *Guts & Glory: The Making of the American Military Image in Film* (Lexington: University Press of Kentucky, 2002), p. 5.

5. John Henry Smihula, *"Where a Thousand Corpses Lie": Critical Realism and the Representation of War in American Film and Literature Since 1960* (Reno: University of Nevada, 2008) p.58.

6. See Ralph Donald and Karen MacDonald, *Reel Men at War: Masculinity and the American War Film* (Lanham MD: Scarecrow Press, 2011); Robert T. Eberwein, *Armed Forces: Masculinity and Sexuality in the American War Film* (New Brunswick, N.J.: Rutgers University Press, 2007); J. David Slocum, *Hollywood and War: The Film Reader* (New York; London: Routledge, 2006).

7. Stacy Peebles argues that even when today's Iraqi soldiers watch Vietnam films *Platoon, Full Metal Jacket*, or *Apocalypse Now* that were intended as anti-war, they experience a voyeuristic, virtually pornographic thrill at the blood and brutality of war. Peebles, "Lines of Sight: Watching War in *Jarhead* and *My War: Killing Time in Iraq*," *PMLA: Publications of the Modern Language Association of America* 124 no.5 (2009): 1662-76. For a discussion of the continuing legacy of John Wayne post Vietnam, see Kinney, Katherine. *Friendly Fire: American Images of the Vietnam War* (New York: Oxford University Press, 2000).

8. Martin Barker, *A "Toxic Genre": The Iraq War Films* (London: Pluto, 2011), pp. 150-55.

9. Alfredo Gonzalez, "Filling the Ranks: Latinos and Military Combat Operations," Western Political Science Association (Portland Oregon, March 23, 2012) http://wpsa.research.pdx.edu/meet/2012/gonzalezalfredo.pdf .

10. Center for American Progress, "The State of Latinos in the United States," http://www.americanprogress.org/issues/race/report/2012/08/08/11984/the-state-of-latinos-in-the-united-states/

11. William Shakespeare, *Henry V*, Arden Third Series, ed. Henry Craik (London: Routledge, 1996), 4.1.128.

12. Ibid., 129, 130-132.

13. Ibid., 4.1.134-141.

14. Ibid., 4.1.141-146

15. Robert Lane, "'When Blood is Their Argument': Class, Character, and Historymaking in Shakespeare's and Branaugh's Henry V," *ELH* 61 no.1 (1994): 29.

16. The United Nations Charter limits the circumstances in which recourse to war would be legal to self-defense—defense against active aggression. War should only be initiated as a "last resort," as a "least preferred option" when other means have failed. Despite the narrow grounds for *just ad bellum* in the United Nations Charter, governments invoke ether humanitarian intervention and /or preemptive attacks as additional grounds to satisfy the just war criterion when self-defense is lacking. It is obvious that either of these rationales can become pretexts to violate other countries' sovereignty and set adverse precedents. John F. Coverdale, "An Introduction to the Just War Tradition," *Pace International Law Review* 16 no.2 (2004): 221-78 (232).

17. Democracy Now. "*Winter Soldier:* Hundreds of Veterans of Iraq and Afghanistan Gather to Testify in Echo of 1971 Vietnam Hearings" (March 14, 2008). http://www.democracynow.org/2009/5/25/memorial_day_specialwinter_soldier_on_the.

18. Jane M. Gaines, "The Production of Outrage: The Iraq War and the Radical Documentary Tradition," *Framework: The Journal of Cinema and Media* 48 no.2 (2007): 36-55(47). See also, Charles Musser, "Film Truth in the Age of George W. Bush," *Framework: The Journal of Cinema and Media* 48 no.2(2007): 9-35.

19. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977) p. 27.

20. See e.g., Jeff McMahan, "The Ethics of Killing in War," *Ethics* 114 (2004): 693-733.

21. See e.g., United States Conference of Catholic Bishops, Statement on Iraq (Nov. 13, 2002) http://old.usccb.org/bishops/iraq.shtml .

22. Michael Davidson, *"War and the Doubtful Soldier," Notre Dame Journal of Law Ethics and Public Policy* 19 (2005): 91-162 (93-94).

23. *Gillette v. United States*, 401 U.S. 437 (1971).

24. *United States v. Huet-Vaughn*, 43 M.J. 105 (1995).

25. Kent Greenawalt, All or Nothing at All: The Defeat of Selective Conscientious Objection, *Supreme Court Review* 1971 (1971):48.

26. S.L.A. Marshall, *Men Against Fire: The Problem of Battle Command in Future War* (New York: William Morrow and Company, 1961), p. 78.

27. Franz Kafka, "The Penal Colony," in *Kafka: The Complete Stories*, ed. Nathan Glazer. (New York: Schocken, 1971), p.140 (1919).

28. Pete Kilner, "Military Leaders' Obligation to Justify Killing in War," Military Review 82 no.3 (2002): 24-31.

29. Vietnam Veterans against the War, Winter Soldiers Investigation, Opening statement and passim. http://www2.iath.virginia.edu/sixties/HTML_docs/Resources/Primary/Winter_Soldier/WS_02_opening.html .

30. See Chris Hedges and Laila Al-Arian, "Confessions from U.S. Soldiers in Iraq on the Brutal Treatment of Civilians," *The Nation* (July 13, 2012). See Democracy Now, "Memorial Day Special…Winter Soldier on the Hill: War Vets Testify Before Congress" (May 25, 2009), testimony of Sergio Kochergin and Adam Kodesh, http://www.democracynow.org/2009/5/25/memorial_day_specialwinter_soldier_on_the;

31. Paoli Tripodi, "Deconstructing the Evil Zone," in *New Wars and New Soldiers*, ed. Paolo Tripodi and Jessica Wolfendale (Farnham, Surrey, U.K.: Ashgate, 2011) p. 205.

32. John M. Doris and Dominic Murphy, "From My Law to Abu Ghraib: The Moral Psychology of Atrocity," *Midwest Studies in Philosophy* 31 no.2(2007): 25-55.

33. Ibid., 39.

34. Patricia Auferdehide, "Your Country, My Country: How Films about the Iraq War Construct Publics." *Framework* 48 no.2 (2007): 56-65 (57).

35. Barker, pp. 32, 43.

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