Ethics and the Use of Force

This course will examine a range of public policy issues concerning national security. It is not a comprehensive course on national security, nor is it a course solely on ethics. Its focus rather, is on the intersection of national security policymaking and individual ethical obligations. Ethical obligations of national security professionals include adherence to the United States Constitution, the laws of the United States, and universal laws of ethics. The course takes up some of the most controversial issues in national security policy making. Each of the topics considered here is the subject of strongly held and differing opinions; the course is based on the premise that reasonable people can disagree about them. Most of these issues concern genuine dilemmas in which there are no easy answers, and tradeoffs must be made among competing values. The purpose of the course is to explore the ethical and constitutional dimensions of controversial public policies and to illuminate the range of options open to individual national security professionals and policy makers.

Learning Outcomes
Students having taken this course will be able to:
- distinguish opinions from arguments;
- articulate opposing views on enduring national security issues;
- be familiar with key concepts and theories involving the ethical use of force;
- be aware of the constitutional implications of the national security policy process;
- make sophisticated judgments about ethical and constitutional issues in national security.

Topical Outline of the Course
1. Introduction and Overview
2. Ethical Fundamentals
4. The war in Vietnam
5. President, Congress, and War Powers
6. Presidential Lies and National Security
7. Civilian Control of the Military – Civil Military Relations
8. The U.S. Decision to Invade Iraq
9. Interrogation and intelligence
10. Unmanned Areal Vehicles (Drones)
11. National Security Agency and Surveillance of Americans
12. The inherent ambiguity of Intelligence
13. Contractors or Mercenaries?
14. TheMilitary-Industrial-Intelligence Complex

**Assigned Readings**
All reading assignments are specified below; they are available on line or will be provided by the instructor. The purpose of these readings (including the critical book review bibliography) is to present different perspectives, and the instructor does not necessarily agree with the authors of the readings.

**Course Evaluation**

- 15% Midterm Quiz (based on course readings, February 28)
- 20% Critical Book Review (due March 7)
- 10% Oral presentation of book review
- 15% Class participation
- 15% Final Quiz (based on course readings, May 2)
- 25% Research Paper (due May 2)

**Written Assignments**

1) Critical book review from attached list (4-5 pages).
2) Research paper due at the last class period (8-10 pages).
   Each of these assignments is explained later in the syllabus.

**Attendance**
Class discussions are essential to the whole course, and it is expected that all students will be present at all classes. If for some extraordinary reason, you cannot attend a class, you must inform me before the class and write a 500 word critical summary of the readings assigned for the week. The summary is due before the next class period. Missing more than two classes will make it unlikely that you would receive a grade higher than B-.

**Class participation**
With respect to class participation: I expect that all students will have read the weekly assignments and actively contribute to class discussions. Your comments should reflect your judgments about the assigned readings, rather than your person intuition or opinions. Opinions are fine, but they should be backed up by reasons and evidence (e.g. what the readings say and your judgments about them). Your comments should be cogent and lead to responses or observations from other students; a simple “yes” or “no” will not do. Class discussions and deliberations are central to the course; paying attention to the comments of others is essential to learning and contributing to discussions. The ability to engage others with whom you disagree is central to this course. Treating colleagues with respect, civility, and courtesy is essential.

**Use of electronic devices in class is not permitted.** The main purpose of this graduate course is to engage with the ideas of other colleagues, the instructor, and the texts. Engaging with ideas cannot be done effectively with the distraction of laptops or other electronic devices. Surreptitious use of cell
phones, etc. will negatively affect your grade for class participation. In addition, systematic research has demonstrated that use of laptops, even solely for note taking hinders effective learning.

**Outline of the Course and Assignments**

1. **Introduction and Overview of the Course**
   (January 24)
   Assignment:
   Read the syllabus for the course.
   American Bar Association, “The Rule of Law.” [no publication date]

2. **Ethical Fundamentals**
   (January 31)
   Assignment:
   Professional **Curriculum Vitae** due in class to be turned in.
   Deontology vs. Consequentialism, Severn Pillars Institute, pp. 1-5.
   http://sevenpillarsinstitute.org/morality-101/moral-traditions
   Machiavelli, *The Prince* (1532), Ch. 15-18, 21, 23 (excerpts).
   **Case Study:** Marine Corps acquisition of the V-22 Osprey

3. **Constitutional Fundamentals**
   (February 7)
   Assignment:
   Constitution of the United States, Articles I and II.
   Alexander Hamilton, *Federalist Papers*, Nos. 69, 70.

**Supreme Court Cases (excerpts):**
- *Youngstown v. Sawyer* 343US579 (1952) “Steele Seizure” Case,
  Syllabus, pp. 1-2; Justice Jackson concurring opinion, pp. 6-14.
- Jay S. Bybee, “Memorandum for Alberto R. Gonzales, Counsel to the President,”
  (August 1, 2002), pp. 36-39.

**Case Study:** The Iran Contra Affair
- Iran Contra, Minority Report, excerpt, pp. 1-3.

### 4. The War in Vietnam

(February 14)

**Assignment:**
  *The Atlantic* (April 1968), pp. 1-10 (pp. 47-53 in *The Atlantic*).
- Stuart E. Hendin, “Command Responsibility and Superior Orders in the 20th Century,”
- Rosa Brooks, “Humanitarian Intervention: Evolving Norms, Fragmenting Consensus,”

**Film:** Fog of War

**Case Study:** My Lai Massacre
- History Learning Site, “My Lai Massacre”
- Sam Roberts, “Larry Colburn, Who Helped Stop My Lai Massacre, Dies at 67,”

### 5. President, Congress, and War Powers

(February 21)

**Assignment:**

John Yoo, “The President Doesn’t Need Congress’s Approval to Attack ISIS,” National Review online (September 11, 2014).


Case Study: Obama administration: Lybia and ISIS
Obama statement on striking ISIL in Syria, (September 23, 2014).

6. Lying and National Security
Midterm Quiz on Course Readings
(February 28)
Assignment:
Benjamin Bradlee, “In His Own Words,” Washington Post (22 October 2014).
DNI James Clapper Lies to Congress, selections.
Greg Miller & Adam Goldman, “‘Eyewash’: How the CIA deceives its own workforce about operations,” Washington Post (February 1, 2016), pp. 1-5.
Craig Whitlock, “Navy repeatedly dismissed evidence that ‘Fat Leonard’ was cheating the 7th Fleet,” Washington Post (December 27, 2016), pp. 1-10.

7. Civilian Control of the Military: civil military relations
Critical Book Review due in class (presentations begin)
(March 7)
Assignment:
Owens, Mackubin Thomas. “Failure’s Many Fathers.” *Foreign Affairs* 86, no. 5 (September-October 2007), pp.149-52. (second reaction to Desch)

Korb, Lawrence J. “Political Generals.” *Foreign Affairs* 86, no. 5 (September-October 2007), pp. 152-153 (third reaction to Desch).


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**No class on March 14: Spring Break:**

8. The US Decision to Invade Iraq in 2002-2003

   **Research Paper Proposal Due in Class**
   (March 21)

   **Assignment:**
   
   President George W. Bush and Vice President Cheney, excerpts from key speeches leading up to the war in Iraq, in Pfiffner and Phythian, pp. 247-254.


9. Interrogation and Intelligence

   (March 28)

   **Assignment:**

   Senate Select Committee on Intelligence, *Study of the CIA’s Detention and Interrogation Program* (December 3, 2014), Findings and Conclusions, pp. 1-19.


   John McCain, Statement on the Senate Select Committee on Intelligence Report on Interrogation Methods (December 9, 2014).
Rosa Brooks, “The military wouldn’t save us from President Trump’s illegal orders,”
Frederick J. Krosen, “Military: Arbiters of National Morality?” Army, Journal of the

10. The National Security Agency and surveillance of Americans
(April 4)
Assignment:
U.S. Senate Select Committee on Intelligence Activities Within the United States (Church Committee Report) 1975, reprinted by Red and Black Publishers (St. Petersburg, Florida, 2007), pp. 11-14, 22-24, 120-125.
(March 6, 2014).
Case study: Edward Snowden
David Cole, “The Three Leaders and What to Do About Them,”
Alan Rusbridger and Ewen MacAskill, “Interview with Edward Snowden,”

11. Unmanned Aerial Vehicles (armed drones)
(April 11)
Assignment:


**Case study:** Robots and Autonomous Weapons Systems


### 12. The Inherent Ambiguity of Intelligence

(April 18)

Assignment:


**Case Study:** Intelligence before the Iraq War


### 13. Contractors or Mercenaries?

(April 25)

Assignment:


**Case Study:** Blackwater in Iraq


### 14. The Military/Industrial/Intelligence Complex

**Second Quiz on Course Readings**

(May 2)

Assignment:
President Dwight Eisenhower, “Military Industrial Complex Speech”
Public Papers of the Presidents, 1960, pp. 1035-1040.

Dana Priest and William M. Arkin, “Top Secret America: A hidden world, growing


Andrew Bacevich, “Ending Endless War,” Foreign Affairs Vol. 95,
(September/October 2016), pp. 36-44.

Lawrence Wilkerson, interview, “The Military Industrial Congressional Complex,”
(September 28, 2012), pp. 1-3.


Congressional Research Service, Amy Belasco, “The Cost of Iraq, Afghanistan, and

Grading Policy

For purposes of this course, the grades of A or A- are reserved for sustained excellence and
outstanding performance that goes well beyond the minimal requirements of the course, both in
written assignments and class participation. The grades of B and B+ are used to denote mastery
of the material and very good performance in all aspects of the course. The grade of B- denotes
marginal quality work that is not quite up to graduate level standards even though the minimal
requirements of the course are met. The grade of C denotes work that is not acceptable at the
graduate level. The grade of F denotes the failure to perform adequately on course assignments.

In short, B means good; B+ means very good; A- means excellent; and A means outstanding.

Evaluation of papers will reflect the overall adequacy and excellence of the communication, not
merely evaluative comments that I make in the margins of the paper. Marginal comments on
papers are meant to be helpful indicators for improvement, not full explanations of the grade.

Attendance in class is required and will be taken into account in evaluation for the course. While it
is possible that the requirements of full time jobs may occasionally conflict with class times,
missing more than two class sessions will make it virtually impossible to earn a grade higher than
B for the course. Missing more than three sessions will make a grade of C likely. If you must miss
a class, notify me in advance. For any missed classes, students must submit a 500 word critical
summary (two double spaced pages) of the assigned readings. Critical does not mean a negative
evaluation, but rather an analysis or evaluation of the readings.

Evaluation of Class Participation:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Without these people, the quality of discussion would be diminished markedly.</th>
</tr>
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<tbody>
<tr>
<td>A- A</td>
<td>--Frequent contributor in seminar discussions each week. Active and engaged. Has great self-</td>
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<td></td>
<td>awareness and does not ramble or consistently dominate the room.</td>
</tr>
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<td></td>
<td>--Comments grounded in the readings and demonstrate depth of understanding or attempts to</td>
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<tr>
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<td>grapple with them; ideas help to build momentum in discussions. Knowledge displayed indicates</td>
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<td>a wider range of reading than simply the assigned texts or articles.</td>
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<tr>
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<td>-- Never misses a seminar and is always courteous to other seminar participants.</td>
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**Email Communication**

Course notices and changes to the syllabus or assignments will be sent to students’ GMU e-mail addresses. So even if you do not regularly use your GMU e-mail account, be sure to open it and place a forwarding address to the account you use regularly so that you can get GMU, SPP, and class announcements. Also, be sure to empty your account regularly, because if you do not and it exceeds the limit, you will not receive incoming e-mail until you have cleared space. Deleting forwarded e-mail messages does not delete them from your GMU account.

**Writing assignments:**

1. Analytical book review to be presented in class (4-5 pages, including footnotes).

2. Research paper, (8-10 pp., including footnotes); relate ideas covered in the course to a chosen public policy issue.

All papers must be double spaced, with 12 point font on 8½ X 11 inch paper and stapled in the top left corner. Do not put papers in any special cover. **They must be submitted in both hard copy and electronic form (to pfiffner@gmu.edu) so that they can be checked against a plagiarism database.**

You may not turn in any paper that was written for another course or for any other purpose. The papers must be written specifically for this course; they must be your own work and not dependent on any external person’s work or coaching.

**Use the standard Chicago Style Manual type of citations for footnotes or “Turabian,” NOT the APA or APSA style, in which names in parentheses refer to a list of references at the end of the paper.** For examples of the required reference style, see the explanation and examples later in this syllabus.

**Use footnotes rather than endnotes.**

<table>
<thead>
<tr>
<th>B- B B+</th>
<th>Without these people, the quality of discussion would be diminished.</th>
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<tbody>
<tr>
<td></td>
<td>--Consistent commenter each week in seminar, but some runs of silence or inactivity occasionally detectable. Active and engaged but occasionally may lack good self-awareness.</td>
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<tr>
<td></td>
<td>--Comments are helpful and draw upon readings, but less consistently so and occasionally may be more grounded in intuition or personal experience.</td>
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<td></td>
<td>--Attends every seminar and is always courteous to other seminar participants.</td>
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</table>

<table>
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<tr>
<th>C- C C+</th>
<th>Without these people, the quality of seminar discussion would be occasionally (but not frequently) diminished.</th>
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<td></td>
<td>--Infrequent participant each week in seminar, but may engage sporadically. May have inconsistent self-awareness.</td>
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<tr>
<td></td>
<td>--Comments may be but not necessarily grounded in the readings; more reliant on intuition or personal experience (e.g., perhaps an excellent readings comment one day, but then a run of days with less substantive or relevant ones).*</td>
</tr>
</tbody>
</table>

*adapted from the syllabus of Professor Lawrence Wilkerson, College of William & Mary.
In evaluating papers, degree-of-difficulty will be considered. Just as a perfectly executed swan dive may not receive as high a score as a slightly flawed full gainer with a twist, a paper that engages a difficult question or takes a creative approach to a public policy issue will receive more credit than a paper that takes a relatively straight-forward issue and addresses it in a competent, though pedestrian, manner.

**Analytical Book Review (4-5 pages):**

Each student must write an analytical review of one book from the list provided for this course. No duplicates, first choices will be honored. You may propose a book that is not on the list to review, but it must be a substantial book that takes an in-depth view of the topic, and it must be approved by the instructor. The review must be critical in the sense of comparing the ideas or arguments of the author with other (particularly opposing) perspectives, many of which we will be reading during the course of the semester.

The review will be no more than five pages long (12 point font). It should be footnoted, referring to specific pages in the book and other sources; and it must include at least three citations to scholarship assigned in the course.

Each student will make an oral presentation to the class and conduct a discussion of the book. Approximately 10 minutes will be allotted to each presenter.

The final paper for the class may use the book reviewed, but it cannot be the main focus of the final paper. The papers will be graded as well as the oral presentation of the paper and conduct of the discussion.

**Research Paper (8-10 pages):**

Each student must choose a policy topic central to the concerns of this course. Analyze the policy by examining its origins and explaining its implementation. Place particular emphasis on analyzing opposing arguments about the constitutional or ethical dimensions of the policy. Your paper must reflect a familiarity with the scholarly literature on your topic, demonstrated by citations of scholarship and analysis well beyond the course assignments (i.e. at least five scholarly sources). In addition, you must cite at least three sources that are assigned in this course. Use the citations, references, and bibliographies in the assigned readings to find further sources for your research. A one page proposal, including description of the topic or outline and several scholarly sources must be approved by the instructor.

**Scholarly sources include:**

- articles in peer-reviewed scholarly journals
- scholarly books (e.g. books that use footnotes or endnotes)
- papers from think tanks (e.g. Urban Institute, Brookings, Heritage, AEI, etc.)
- reports of governmental organizations (e.g. CRS, CBO, OMB, GAO, departments, etc.)

**Office Hours:**
Tuesdays: 2 to 4pm  
Thursdays: 2 to 4pm  

Office: 524 Founders Hall; Phone: 703-993-1417; e-mail: pfiffner@gmu.edu  

I am in my Founders Hall office most days every week, and I am always available via email. If you want to see me you do not have to come only during my office hours; just write to set up an appointment, and we will set up a mutually convenient appointment. Please put PUBP 738 in the subject line of your email, so I will be sure not to miss it.  

**Analytical Writing**  
For purposes of scholarly writing it is important to write analytically. Analytic writing is more than merely describing what others have said or describing institutions of government or public policy making (though description is often an essential aspect of analysis). Analysis involves more.  

In **analysis** you are asking and answering questions about the **causes and consequences** of whatever you are examining.  
You are seeking **explanations** for behavior.  
You are developing **categories and frameworks** that will help us understand political behavior and generalize insights from one case to other cases.  
Ask the question: **Of what is this an instance?**  

**When analyzing scholarly writing:**  
Engage different ideas.  
Show how they differ and where they agree.  
Compare and contrast.  
Contrast different methods of understanding a phenomenon.  
What different types of evidence are adduced to make a point?  
Contrast different perspectives or approaches to a topic.  
Judge whether the reasoning is valid.  
Does the author’s evidence support the conclusion of the article?  

**In Writing an Paper, Remember:**  
The introduction should say what the paper is about and how you will approach the topic.  
The paper should address one central question and have a thesis.  
The paper should be organized logically, with an evident structure.  
The reader should be told how each part of the paper is related to the other parts.  
Use subheadings to label different sections (except for very short papers).  
Outline your paper after it is written to see if it flows logically.  
Proofread your paper for spelling and syntax.  
Be sure to cite all of your sources and use quotation marks when you use another’s words.  

Plagiarism is using another’s words or ideas without giving proper credit. Plagiarism is a major scholarly sin; it is unethical, dishonest, and deceptive, and it has ended some people’s
careers. It can easily be avoided by giving credit where credit is due. If you use more than three word of another author, cite the quote.

Hints on Grammar
The singular possessive is formed by adding an ‘s (e.g. one president’s term was cut short), the plural by s’ (e.g. both presidents’ terms were cut short).
The possessive for it is “its”: its = possessive; in contrast, “it’s” is a contraction for “it is.” If you cannot remember the rule for its, do not use an apostrophe and you will be correct. (That is, use “it is” rather than a contraction and its for the possessive.)
Lead is in your pencil, but led is the past tense of the verb to lead.
Effect is a noun and affect is a verb, almost always; if you do not know the exceptions, do not violate this rule of thumb.
Cite is short for citation, site is a place (or web location), sight refers to eyes.
Horses have reins, monarchs reign over countries, and rain falls from the sky: e.g. It often rains in London, where the Queen reigns, but the Prime Minister holds the reins of power in Parliament.

From William Strunk and E.B. White’s classic, The Elements of Style (NY: Macmillan, 1979), table of contents:
“Place a comma before a conjunction introducing an independent clause.”
“Do not join independent clauses by a comma” (use a semicolon or a period).
“The number of the subject determines the number of the verb.”
“Use the active voice.”
“Omit needless words.”
“Make the paragraph the unit of composition.”
“Revise and rewrite.”

Citations for Research Papers
The purposes of scholarly citations are several:
1) To show the source for a direct quote or fact not commonly known.
2) To give credit for an idea to the author of a work
3) To show the reader that you are familiar with other scholarship on your topic or to indicate where further information or analysis can be found.
4) You may also use endnotes to explain something in the text or comment on the source.
   The intention is to give readers enough information to find the source you are using so that they can see if you have quoted it correctly, interpreted it soundly, done justice to the author cited, or so they can do further research on the topic in question themselves.

Format: use the standard Chicago Manual of Style format, also known as “Turabian.” (Chicago: University of Chicago Press, most recent edition.)

Books:
author, title (place of publication: publisher, date), page number(s).
[Titles of books should be in italics.]
Example:

After the first full citation, you may use a shortened version:

* e.g. 2. Kingdon, *Agendas, Alternatives, and Public Policies*, page number(s).

**Articles:**

author, title, name of journal (volume, number), page number(s).

[Titles of articles should be enclosed in quotation marks, names of journals in italics.]

**Example:**


After first full citation, you may use a shortened version:


**Chapters** in edited Books:

author of chapter (or article), title of chapter (in quotes), “in” editor of book, title of book (place and date of publication), page numbers.

**Example:**


**Web Site** Citations:

In addition to author, title, etc., include the following information:

Who put up the site, full URL, date of access.

Number endnotes consecutively for the whole paper, with each note referring to the number in the text with the number in superscript or parentheses. Endnote numbers should be placed at the end of the sentence containing the information being cited (after the period). A bibliography of all the sources used in the paper along with other useful sources may be useful but is not required for this course. Do not use more than one footnote number per sentence (even if Wiki does). If you are referencing more than one source, combine them in one footnote.

**Ellipsis:** When you want to skip some words in a direct quotation, you must indicate that words were skipped by inserting an ellipsis (plural = ellipses), which is three dots with spaces between them and before and after them. If the words skipped are at the end of a sentence, place a period after the last word and then add the three dots, with a space before the three dots and close the parentheses immediately after the final dot. Here is an example using the sentence above: “When you want to skip some words . . . you must indicate that words were skipped by inserting an ellipsis, which is three dots . . .”

**The Writing Center**

The University [Writing Center](http://writingcenter.gmu.edu) provides free tutorial services to all Mason writers. Students, faculty, staff, alumni and their immediate family members may make an appointment to see a tutor. Currently appointments are offered in 45-minute face-to-face or online sessions. During a typical session, tutor and writer will review an assignment, read through the writing, set goals for the session, and discuss strategies for effective writing. To schedule an appointment, go online: [http://writingcenter.gmu.edu](http://writingcenter.gmu.edu). A
current or former G# will be required for registration and a Mason ID must be presented at the time of the appointment. Location: Founders Hall, Room 212; Phone: 703.993.4491

SPP Policy on Plagiarism

The profession of scholarship and the intellectual life of a university as well as the field of public policy inquiry depend fundamentally on a foundation of trust. Thus any act of plagiarism strikes at the heart of the meaning of the university and the purpose of the School of Public Policy. It constitutes a serious breach of professional ethics and it is unacceptable.

Plagiarism is the use of another's words or ideas presented as one's own. It includes, among other things, the use of specific words, ideas, or frameworks that are the product of another’s work. Honesty and thoroughness in citing sources is essential to professional accountability and personal responsibility. Appropriate citation is necessary so that arguments, evidence, and claims can be critically examined.

Plagiarism is wrong because of the injustice it does to the person whose ideas are stolen. But it is also wrong because it constitutes lying to one’s professional colleagues. From a prudential perspective, it is shortsighted and self-defeating, and it can ruin a professional career.

The faculty of the School of Policy, Government, and International Affairs takes plagiarism seriously and has adopted a zero tolerance policy. Any plagiarized assignment will receive an automatic grade of “F.” This may lead to failure for the course, resulting in dismissal from the University. This dismissal will be noted on the student’s transcript. For foreign students who are on a university-sponsored visa (e.g., F-1, J-1 or J-2), dismissal also results in the revocation of their visa.

To help enforce the SPGIA policy on plagiarism, all written work submitted in partial fulfillment of course or degree requirements must be available in electronic form so that it can be compared with electronic databases, as well as submitted to commercial services to which the School subscribes. Faculty may at any time submit student’s work without prior permission from the student. Individual instructors may require that written work be submitted in electronic as well as printed form. The SPGIA policy on plagiarism is supplementary to the George Mason University Honor Code; it is not intended to replace it or substitute for it.

Academic Accommodation for a Disability: If you are a student with a disability and you need academic accommodations, please see me and contact the Disability Resource Center (DRC) at 703-993-2474. All academic accommodations must be arranged through the DRC before the beginning of the semester.

James P. Pfiffner is University Professor in the School of Policy, Government, and International Affairs at George Mason University. His major areas of expertise are the U.S. Presidency, American National Government, the national security policymaking process, and public management. He has written or edited fifteen books on the presidency and American National Government, including The Strategic Presidency: Hitting the Ground Running and Power Play: The Bush Administration and the
Constitution. He has also published more than 100 articles and chapters in books, scholarly journals, reference works, and the popular press. While serving with the 25th Infantry Division (1/8 Artillery) in 1970 he received the Army Commendation Medal for Valor in Vietnam and Cambodia.