

THE PROFESSIONAL MILITARY ETHIC

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MASTER OF MILITARY ART AND SCIENCE
Conflict, Security, and Development

by

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14. ABSTRACT Understanding the professional military ethic (PME) requires first understanding the conceptual foundations upon which it stands. This foundation includes objective morality, the sociology of professions, professional ethics in general, and the profession of arms. I argue that a genuinely normative professional ethic derives from objective morality through the context of a particular professional role. Any other approach fails to generate genuine normativity. This assertion conflicts with recent accounts of the PME that seek its source in various artifacts of our military culture and society. Moral obligation is a product of individual abilities and relationships. Professional roles generate a common set of abilities and relationships. Morality constrains the professional role, dictating what professionals must do, may do, and may not do for clients. Given similarities in our roles, the PME does not differ substantially across military services or even across nations. Understanding of the PME, however, varies greatly. Any profession's understanding of its ethic is a function of how well that profession has discerned and formally articulated that ethic. Achieving our full professional potential requires that we articulate our ethic. Despite a number of formidable obstacles, we can articulate a functional account of our ethic that is sensitive to the unique demographic characteristics of our profession. I offer a conceptual account of the moral foundations of a professional ethic. I then offer an articulation of our professional ethic, organized around our specific professional roles, and provide commentary on the account to demonstrate its serviceability to the profession.					
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ABSTRACT

THE PROFESSIONAL MILITARY ETHIC, by John Daniel Cazier, 141 pages.

Understanding the professional military ethic (PME) requires first understanding the conceptual foundations upon which it stands. This foundation includes objective morality, the sociology of professions, professional ethics in general, and the profession of arms. I argue that a genuinely normative professional ethic derives from objective morality through the context of a particular professional role. Any other approach fails to generate genuine normativity. This assertion conflicts with recent accounts of the PME that seek its source in various artifacts of our military culture and society. Moral obligation is a product of individual abilities and relationships. Professional roles generate a common set of abilities and relationships. Morality constrains the professional role, dictating what professionals must do, may do, and may not do for clients. Given similarities in our roles, the PME does not differ substantially across military services or even across nations. Understanding of the PME, however, varies greatly. Any profession's understanding of its ethic is a function of how well that profession has discerned and formally articulated that ethic. Achieving our full professional potential requires that we articulate our ethic. Despite a number of formidable obstacles, we can articulate a functional account of our ethic that is sensitive to the unique demographic characteristics of our profession. I offer a conceptual account of the moral foundations of a professional ethic. I then offer an articulation of our professional ethic, organized around our specific professional roles, and provide commentary on the account to demonstrate its serviceability to the profession.

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CHAPTER 1

INTRODUCTION

In the early days of its existence, the inaugural director of the Army's professional ethics center at West Point remarked that "the last thing the Army needs is a bunch of philosophers, sitting in their ivory towers overlooking the Hudson River, telling the rest of the Army how to behave."¹ This kind of "muddy boots" folk wisdom predominates Army culture, heralding decisive action over calm reflection. It comes as no surprise, then, that James Toner cites "virulent anti-intellectualism" as being the first obstacle to effective moral development within the military (Toner 1992, 182). There are certainly many situations in Army life where intuitive judgment is to be favored over protracted deliberation. But should this always be the case? Is there no role for reflection in the military? Even with a charitable interpretation, this claim implies disdain for deliberate thinking. Consider this translation: "We do not want intelligent, educated, conscientious individuals, in an environment conducive to deliberate investigation and responsible discourse, to carefully inquire into appropriate battlefield conduct and offer their findings to the Army." But why not? Do we have similar disdain for the prospect of expert strategists prescribing appropriate theater priorities? Or doctrinaires explaining appropriate combined arms maneuver? Consider the converse: "What we need most is for soldiers in the chaos of battle, afflicted by injury and fatigue, stressed and self-interested, often poorly educated and morally inexperienced to exercise their own instinctive split-

¹This comment was made on at least two occasions when articulating the function of the Army Center for the Professional Military Ethic (since redesignated the Center for the Army Profession and Ethic) to various audiences.

second judgments, uninhibited by external counsel.” The absurdity of this claim is captured well by Fotion and Elfstrom. Our soldiers, they observe,

are expected to live up to certain standards of ethics while under fire, while suffering from fatigue and injury and while fighting under less than ideal environmental conditions. It seems paradoxical that we expect them in battle to deal with the most serious moral problems we can envision with little or no professional training and do so often while working under the worst possible conditions. (Fotion and Elfstrom 1986, 70)

We would do well to recall Clausewitz’s observation that in the chaos of war, “It is an exceptional man who keeps his powers of quick decision intact” (Howard and Paret 1989, 113). People do not think rationally in crisis. They act instinctively, relying on intuitions that were developed in times of order and stability. A key function of critical thinking is to develop intuitions precisely so that they can be found reliable in moments of crisis (Hare 1982). “The service member can only resolve moral conflict in battle if he has prepared his conscience in peacetime” (Diehl 1985, 42). Expecting good moral judgment from those who have not given deliberate attention to cultivating their moral sensitivities is like inviting the novice to design a building and expecting acceptable results. General life experience and generally good judgment may push him generally in the right direction. But catastrophic errors will surely lurk within the structure. The more the untutored deny the need for study, the more we should worry. To the extent that professional responsibilities differ from those of the layman, we cannot expect a layman’s general understanding of morality to be sufficient to guide him through the performance of his unique professional moral responsibilities. In fact, the more the professional role differentiates his moral responsibilities from those of the layman, the more that the high character he might have brought with him into the profession will lead him astray, unless it is educated and guided by a professional ethic (Grassey 2010).

Background and Context

The Army presently lacks an institutionally accepted version of its professional ethic. In fact, the Army even lacks consensus as to what a professional ethic is, where it comes from, and what function it fills. Thus the Army is poorly positioned to provide the moral guidance and development its professional practitioners so desperately need. Given the Army's general unpreparedness to provide such direction, it is no surprise to find those who should be leading this effort downplaying the need for it. Nevertheless, the need remains acute. And that fact has not completely escaped the profession's attention. Most recently, the Army's 2012 Army Profession Campaign Report notes that soldiers across the force expect the Army to generate a code of professional ethics (U.S. Army 2012, 14).

Recognition of the need for the Army to articulate its professional ethic can be found in various publications over the past 35 years. The task became increasingly urgent with the establishment of the Center for the Army Profession and Ethic in 2007. While attention to this topic has increased since the establishment of this center, the Army really is not appreciably closer today than it was five years ago (and possibly even 35 years ago) to understanding the nature and content of its professional ethic.

The failure to articulate our professional ethic is a critical shortfall. Lacking a robust understanding of its ethic, the Army is handicapped in its efforts to advance as a profession and to promote moral conduct among its practitioners. A lack of articulated ethic permits several critical problems to arise in our profession. It undermines our ability to morally develop the force (individually and collectively). It engenders mysticism, confusion, or overconfidence about morality. It contributes to a dismissive attitude

towards morality. It constrains our growth as a profession. It squanders opportunity to solidify public trust. And it undermines international confidence in us.²

The Army's failure to articulate its ethic is more a matter of understanding than of interest or awareness of the problem. If the Army better understood what a professional ethic is, it would surely have done more to articulate ours. Ethics is generally taken to refer to a "normative" inquiry—that is, an inquiry into what people genuinely "should" do. But the term has been hijacked by "descriptive" sociological accounts of what people actually do. Thus, Samuel Huntington, whose 1957 treatise inspired all subsequent analysis of the military as a profession, equates the professional military ethic merely to the military mindset—that is "the attitudes, values, and views of the military man" (Huntington 1957, 60). The Army's 2008 "U.S. Army Study of the Human Dimension in the Future, 2015-2024" (U.S. Army 2008, 18)³ and its "2012 Army Profession Campaign Report" (U.S. Army 2012, 14)⁴ both define the ethic in comparable descriptive terms. By contrast, the Army's 2010 white paper titled "The Profession of Arms" allows room for understanding the ethic as genuinely normative. It alludes to ostensibly normative "moral values, principles, and martial virtues." Unfortunately, it thereafter seemingly restricts them to only those that presently "inspire and regulate behavior" among the troops (U.S.

²Consider Iraq's unwillingness to accept U.S. troops beyond 2010 without having legal jurisdiction over them. What does this say about their confidence in our commitment to guiding and governing our troops' behavior?

³Actual definition: "the shared values, attitudes, and beliefs that establish the standards of competency for the profession and guide the conduct of Soldiers."

⁴Actual definition: "The collection of values, beliefs, ideals, and principles held by the Army Profession and embedded in its culture that are taught to, internalized by, and practiced by its members to guide the ethical conduct of the Army in defense of and service to the Nation."

Army 2010, 12).⁵ Another common trend in discussions of the professional military ethic is to narrow the definition considerably more, presuming it to encompass nothing more than the principle of military subordination to civil authority, and all its associated implications (e.g., apoliticism, no criticism of administration).⁶ Given the lack of consensus on the nature of a professional ethic, it is unsurprising that there is also no common understanding on the content of the professional military ethic.

A common shortcoming in existing literature on the professional military ethic is that it asserts claims about the ethic without first establishing the conceptual presuppositions upon which those claims rest. Likewise, most give inadequate consideration to the fact that we are functioning in the context of a professional relationship. This thesis undertakes to resolve present confusion about the professional military ethic by providing a conceptual account of that ethic from its roots in basic normative morality, through the specific roles that our professional relationship bestows upon us, to its articulation in a specific code of moral guidance for a particular professional population. The fundamental question I intend to answer is “What is the professional ethic of the United States Army?”

Assumptions

Although attempting to provide an expansive account of the professional military ethic, there are necessarily assumptions I rely on which I will not undertake to establish

⁵Actual definition: “The moral values, principles and martial virtues embedded in its culture that inspire and regulate ethical behavior by both Soldiers and the U.S. Army in the application of land combat in defense of and service to the Nation.”

⁶See, for example, Prisco Hernandez, “The strategic communications imperative, the warrior ethos, and the end of the U.S. Army’s professional military ethic.”

and length or even to argue at all. The first of these is that war can be morally justified. This view is the foundation for just war theory and is indispensable to the Army's professional status.

Second, I assume that the Army is a profession. While there is more controversy on this topic, the general consensus (especially within the Army) is that the Army qualifies as a profession, even if it differs in important ways from the traditional professions. Since public attitude is a fundamental part of professional status, this general consensus goes a long way toward establishing the military as a profession.

Third, I hold that morality is both objective and normative. Or, rather, I posit that genuine normativity requires that morality be objective. I undertake to establish this point by argument but give it only enough attention to satisfy those already receptive to accept this claim. For those more resistant, this claim must stand as an assumption upon which my project rests.

Fourth, I presume that it is possible to adequately articulate the professional military ethic. Numerous challenges have been raised against even attempting this effort. I address some of these challenges but largely regard them merely as cautionary notes as we undertake to articulate the ethic. Thus the supposition that the ethic can be articulated stands as an assumption, rather than a point to be irrefutably established.

Fifth, I presume that a sufficiently well-articulated account of the professional ethic can gain acceptance by the Army. This is the most precarious of my assumptions. I do not undertake to address it at all. But I presume that the chief obstacle to establishing a professional ethic for the Army is making it sufficiently persuasive to be recognized as being appropriate. Thus my project. Again, some of the assumptions above do receive

brief treatment in this project. But readers resistant to them will not be persuaded by my treatment of them. My treatment is merely sufficient for those who are generally amenable to the idea but simply not yet sufficiently familiar with it.

Definitions

Because I desire to keep this discussion in terms accessible to an audience untutored in moral philosophy, I will attempt to avoid any esoteric vocabulary. For a professional ethic to gain acceptance by the Army, it must be persuasive to an audience that lacks formal training in moral philosophy. Thus it has to be justifiable in concepts that are comprehensible and plausible to the common man. To the extent that some technical vocabulary is unavoidable, I will attempt to restrict it to the sections whose relevance to the larger Army audience is marginal.

Scope

My project constitutes a conceptual survey, as opposed to a historical survey, of the professional military ethic. My focus is on the moral obligations of the professional and how those are best articulated to educate the professional on those obligations. To determine that matter, the project first briefly considers the normative nature of morality. It then considers the nature of professions. Using the findings of those two inquiries, I explore the nature and function of a professional ethic. I next consider unique qualities of the military profession and how they distinguish it from other professions. Consideration of these features informs both the content and the presentation of the professional military ethic, resulting in an articulation of that ethic.

Delimitations

There are a number of contextual issues surrounding the professional military ethic that must be explored in order to develop and articulate a meaningful understanding of the professional ethic. Examples include the nature of the state, the moral status of the state, the moral relationship between the state and its citizenry, the moral relationship between the state and the soldier, etc. On each of these issues, there are grounds for disagreement with any account I present. So naturally, I will be unable to provide a definitive argument for any stance I take. Instead, I will advance and defend an account of the professional military ethic that includes an account of the primary contextual issues. But I will not attempt a full defense of each of the issues entailed in that contextual account.

The obligations of the profession and those of the practitioners within the profession are not identical. There are clearly obligations which the profession, as an institution, possesses, which do not befall every practitioner. For example, the obligation to provide candid advice to government officials befalls the profession as a whole but individually applies only to the small handful of senior leaders whose advice is solicited. Similarly, the obligation to equip the force befalls the profession as a whole but is executed principally by those in the acquisition field (of which most are not uniformed military personnel). On the other hand, the duty to attain proficiency with assigned weaponry belongs to the individual soldier, not the professional institution (although it has a duty to enable this). I focus almost exclusively on the moral obligations of the soldier, not those of the profession as a whole. The code I advance is for the practitioner,

not the institution. I likewise do not consider the moral obligation of the state towards its military profession.

While concerned that a functional articulation of our professional ethic must be sensitive to the subsequent requirement to educate soldiers on that very same ethic, I do not address how best to educate the force on its professional responsibilities or promote moral conduct. Moral conduct is a product of direction and motivation. This project focuses exclusively on direction. Just as the study of medicine does not automatically make one more healthy, neither will this project make the force more moral. There are surely just as many immoral ethicists as there are unhealthy doctors. This study is merely a component of the prescription for a morally healthy military professional.

Significance of the Study

This study will inform the profession's understanding of itself and of its moral identity. It will offer a coherent account of the professional military ethic in hopes of contributing to the Army's eventual formulation and adoption of an official account of its professional ethic. While discerning the content of the ethic is the fundamental goal of this project, the defense of this ethic is the key to its gaining traction or serving as a catalyst for further refinement.

Organization

An inherent challenge in any conceptual inquiry is that the phenomenon being examined comprises many individual parts. Understanding the whole requires first understanding the parts. But the function of the parts is only explicable in relation to the whole. An apt analogy would be an examination of a single play in a football game.

Understanding the play requires understanding the movement of the individual players. But the significance of each player's movement cannot be sensed without understanding the overall play. Neither the parts nor the whole can be fully understood until the other is fully understood. Consequently, such a study requires somewhat simultaneous exploration of both the whole and its parts. Or rather, it requires alternating consideration of each in successive turns. In order to reduce the difficulty inherent in this investigation, I have divided the chapter four discourse into subsections and sub-subsections. I have then organized sub-subsections around a series of central claims. This organization functions as a roadmap to help preserve a sense of the overall structure of the argument, even while engaging with the fine particulars of one element of it. It also facilitates skipping around in the discussion so that the reader can more readily bypass familiar concepts to focus on unfamiliar ones.

I begin by presenting an overview of morality, principally to establish that objectivity and normativity go hand-in-hand. Only an objective account of morality can serve as the basis for a normative professional ethic. I next explore the nature of professions, in order to set conditions for my subsequent discussion of professional ethic. I then present an account of professional ethics, arguing that a professional ethic derives from objective morality in the context of a professional role. I also explain the difference between a professional ethic and a code of professional ethic, the latter being a human construction and subject to imperfections. I next survey some considerations in articulating our professional ethic, including objections to doing so, benefits of doing so, and attributes a functional ethic must possess. Finally, I offer an account of our

professional ethic and discuss the principles in that account, to illustrate its suitability for the military.

CHAPTER 2

LITERATURE REVIEW

This project draws insight from the vast fields of moral philosophy and behavioral science. Both disciplines have much to contribute. Nevertheless, my survey focuses specifically on recent literature within the profession reflecting its understanding of the nature and content of the professional military ethic. The Army's understanding of itself as a profession matured with the publication of Samuel Huntington's 1957 classic *The Soldier and the State*. The Army War College's 1970 "Study on Military Professionalism" and the recognition of the Army's woeful state during the Vietnam War seem to have awakened the Army to the need for internal dialogue on its professional ethic. Hence the most relevant literature emerged in the past 35 years.

Confusion as to the ultimate source of our ethic runs rampant through the literature on the professional military ethic. In fact, most officers give little explicit attention to it. Those who do frequently lack the conceptual discipline to distinguish between intrinsic morality and instrumental goods (i.e., those goods whose value is principally found in their ability to produce other desired ends, regardless of whether those ends are themselves morally appropriate). The so-called "Army Values" are a paradigm case of this. They are nearly all merely instrumental values rather than intrinsic moral values. They are commonly referred to as "functional imperatives" or "warfighting imperatives" out of recognition that their utility lies solely in their conduciveness to military effectiveness.

Similarly, Kelley (1984) implies that the ground for the ethic he finds implicit in Army literature is found in the Constitution, national values, functional imperatives, and

trust. While the Constitution and national values sound more promising, they are ultimately still human institutions. The national values of Nazi Germany provide good evidence that any ethic grounded in national values may still prescribe unethical conduct. Furthermore, values gain no special merit simply by virtue of being ours (or our nation's). You cannot derive genuine normativity from values that lack objective merit.

General Maxwell Taylor's 1978 and 1980 proposals are framed in terms of the character or virtues of the ideal officer. This seemingly connects his ethic to the moral theory known as "virtue ethics." However, his articulation of his account makes clear that his virtues have no wider purpose than to improve the officer's effectiveness as a warrior. In fact, he is explicit that his ideal officer may be a bad person: "he may be loyal to his superiors and his profession but disloyal to his wife. He may be devoted to his troops but speak to them in the profane language of a Patton. He may keep physically fit but have General Grant's weakness for strong drink" (Taylor 1980, 14). Thus his account also fails to establish a genuine moral basis.

It is common for literature on the ethic to confuse "ethic" and "ethos," or "normative" and "descriptive" ethics. In intermingling these terms, they attribute the ethic to human institutions and undermine confidence that any of the prescriptions they generate are genuinely normative. Typical of this is Snider, Oh, and Toner (2009). They explicitly identify the purpose of the military ethic as being effectiveness. But effectiveness is equally serviceable in pursuit of good and evil. Even tying it to the Army's purpose of providing "sustained land power" is not enough to rehabilitate this account. After all, the nation has used the Army's land power illicitly in the past, as with the genocide of native Americans. Moten (2010) makes a similar mistake. He provides a

historical survey of the Army ethos but labels it, and presume it to reflect, the ethic. In his final discussion of the present (and future) ethic, he switches to the normative. He “blends Hartle’s seven principles with the four identities of officership developed in the Future of the Army Profession project” (Moten 2010, 23) to generate a proposed ethic with no conceptual justification or explanation beyond a simple reference to history. While organizing his proposed ethic this way is highly functional, he offers no recognition of the conceptual relevance of his having done so.

Given the general understanding that a code of ethics ought to be ethical, a common trend is for authors to attempt to ground their proposed codes in cultural artifacts which they presume to already be ethically grounded. Buckingham (1989) and Manning (2010) both seek to ground their proposed ethic in such artifacts as oaths of office and enlistment. But as Barrett notes, “Artifacts, which the Army has in abundance, only imply and do not explicitly dictate an Army ethic” (Barrett 2012).⁷ Without establishing that the sources from which they derived their ethic are themselves grounded, these accounts offer greater grounds for doubt than confidence. Any account of ethics that bases it in human institutions is prone to producing an ethic that can generate unethical requirements.

The more successful efforts to ground a professional ethic in general morality include DeGeorge (1984), Overbey (1996), Wilson (2009), and Barrett (2012). While DeGeorge is not explicit about his doing so, he derives the six principles of his proposed

⁷This statement comes from an early version of Barrett’s 2012 Army War College student project cited in this study. His earlier statement was subsequently changed to “The Army’s total ethical canon, enormous in its scope and diversity, only implies and does not explicitly dictate an Army ethic” (Barrett 2012, 1).

code of ethics for officers from general morality. Evidence for their grounding is found in his discussion of each principle. Unfortunately, he does not also connect his ethic to our status as a profession. Overbey is more explicit in his doctoral thesis. He grounds his derived ethic in a utilitarian conception of morality. But he does not technically derive his ethic this way. He instead derives it from codes proposed by other Army officers and then argues that it is congruent with utilitarianism. Perhaps this is not genuinely far removed from any other attempt to derive moral propositions directly from something as inscrutable as general morality. But starting with an ethic presumed moral and then attempting to prove it so is an approach highly subject to bias and rationalization. Wilson grounds his proposed ethic in the overtly moral principle of respect. However, he makes no effort to tie his proposed ethic to an account of what a profession is and requires. Barrett argues the importance of acquainting soldiers with moral theory and then implies endorsement of a deontological account of morality, presumably simultaneously basing his proposed code of ethics this way.

Perhaps a primary factor in the general failure to derive proposed codes of ethics from morality is the recognition that a professional ethic is inherently different from the general code of morality already applicable to all. This is certainly the case. Professional morality is distinguished from general morality by virtue of the particular profession's role in society. Consequently, exploration of a professional ethic requires attention to both general morality and a specific professional role. Unfortunately, just as there is a general failure to connect our professional ethic to morality, it is the minority of authors who have attempted to relate a proposed ethic back to our status as a professional society.

Even worse, authors who consider morality frequently fail to consider our professional status.

The most conspicuous shortcoming in existing literature on the professional military ethic is that there is too little explicit effort made to relate our moral obligations back to our status as a professional organization. Discussions of our profession stop short of articulating claims about the content of the moral obligations that follow. Discussions of our professional ethic give little attention to what it means to be a professional organization. Notable exceptions include Overbey (1996); Snider, Nagl, and Pfaff (1999); and Barrett (2012).

Overbey (1996) provides helpful discussion of both professions and professional codes of ethics before articulating and grounding his code. Unfortunately, he does not give explicit attention to the significance of the role the soldier fills. Thus there is inadequate linkage between his conceptual account and his subsequent code of ethics. Similarly, when he provides a conceptual grounding for his proposed ethic, he does so directly in moral theory, without significant reference to professional role.

Snider, Nagl, and Pfaff (1999) provide analysis of the profession at three levels: society, military institution, and individual soldier. It examines professional obligation from a military, ethical, and political perspective. While this is a promising start, the focus of the article is specifically on restoring the Army's sense of its identity following the end of the Cold War. This article does not undertake to explain the conceptual basis of professions and professional ethics. And it makes no attempt to articulate a code of ethics for the profession.

Finally, Barrett (2012) explores the nature of the military profession generally but does not expound upon the professional roles that result. Consequently, the ethic he ultimately proposes is uninformed by this discussion.

Of the authors who propose a code of ethics, few give any consideration to the nature of codes of ethics—what their function is, what they can reasonably accomplish, and how they should be framed to achieve their purpose. Proposed ethics reflect general agreement that a code of ethics should be relatively short. Beyond that, however, agreement is lacking. Taylor (1978, 1980) proposes six principles, all of which are really just expressions of commitment to martial virtues. DeGeorge (1984) offers six principles with robust discussion of the propriety and application of each. Kelley (1984) provides a chapter-length discussion addressing the purpose of the Army, the soldier's obligation, fundamental military values (both intrinsic and instrumental), qualities of the soldier (both intrinsic and instrumental), responsibilities of leadership, and conduct in combat. It is articulated to encourage general understanding more than to provide explicit action-guidance. Diehl promotes a short list of values, with creed-styled elaboration on those values. Buckingham (1989) offers a short list of aspirational statements of commitment to various virtues of character. Overbey (1996) conducts a synthesis of all the existing authoritative references to the military ethic he could find. He offers eight compelling statements of principle but offers his audience no further articulation of those principles. Faber et al. (1997) proposes four virtues: integrity, loyalty, selfless service, and courage. Manning (2010) similarly offers the four virtues of courage, duty, honor, and sacrifice. Both authors provide only sparse elaboration on each virtue. Finally, Wilson (2009) offers a short creed based on the principle of respect. Like DeGeorge, he offers very

helpful discussion of the significance and application of each element of his proposed ethic.

As there is no evident agreement on the nature and function of a code of ethics, it is unsurprising that there is no agreement as to audience either. Taylor (1978, 1980), DeGeorge (1984), Snider, Nagl, Pfaff (1999), and Wilson (2009) all propose the officer corps as the appropriate audience for their ethic. Kelley (1984) and Fotion and Elfstrom (1986) propose their ethics for the entire Army. Diehl (1985), Faber et al. (1997), Butts (1998), and Manning (2010) all propose a joint services code of ethics. Other authors are ambiguous as to their anticipated audience.

Anthony Hartle's *Moral Issues in Military Decision-Making* (1989) reworks material from his 1982 doctoral thesis. His 1989 text pursues essentially the same analytic approach I propose. It leads off with consideration of the military as a profession, then considers professional ethics in general before exploring the American military ethic in particular. Hartle's discussion of the military as a profession highlights the common attributes of professions in order to establish the military's professional status by virtue of its possession of those attributes. In focusing principally on these symptoms of professionalism, Hartle fails to clearly identify the fundamental characteristic of professions: a commitment to constraining professional expertise in the moral service of a client. His chapter on professional ethics undertakes to demonstrate that morality constrains the extent to which the professional may simply adopt a prescribed role. Thus he treats professional role as primary and morality as simply imposing restraints upon it. While he is exactly right that these are the two sources of professional obligation, he has reversed the priority of these two contributing factors. Rather than seeing professions as

generating amoral requirements which morality must then filter, it is more appropriate to see morality as creating moral obligations through the mechanism of a professional role. The importance of this reversal is not that one account is conceptually more pure than the other but that the account one chooses determines the biases to which one is subject in subsequent exploration of the professional ethic. Because of his focus on professional obligation as primary (only subsequently constrained by morality), Hartle places undue weight on the importance of such functional exigencies as obedience, loyalty, and courage.

Hartle does not distinguish between professional morality and a code of professional ethics. Consequently, he treats professional ethics as a somewhat ambiguous hybrid of both human craftsmanship and objective morality. While he remains sensitive to the moral nature of a professional ethic, his emphasis on professional relationships before objective morality leave him explaining the grounds of the professional military ethic in only quasi-moral sources: “the functional exigencies of military activity, the values of the American society [which may or may not be moral], and the laws of war [which are simply presumed moral]” (Hartle 1982, vi). After having provided background discussion of professions and professional ethics, his subsequent consideration of the professional military ethic then searches for the content of that ethic, not in any conceptual foundation established in the preceding chapters, but in the various cultural artifacts held in high respect within the Army. This approach again ties an ethic too closely to the notion of effectiveness without duly considering to what end that effectiveness is being put. In a profession which is subordinate to civilian control, this is

an understandable temptation. But a full account of our professional ethic will better explain both why this is the case and the limit to how far this argument goes.

James Toner's 1992 book, "The American Military Ethic," combines autobiographical reminiscence with scholarly discussion of the professional military ethic. While there is much good material in this book, it is of only marginal relevance to understanding the nature and content of the professional military ethic. Toner employs the term "ethic" to refer to the military mindset or worldview, rather than a genuine code of ethics. As I will make clear in chapter four, this is really more a matter of ethos than ethic.

In 2010, Jacob Roecker self-published a treatise called "The Kernel: The Army's Professional Military Ethic" which merits attention for two reasons: the uniqueness of its perspective on the professional military ethic and the confusion it evidences even after deliberate effort to understand this ethic. As the adjective "professional" indicates that the ethic is communal, rather than individual, Roecker surmises that the ethic must be rooted in a source common to all of us, or "a single defining instance that is common to all Soldiers" (Roecker 2010, Kindle location 915). He surmises that this "instance" must be the transition from civilian to soldier. This conclusion reflects his assumption that since ethics deals with behavior and behavior is a function of human individuals, an ethic is principally a personal affair. In other words, personal ethics are conceptually prior to collective ethics. He ultimately defines the professional military ethic as "the individual's projection of their conscionable obligation to fulfill their oath to the Constitution" (Roecker 2010, Kindle location 975). This approach grounds the professional military ethic in the character of the individual soldier, but offers no—in fact, seemingly denies

the very prospect of—external standard by which to assess character. The existence of external standards would imply that moral worth lay somewhere beyond one’s own conscience. It would imply that conscience held value only insofar as it directed one to those external moral goods. Accounts, such as Roecker’s, that emphasize the primacy of conscience fail to notice the absolute necessity of an objective morality external to the individual’s mind. If not, then conscience itself would be meaningless. I will have more to say about this in chapter four.

Roecker seems to completely miss the significance of “professional” in a professional ethic, other than to recognize that it implies communal rather than personal behavior. Hence he offers no consideration of the nature of professions. A review of Roecker’s bibliography is informative. Despite extensive reading, very little of his reading appears relevant. Rather than assume he was irresponsible in his survey of literature, it is probably safer to interpret this fact as a reflection of the general state of ignorance on this topic throughout the Army and the lack of clear direction in the existing literature on this topic. The foreword to Roecker’s thesis describes it as “likely to be one of the most thought provoking compositions on the subject for some time to come” and recommends that “the ideas of this work be considered for inclusion in [Army] doctrine” (Roecker 2010, Kindle location 74). That this foreword was penned by the inaugural deputy director of the Army’s professional ethic center is a disturbing commentary on the present state of the Army’s understanding of its professional ethic.

CHAPTER 3

RESEARCH METHODOLOGY

The field of research for this project is theoretical rather than data-driven. Consequently, the primary research methods are conceptual analysis and reflection. Content for this project is derived from exploration of recent literature on the professional military ethic and the sociology of professions. Insight is gained by comparing accounts of and proposals for the professional military ethic advanced within the profession over the past 35 years. Rather than seeking consensus or reconciliation of these accounts, this project employs them largely as catalysts and to ensure thoroughness of deliberation.

As existing literature on the professional military ethic reveals a wide disparity of background assumptions concerning the ethic, I systematically explore each of the conceptual underpinnings upon which a professional ethic rests. I do this through consideration of a series of progressive secondary research questions.

I consider first the nature of professions and the distinctive qualities of professions which might have moral implications. Next, I consider the definition of a professional ethic and the source of professional ethics. I then apply the construct that emerges from this study to the profession of arms, considering both its unique characteristics and its professional ethic. With this foundation in place, I explore the function of a professional ethic and the properties a practicable articulation of such an ethic must reflect. Finally, I conclude with an articulation of the professional military ethic justified by the conceptual understanding the previous inquiries produced.

The most relevant literature for exploring the nature of professions and establishing the foundation of professional ethics is sociological literature outside our

profession. Literature within the profession of arms has not given such careful consideration to these questions. Consideration of the distinctive nature of the military profession is facilitated by literature from both within and without the profession. The literature relevant to exploring the specific moral obligations of our profession comes almost exclusively from within the profession.

The version of our professional ethic I ultimately advance is informed by comparison to other efforts to articulate our ethic over the past 35 years. I examine each to consider what putative moral requirements are presented and whether those are genuinely elements of our professional ethic, given the understanding provided by the preceding research questions. I also consider whether the phrasing of the moral requirements proffered by other accounts of our ethic are consistent with the needs of our professional audience. I then group topically the presumed professional obligations which either emerge from my own reflection on our profession or which are derived from others' accounts of our professional ethic. I attempt to derive overarching statements which can account for the various moral requirements within each group. This effort results in a short list of principles which presumably summarizes the moral requirements of the soldier. As these principles each account for multiple moral requirements, I also provide brief discussion of each principle, in order to shed light on the prospective moral implications of each principle.

CHAPTER 4

ANALYSIS

Understanding Morality

Productive Moral Discourse Requires Disciplining Our Moral Vocabulary

As commonly employed, our moral vocabulary is not very precise. We invoke the same terms whether talking descriptively or normatively,⁸ objectively or subjectively.⁹ We suppose distinctions where none are to be had and fail to preserve distinctions where they are most essential. We frequently talk about morality as if it is mystical and inscrutable. Then, in other contexts, we suggest that everyone already knows right from wrong; they merely have difficulty committing themselves to doing right. Our carelessness and contradiction both reflect and perpetuate considerable moral confusion, undermining the layman's confidence that real insight and progress can be had in the study of morality. If morality is really as important as we generally suppose it to be, then it is critical that we get a handle on our moral vocabulary. Until our terms are employed accurately and precisely, we cannot have confidence in the implications we draw from

⁸By "descriptive," I mean simply "the way things are." By "normative," I mean "the way things should be." Descriptive ethics are largely the purview of behavioral psychologists. They study why people behave as they do and how to change people's behavior. But descriptive ethics is totally incapable of saying anything about how people should behave. This is the field of normative ethics, best represented by the field of moral philosophy.

⁹"Objective" accounts of ethics suppose that normative ethical standards are independent of human attitudes. "Subjective" accounts of ethics suppose that the normativity of ethics derives from human attitudes toward various behaviors.

our moral arguments. In fact, we cannot even be certain whether our moral discourse constitutes a coherent conversation or whether each side merely talks past the other.¹⁰

Vocabulary is only ever as nuanced as its practitioners' need. Given that most people never explore morality deliberately enough to discover the need for more precise vocabulary, our moral vocabulary remains fairly limited. Consequently, we use many terms in a wide variety of (often incompatible) ways, with the result that there is no standard convention on how to distinguish even common terms. For the purposes of this study, then, establishing definitions for common moral terms will facilitate a clearer discussion. "Morality" refers to questions of absolute right and wrong. It is not simply one special consideration en route to determining what one should do; it is the ultimate, "all things considered" verdict on what should be done. Thus it incorporates issues of effectiveness, efficiency, fairness, preference, etc. "Ethics" refers to the study of morality. It undertakes to determine the nature and content of our moral obligations. An "ethic" (singular) refers to a specific account of our moral obligations, perhaps from a particular vantage point or perspective (as with a "professional ethic"). Given the similarities in these definitions, it is easy to see why the terms are frequently misapplied. In fact, in many instances there is no need to preserve the distinction. But in other contexts, preserving the distinction is critical to avoiding major conceptual mistakes.

¹⁰The impact of vocabulary on influencing thought can be readily seen in public dialogue over abortion access as the contending sides attempt to frame the issue in terms of being either "pro-life" or "pro-choice."

Morality is Normative and Objective

Because it is concerned with the study of proper conduct, ethics is often conflated with the study of behavior. In fact, many of the same terms are employed, but with different referents, in both arenas. As commonly used, the term “ethic” has both a *descriptive* and *normative* sense. Descriptively, the term refers to how people behave or what motivates their behavior. For example, we use the term “work ethic” to refer to the relative diligence with which one fulfills his work responsibilities. Academically, the field of descriptive ethics is dominated by psychologists, sociologists, and anthropologists. Normatively, the term “ethic” refers to a conception of how people *should* behave. This study is the domain of moral philosophy. How people *should* behave is conceptually distinct from, and often very different from, how they actually *do* behave or even *how they think they should behave*.

In this sense, an action can violate all of the *descriptive* standards of ethics and still be *normatively* ethical. This occurs whenever one violates inappropriate community standards. Likewise, an action can satisfy all descriptive standards of ethics (i.e., be consistent with cultural norms) and still be wrong (i.e., normatively unethical). The Nazi experience serves as a good example here. Nazis can be *descriptively* characterized as having had a clear, compelling ethic. (Indeed, several works have been published about the Nazi ethic.)¹¹ But there is no sense in which their descriptive ethic (i.e., their own heinous agenda) genuinely *ought* to guide conduct. We condemn the Nazis as having

¹¹See, for example, Peter J. Haas, *The Morality of Auschwitz: Moral Language and the Nazi Ethic*; Richard Weikart, *Hitler's Ethic: The Nazi Pursuit of Evolutionary Progress*; or Andre Mineau, *The Making of the Holocaust: Ideology and Ethics in the Systems Perspective*.

suffered from deep moral confusion or indifference since their guiding principles were so far afield of what they really should have been. There is nothing intrinsically wrong with employing the term “ethic” descriptively. It is a linguistically acceptable use of the term. Nevertheless, using the same term both descriptively and normatively invites great ambiguity and confusion into the exploration of normative ethics. It tempts us to seek normative standards of behavior from descriptive characterizations of behavior or belief.¹² In short, we often fallaciously attempt to determine what we *should* do based on what people *are* doing or, which is not much better, based on public opinion about what we should do. Only the purely *normative* sense of ethic—independent of how people actually do think or behave—has any implications for how people should behave.

Jonathan Bennett provides two excellent examples in “The Conscience of Huckleberry Finn” of how wildly descriptive and normative ethics can diverge. In his first example, Huckleberry Finn feels deeply obligated to turn in the fugitive slave Jim, even though the modern reader can readily sense good moral reasons for him to refrain. Huck ultimately abets Jim’s escape, but is convinced he is going to Hell for doing so. This is a case of right action thought wrong. In Bennett’s second example, Nazi leader Heinrich Himmler encourages his fellow executioners to have the right attitude about slaughtering Jews, lest they become morally corrupted by misguided sympathy for their victims. This was wrong action thought right (Bennett 1974). In Huck Finn’s case, Huck’s actions are *inconsistent* with his belief in what his actions should be, but still seem right anyway. In Himmler’s case, even if his actions are genuinely *consistent* with

¹²Indeed, this very mistake has severely infected the majority of the Army’s discussion of its professional ethic to date, including nearly all of the Army’s doctrinal references to its ethic.

his conscience, they are still morally abhorrent. These two examples illustrate my claim that how people behave—in fact, even *how they think they should behave*—has no implications for how they genuinely *should* behave. We can easily come up with similar examples from the lives of others that demonstrate how readily descriptive ethics and normative ethics come apart. Descriptive ethics simply have no normative implications.

For this reason, I propose that we become more attentive to our usage of the term “ethic” and discontinue any purely descriptive usage of the term. Again, it is not necessarily incoherent to use it in the descriptive sense (since others will frequently understand one’s meaning perfectly), but descriptive ethics has no bearing on normative ethics. It does not promote moral progress. Instead, it impedes moral progress by injecting confusion into the discussion and clouding understanding. I propose that we employ the terms “ethic” and “ethics” to refer only to the normative—i.e., how people *should* behave. For the descriptive—i.e., how people do think and behave—I propose we adopt the term “ethos,” already common in Army circles and already inherently descriptive. Ethos refers to the attitude motivating one’s conduct; it describes the spirit of an organization. Differentiating our moral vocabulary this way will help to overcome a disturbing and recurring tendency in the profession to look to our ethos as a source of our ethic.¹³ This tendency is surely a case of placing the cart before the horse. While ethos is anthropologically interesting, it has no normative value. Instead of trying to derive our

¹³A recent example can be found in *Army: Profession of Arms* (2011). It defines the Army ethic as “the collection of values, beliefs, ideals, and principles held by the Army Profession and embedded in its culture that are taught to, internalized by, and practiced by its members to guide the ethical conduct of the Army in defense of and service to the Nation.” This is clearly a matter of ethos only (descriptive), not genuine ethic (normative). What “values, beliefs, ideals, and principles” the Army holds has no necessary relationship to those it should hold and which should guide its conduct.

ethic from our ethos, our goal must be to make the ethos follow the ethic, to inspire the force to care about the things that really are right.

My claim that how people should behave is independent of how they think they should behave bears further explanation. At face value, it may sound like a denial of the importance of conscience. There are two standards of conduct which seem incumbent upon each of us. The first is morality (normative)—i.e., how we should behave. The second is conscience—i.e., how we think we should behave.

In our own lives, we never observe any tension between these two obligations. The conceptual distinction only emerges when we consider the lives of others (and perhaps when we reflect introspectively on past events in our own lives). Yet there is always prospect that what we think is right really is not. When morality and conscience conflict, which is the prevailing obligation? It is tempting to suppose that the primary obligation is to conscience, since deliberately acting contrary to conscience is a violation of integrity. But the ultimate obligation must be to morality. If the ultimate obligation were to conscience, we would never perceive the tension I am describing. Conscience (i.e., moral judgment) is our principal tool for determining our moral obligation. All other tools for gaining moral knowledge are mediated by our moral judgment.¹⁴ Thus our duty to conscience will always present as dominant in our own lives. But it is not the true source of moral obligation. The tool (conscience) cannot have greater importance than the purpose it serves (providing access to moral knowledge).

¹⁴Since by “conscience,” I mean “moral judgment,” I take it that conscience can be improved by education. So I am not discounting the prospect of moral education. I am merely noting that the practical application of such education is via moral assessment, or “conscience.”

If our ultimate obligation were simply to abide our conscience, then morality would be trivial. Everyone should behave exactly as they think they should. Whatever one believed to be right would be right. There could be no moral error. There would be no grounds for moral criticism. There would be no duty to educate one's moral judgment. In fact, there would be no possibility of educating one's moral judgment, since "educate" indicates epistemic progress toward a standard of truth. If conscience were the final arbiter, then there would be no fact of the matter about which to educate. The very prospect of genuinely normative morality requires that morality be objective. In other words, there are standards of right and wrong which stand independent of our awareness of and attitudes toward them.

The inability to perceive in our own lives any difference between our subjective views and our beliefs about what is objectively right tempts us to suppose that it is all subjective. Recognizing that our beliefs differ from those of others likewise tempts us to presume that there is no objective standard. Consequently, laymen sometimes suppose that what is right for one person may not be the same as what is right for another. But this presumption robs morality of any significance or value. If morality is not objective, it cannot be normative either.

Morality is grounded in some aspect of human nature.¹⁵ This is what makes it objective. Human nature is stable across time and cultures. It is not subject to deliberate manipulation. Morality answers the question "All things considered, what should I do?" While the verdict to this question is sensitive to the dynamics of the particular situation in

¹⁵I remain deliberately reticent, for reasons that will be clearer in the next section, as to the particular aspect of our nature that is the source of morality. Obvious candidates include human sentiments, potential, and rationality.

which it is being asked, the answer does not depend on the attitude of the individual asking the question. Being objective, moral standards are not up to us to create. Instead of *creating* them, we *discover* them. This is accomplished gradually, through investigation and reflection. Morality is a function of what best suits our human nature. (Indeed, there is much psychology entailed in ethics.) We cannot legislate morality by fiat. We cannot bend it to our will. Neither do we know innately what morality requires. We develop informed intuitions over time, but must subject them to scrutiny before we can vest confidence in them. Progress in ethics, as with other disciplines, requires that we formulate theories and then compare those theories to our experiences to see how well our theories match our experiences. And again as with other disciplines, ethics seems to depend on some number of underlying principles. To make headway in ethics, we must identify these principles, how and when they apply, and how they interrelate.

Ethical Progress Is Possible Without First Resolving Deep Meta-Ethical Questions

The possibility of objective moral standards (i.e., standards that apply whether or not we recognize them) supposes that there are principles of human behavior which prescribe ideal human interaction. When humans fall short of ideal interaction (as is clearly the case when we are compelled to take up arms against another), those principles still dictate what kinds of acts are appropriate. Different theories have emerged as to the ultimate foundation for this set of principles. The dominant theories relate morality to either the greater benefit of mankind, the necessity for fair play (as a consequence of human reason), or individual virtue. Our intuitions about each of these run so deep that we are reluctant to embrace any one meta-ethical theory for fear of de-emphasizing the

aspects of morality emphasized by the other theories. Consequently, there is little prospect of agreement on this question.¹⁶ Fortunately, meta-ethical agreement is not critical to our making progress in ethics. Despite their different starting perspectives on the ultimate source of morality, these disparate theories generally produce similar prescriptions in most of the domains of human activity. (If not, then we would have long ago rejected one or more of these candidates as being inconsistent with our intuitions about right action.) This general agreement enables us to proceed without having more precisely determined the source of ethics. In fact, when conflict does arise, because of different assumptions about the basis of ethics, this disagreement is likely to be beneficial to the profession.¹⁷

Not having a clear underlying moral theory renders ethics somewhat more art than science. The standards by which moral assessment should be made are somewhat obscure. But this does not mean that no standards exist. As with art, the better we come to understand morality, the more adept we become at applying it. In fact, the better we collectively come to understand it, the more it transitions from art to science. Ethics is

¹⁶Theory undertakes to explain the unobserved causes of a phenomenon. Consequently, there will always be more disagreement over explanatory theories than the phenomenon they seek to explain. This pattern holds for morality as well. There will always be greater disagreement over the meta-ethical foundations of morality than there will be over what conduct morality prescribes and proscribes.

¹⁷Even if there were consensus as to which moral theory is correct, there is still considerable prospect for practitioners to interpret and apply that theory in incompatible ways. So agreement in theory does not guarantee agreement in application. Furthermore, conflicting moral prescriptions are most likely to arise only in the more difficult cases, wherein our intuitions are weakest. Evaluating these cases from the perspective of multiple theories helps prevent our neglecting some of the basic moral considerations (i.e., those emphasized by the other theories) that we find compelling. Thus while multiple, competing theories may not be an essential condition for discovering truth, employing them may be a prudent safeguard against human error.

difficult enough without attributing some mystic quality to it. The very fact that morality is objective, tied to something in our human condition, provides grounds for confidence that we can make continual progress. In the military arena, hundreds of years of reflection on just war theory have already generated tremendous progress and consensus. The apparent distance among the various moral theories closes considerably when practitioners begin to consider the many particulars of the cases to which these theories are applied.

Moral Practice Requires Proper Moral Direction

The tendency to confuse descriptive and normative ethics seems to result from a commonly held intuition about ethics that is deeply important but generally inadequately appreciated. Even casual reflection on the topic is sufficient to note that the mere existence of objective ethical standards is insufficient to determine behavior. In other words, one can acknowledge objective ethical standards and still decline to be governed by them. Or one can care deeply about ethical conduct, but simply fail to appreciate what conduct objective ethical standards call for in a particular case.

There are two basic prerequisites to anyone's deliberately doing right. First, one must know what is right. This is a matter of having proper *moral direction*. And second, one must be motivated to act according to that knowledge. This is a matter of having sufficient *moral commitment*. Ethics, as a field of intellectual inquiry, is the question of moral direction. Character is the question of moral commitment. It is sometimes supposed that moral direction is not really in short supply. All that is needed is simply more emphasis on moral commitment—getting people to do what they already know to

be right.¹⁸ For example, General Norman Schwarzkopf, the face of our 1991 war in the Persian Gulf, remarked: “The truth of the matter is that you always know the right thing to do. The hard part is to do it” (Wertheimer 2010, 9). While character development is undoubtedly indispensable to moral judgment, it is far from sufficient on its own. Men of high character and sound judgment routinely disagree about the moral obligations of the profession. The assumption that people generally are already adequately informed on matters of right and wrong is itself a reflection of moral ignorance.

While insufficient moral commitment is certainly a common problem, it is conceptually secondary to the question of moral direction. In attempting to promote professional ethics in the military over thirty years ago, General Maxwell Taylor explicitly warned against the tendency to focus on commitment over direction: “As for his attitude toward the voice of conscience as a guide to military behavior, [the military officer] has serious doubts as to its reliability. He is aware that wise men over the ages have disagreed as to the source, nature, and authority of conscience” (Taylor 1980, 14). No amount of good character is sufficient to produce right action when one is genuinely confused about what action is right in a given situation.¹⁹ The presumption that moral intuition is sufficient, so long as it is accompanied by good character, is akin to thinking

¹⁸A disturbing amount of the Army’s current discussion of its ethic presumes that the ethic is somehow already intrinsic in each of us. This may perhaps be true in the same sense that it is true that a stone sculptor’s sculpture was already intrinsic in the stone before he exposed it, but this is then trivial at best. This assumption implies that we already have adequate moral direction; we just need to must the determination to act on it. This attitude is the antithesis of teachability. It is perhaps our most immediate obstacle to making real moral progress in the profession.

¹⁹In fact, it seems likely that at least as much harm is produced in this world by well-intended, but ill-advised individuals as by those who deliberately do wrong.

that a soldier navigating through the woods may put away his map and compass, relying only on directional instinct, so long as he moves fast enough while he does so. In either scenario, instinct will prove sufficient only in familiar territory which one has already adequately mastered. But in new territory, firm commitment to a wrong azimuth only takes one more quickly into error. To illustrate this same point with a more concrete example, consider the case of soldiers who voluntarily enlist in the Army then later find themselves becoming conscientious objectors. They seldom lack character. They simply lack a principled understanding of the ethical underpinnings of armed conflict. Soldiers with the degree of character our conscientious objectors regularly display are precisely those we should want to retain in the service. We need to provide them principled direction.²⁰

Even if the man of character already possesses a fair understanding of the morality of interpersonal violence prior to entering the military, the logic of interpersonal violence is inadequate to reveal moral obligations in an environment of conflict wherein one is acting as a professional representative of a sovereign state. If we believe that professional association alters the nature of one's moral responsibility, then we must accept that the man of character does not automatically know what to do when he is operating in a professional environment. In fact, as Tom Grasse argues in "Military Professional Ethics: The Bad News," the more professional membership alters the nature of one's moral obligation, the greater the divergence between the moral obligations the man of character assumes to exist and those which his professional status genuinely

²⁰The famous story of Sergeant Alvin York's conversion from pacifist to WWI hero is a paradigm example of where good character was not enough. It took moral education and reflection for York to realize that killing in war could be morally justified.

dictates (Grassey 2010). In the complex ethical landscape in which the military operates, it would be grave folly for us to focus on improving moral commitment without directing equal attention to improving moral direction.

Morality is Indispensable

Given the heavy-handed nature of our profession, soldiers assume that moral conduct is not that important for the military. In the military, all that matters is coercive power (Fotion and Elfstrom 1986, 71). In fact, many suppose that applying morality to military endeavors constitutes “tying the hands” of the military, interfering with their ability to perform their professional function.²¹ This tendency to discount morality reflects a misunderstanding of morality. It is precisely because of its coercive nature that morality matters so much in the military. While lethal force may be sufficient to utterly destroy an enemy, it is insufficient to induce his surrender. Surrender is a product of an enemy’s believing that cessation of fighting offers greater benefits than continued hostility. The ethics of our conduct, as perceived by the enemy, determine his decision. It is not simply a matter of how much power we can bring to bear against him but also how much our conduct toward him demonstrates a likelihood of our governing fairly if he surrenders. As Henry V counsels his troops, in Shakespeare’s play by that same name, “When lenity and cruelty play for a kingdom, the gentler gamester is the soonest winner.” In fact, there is probably no other profession wherein morality matters as much as in the military.

²¹Unsurprisingly, this complaint is heard most loudly from soldiers who bear the brunt of the moral restraint we urge.

Given the objectivity of morality, we cannot escape it. Its objectivity explains both its power and importance. Morality stems from something in human nature. It is a product of what behaviors “fit” our human nature—i.e., which ones humans innately can accept and which they will not. Because it concerns the behaviors humans care about most deeply, morality promotes successful interactions. While immoral behavior may periodically offer advantage in the short term, moral conduct consistently prevails in the long term.

We live in a world where the outcomes of our actions are seldom fully within our control. The perception of control with which we comfort ourselves is largely illusory. We never fully determine the outcomes of any action we take. Our best efforts can be thwarted by interference from unanticipated actors, influences, and forces. In fact, our willingness even to act generally requires the absence of competing forces which we do not control either. Despite the suggested chaos of our environment, we have attained relative control by acting in ways that generally produce the outcomes we seek. We might consider this “contingent” control. As long as uncommon interferences do not arise, we attain a high degree of control over our actions. The relative stability of our physical environment has enabled us to adopt ways of acting that consistently permit our actions to achieve the outcomes we desire.

In addition to the outcomes we deliberately seek to bring about, any action we take can potentially combine with other influences in our environment to generate a number of unanticipated, and frequently unrecognized, outcomes. This is particularly true in the environment of human interaction, which is considerably less stable than our physical environment. Consequently, we must be more cautious about our conduct. The

potential for unanticipated side effects is much higher. Consider the so-called “Arab Spring” which ostensibly started with the self-immolation of an aggrieved street vendor and then rolled across the Middle East toppling and threatening several established regimes.

When we act morally, we increase the likelihood that whatever outcomes emerge from our efforts will be beneficial (or at least better than the available alternatives). We likewise increase the likelihood that any unintended side effects of our actions will also be positive. Immoral action, even in pursuit of a moral outcome, is inadvisable.²² Even if it achieves the desired, ostensibly moral, outcome, the very fact that the method employed was immoral guarantees that it sows moral infection as it proceeds. The consequences of this infection will surely manifest itself in future negative ways, even if we are unable to trace these effects back to their original causes. This truth is borne out in Sir Walter Scott’s famous aphorism, “Oh what a tangled web we weave, when first we practice to deceive.” Similarly, in explaining the need for honesty in diplomacy, Francois de Callieres explained in the early eighteenth century that “a lie always leaves a drop of poison behind, and even the most dazzling diplomatic success gained by dishonesty stands on an insecure foundation” (Toner 1992, 242).

²²Compare to the “Pauline Principle” (Romans 3:8) which counsels that one should never do evil to achieve good.

Understanding Professional Ethics

The Nature of Professions

Professions are a distinct way of organizing labor

As a sociological phenomenon, a profession is a distinct way of organizing labor. It stands in contrast to a market-based model (such as business) where “consumer choice determines services, products, and prices,” and a bureaucracy (commonly typified by government), where work is “planned, supervised, [and] controlled . . . [on the principles of] predictability and efficiency” (Snider 2009). A profession, by contrast, entails “workers with specialized knowledge who organize and control their own work based on a trust relationship with their client(s)” (Snider 2009).

The occupations commonly recognized as professions share a number of common attributes. These attributes are frequently referenced as the standard by which to measure the progress of other occupations on their road to professionalization. If the candidate occupation possesses enough of these attributes, then it is assumed to be a profession. If it does not, then it is not yet established as a profession, even though it may be moving toward professionalization. While there is no single uniformly accepted list of these attributes, the commonly accepted major attributes include:

1. **Specialized Knowledge.** Professions are most readily distinguished by their possession of and application of specialized theoretical knowledge or expertise. (This is typically assumed to be the defining characteristic of professions.) This expertise is generally such that it takes extensive education to master. The profession cultivates this knowledge internally, rather than simply inheriting it from some authority outside the profession.

2. **Organization.** Professions organize themselves, developing professional associations and governing bodies to ensure the quality of work of the profession.
3. **Self-Educating.** Professions train, develop, and certify their own practitioners, not only in preparation for admission into the profession, but also over the course of their professional careers.
4. **Self-Regulating.** Professions control entrance into the profession and advancement within the profession. They establish acceptable standards of practice and regulate the conduct of their practitioners. They censure (including via dismissal) practitioners who do not adhere to the professions standards.
5. **Service Commitment.** Professions provide a vital public service. They value that contribution above the monetary compensation they receive.

Consequently, practitioners typically consider their service a life-long calling.
6. **Ethical Commitment.** Professions are committed to the ethical application of their unique specialty. They generally possess a written code of ethics which is used to help guide and regulate the conduct of practitioners.
7. **Public Trust and Autonomy.** Professions enjoy a trust relationship with the public which affords them considerable autonomy (collectively) from public control/regulation and latitude to make decisions on behalf of their clients.

In addition to these primary attributes, there are also a number of minor attributes that commonly accompany professions, including their being afforded high social status, their

employing a hierarchy of ranks or positions within the profession, and their developing a distinctive professional sub-culture.

According to Samuel Huntington, no vocation actually possesses “all the characteristics of the ideal professional type” (Huntington 1957, 11). The occupational fields with the longest tradition of being recognized as professions are the clergy, law, and medicine. The professional status of many other putative professions, including the military, law enforcement, teaching, engineering, journalism, accounting, and others, is less firmly established.

The absence of any professions’ manifesting the full array of professional characteristics listed above is a consequence of the fact that this list intermingles both *accidental* and *essential* properties of professions.²³ The accidental properties on this list are best seen as signs, symptoms, or consequences of a profession, rather than the essence of professionalization. The essential properties of professions are expertise, responsibility, and organization.²⁴

²³“Accidental” properties are those which an entity can omit without altering its identity. “Essential” properties are those which are essential to the very identity of the entity. For example, a vehicle without a windshield may presumably still be a car, even though windshields are fairly endemic to cars. A windshield is presumably an accidental property of a car. On the other hand, a vehicle without wheels probably cannot qualify as a car. Wheels are presumably an essential property of a car.

²⁴Huntington presents this slightly differently as expertise, responsibility, and corporateness. I prefer “organization” to “corporateness” as it better emphasizes that the cooperation implied by either term requires deliberate effort, rather than occurring naturally.

Professions are defined by their expertise and their trust relationship with their clientele

The element that most readily distinguishes one profession from another is its expertise. Expertise pertains both to technical skill in applying one's craft and theoretical knowledge about when and where that craft is properly applied. The knowledge that is characteristic of professions is advanced, abstract knowledge which requires extensive study to acquire. Consequently, it exceeds the comprehension of the general public. The profession thus constitutes a monopoly of sorts on that field of knowledge. James E.

Downey explains:

Since the expertise of the professional is so complex and so extensive that it prevents laypersons from fully understanding what the professional does, members of the profession can be said to hold a monopoly on that expertise. This monopoly makes it difficult for the layperson to judge the competence of the professional, and the client often must rely on other professionals to make that judgment. (Downey 1989, 6)

The unique expertise embodied by each profession represents a tremendous amount of power—financial, medical, physical, etc., depending on the profession. Power is morally neutral. It can be used for good or evil. Organized, expert power—as is found in professions—constitutes a source of great social good or great danger to the health and stability of society. This is perhaps most obviously true of the power borne by the military. The consequences of employing this power for personal gain rather than public good are not only easy to imagine, but are also on tragic display around the world. The Mexican drug cartel called “The Zetas,” for example, known for extreme violence and viciousness, was started by former Mexican special forces soldiers and is heavily populated with former soldiers and police. Similarly, after the dissolution of the Iraqi army, many of the former Baathist officers and soldiers banded together to form the

insurgent-terrorist group Jaysh Rijal al-Tariqa al-Naqshbandia (more commonly known simply as “JRTN”).

The professional monopoly on a particular form of power leaves the public vulnerable. The public then faces the decision of whether to restrain professional power (through regulation) or to grant the profession autonomy, trusting that it will responsibly govern its own conduct. The potential for social disarray underscores the profession’s moral responsibility to society—to use its power for the good of society rather than for their own good (which would be harmful to society). As Samuel Huntington explains: “The expertise of the officer imposes upon him a special social responsibility. The employment of his expertise promiscuously for his own advantage would wreck the fabric of society. As with the practice of medicine, society insists that the management of violence be utilized only for socially approved purposes” (Huntington 1957, 14).

Professions exist to serve society. It is what elevates them above other forms of organized labor. Their ability to serve effectively is a function of how well they demonstrate their commitment to the public good over their own. To “profess” is to make a public declaration. The very title of “profession” reflects the fact that the profession “professes” its commitment to using its power exclusively in pursuit of social goods. Commitment to the public good must be its dominant motivation. Professions must value service over even the financial compensation they receive for their service. If any motive other than service is dominant, then that motive will periodically conflict with, and hence take a back seat to, the public good. This would leave the organization pursuing its own good at the expense of society. Such exploitive conduct is antithetical to trust and compels society to constrain the behavior of the organization.

Given the relative monopoly on expertise which professions hold, any public restriction on professional latitude amounts to the uninformed controlling the informed. It undermines the profession's ability to effectively serve the public. Thus a relationship of trust with the public is critical to the effective performance of a profession. It is the defining element in whether an organization constitutes a profession. This realization helps explain why professional status is difficult to determine. Professional status is not controlled by the organization itself. Professional status is bestowed by the public, at its own discretion. No matter how many of the common characteristics of professions it develops, an organization only becomes a profession when the public extends trust. Thus trust is the bedrock of professions because it is what enables the profession to exercise its unique expertise without non-expert constraint.

There is perhaps no other profession where the necessity of being motivated principally by the public good is as high as it is in the profession of arms. First, the profession of arms is the most adversarial of all professions. Some professions, such as health care, teaching, and the ministry, are relatively cooperative in nature. Others, such as law and politics, are inherently adversarial. In law, it is assumed that the adversarial arrangement (i.e., attorneys contending against each other) promotes justice. In politics, it is likewise assumed that one branch of government can counter the ambition of another branch. The military has no comparable safeguard. Its potential for misuse is not naturally offset by any other adversary. The chief constraint on the abuse of military authority is the integrity of the military profession itself—i.e., its determination to serve the public rather than itself. Legal arrangement has subordinated the military to civilian authority, but given that the military exceeds the civilian government in power, this

arrangement only succeeds to the extent that the military willingly honors it. Secondly, as observed by Lord Acton, power tends to corrupt. As James Toner observes, “humans relish dominating and exploiting other humans” (Toner 1995, 76). This tendency was present in abundance during the gross abuse of detainees at Abu Ghraib prison in 2003. As military police Specialist Charles A. Graner, Jr. explained, “The Christian in me says it's wrong, but the corrections officer in me says, ‘I love to make a grown man piss himself’” (Higham and Stephens 2004). The tremendous power our military possesses constitutes as an ever-present temptation to wield influence irresponsibly. Although the military is not technically free to determine when and where we fight, we exercise considerable influence in this matter via the advice our senior leaders offer to our civilian authorities. Thirdly, the profession of arms possesses more raw power than any other profession. When it does err, the cost in human suffering is considerably greater than when any other profession experiences a comparable failure. Thus negligence in focusing on the public good over our own ambitions risks greater catastrophe for our profession than for any other.

Professions qualify for the public trust by organizing themselves in a manner to ensure their unique expertise is applied to promote the social good. While individual practitioners may exhibit honorable commitment to the public good, this is insufficient to prompt the public to trust the organization as a whole. A particular community of practice merits the public trust only after it organizes itself to ensure the expert quality and social responsibility of its practitioners. Hence, expertise, organization, and social responsibility are the essential properties of all professions. Without all three, an organization will not qualify for the public trust.

Organizing to ensure the social responsibility of its members requires that professions have a sense of their collective social responsibility. Thus professions typically publish codes of ethics. Even those who do not have explicit codes of ethics do have a sense of being beholden to higher moral standards than the rest of society. As Richard DeGeorge observes: “Any profession, including the military, is appropriately given respect and autonomy only if it lives up to a higher moral code than that applicable to all. If it does not have and live up to such a higher code, then it deserves no special respect or autonomy and should be controlled in the same way and to the same extent that all other members of society are controlled” (DeGeorge 1984, 23).

Professionals are those whose expert judgment and service ethos engender the public trust

The term “professional” is an informal label, rather than a formal title. Consequently, who merits that label is indeterminate. Official titles such as “doctor,” “attorney,” “professor,” and “officer” are formal and explicit. They are attained through a specific qualification and certification procedure. Some of these titles are so formal that they are retained even when one who has earned the title is no longer engaged in professional work. A doctor or attorney, for example, retains his status as doctor or attorney even when no longer practicing.²⁵ Informal labels, like “leader,” “expert,” and “professional” are less specific. They are attained through general conduct, rather than through clearly defined procedure. Consequently, according to Hartle, “the lines

²⁵In fact, formal titles may even be retained when one is acting in ways inconsistent with his profession’s standards. For example, one might say of Doctor Kevorkian, “He’s not really a doctor. After all, he does not obey the Hippocratic Oath.” But “Doctor” is a formal title that endures regardless of subsequent behavior.

demarcating the professional component of the military services are difficult to fix” (Hartle 1989, 16). This is because professionalism (i.e., the extent to which one is a professional) is a matter of degree. Hartle represents this as a spectrum, running from non-professional to the perfect (and probably unachievable) professional ideal. To the degree that various rank levels and positions in the military possess those characteristics sufficient for classification as ‘professional,’ they should be considered professionalized” (Hartle 1989, 16). Quoting Bernard Barber, Hartle continues:

There is no absolute difference between professional and other kinds of occupational behavior, but only relative differences with respect to certain attributes common to all occupational behavior. . . . [On this view] the medical profession is more professional than the nursing profession, and the medical doctor who does university research is more professional than the medical doctor who provides minor medical services in a steel plant. Professionalism is a matter of degree. (Hartle 1989, 16-17)

Unsurprisingly, the essential properties of a “professional” correlate to those of a “profession.” Whereas a profession requires expertise, social responsibility, and organization, the professional is distinguished by his expert judgment and honorable service. Professions harbor a degree of expertise both inaccessible to (i.e., beyond the ken of) and essential to the general public. Given the client’s lack of proficiency in the theoretical knowledge entailed within the profession, the client expresses his desired ends and entrusts to the professional the pursuit of those ends. The professional applies his advanced theoretical knowledge on behalf of his client’s interests. Application of knowledge to solve a problem is the essence of judgment. Hence expert judgment is the first criteria of professionalism. Judgment itself is ubiquitous throughout all lives. The distinctive characteristics of professional judgment are that it concerns a domain of

specialized knowledge and that it is granted broad latitude, free of significant external constraint.

The second criteria for qualifying as a professional concerns the practitioner's ethos—i.e., his motives and moral commitments. It requires that he be guided constantly and primarily by his concern for the social good. Anything less is unworthy of and will fail to sustain public trust. Consequently, professional service is frequently framed as a “calling.” Using one's power for society's good, rather than one's own, is the essence of honorable service.²⁶ This is perhaps most clear in the military profession. The nature of our profession requires that we risk that which is most self-interestedly dear to us in favor of that which benefits others. If motivated by anything other than the public good, military service is surely a fool's gamble.

Since professions are communities which have organized themselves to ensure that their specialized expertise is applied to achieve social goods to an extent that achieves the public trust, it follows that professionals are those who honorable service—in terms of expert judgment and social responsibility—engender the public trust. Thus one can perform in a professional manner whether or not one has been formally acknowledged a professional. Furthermore, one can render this honorable service even if one's organization has not yet achieved professional status. In fact, this kind of performance is key to an organization's acquiring professional status in the first place.

Within the military, the question of who qualifies as a professional is complicated by the fact that we provide collective service to a collective client. In other professions,

²⁶I am indebted to Don Snider for this term, based on our conversation on 3 October 2012.

individual professionals typically service individual clients. The very relevance of the label of “professional” is that it says something about the degree of trust the clientele extend to those who presumably merit that label. But our clientele collectively vest their trust in the entire profession as a whole, rather than in specific individuals. While this dynamic does not preclude the military’s being a profession, it does present an enduring challenge to our professional status. The nature of our work calls for an inherently bureaucratic organization—one requiring members to fill specialized roles which all contribute together to produce a combined effect (Huntington 1957, 14-15). This diffusion of responsibility increases the amount of good the profession can provide. But it also presents significant risk. It distances practitioners from both their clients and the end product (or service) they provide, tempting them to lose sight of their purpose. The best antidote for this danger is continued emphasis on professionalism within the military.

The profession of arms is distinct from other professions in a number of important ways

While the military is generally accepted as a profession, even though inherently bureaucratic, it is important to note that there are a number of significant differences between the military and other common professions. These differences limit the extent to which we can derive insight into our profession and its moral obligations by observing and comparing other profession.

We rehearse our skill regularly but seldom apply it. As Gabriel observes, “Unlike other professions where there is usually daily opportunity to practice one’s skills, the military employs its skills in earnest only rarely, in times of war” (Gabriel 1982, 84).

Our profession's practice is most directly carried out by those with the least expertise. In other professions, the key practitioners are generally those with the greatest theoretical expertise. They are the ones whose judgment is decisive in determining the outcomes of the profession's service. In the military, the executors are generally those with the least advanced theoretical knowledge (although they may still possess great technical knowledge). They act under the direction of those with greater theoretical knowledge. This division of responsibility for action is morally dangerous. It risks being interpreted as a diffusion of moral responsibility, where neither party is fully responsible for the consequences of their actions. It also leaves those with the least moral development responsible for carrying out orders with high moral consequence (Fotion and Elfstrom 1986, 68-69). In unconventional environments, this becomes particularly acute as even decision-making, not just decision execution, gets delegated down to lower levels leaders.

We are beholden to our clientele in a unique way. Most professional practices entail the latitude to decide not only how best to apply their theoretical expertise but also whether to apply it. Thus doctors recommend against certain procedures to their patients, even when the patients desire them. Similarly, attorneys wisely refuse to represent clients whose agendas they believe are inappropriate. But the most prudent civil-military arrangement seems to require that those outside of the profession determine when to apply the profession's unique expertise. The military profession's jurisdiction is thereby restricted to merely deciding how best to apply their expertise.

We bind our practitioners to service by contract. Given the risks inherent in the profession, the degree of investment the profession makes in its practitioners, and the

need for stability within the services, the profession of arms binds its practitioners by contract. While they generally enter the profession willingly, they are not free to quit the profession at will. Those who attempt to leave or simply decline their duties are subject to punishment.

The social consequence of our performance is especially high. Richard Gabriel explains:

Unlike other professions, the military is responsible for the very survival of the state and its society. Not even the medical profession can in any meaningful sense be construed as being responsible for the very survival of society. Lewis Sorley has noted that “the point is in itself really a very simple one: nations are critically dependent upon their armed forces for survival, and thus the competence of those forces is of greater concern and more general impact than that of any other profession.” (Gabriel 1982, 86)

Our professional competition is severely limited. Professions constitute a monopoly against competition from non-professionals. But most professions experience competition with other professionals within the profession (or with competing professions). This compels them to be responsive to the desires of their clientele. With the military, there is little competition with other professions and even less competition within the profession. This makes it all too easy to neglect finding solutions to some of the difficulties our profession faces. It makes it easy for us to take a “this is just the way it is; take it or leave it” mentality with our clientele. For example, reducing collateral damage generally requires increasing risk to the professional. With no other professions competing for the security market, it is easy for us to set the threshold for personal risk too low. When our clientele object to the high collateral damage, we just say “Hey, that’s how war is.” Similarly with high defense spending, we are inclined to tell the clientele that this really is what it costs to run an Army or fight a war. The lack of professional

competition also severely restricts the extent to which individual practitioners can move around within their profession. Other practitioners can break company with their partners or employer and seek employment elsewhere in the profession. Within the military however, there is little equivalent opportunity.

We encompass a broad array of sub-professions. The profession of arms encompasses far more than just those who plan, supervise, and engage in direct combat. In fact the number of personnel required for support functions within the military profession far exceeds that of those participating in or directly contributing to combat. Even those who participate in combat are specialized into a number of distinct disciplines (e.g., infantry, armor, artillery, engineer, etc.). The result is that the profession of arms covers a vast spectrum of various sub-professions or distinctive communities of practice, all united under one overarching field of professional expertise.

We provide collective service to a collective client. Although other professions have developed corporate practices (as with lawyers and doctors), they still serve individual clients, even if that client is another corporation. Nowhere else does the entire profession collaborate to serve the entire clientele at one time. This dynamic deprives individual practitioners of the professional-client relationship that focuses the efforts of other professions on their clients. In the profession of arms, there is considerably greater risk of becoming casual in our performance. Because we serve a collective clientele, it is tempting to assume that our particular client is all that matters. After all, there are no unserved individuals in our society to protest our lack of service. However, it is not the client alone whose interests the professional must take into consideration. Organizations which zealously serve their clients are public menaces if they do not take the good of

greater society as their standard. This limits the extent to which they can advance their client's interests. No representative can serve a client in doing things that client would be wrong to do for himself.

The Nature of Professional Ethics

Professional ethics do not derive from the professional's character, American society, functional imperatives of military service, professional oaths, or law

A professional ethic constitutes that set of moral principles which holds jurisdiction over the conduct of a profession.²⁷ It designates what acts are *genuinely* right and wrong within that profession, which is not necessarily the same as those acts the members of the profession *believe to be* right and wrong. Inasmuch as a professional ethic expresses objective principles, it really is not at the profession's discretion to create. A *created* ethic would not be genuinely normative. In place of genuine *moral* authority, it would hold only *professional* (and perhaps *quasi-legal*) authority. Once again, the Nazi party provides a useful illustration of the potential difference between what standards are genuinely appropriate to a profession and those they simply take to be appropriate and decide to adopt. But even if its ethic is not at the discretion of each profession to decide, it remains true that each profession's ethic is distinct. If not, then there would be no such thing as a professional ethic at all. There would simply be ethics proper, with no subdivisions for different professions.

²⁷Inasmuch as professionals are also humans, professionals are certainly beholden to the same moral principles as are the rest of humanity. But it seems both unlikely and unnecessary that an articulation of a professional ethic could functionally cover such a wide scope. A professional ethic is surely best seen as specifically those moral considerations that distinguish the professional from the rest of humanity, those obligations that result from his professional status.

So what makes each profession's ethic unique? What distinguishes our professional ethic from that of other professions? What is the source of our professional ethic? Most of the work on the professional military ethic to date has presumed it to be based in such sources as the individual professional's character, American society, functional imperatives of military service, oaths of office or enlistment, or law. These approaches all seem to make the same fundamental error. They conflate what *is* with what *ought to be*.²⁸ While each of these presumed sources have some potential to influence the shape of our ethic, they (individually or collectively) are an insufficient basis in which to ground our ethic. Before exploring the genuine source of professional military ethic, it is therefore expedient to first expose the flaws inherent in these approaches.

Character (also Conscience). In the discussion of morality that introduced this chapter, I emphasized that conscience is insufficient grounds for morality. Rather than being the source of morality, character and conscience both attempt to orient on *what is already moral*. While they are helpful in determining existing moral requirements, they cannot generate new moral requirements.²⁹

²⁸In other words, these approaches assume that because law, culture, oaths, etc. advocate for a certain type of act, that act is what we should do. They do not adequately consider the prospect that law, culture, oaths, etc. got it wrong. Law, culture, oaths, etc. presumably attempt to prescribe (and proscribe) conduct based on what their authors presumed to be appropriate (and inappropriate) conduct. But if they got it right, then the conduct is prescribed or proscribed because of the propriety (or impropriety) of the conduct itself. And if they got it wrong, then they cannot very well serve as a basis for deciding what we should do. I do not mean to deny the influence of law, culture, oaths, etc. I simply point out that they are insufficient to be the genuine source of our moral obligations.

²⁹As a practical matter, conscience actually does obligate us. Fidelity between conscience and behavior is what we prize so highly as integrity. However, the value of

American Values (also Heritage, Culture, and Society). Since the Army serves American society, it has an obligation to be responsive to that society. On the moral level, this suggests it should champion—or at least reflect—American values. Given the previous discussion on the nature of morality, I suspect the flaw in this assumption may be readily evident by now. If one’s values are not objectively correct, then there is, strictly speaking, no moral obligation to “live your values.”³⁰ This is equally true regardless of the source or nature of one’s values (i.e., whether they are derived from society or elsewhere). Our communal values have not always been morally appropriate, as evident from our experiences with slavery and segregation. Although we have made progress on those fronts, it is by no means clear that our values are improving overall. Instead, they seem likely to be in decline. Morality is not beholden to the whims of society. It could not command our respect if it were. If morality were tied to our shared values, then the more our communal values declined, the less morality would require of us. (In fact, it could ultimately end up requiring us to do harm.) This is a case of cultural relativism in its least plausible formulation. The appropriate relationship between American values and moral values is that American values should reflect objective moral values, not vice versa. We have no business asserting our values over those of another culture unless there is something objectively valid about them. There is no moral right to

conscience is derivative, rather than absolute. I take “conscience” to be largely synonymous with “moral judgment.” My moral judgment holds value only insofar as it tends to reflect what is already morally right. Thus, its role is to reveal preexisting moral obligations, not generate new ones.

³⁰For a good discussion of the absurdity of presuming that values gain privileged moral status simply for being ours, see Anthony Esolen, “Lemmings Unite! Be True to Yourself?” *The Public Discourse*, 27 September 2012.

take up the sword in defense of someone's beliefs or preferences simply because they hold them. The only moral right is to defend objective values. The very prospect of ethics requires that normative values have objective merit.

As an illustration of the obvious shortcomings of this approach, consider a value which our society holds even while recognizing it to be a vice. Our society values indulgence. We do so to such a great extent that we have a massive obesity crisis.³¹ If we were to presume that the values of American society should inform our ethic, without respect to whether those values are themselves morally appropriate, then we would have to assume that the Army's emphasis on fitness is misplaced. One might satirically argue that the Army's physical fitness standards were developed during an era of less abundance and should now be updated to reflect our social progress. We can clearly recognize that some of our society's values are amoral or even immoral. Emphasis on defending "our" values suggests that we presume that the rightness of our values lies simply and solely in the fact that they are ours. Our values would be equally right no matter what they were. This basis offers scant motivation when bullets are flying and leaves soldiers searching, grasping for justification—leading them to presume no better purpose than fighting for each other. This is not only false but it is debasing to the profession and to the genuine values it serves.

Functional Imperatives of Military Service (also Army Values). It is sometimes supposed that the Army's mission determines its ethic. In other words, whatever qualities

³¹According to the recent HBO documentary, "Weight of the Nation," over one third of Americans are obese, with another third classified as merely "overweight." See Jason Kane and David Pelcyger, "'Weight of the nation': U.S. obesity crisis tackled in HBO special."

are necessary (i.e., imperative) for the Army to fulfill its assigned function, such as courage, loyalty, and obedience, become morally obligatory as well. Unfortunately, functional imperatives are mere instruments. They are equally adept at promoting good or evil. They assume a moral quality only when applied in pursuit of moral ends. Furthermore, for this kind of instrumental justification to succeed would require that the mission, in all of its particulars, not only be morally permissible, but be morally obligatory. As Richard De George observes: “If the mission is to provide a starting point for the generation of moral norms for its attainment, it must itself be morally justifiable. The first task, therefore, is to see if and to what extent the mission of the military is morally justifiable, and only then to use that mission as a guide to an ethical code for Army professionals” (DeGeorge 1984, 24). While the Army’s overarching mission of providing security to the American people is surely morally appropriate, we have little reason to suppose that each individual operation the Army undertakes is morally obligatory.

It is also commonly supposed that the professional military ethic derives from the Army Values. Since we tout the Army Values as being moral values, it is hard to see why they would not inform our ethic. And perhaps they do. But they certainly cannot stand alone as the source of the ethic. The problem here is a hybrid of the last two. The Army Values gain no special moral status simply for being ours. If they are not the right values, then they cannot sustain a genuinely normative ethic. Furthermore, they are largely instrumental values. They reflect a compromise between conceptual legitimacy and ease

of use. In developing this list, priority was obviously given to those values that would conform themselves to a convenient acronym.³²

Our emphasis on functional imperatives as a source of our ethic is a consequence of the principle of military subordination to civil authority. Given our faith that this arrangement best balances some of the contending dangers of government, it seems an entirely appropriate arrangement to maintain. But the virtue of this arrangement is to be found solely in the fact that it is the arrangement most likely to consistently keep our military within morally acceptable boundaries. It offers no ultimate assurance against moral error. This arrangement generates an enduring legal obligation to obey our civilian sovereigns, but it offers only provisional moral obligation. It may be sufficient to prescribe the profession's moral obligation, but it is insufficient to determine the moral obligation of the individual practitioner.³³

These instrumental value approaches subordinate ethics to effectiveness. They suppose that whatever works best is right, while giving insufficient consideration to whether what one is attempting to accomplish is itself right. As Richard Gabriel notes,

The highly structured environment of the military profession can create soldiers with a propensity to resolve ethical dilemmas always in favour of the organization's imperatives. The soldier may adopt a tendency to carry out all orders, even if he or she has serious ethical reservations about them. But it is

³²For a more thorough critique of the insufficiency of Army Values, see Mark Mattox, "Values statements and the profession of arms: A re-evaluation" (U.S. Army Command and General Staff College 2010 Ethics Symposium, Fort Leavenworth, KS, 15-17 November 2010).

³³We can readily think of hypothetical cases in which the military might be assigned to an immoral mission, such as waging aggressive war. While we are rightly reluctant to countenance disobedience by the profession at large, there is an increasing consensus among just war theorists that the individual soldier still has an obligation to refuse.

unrealistic to expect soldiers who have not been exposed to recognizing ethical problems and trained in ethical reasoning to do anything else but to resolve the ethical dilemmas in terms of the imperatives of the organization. Any other course based on ethical grounds but which runs contrary to the organization's norms forces the soldier into the solitude of being an ethical minority, perhaps even a minority of one, at odds with the profession in which he/she claims special membership. Unequipped to deal with ethical ambiguity, the soldier naturally does what is safest and most familiar. (Gabriel 2007, 3)

Professional Oaths (also Creeds). Given that professions openly declare, or “profess,” their moral commitments, it is commonly supposed that our moral obligation derives from our “profession” of those values via oath. Some even suppose that the various creeds and statements of ethos within the Army serve to provide further conceptual basis for our professional ethic. This cannot be. These oaths and creeds presume to *reflect* our ethic. They presuppose the morality of the commitments they articulate. This makes the ethic conceptually prior to the oath. The oath cannot be both the source of and a reflection of our ethic. Oaths serve to bind professionals to their ethic. If the commitments entailed in the oath are not already morally acceptable (permissible, at a minimum), then it is morally inappropriate to profess them by oath. The oath cannot make them morally obligatory.

Oaths are the strongest, most solemn form of promises. Insofar as promises generate moral obligations, then, oaths surely do as well. But just how and how much do oaths influence morality? The moral potential of any promise, oath included, is to increase one's obligation (and personal commitment to fulfilling one's obligation) to something that was already morally permissible. A promise can make morally obligatory an act that was otherwise merely morally permissible. Similarly, an oath to refrain from certain morally permissible (but not obligatory) acts would make performance of those acts morally wrong. But promises—even solemn ones—are sometimes made too

carelessly. When one makes a foolish promise, what is the nature of the obligation that ensues? Does one really incur a moral obligation to fulfill an immoral oath? We generally believe that even appropriately made promises are subject to being overridden at times by other considerations. To invoke a common example, a promise to my son to take him on an outing this weekend may be later overridden by my learning of a tragedy elsewhere in the family requiring my immediate attention. If appropriate promises admit of release, then surely inappropriate ones do too. Thus an oath to do a morally impermissible act cannot make it permissible. Neither can an oath to refrain from doing a morally obligatory act could make it acceptable to refrain.³⁴

We have today an all volunteer Army. Because of this, we have the luxury of inducting our members via oath. But consider the possibility of having to reinstate the draft and what effect that would have on a professional ethic that was dependent upon an oath. Imagine a conscript who when presented the oath protested that he was unwilling to abide the terms of the oath. Would we really feel that he therefore lacked obligation to join his comrades in a just war? Surely we would not. No unwillingness to profess an oath can excuse one from moral obligation. And no oath sworn to immoral ends can

³⁴I'm not sure whether I need say more about this. It just seems so intuitive to me that I suspect the reader will accept it. But if further argument is needed, I'd offer something like the following: Presume that someone asked you to do something morally wrong. You naturally respond, "I cannot do that. It is wrong." He then argues that if you swear him an oath to do it, the act will then become not only permissible, but actually obligatory. While the swearing of the oath might itself be wrong, the act would no longer be wrong. This just seems counterintuitive to me. Imagine now that you were the victim of this wrongdoing. As I commit this foul deed and you ask me to justify my conduct, I respond that I swore an oath to do it. If you could examine my conduct objectively, surely you would not find yourself saying "Well the oath was wrong, to be sure, but I guess this act is appropriate after all, given that he did swear an oath."

create genuine moral obligation. So while an oath may strengthen commitment to an existent ethic, it cannot serve as the independent basis of an ethic.³⁵

Law (also Constitution). It is commonly supposed that our professional military ethic derives from law. And since law establishes the parameters within which our profession operates, this view has intuitive appeal. However, if law were itself the source of our moral obligations, then it could never be morally appropriate to disobey the law (at least not for the professional). And this is inconsistent with our moral intuitions. We can readily think of cases—hypothetical ones at least—in which the law is sufficiently flawed that even the professional should violate it. The very function of our profession offers an ideal test case for this view. One of the fundamental purposes of our profession is to maintain a degree of public order. And public order is a consequence of individuals agreeing to abide public standards of conduct. These standards are codified in law. It follows then that our profession has an even stronger obligation to law than does the common citizen, or even any other profession. So if we can find even hypothetical cases in which even we should disobey the law, then surely our professional ethic cannot derive from law alone.

Perhaps all I've really shown is that bad laws cannot serve as the basis for our professional ethic. But this does not eliminate the prospect that a good law could be the basis. In fact, it is often presumed that the Constitution establishes the moral foundation of our profession. As the Constitution is taken to be a paradigm case of good law, perhaps it is not vulnerable to the criticism above. But I fear that this objection misses the point. If

³⁵For more on the insufficiency of oaths to ground our professional ethic, see James H. McGrath, "The Officer's Oath: Words that Bind," in *Ethics & National Defense: The Timeless Issues*.

the Constitution has properly identified appropriate moral principles of human governance, then it may well establish the base of our professional ethic. But if so, it has not done that simply because it is the supreme law of the land; it has done it simply because it harnessed the right foundational moral principles. We do, in fact, believe that the Constitution has harnessed appropriate moral principles of public governance. This is the very reason we hold it in such high esteem. So to the extent that it grounds our professional ethic, it does so as an embodiment of moral principles, rather than merely as law. To presume that morality is based in law is to presume both that morality is subordinate to law and that we can create morality (since we create law). Instead, we generally acknowledge that law is conceptually secondary to morality. In other words, we adopt laws because of the moral work we presume them to do for us. Being conceptually secondary, it is clear that law itself cannot form the basis of our professional ethic.

Before moving on, I must acknowledge some limitations to my criticism of law as the basis of our professional ethic. I briefly alluded to the necessity of public order. Civil disorder is such a moral hazard that maintaining public order becomes a moral necessity. Maintaining a sufficient degree of order requires that we all abide some common standard. This standard is reflected in law. Given that the standard is a public one, it is necessarily imperfect. It will represent some kind of compromise among the various moral requirements the members of the community would attempt to impose by law. The very prospect of our living in organized society requires that we willingly submit to law, despite its imperfections (at least as long as it is “good enough”). So I fully accept that law does affect our moral obligations. It can make morally obligatory that which was previously only morally permissible. It can probably even make morally permissible that

which previously was morally prohibited, as long as the prohibition was not that strong (i.e., the wrong done is not severe).³⁶ Given that our profession is a product of law (beginning with the Constitution), law surely plays a more substantial role in determining our ethic than in any other profession. But it still cannot by itself fully determine our ethic.³⁷

Just as law does, after all, have some ability to affect our moral obligations, it is possible that many of the putative sources of our ethic considered above likewise have some capacity for influencing our moral obligations. But I maintain that the impact of each is relatively minor. Consequently, we must look elsewhere for the source of our ethic.

Professional ethics derive from objective morality via a professional role

For any professional ethic to be genuinely normative, it must derive from general (objective) morality. There is no other source of normativity. But if professional ethics

³⁶Until its revision in 2010, the American Psychological Association code of ethics explicitly permitted practitioners to favor the law when it conflicted with their ethical code. Standard 1.02, addressing conflicts with law, included the language “If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.” This is consistent with my claim that in some cases law can probably make morally permissible that which would have been morally prohibited absent that law.

³⁷Consider our nation’s clandestine operations as a test case. Given that these take place overseas, they exceed the jurisdiction of domestic law. So they cannot be morally justified by domestic law. Neither is their international legal basis for these operations. On the contrary, these operations are often illegal by international law. They may even be illegal by domestic law, given our acceptance of much international law. Consequently, these operations cannot be justified by appeal to law. If they are to be justified at all, there must be some higher standard to justify them, especially in cases when they conflict with international law.

derive from general morality, then why do we have professional ethics at all? Why do not we just have general morality alone? What makes one profession's ethical obligations any different from those of another, given that the obligations of both stem from a common source? To answer this, consider the requirements that morality imposes upon each of us. The exact nature of those requirements is a product of our individual roles (or relationships) and abilities.

Since all humans have many important roles and abilities in common, morality imposes similar requirements on all of us. But to the extent that our individual roles and abilities differ even slightly, we each incur slightly different responsibilities (or maybe "degrees of responsibility").³⁸ A profession constitutes a group of people unified by their distinctive roles and abilities. Naturally, then, members of a profession will have moral obligations which differ in part from those of the rest of society. These obligations will reflect the unique roles and abilities of that profession. And since the unique abilities of a profession are generally a product of its unique roles (i.e., it either recruits those with its required skill set or it develops its members in that skill set), we can focus principally on the roles a profession fills in society to explore its moral obligations.

A professional role generates moral requirements in a couple of ways. First, given that the profession represents a unique body of specialized knowledge and skills, it incurs

³⁸As an example of this, the non-swimmer (i.e., one who does not know how to swim) surely does not have the same moral obligation to rescue a person drowning as does the Olympic swimmer. But perhaps the obligation is identical for everyone adequately capable of rescuing the drowning. And the on-duty lifeguard surely has greater moral responsibility to aid the drowning than do other equally capable swimmers in the pool. If this does not seem certain, then perhaps a better example of roles spawning obligations is seen within the family. Others do not have the same responsibility to provide for my adopted children as I do. My responsibility to my adopted children is a product of the role I deliberately assumed with respect to them.

some moral responsibility simply because its expertise leaves it ideally positioned to promote certain moral goods. Second, a profession publicly commits itself to the performance of certain functions. Both explicitly and implicitly, it professes its intent to perform these functions. This act of professing generates moral obligation in approximately the same way a promise does. Acts which are otherwise morally impermissible cannot be made morally right by virtue of one's professional role any more than immoral acts can be made obligatory by making a promise to do them.³⁹ Adopting a professional role constitutes an implied promise to society that they can expect certain performances from you.⁴⁰ And insofar as professions generally have a monopoly on certain performances, the fact that all others are restricted from those acts makes it even more imperative that the profession performs those acts it has professed it would.

A professional ethic promotes objective justice, not the advantage of particular parties

Sensing vaguely the deep importance of morality, people generally want to believe that their actions are morally appropriate. But they are often more committed to thinking their actions moral than actually making them so, especially when there is a particular course of action they prefer to pursue. Consequently, people frequently attempt

³⁹Perhaps the most obvious challenge to my claim is found in the legal profession, wherein defense lawyers presume an obligation to advocate for their clients regardless of whether they personally believe the client to be innocent. While we generally share the lawyers' presumption that this really is their moral obligation, given the way courts work, I am not persuaded it really is. For more on this topic, see Isak Applbaum, *Ethics for Adversaries*.

⁴⁰As others have noted, the etymology of "profession" clearly implies that one is "professing" certain things. I take it that among other things professed is one's commitment (stronger than just "intent") to performing certain types of acts.

to morally “eat their cake and have it too” by soliciting moral justification for their chosen course of action, rather than first inquiring honestly what course of action morality dictates and then embracing that course. In other words, people commonly engage more in moral rationalization than moral inquiry. If we are serious about moral conduct, we must accept that we cannot bend morality to our will. We cannot make it to serve some purpose ultimately inconsistent with its nature. We must instead accept the conclusions sincere moral inquiry reveals to us and embrace them regardless of the direction they lead us.⁴¹

Morality places distinct limits on the extent to which we can advance our own interests at the expense of others. But our professional role as servants of the state can put us in a position of conflict with greater mankind. This can generate considerable conflict in the mind of the professional, especially one that has been raised on such vague values as duty, honor, country, and loyalty. There seem to be conflicting moral requirements to aggressively champion the interests of the nation one serves (and to which one took an oath of allegiance) and to abstain from advancing one faction’s interests at the expense of others. The morally sensitive professional may sense deep tension between his duty to the state and his duty to mankind in general. Surely our professional ethic should help to reconcile this putative conflict. Just as morality places limits on the extent to which we

⁴¹Some recent Army efforts to promote ethical conduct among soldiers have suggested that moral conduct is also combat-effective. This is surely generally the case. But the goals of combat and morality are not always the same. Moral conduct will sometimes undermine mission success. Rather than disingenuously claiming that our chosen response to such situations was both moral and combat effective, we would do better to acknowledge the divergence and honestly embrace one course of action or the other. Honestly embracing the combat effective course of action (over the moral one) is surely morally preferable to dishonestly embracing it and claiming it was morally appropriate (but morally worse than embracing the moral course of action).

can advance our own interests at the expense of others, it similarly places limits on what we may do in the service of others. If it is not moral for someone (or some collective group) to do a certain thing, then it cannot be moral for anyone else to do it for or on their behalf either.

Our most fundamental duty, it seems, is to mankind in general, not to our particular group. This assertion clashes with our long tradition of supposing our loyalties lie first to our families, then to our community, and finally to our state. But without a more enlightened understanding of what loyalty really entails, this perspective is a straightforward recipe for sectarianism—Hatfields vs. McCoys, Montagues vs. Capulets, Suni vs. Shia, etc. The state is the mechanism through which the military functions, but the function of the military morally cannot be to pursue the state’s interest no matter what. If such an obligation exists, it is principally a legal obligation. And legal obligations have moral limits to them.

If one’s state is acting wrongly, can there really be a duty of loyalty to that state which morally obligates one to support the wrongful enterprise? If loyalty is to be construed as a genuine moral principle, it has to serve objective justice, not just the particular agenda of any partner. If it does not, then it is merely an instrumental value at best. That is, we would value it because of its role in promoting other goods. And it could just as readily be subverted in the service of immoral ends. If we are interested in genuine justice—objective justice—then we must be prepared to either re-evaluate our common notions of loyalty or discard loyalty altogether at times in pursuit of a greater good.⁴²

⁴²It is not my purpose here to investigate the moral content of loyalty. But it should be noted that there exists compelling argument that the loyal path when another is

Either way, it cannot be morally appropriate to aid another in his immoral pursuits. As Abraham Lincoln is reported to have once advised, we should “stand with any man when he is right, and part from him when he is wrong.”

It cannot be the case that we are morally obligated to do our nation’s bidding no matter what. If service to the state was the only moral requirement, then from a perspective of objective morality it would not really matter who won any particular war. We would continue to care from a personal psychological perspective about who won and who lost, who lived and who died. But we could not care from a moral perspective. If the ultimate moral requirement was to support your team no matter what, then it would not matter what the state’s purpose was for going to war. Our fight would not be for justice; it would simply be for our team (akin to fans brawling at a sports event). But if our motive is not objective justice, then we are not just warriors at all, we are merely our state’s champions, attempting to assert its interests over those of competing states. And if we are not just warriors, then our service has no moral value. (Our service, in fact, would then be a moral evil as there is surely no such thing as morally neutral violence.) The Canadian government’s Statement of Defense Ethics explicitly acknowledges the illegitimacy of pursuing state self-interest at the expense of other states, prioritizing moral responsibility as owing first to humanity in general, second to Canadian society, and third to lawful authority (Canada 2012). If the formal expression of our professional ethic we ultimately adopt would work equally well for promoting self-interest as for promoting objective justice, then it is no ethic at all. It is at best a code of etiquette, a new

doing wrong is not to join him in that venture, but to attempt to dissuade him from his course. In some contexts, this is even termed the “loyal opposition.”

code of chivalry to observe as we pursue whatever agenda we choose. At worst, it would simply be a code of expediency. We really do not want a code that serves the sinner's purposes just as readily as the saint's. We want a standard that guides us to be soldier-saints.

Without exploring it here (both because it is not my purpose and because it is too complex for treatment here), I do need to acknowledge an important limit to the argument I am developing. I am advancing here a somewhat Thoreauian position requiring that one diligently pursue objective justice without giving due consideration to the role the state plays in advancing objective justice. Imperfect as it is, the function of the state is to promote justice within its jurisdiction. For it to do so requires that we collectively cooperate with and support the state's functioning. And it seems to require that we do so even when the state is functioning imperfectly. After all, the state will never function perfectly. And the very prospect of collective action and authority (i.e., the state) requires that we subordinate to collective judgment some of our individual judgments about how to advance objective justice. This is the most compelling basis for our long tradition of military subordination to civil authority. Since the state is a moral good because of its role in promoting objective justice, then our duty to promote objective justice is generally best fulfilled through supporting the state, as long as the state is both adequately responsible in its actions and there is not reasonably available a better alternative for promoting objective justice. Again, I do not intend to develop here a final position on when and why obedience to the state is morally obligatory and when civil disobedience becomes appropriate. My purpose is simply to demonstrate that whatever moral value the

state holds, we cannot have a duty of absolute obedience to the state. Our first moral duty is surely to mankind in general.

Despite the apparent contradiction with what I have already said, it remains relatively uncontroversial to say that our greatest obligations lie to those closest to us—our family, our community, then our state. This is a consequence of our relationships (i.e., roles) and proximity (i.e., we are better positioned to aid those closer to us). But this commitment does not entail moral justification for disregarding the interests of those at a distance or advancing the interests of those closest to us at the expense of those farther removed. Our license to promote the interests of another are limited by our obligation to respect certain interests of all others. As with the physician, our principle duty while aiding one is surely to “first, do no harm” to others (at least innocent others), including not taking advantage of or exploiting others for our (or any third party’s) benefit. Any obligation to advance the interests of those closest to us must be seen as secondary to that first duty. As Thoreau said, even if man does not feel a duty to eradicate a gross wrong in his society, “it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too” (Thoreau 1983, 393).

Professions exist to advance certain interests of their clientele. Due to their specialized knowledge, professions enjoy a relationship of trust and privilege that provides them a degree of autonomy in determining how best to pursue these interests. But as noted, there are distinct limits to how far any profession, even the military

profession, may go in advancing the interests of its clientele. A professional's moral latitude to champion the rights of his client is limited by the rights of others who may be affected in the process. If he can advance his client's interests without violating the rights of others, then he ought to do so. But if doing so entails violating the rights of non-clients, then he is morally bound to abstain. As a general rule, anyone is morally permitted to serve one party without similarly serving other parties, but he is forbidden from doing so to the detriment of other parties. Similarly, it is morally impermissible for anyone—professional or otherwise—to enter into a contract with any party to champion that party's interests with no regard for third parties who may be affected by it. Consequently, the military profession is not truly at complete liberty, morally, to advance America's interests in the broadest sense of that term. We may advance their interests only to the extent that we are not violating the rights of others in the process. Unfortunately, our professional practice involves imposing harm on others in pursuit of specific political objectives. Given that our methodology necessarily entails harm, the military profession is morally restricted to only championing America's genuine rights. The moral basis for our profession lies in the fact that humans have inherent value that makes it wrong to do certain things to them. Our profession is America's safeguard against being exploited in immoral ways. But given that our profession's moral foundation lies in the impropriety of violating the rights of innocent humans, the ends we pursue and the means by which we pursue them must also be scrupulously sensitive to the rights of all humans affected by them. If we violate moral constraints in pursuit of advantage for our citizenry, then we are doing so based on favoritism rather than morality.

Recall that professions secure the public trust not simply by effectively servicing their client's interests, but by doing so in a way that is consistent with the greater social good. Without prioritizing social good over client interest, they could not have secured the public trust. They would be valued by their clients but despised by society at large.⁴³ In the context of the military, our client is the American people as a whole. The greater social good we must respect is that of the world community. Consequently, due to both the cosmopolitan nature of morality and the nature of professions, it is clear that our professional ethic obligates us to respect the rights and interests of the global community, not just our American clientele.

Professional ethic mitigates morally corrosive influences
inherent in our professional environment

It may sound odd to insist that the military is morally obligated to respect the rights of all people, given that its unique expertise entails the application of enormous violence.⁴⁴ Nevertheless, this claim remains true. In fact, it is of particular importance for the military, given that misapplication of our professional expertise readily becomes

⁴³In fact, it is surely concern that lawyers' vigorous representation of client interests harms the greater society that explains the proliferation and popularity of lawyer jokes.

⁴⁴Some might hastily presume that armed conflict necessarily entails violating rights, since it destroys lives and property. While an account of rights and the ethics of harm are beyond the scope of this paper, I merely note that genuine defense of self (or others) does not constitute a violation of rights, even when it involves severe harm to the attacker. Those who attack others without justification have forfeited the right to be immune from harm. Thus there remains no right to be violated. On the other hand, soldiers—even on the aggressor's side—are generally innocent of the nation's decision to go to war. In such cases, their rights surely are violated by the conflict. But it is then their aggressive nation that violated their rights. Those who resist unjust aggression are not the violators themselves.

violation of rights. Without ethical restraint, an Army is but an organized, state-sponsored gang. Our professional environment presents a number of powerful factors that threaten to erode our respect for the rights of others. Our ethic bears the burden of tempering the influence of these moral hazards.

First, we are charged with the care of one particular group (the American people) not humanity at large. This is entirely appropriate. But when one is tasked with the care of a singular group, it invites disregard of other groups. Such an arrangement readily devolves into promoting the protected group at the expense of the other groups. In professions whose fundamental nature is competitive or adversarial, as is the military's, this tendency is particularly pernicious. Granted, our true mandate is merely to "protect" American society. And "protect" implies defense. True defense should never constitute violating rights. But we have come to view the military's role as being protection of American "interests." And "interests" is such a vague and ambiguous concept that "protection of interests" easily morphs translates into "promotion of interests" to the detriment of other nations.

Second, even when we are fully morally justified in our cause, this very fact promotes a perception that our adversaries are "bad guys," insofar as they are engaged in an unjust cause. This "good guy" versus "bad guy" terminology is even engrained in our culture. Unfortunately, once we view an adversary as a "bad guy," it becomes a simple matter to become cavalier about his rights.

Third, our profession's primary tool is violent harm. While it is not necessarily the nation's primary tool, by the time the nation calls upon the military, they have accepted violence as the tool of choice. Given that our primary tool is harm, any

misapplication of our professional expertise always entails the violation of rights. In fact, even when we apply our expertise appropriately, it is impossible to entirely avoid collateral damage. This fact can seduce the professional into become somewhat callous to the reality of the hardship our actions create for noncombatants caught up in the effects of war. Furthermore, the old adage about the corrupting influence of power surely applies here as well as anywhere. Placing such tremendous power into the hands of youth who are not yet morally developed entails tremendous moral risk.

Fourth, although our profession exercises less discretion than any other in determining how and where to apply our particular expertise, we remain at risk of professional pride encouraging misapplication of our expertise. In any profession, the practitioner's confidence in his craft risks biasing his judgment as to whether he should undertake a particular venture on behalf of his client or whether he should refer him to another practitioner with a slightly different specialty. Recognizing the danger that militaries pose even to their own society, our Founding Fathers were careful to exclude our profession from the decision on when and where to employ the military. Nevertheless, our senior leadership continues to advise the Commander in Chief on the use of force. And the advice they give inevitably risks encouraging or discouraging the use of force. Our senior leaders are surely as subject to bias as any other professional on whether to exercise their professional craft or defer to another approach. Once engaged in armed conflict, we are loathe to admit defeat,⁴⁵ especially when we feel we still have greater military capacity than our opponent. Consequently, we face a strong temptation to

⁴⁵As a profession we are so culturally opposed to admitting defeat that we instead simply redefine the criteria for mission success to ensure we can declare "mission accomplished."

see a task through to completion, even if it should never have been started or even if the cost outweighs the benefit. It has been said that “when your only tool is a hammer, you treat every problem as if it were a nail.” Similarly, when one’s “hammer” is particularly well developed (as is our military), it is extremely tempting to put it to work, even when the problems one faces are not really “nails.”⁴⁶

Fifth, the monopoly on the use of force which the military profession enjoys naturally discourages it from being fully responsive to its client’s requests. While all professions enjoy a monopoly of sorts on the exercise of their craft, other professions still benefit from competition within the profession. This compels them to be responsive to the desires of their clientele. One doctor must compete with another for patients. If he is insufficiently responsive to his patients, he will lose them to another doctor. With the military, there is little competition with other professions and even less competition within the profession. This lack of competition exacerbates all of the other moral problem areas our profession faces. It makes it all too easy to neglect finding solutions to some of the difficulties our profession faces. It makes it easy for us to take a “this is just the way it is; take it or leave it” mentality with our clientele. For example, reducing collateral damage generally requires increasing risk to the professional. With no other professions competing for the security market, it is easy for us to set the threshold for personal risk too low. When our clientele object to the high collateral damage, we just say “hey, that’s how war is.” Similarly with high defense spending, we are inclined to tell the clientele

⁴⁶Similarly, recall Homer’s warning that “The blade itself incites to deeds of violence.”

that this really is what it costs to run a high-performance Army. We have no competitive incentive to become more efficient or responsive to our clientele.

The Professional Military Ethic does not vary significantly across services or even nations

Given all that has been said so far about the source and limits of professional morality, it should be apparent that the genuine moral obligations of military professionals are relatively stable across services. In advocating for a single ethic applicable across all services, William Diehl argues that the “ethics of the Army infantryman [do not] differ from those of the Navy submariner, the Air Force FB111 navigator or the Marine force reconnaissance specialist” (Diehl 1985, 36). Each employs different techniques, but each still serves essentially the same role. Similarly, it is unlikely that there is significant difference between the genuine moral requirements of military professionals from one nation to the next. The *moral* commission—not to be confused with their specified *legal* commission—of any military is the same: to employ armed resistance in defense of the human rights of the nation’s citizenry.

All particular ethics derive from the same source: morality; if not, then they are not genuine ethics at all. For military professionals, these ethics derive via very (morally) similar roles. However, there is still room for some variation given that the roles are not genuinely identical from service to service or even nation to nation. Among services, the difference in roles is largely attributable to differences in technical expertise. The general theoretical concepts are more similar. Among nations, the moral differences in roles reflect the fact that law, and even some of the other factors considered above to lesser

degree, does have some influence on morality. But inasmuch as the moral roles filled by various military services are extremely similar, so must be their ethics.

Several recent surveys of the professional military ethic have attempted to trace the evolution of the American military ethic over time.⁴⁷ This effort is largely irrelevant to understanding a professional ethic. Given that morality is a function of human nature and that human nature is relatively stable, neither morality nor a professional ethic evolves significantly over time. Rather, our understanding of both morality and professional ethics evolves as experience and effort improve our collective moral understanding. Surveys of purported evolution in our ethic are really just reports of changes in our understanding of that ethic. This is perhaps more readily acknowledged by comparison to the field of psychology. We do not presume that human psychology, referring to inherent tendencies of the human condition, has changed substantially since Freud. But we readily recognize that psychology, as a field of intellectual inquiry into those tendencies, has changed significantly since his pioneering work.

Another reason we might be tempted to perceive changes in our ethic is simply due to improvements in our understanding of the best way to articulate our ethic. Similarly, we might communicate our ethic differently depending on changes in our audience or purpose. But these changes all reflect changes in the *expression* of the ethic rather than the ethic itself.

⁴⁷See Kelley (1984), Moten (2010), Barrett (2012).

The Nature of Professional Codes

A code of professional ethics attempts to articulate preexisting professional moral obligations

I previously asserted that we do not (and indeed cannot) create our own professional ethic. Moral obligation cannot be established by fiat. But we can (and should) create our own *code* of professional ethics.⁴⁸ This distinction now merits further explanation. Understanding it is critical to understanding the real essence of professional ethics. In the overwhelming majority of existing writings on the professional military ethic, authors carelessly conflate “professional ethic” with “code of professional ethics.” In doing so, they make a substantial conceptual error that leads them into myriad absurdities, particularly concerning the source and normative authority of professional ethics. This mistake is related to the descriptive-versus-normative problem I referenced earlier. Conceiving of our ethic as being simply the organization’s view of its moral obligations runs the risk of there being ethics that are unethical!

A professional ethic is that set of ethical principles which determine right conduct in the context of a specific profession. A code of professional ethics constitutes a profession’s effort to identify, articulate, and promulgate those principles (or some derived application of those principles). The difference between an ethic and a code of ethics is analogous to the difference between a subject and a portrait of a subject. A portrait is not the same thing as the subject it portrays. Even though there is great likeness between the two, they remain distinct. The portrait is merely a depiction of the subject.

⁴⁸By “code” of ethics, I am referring specifically to concrete, written codes formally adopted by an organization. An implicit, unexpressed code could remain more of an ideal and may not then be susceptible to the limitations I attribute to a formal code of ethics.

Similarly, a code of ethics is merely an expression of a pre-existent ethic, an attempt to discern and capture (like a portrait) that ethic. And just as the success of a portrait is a function of the artist's insightful eye, skillful hand, creative technique, etc., so is the success of any code of ethics dependent upon its author(s) skills of discernment and representation.

No one ever confuses a portrait with the subject it depicts because their greater acquaintance is with the subject than with the portrayal. Furthermore, they are familiar enough with subjects to recognize a facsimile as being less real than the subject. Unfortunately, this is not the case with an ethic versus the expression of an ethic. Most people are not so acquainted with the concept and nature of ethics. They are more acquainted with rules and codes. This is comparable to what we might observe in idolatrous religions. Adherents are more acquainted with the idol (a human creation) than they are with the god (purportedly objective) which the idol is supposed to represent. Those inadequately schooled in the religion's theology will too readily mistake the idol for the god itself. If we are inattentive to the distinction, our ethics may become mere pursuit of man-made gods.

When creating a code of professional ethics, we do not suppose we are generating from scratch new moral obligations where none previously existed (i.e., new additions to morality). We do not presume to possess the authority to dictate moral obligation this way. Instead, we simply consider carefully what conduct really is morally appropriate to the professional environment in which we operate. Once we feel we have adequately identified appropriate standards of conduct for the profession, we capture that in writing for the benefit of the profession. As Michael Pritchard observes, "the main principles,

rules, and guidelines specified in the code will already have gained broad acceptance among practitioners. That is, they will not come from ‘thin air,’ so to speak. . . . This means that a well-crafted code will endorse rather than create basic professional responsibilities. Furthermore, by and large, practitioners would be regarded as having these responsibilities even if they were not specified in a code, or even if there were no explicit code at all” (Pritchard 2007, 87).

As a human creation, the quality of a professional code is subject to our powers of perception and articulation

The task of authoring a professional code of ethics is essentially the same as that of the portrait artist: to discern the subject as insightfully as possible and then to recreate it as skillfully as possible. Just as a portrait will never perfectly replicate the subject it portrays, neither will a code of professional ethics ever perfectly represent the set of moral principles relevant to a particular professional environment. Additionally, a portrait may be presented from many different perspectives and in many different styles. The perspective and style used depend on the audience and the artist’s purpose in portraying the subject. Similarly, the professional military ethic can be expressed in a number of ways, depending on purpose and audience. “How well framed and suitable the provisions of any particular code are,” according to Michael Pritchard, “is a very contingent matter” (Pritchard 2007, 86). There is no simple technique that will empower the non-artistic to begin painting well. It requires a keen eye, a coordinated hand, and patient practice. Likewise, there is likewise no simple technique for accurately assessing and articulating the content of our professional ethic. This is a matter of discernment and experience. Consequently, although a professional ethic is largely stable, a code of professional ethics

is subject to continual revision as a profession improves its understanding of its ethic and determines the ideal way to communicate that ethic to its practitioners.

The normativity of a professional code is a function of how well it represents the profession's ethic

A professional ethic is intrinsically normative (that is, it pertains to what one genuinely *should* do). It identifies the moral obligations of a given professional role. Consequently, it is incoherent to question whether a profession's ethic (i.e., its genuine ethic, not simply its belief about that ethic) is itself ethical. But a code of professional ethics has no such guarantee. Any codification of our ethic we generate will remain subject to challenge. As a human creation, it is susceptible to error. Consequently, it is perfectly appropriate to question whether any particular code of ethics (or element of that code) is truly ethical. In fact, it is certain that any code of ethics we generate will fall short in a number of respects. Schwander refers to this as the "absolute assurance that perfection in a code cannot be obtained" (Schwander 1988, 12). Some moral duties will surely be imperfectly reflected. Some behaviors advocated by a code may actually be unethical. Even when it does not openly err, it is always possible that there is a better way to represent the ethical concepts we attempt to capture in our code. As examples, consider the patient-client privilege long observed among therapists and lawyers. The original formulation of this privilege for therapists has since been amended to require that therapists report whenever a client divulges information which reflects a threat to himself or others. And among lawyers, it seems that maintaining complete confidentiality could be immoral when an attorney is in possession of information which implicates his client and vindicates the innocent man being prosecuted for his client's crimes. Similar to

Augustine's claim that an unjust law is no law at all, we might say that a code of ethics which (inadvertently) advocates for unethical behavior is no genuine professional ethic.

Although morality is *normative*, any effort to define it is *descriptive*. This apparent paradox is surely what has caused many to suppose that the ethic is fundamentally inexpressible. A code of ethics is a *descriptive* effort to depict the *normativity* inherent in morality. That a code of ethics is a descriptive human endeavor seems to imply that it lacks normative authority. And while this is technically true, it not need function that way in practice. The normative authority of a code of ethics derives from the normative authority of morality itself in proportion to the quality of the descriptive work done in developing that code. To the extent the work was done well, the code has normative authority (or rather, it reflects accurately the normative authority already existent in morality itself). A couple of comparisons will surely make this point clear. Consider first a road map. It does not dictate (normatively) where streets must be. It merely reports (descriptively) where the streets are. But once it accurately represents the streets along your route, you can use the map to guide (normatively) you to your destination. Consider also a diet plan. Diet plans are human creations the same way codes of ethics are. But insofar as the dietician adequately understands the principles (human metabolism, biochemistry, nutrition, etc.) that determine an appropriate diet, he can capture those principles (descriptively) in a diet that enables the dieter to guide (normatively) his food choices to achieve his goal. The dietician creates only the plan—not the principles themselves—that determines an appropriate diet. The principles are written somewhere in our human physiology.

Likewise, the moral principles which dictate appropriate human behavior are pre-established. They derive automatically from intrinsic characteristics of human nature. We do not create ethics any more than we create human nature. And since a professional ethic is a subset of ethics writ large, we surely do not create it either. We do not create the principles that determine an appropriate code of ethics for our profession. Instead, we merely investigate and report these principles as accurately and functionally as possible. To the extent we succeed, our code of ethics possesses normative authority.

The ideal expression of a code of ethics is a function of the audience and purpose for which it is intended

There are countless specific audiences and purposes to which our code of ethics might be addressed. We might address it primarily to an Army audience, to acquaint them with the moral foundation for their service. Or we might tailor it to a specific subgroup within the profession, to direct them in the performance of their professional duty. We might address it to an external audience, to reassure them of our commitment to abiding professional moral standards. Or we might tailor it to our clientele specifically, to clearly establish our perceived limits of our professional jurisdiction. For example, we might clearly identify what kinds of missions fall within our professional expertise and which lie beyond it. Each of these audiences and purposes would call for both different content and form of expression. Consequently, some have proposed that our professional ethic—perhaps as with other professions as well but certainly applicable to a profession as diverse as ours—is best expressed via multiple professional codes. Nick Fotion proposes four different types of codes: a rule-based peacetime code governing general professional conduct, a rule-based fighting code to promote moral conduct in war, a rule-based

prisoner's code comparable to our present Code of Conduct for POWs, and a virtue-based creedal code to inspire the soldier to greater character development (Fotion and Elfstrom 1986, 76-79). Similarly, Anthony Hartle wonders whether the Army would be best served by multiple codes, including perhaps "one for officers, one for enlisted men, one for combat, one for POWs such as we now have in the Code of Conduct." He ultimately concludes it likely that "a variety of codes would de-emphasize the importance of each, a result that would not serve well the purposes of the military" (Hartle 1989, 154).

The term "code of ethics" is problematic and should be abandoned

While I have casually employed here the term "code of ethics" to refer to published ethical guidance for the profession, I have done so largely for convenience, capitalizing on the general familiarity of that term. But I suspect that this label promotes confusion about understanding professional ethics. The term "code" is rife with legal implications.⁴⁹ It calls to mind a list of prescriptions and proscriptions and invites strict legalistic interpretation. Nothing is wrong unless it is specifically prohibited in the code; nothing is obligatory unless it is specifically mandated by the code. As Malham Wakin notes:

Codes of conduct, whether they be framed as honor codes for service academies, moral commandments for religious groups, prescriptions for medical or legal practitioners, and so on, all seem subject to the same sort of narrow interpretation which may cause distortions in our general view of moral behavior. The immature or unsophisticated frequently narrow their ethical sights to the behavior specifically delineated in the code so that what may have originally been intended

⁴⁹In some professions the code of ethics carries the force of law. For example, the Code of Professional Responsibility for lawyers has been adopted as law in 49 of the 50 United States. Lawyers may be punished legally, not just sanctioned professionally, for violations of the code.

as a minimum listing becomes treated as an exhaustive guide for ethical action. (Toner 1995, 91)

A legalistic code invites us to aspire to nothing higher than the minimal requirements of legality. It does not inspire us to aspire to any supererogatory conduct. In fact, because codes typically omit discussion of ideals, they do not inspire us at all. They supplant brute obedience for moral understanding. It is critical that we maintain a clear distinction between the legal and the moral. Failure to do so will severely undermine any effort to promote genuine moral autonomy in our soldiers. The normative authority of anything with legal status most visibly results from the legal consequences tied to it. We need to emphasize the fact that normative authority derives from the ethic itself, not any legal consequence associated with it. Our ethic should encourage professionals to look beyond the minimum behavior required by law in favor of supererogatory behavior motivated by a desire to do right.

Additionally, reviving our recent metaphor, the term “code” calls attention to the portrait rather than the subject portrayed. Our focus should be on our moral obligations more than on our representation of them. By comparison, consider our use of language as a means of conveying ideas to one another. The words we employ, whether written or spoken, are merely symbols of ideas we want to generate in the minds of our audience. But we rarely focus on the words themselves; we instead think primarily of the ideas they represent. In fact, when we want to call attention to the words themselves, we must make special effort to indicate that the focus of our attention is now the symbol rather than the idea it represents.

While it is periodically necessary for us to call attention to the symbols (i.e., the words themselves) to make a focus on them the default would substantially encumber our

communication. For these reasons, I propose that when referring to canons of published ethical guidance for the military profession, we avoid reference to “codes” in favor of terms like “expression of the professional military ethic” and “articulation of the professional military ethic.” While linguistically more cumbersome than “code”, these terms emphasize the difference between the pure ethic and our imperfect representation of it. They call attention to the thing being expressed, not merely the expression of it. Maintaining this distinction will prevent our conflating normative and descriptive ethics.

Articulating our Professional Ethic

Objections to Articulating the PME

Articulating our professional ethic presents a number of significant challenges. These challenges are sometimes taken to indicate that it is either impossible or unwise to articulate our professional ethic.⁵⁰ Sensing the necessity of generating effective moral guidance for our profession, it is tempting to simply ignore their objections and press forward. However, their objections are informative. They inform us of some of the

⁵⁰Sadly, these objections largely arise from within our professional community. In fact, a formal Army study in 1986 recommended against adoption of a formal code of ethics on the following grounds: “Ethical codes typically apply to members of a profession such as doctors or lawyers. But the Army is not a profession in the same sense of the word.” “A code is not needed because the Army already has the UCMJ and numerous other codes and regulations.” “A code of ethics, like any other code, is limited and cannot cover every imaginable circumstance.” A code of ethics will not automatically solve all moral problems or make members of the Army moral.” “It would be very difficult, perhaps impossible, to achieve any degree of consensus on what a code of ethics should be or to formulate one that would be acceptable to most of the Army [or the military].” “A code would have too broad an implication and would be subject to a variety of interpretations.” “A code could not efficiently be used to punish unethical behavior.” “Ethics are situational and therefore preclude the establishment of a code of ethics.” “The professional Army ethic already provides a statement of an Army ethic, and no additional code is necessary” (Matthews, 1994, 24-26).

conceptual confusion to be overcome by our professional ethic. They alert us to some of the dangers threatening any articulation of our professional ethic. Awareness of the dangers will surely improve our effort, enabling us to answer the skeptics' challenges in the strongest possible way: by producing an articulation of our professional ethic that overcomes the various objections they raise.

A formal expression of professional ethics is unnecessary

Some suppose a formal statement of professional ethics to be unnecessary on the grounds that society manages to get along just fine without any authoritative account of general morality. Proponents of this objection tend to presume that character or conscience is sufficient to guide the individual practitioner just as they presume it sufficient to guide the individual member of society. The insufficiency of that approach has already been adequately addressed. Others note that there is already an abundance of sources of moral guidance within our profession. Is not a formal code of ethics then superfluous? There is indeed already an abundance of written moral guidance within the profession. But an abundance of dialogue is no better than a shortage if that dialogue is not harmonious and well structured. In place of a clear account of our professional ethic, we presently have an assortment of vague, possibly incompatible and definitely incoherent in some respects, accounts of what the soldier should be and/or do. At best, this discussion touches only on particular moral issues affecting our profession, confusing those specific issues for the ethic itself and leaving the ethic itself unaddressed. At worst, such accounts create a cacophony of voices that leaves the professional nearly as

directionless as if there were no discussion at all.⁵¹ According to Lloyd Matthews, our “grand corpus of ethical literature is so stupefyingly plenteous as to defy effective assimilation and practical use” (Matthews 1994, 22). This guidance “is so copiously profuse in quantity, so diffuse in its sources, so amorphous in shape, that getting a useful handle on it is effectively impossible” (Matthews 1994, 24).

Morality is inherently unknowable
or inexpressible

Given that we are not the source of morality, some question whether we can sufficiently apprehend professional morality as to give it formal expression. Similarly, some feel that morality is function of feeling more than intellect. And the affective sensitivity essential to morality cannot be articulated in written guidance. It is instead conditioned through experience. Finally, skeptics question whether attempting to formalize our moral responsibilities is not a dangerous undertaking, risking trivializing the sacred by turning our ethic into just another piece of professional propaganda. In response, I offer that whatever the ultimate nature of morality, it at some point has to translate into action guidance. Despite limitations in our ability to fully comprehend morality, we do know that some types of behavior are better than others. Even if we cannot express morality completely, we can express that degree of action guidance which we comprehend. And we can use this to enrich our profession. The extent to which our

⁵¹I do not mean to imply that moral progress is only possible for the professional if he or she is provided a formal statement of professional ethics. I simply suggest that the present discussion fails to satisfy the requirement for providing the professional with meaningful direction.

ethic becomes mere propaganda is a function of how well we express and employ it, not a function of whether it can be expressed.

It is impossible to articulate a functional statement of ethics

Richard DeGeorge observes, “The pitfalls of drafting a code of ethics for any profession are obvious: most codes specify what a person is expected to do in ordinary circumstances; they do not cover the unusual, nor do they typically cover possible conflicts within the actions prescribed by the code itself” (DeGeorge 1984, 24). This objection supposes that an incomplete expression of our ethic—i.e., one that requires interpretation—is too subject to misinterpretation and misapplication to be worth the effort. And it is impossible to create one that does not require interpretation. There is simply no possible way to foresee and articulate guidance for all of the morally relevant situations that can arise in professional practice. If it were possible, the code would be too unwieldy for anyone to ever even attempt to read. This objection is based on the assumption that a statement of professional ethics would have to be articulated as a list of specific prescriptions and proscriptions. But this is not the case. All of us are products of incomplete moral guidance. And yet throughout our lives we routinely manage to apply our understanding of morality to new situations. We do so by developing an understanding of the underlying reasons some actions are right and wrong. Any statement of ethics that orients on underlying reasons is resilient to this objection. In place of complete guidance, it simply offers principles to inform the practitioner’s judgment.

Formal codes of ethic invite mere compliance rather than aspiration

As with the last objection, this one envisions a legalistic code, one based on specific prescriptions and proscriptions. The code becomes a substitute for moral judgment and invites moral minimalism rather than aspiration. With respect to a legalistic code, this objection surely stands. Recall my objection to conceiving of our professional ethic in terms of a “code.” However, if our code is instead conceived of as general moral guidance to the practitioner then it need not promote moral minimalism. Some worry that a code that is not strictly legalistic will be impossible to enforce. They are probably right. But enforcement is not what we should want for our professional ethic. Let’s leave enforcement the domain of law. Let’s then leave to our professional ethic the task of articulating to the professional sufficient sense of his moral responsibility to inspire him to do more than what is required by law.

A formal code of ethics will invite increased scrutiny by society

This objection is likely true. A formal expression of our professional ethic will certainly provide a standard by which others, both within and without the profession, may judge our conduct. It is surely so in the professions which have already articulated their ethic. But why should we worry about this? The extra scrutiny this invites is surely uncomfortable, but it is also productive. It holds us accountable to the standards we profess to embrace. This willingness to be accountable to the public is essential to our maintaining professional status.

A formal code of ethics will not improve behavior

Lloyd Matthews recounts a young Army captain's response to a 1986 survey on officer management: "A written code probably would have little or no effect on officer's behavior. Those who have ethical standards will maintain them; those who do not will not suddenly create them because of a piece of paper." Matthews response to this challenge is insightful:

We need to see this earnest claim for what it is: a seductive but fatally flawed vision of ethical development. For if this Army captain and those who think like him are correct, then we can safely proceed to tear up the entire officer's ethical cannon—and the Bible, the Constitution, and the Bill of Rights in the bargain—for they too, after all, are only pieces of paper.

Concerning those fortunates he commends as already having "ethical standards," our young captain should ask himself whence came those standards. What he fails to realize is that the ethical values internalized by an ethically exemplary officer did not spring full-blown from the brow of Zeus, implanting themselves miraculously in the bosom of their blessed recipients.

Instead, our exemplary officer acquired his professional values in a more mundane manner—through protracted and arduous professional reading, schooling, indoctrination and emulation. For this process of ethical development to work best, we need to have at hand an eloquent distillate of our profession's most cherished values, enshrined in a single document we can look to with something approaching true reverence.

An officer's code of professional ethics is the answer. (Matthews 1994, 29)

Benefits of Articulating the Professional Military Ethic

A professional code articulates to the profession and public the profession's understanding of its ethic. A well-articulated expression of our professional military ethic should enhance the profession's status, educate the professional, protect the soldier from psychological trauma, inspire the profession, and promote further understanding of our professional moral responsibility.

A well-articulated expression of our professional ethic enhances our professional status

A profession is defined by its relationship with its clientele. The very etymology of the term “profession” indicates that there are standards or commitments which the profession “professes” to its clientele. These standards constitute its understanding of its ethic. It is inherent in the very nature of a profession that it advertises these standards to the clientele it serves as that is how it secures their trust. And it is that trust relationship which establishes its status as a profession. A profession that fails to articulate publicly what it stands for maintains a precarious trust relationship with its clientele. According to Lloyd Matthews, until we articulate our professional ethic we are “vulnerable to the charge that we are a second-rate profession or not even a true profession at all. For we have refused, it can be argued, to make the necessary ethical commitment” (Matthews 1994, 27).

Professions differ from businesses in that they are motivated not principally by profit, but by moral values which they presume to esteem above profit. While some professions are compensated handsomely (and perhaps rightly so, given the degree of specialized skill and knowledge required by them), they still rate the service they provide their clientele as a greater value than the financial remuneration they receive. To invert this value hierarchy is simply to renounce one’s status as a profession(al). This is perhaps nowhere more clear than in the military profession, where practitioners accept the prospect of losing their very lives in exchange for the public good they seek to promote. This would be incomprehensible—except perhaps as an extremely foolhardy gamble (i.e., risking paycheck for life)—unless the profession(al) regards public security and liberty as greater goods than personal financial gain.

A commitment to greater moral goods lies at the very heart of a profession. It is what fundamentally qualifies an organization for professional status. If the ethic is inculcated in the minds and behavior of the practitioners, then it will become a profession. If not, then it will not. It will never secure the public trust and autonomy necessary to establish itself as a profession. Trust is absolutely key to a profession. It is obtained through a demonstrated commitment to serving the clientele over serving one's own interests. In granting relative autonomy to a profession, society is implicitly expressing its confidence in the profession's commitment to certain moral goods. This means that it is implicitly accepting the profession's understanding of its ethic. It is this ethic that gives society reason to trust the profession. An army without a commitment to its ethic is but an organized mob of assassins.

Given the autonomy extended them by a trusting clientele, professions have a responsibility to be self-regulating. Our status as a profession depends in large part on how much responsibility we take for the conduct of our members. Adopting professional standards of conduct and figuring out how to promote right conduct are a major part of that effort. This again underscores the importance of having a published articulation of our ethic. A profession is not well positioned to regulate the conduct of its members if it does not have publicly acknowledged standards of what it expects from its practitioners. Right conduct is seldom brought about through a carrot and stick approach as readily as it is brought about by correct understanding. Our goal should be to teach correct principles and then trust the members of the profession to govern themselves.

A well-articulated expression of our professional ethic educates the profession

The fundamental purpose of expressing a professional ethic is to provide moral guidance to the profession. An expression of a professional ethic does not undertake to identify the ethical obligations incumbent upon all human beings. Instead, it highlights primarily those moral requirements which differentiate the profession from others (and from the non-professional) and those which are most integral to appropriate conduct within the profession. It is formulated specifically for that profession, its clientele, and society at large. It provides to the profession standards by which to evaluate the conduct of its practitioners. It provides to the professional understanding of the moral environment in which the profession operates.

It is a responsibility of any profession to educate its practitioners on the moral requirements of service in that profession. Our professionals must understand not only what is expected of them but also the moral basis for these requirements. This understanding must extend across the many forms and environments of armed conflict and across the spectrum of actors present in those environments. Articulating our professional ethic is essential to our fulfilling this requirement responsibly. It plays a critical role in our assessment and socialization of new members into the profession:

It would be wrong to allow a candidate to enter upon a military career with any illusions as to its demanding nature. He should be warned in advance of the hardships, dangers and separation from family attendant upon wartime service. He should be aware of the constraints imposed by the requirements of military discipline on many cherished privileges of civil life—uninhibited freedom of speech, participation in politics, the accumulation of wealth and its leisurely enjoyment. All these things he must be willing to forego wholly or in part.

But while perceiving the adversities, he should also recognize the many offsetting advantages in military life—the opportunity to exercise command, participation in events of historic significance, the broadening experience of duty

in foreign countries, the pleasure of congenial company with men of action sharing a common view of basic values, and the opportunity to grow in full stature with the mounting responsibilities of increasing rank. (Taylor 1978, 19)

The best way for a profession to improve the conduct of its members is by educating their judgment, not merely providing them written standards of behavior to adopt. Good judgment is superior to a formal code of conduct. However, a formal statement of ethics, accompanied by instruction and reflection on that code, is the most certain way to cultivate good judgment throughout the profession. A primary goal of articulating our professional ethic should be to educate judgment to the point where professionals no longer need a written code of ethics. Once the professional has internalized correct moral principles, he will become morally autonomous. Having learned the right principles, he will now be able to govern himself appropriately. A written expression of our professional ethic is really just a tool (although the ethic itself is more than that) for improving moral understanding, and thereby also improving moral conduct. In our particular profession, we surely have great need of improved judgment and understanding. Our professional environment is rife with morally ambiguous areas, especially since our primary professional instrument is the application of coercive force. Articulating our professional ethic aids the professional in negotiating the competing moral requirements of his position.

A well-articulated expression of our professional ethic insulates the soldier against the corrosive effects of power

While we regularly direct attention to the task of protecting others (e.g., noncombatants) from our misuse of military power, we seldom direct much attention to the need to protect ourselves, and our soldiers, from misuse of power. Our profession

poses a tremendous risk to its own practitioners. The oft-cited aphorism about power corrupting seems quite true. Power is intoxicating, addictive. It affects the judgment of him who possesses it. Our practitioners wield enormous power (often with respect to the enemy and always with respect to non-combatants). It would be deeply irresponsible of us to not take serious steps to attempt to inoculate or resuscitate our practitioners from those corrosive effects. The typical psychological responses to combat—fear, panic, stress, fatigue, confusion, etc.—also diminish the good judgment of our professionals. The incidence of this has already been well-documented.⁵² We cannot count on our professionals to render good judgment under conditions of moral ambiguity, power-intoxication, and battle-fatigue unless they have been thoroughly educated beforehand on the ethical principles governing our profession. As Friedrich Nietzsche warned, “He who fights monsters should look into it that he himself does not become a monster.” We have encountered numerous times, in our recent conflicts alone, episodes of soldiers succumbing to overwhelming guilt and anguish over deeds they performed in combat which they wish they had not. Their actions in combat prompted a degree of reflection which brought them eventually to the conclusion that they had acted wrongly.

Consider how many soldiers join the military with chivalric intent to protect the innocent from the hostile, only thereafter to succumb to the intoxicating influence of power and a morally impoverished military culture. Recall that some of those recently indicted for war crimes in Iraq previously attempted to report the wrongdoing of their comrades (Barrett 2012, 30). But the perceived apathy of leaders and the continued influence of moral pirates in their midst eventually wore them down. Especially for those

⁵²See, for example, Doug Pryer, “Controlling the beast within.”

who join the Army in order to protect the innocent from oppression and exploitation of the powerful, such a realization can be life-destroying.⁵³ We surely owe it to the members of our profession—not to mention the innocents who stand as potential targets of misused power—to protect them from the corrupting influence our profession has on them. Our best tool for doing so is educating their moral judgment in accordance with our professional military ethic. In fact, in “The Warrior’s Code,” Shannon French explains that the very justification for a warrior’s code is to give context to the harm the warrior is engaged in.

By setting standards of behavior for themselves, accepting certain restraints, and even “honoring their enemies,” warriors can create a lifeline that will allow them to pull themselves out of the hell of war and reintegrate themselves into their society, should they survive to see peace restored. . . . [I]ts primary purpose is to grant nobility to the warriors’ profession. This allows warriors to retain both their self-respect and the respect of those they guard. (French, 2003, 7)

A well-articulated expression of our professional ethic
inspires the professional to greater performance of
duty

The profession of arms is a most honorable profession. Sadly, many soldiers do not recognize this. They arrogantly conceive of themselves as gladiators or even as their state’s medieval “champion.” In short, they have lost their identity (Snider 2003). This is a tragedy. Soldiers present their lives as a buffer between the innocent and the hostile. According to the Gospel of John (15:13), this willingness to sacrifice one’s life for one’s friends is the highest expression of one of the highest virtues. Although soldiers often sense this roughly, few fully appreciate it. Hence their tendency to focus on themes of power and domination. Articulating our professional ethic can restore our soldiers’

⁵³For one example of recently established correlations between battlefield behavior and post-conflict PTSD, see Peter Kilner, “A moral justification for killing in war.”

identity. Education on this ethic will endow them with a sense of purpose and value that elevates them above their present base conceptions and inspires them to greater performance. Soldiers who recognize the moral requirements of their profession are positioned to meet those requirements. They are prepared to do more than their service contract obligates them to. In short, they are equipped to be professionals. According to Jeffery Schwander, the “only real measure” of a professional code is its potential to inspire “positive enhancement to the professional army [ethos] and the sense of kinship” in the force (Schwander 1988, 12). A well-articulated expression of our professional ethic increases unity in the force as it nudges all of us closer to sharing the same highest moral commitments. This inevitably increases trust within the force as well. Soldiers can trust one another to greater extent when they know that they all share a common moral commitment.

A well-articulated expression of our professional ethic
will promote further insight into our professional
responsibilities

As long as our professional ethic remains implicit only, we are handicapped in how well we can understand our ethic. Given that what we publish is not the ethic itself, but merely our best description of it, it is subject to revision or restatement as our moral insight improves. James Toner identifies this as one of the fundamental purposes for formalizing a code of ethics: “to stimulate us to investigate and discover more about the concepts they seek to promote” (Toner 1995, 85). Once we publish our best understanding of the ethics of our profession, experience and dialogue will reveal shortcomings and suggest improvements.

Attributes of a Functional Expression of our Professional Ethic

The great challenge in articulating the professional military ethic is to find an expression of it that satisfies the objections of the aforementioned skeptics while remaining serviceable to the profession. Clark Barrett summarizes the challenges inherent in this task: “The author must create a philosophically sufficient and comprehensive ethic while leaving it open-ended enough to account for unforeseen situations. The ethic must also be appropriate and understandable for its target audience” (Barrett 2012, 9). The challenge is formidable, indeed. Any acceptable expression of our ethic will need to fulfill several difficult requirements. First, it must be relevant to the entirety of the profession. Second, it must be accessible to the profession, expressed in language they can comprehend. Third, it must be educational. Fourth, it must be inspirational. These requirements call for an articulation of our ethic in terms of moral principles.

A functional articulation of our professional ethic must be relevant to an extremely diverse community of practice

There is no other profession in the world as diverse as ours. In fact, the profession of arms encompasses many sub-professions, including among others such traditionally recognized professions as medicine, law, and clergy. What unifies us into a single profession is not simply the fact that we are all subordinate to the same senior headquarters, but the fact that our pursuit of our various sub-specialties is all part of a greater effort to ensure liberty and security for our clientele. For an expression of our ethic to be applicable to the entirety of the profession, it will have to provide moral guidance on both the unifying elements of our profession and the myriad individual specialties which comprise our profession. An ethic that is not applicable to the entirety

of the profession would not truly be the profession's ethic. At best, it would be the ethic of a particular sub-profession.

Paralleling our vast array of distinct specialties within the profession of arms, there is also a wide disparity between the environments in which we operate. In times of good fortune, we operate principally in our home garrison environments, focusing principally on preparing for future contingencies. In times of conflict, we may operate in large numbers, concentrated in a single theater and engaged in high intensity operations. Or we may be dispersed across numerous areas of operation, engaged in different levels of counterinsurgency and stability operations. The spectrum of conflict to which our professional ethic must apply is quite wide.

The purpose of a professional ethic is to provide moral guidance to the professional. Consequently, our articulation of our ethic must also be both expansive and adaptable. Richard DeGeorge observes that the problem with most codes of ethics is that they primarily address ordinary situations, offering little guidance for unusual situations (DeGeorge 1984, 24). Similarly, the Army's study of the Human Dimension notes that a code that prescribes simple rule-obedience is not helpful. Soldiers require a code that is adaptable to ambiguous situations (U.S. Army 2008, 68). To avoid these pitfalls, our formal expression of our ethic needs to address the preponderance of our moral obligations. It must not leave significant aspects unaddressed. Not only does it need to give guidance over a broad spectrum of activities, but it also needs to help the professional adjudicate any apparent conflicts in the guidance it provides.

A functional articulation of our professional ethic must be comprehensible to an extremely diverse audience⁵⁴

Beyond just the broad array of specialties encompassed by the profession of arms, our practitioners also span a vast spectrum of mental, emotional, and moral sophistication. They reflect a wide disparity of intellect, education, motive, experience, expertise, etc. An ethic that is to be serviceable across both the breadth and depth of our profession will need to be articulated in language accessible to all. Otherwise, it simply will not fulfill its purpose of providing moral guidance to the professional.

There are a number of distinct targets our professional ethic could be articulated to serve. The most obvious target is the practicing professionals within the Army. But since much of our work is carried out by recruits too new to the profession to be considered professionals, we might more reasonably attempt to reach all service members. Or, recognizing the large number of civilians working within the profession of arms, we could articulate an ethic applicable to all practitioners within the profession of arms. We could even target our ethic to an external audience. While it might still address the moral obligations of the practitioner, we could articulate the ethic specifically for the benefit of government officials or the public at large.

Tailoring an articulation of our professional ethic to each of these targets independently would promote more confusion than clarity. We surely do better to strive for a single articulation of our ethic that can service both internal and external audiences.

⁵⁴Professional moral obligations can be analyzed at two levels: that of the individual practitioner or that of the institution as a whole. The moral obligations of each are distinct, even if overlapping. But there is also prospect that there is tension between aspects of the moral obligations of each. My project focuses almost exclusively on the moral obligations of practitioners, not the profession as a whole.

A functional articulation of our professional ethic must educate the professional on his duties

The ideal function of a professional ethic is to educate, not regulate or dictate. Linda Ewing warns that public cynicism is inevitable when any profession promotes a regulatory code it is powerless to enforce (Ewing 1980). To avoid such cynicism, our code must be educational. Otherwise, it does no little moral work. While the content of a formal ethic is important, the greater value of a formal ethic is found in the education that accompanies it. “More important than . . . moral intuitions or norms,” argues Richard DeGeorge, “are the moral arguments defending such intuitions or norms” (DeGeorge 1984, 24). Anthony Hartle made a similar observation during his service in Vietnam, arguing that a professional ethic needs to satisfy the soldier’s thirst for genuine understanding. “At some point in my experience, though, the code itself was no longer enough. Justification of the code became necessary.” When such education on the code was not provided, “[d]isillusionment, cynicism, and resentment” ensued (Hartle 1989, 36). Meaningful behavioral improvement is not achieved through a “carrot or stick,” reward or punishment paradigm as effectively as through persuasion.⁵⁵ For an articulation of our ethic to be genuinely action-guiding, it needs to influence how the profession(al) thinks about action. And that requires that it be educational. It requires that the ethic

⁵⁵In matters of rote behavior, conduct is perhaps better shaped by training than by education, by reward or punishment than by reflection. But using this approach for ethical matters provides only a limited sphere of activities wherein we can have much expectation of ethical behavior. For soldiers to be empowered to behavior ethically in a wide range of situations, including many we cannot foresee, they need improved understanding, not mere conditioning. The soldier must come to understand the nature of his ethical obligations.

endow the profession(al) with greater capacity for moral reasoning and improved moral judgment.

I claimed previously that good judgment is superior to a code of ethics and that a code of ethics is superior only to bad judgment. This claim refers specifically to a code of ethics conceived as a list of rules—strict prescriptions and proscriptions for what the soldiers must or must not do. A written ethic espousing guiding principles instead of restrictive rules promotes the very judgment that is superior to the code I referenced. If we are ready to be a professional organization, then our focus should not be on stipulating mere standards of conduct to our soldiers. Instead, we should focus instead on promoting principles of understanding. Judgment is essential to professional practice. Rather than constraining judgment, our formulation of our professional ethic should seek to encourage and empower judgment. By educating the professional on right conduct, we increase the range of options available to him. We empower him to be an autonomous moral agent.

A functional articulation of our professional ethic must inspire the professional in the performance of his duties

The requirement that the articulation of our ethic be inspirational follows from our desire that soldiers internalize our ethic. The ethic should promote morally autonomous behavior, not mere obedience. It needs to influence behavior even when supervision and enforcement are not possible. Moral behavior is a product of both moral understanding and moral motivation. While education on the ethic satisfies the former condition, it alone does not ensure that the soldier will adopt it. Fortunately, we have a fairly receptive audience. Given the personal risk that each practitioner assumes in joining our profession,

we can assume that those who enter the profession are sympathetic to the idea that there are moral goods worth sacrificing for. While they may not apprehend the details very clearly, they sense intuitively enough that there is a strong moral component to their service.

To inspire professionals to embrace this moral component of their service fully, we owe them a more complete understanding—not only what our ethic is, but why it dictates the actions it does. It is not enough to help them understand how to behave; we must also inform our professionals *why* they must behave a certain way. Such an understanding not only inspires them to actually adopt our ethic, but further gives meaning to their service and gives meaning to their deaths, should their service require it. “The *what* informs, but the *why* transforms” (Uchtdorf 2012).

Given our previous recognition that legalistic codes promote moral minimalism, our professional ethic should be articulated prescriptively, not proscriptively. In other words, its focus should be on what the professional should do, rather than what he should not do. To the extent that we have need of a proscriptive ethic, the Uniform Code of Military Justice already adequately fills our need. But as ethics requires us to rise above the kind of mere moral minimalism represented by proscriptive standards, our professional ethic needs to orient us toward ideal behavior, not merely avoidance of blame. This invites us to formulate our ethic aspirationally, as a statement of ideals to be striven for, rather than a catalogue of behaviors to avoid. As the inspirational spirit of a code is found in both the understanding and the commitment it engenders, it is probably prudent that our ethic be formulated in creedal terms, as expressions of personal commitment to those ideals.

The professional military ethic should be formulated as a list of principles, accompanied by articulation of each, organized around the elements of our professional role

The aforementioned requirements clamor for an expression of the ethic that balances simplicity (so that it is accessible to its entire audience) against complexity (so that it provides the necessary conceptual justification), brevity (so that it is digestible and retainable) against thoroughness (so that it covers the wide variety of situations confronting our profession), specificity (so that it offers action guidance) against generality (so that it has wide-spectrum relevance), and perhaps other contending virtues as well. Striking a balance between any two of these virtues is daunting enough; appropriately balancing all of these competing virtues seems nigh impossible. It is no wonder that skeptics within the profession have periodically expressed pessimism over whether articulating our ethic is even possible. Despite the challenges inherent in this enterprise, I contend that an expression of our ethic can satisfy all of these requirements if it focuses on articulating the fundamental moral principles that undergird our profession.

Moral guidance can be articulated as values, principles, or rules. The Army has traditionally espoused values in an effort to enrich soldier character and rules as a means of governing their behavior. It has little experience promoting principles. The primary problem with values as a form of moral guidance is that they are so vague that they simply do not provide meaningful guidance. There is little consensus as to what any particular value means or requires. So the practitioner has little assistance available when values are his starting point. The trouble with rules has been referenced already. They invite moral minimalism. And there is simply no way to generate sufficient rules to address all of the situations for which moral guidance will be required. Furthermore, rules

fail to compel whenever effective enforcement is not possible. The reason for the Army's avoidance of principles is probably found in the fact that principles require judgment. Empowering soldier judgment runs against the military's long-standing tradition of "salute and execute." Fortunately, wars over the past decade have revealed how critical it is that we empower the judgment of even our most junior professionals.

Expert judgment is the essence of professional practice. We ought not admit into our profession anyone who is incapable of growing into competent moral judgment. Principles guide behavior by educating judgment. They communicate more than comparable rules do. In other words, governance by principles requires far fewer statements than does government by rules. If we want our formal ethic to be remembered, we must minimize its length. Principles yield insight into both what one should do and why one should do it. Thus they both direct and inspire. Whether we are ready to be a profession is a function of how ready we are to be governed by principles instead of precise rules.

Since professional ethics derive from professional roles, or identity, an exploration of our professional ethic requires that we explore each element of our professional identity to determine what moral principles are associated with it.⁵⁶ The American soldier possesses four unique professional roles, or identities: (1) servant of the nation, (2) warrior, (3) leader of character, and (4) member of a profession (Snider 2005, 12). These four individual identities apply simultaneously to the soldier at all times; they

⁵⁶It should perhaps be reiterated here that a professional identity can only generate moral obligations if the role or practice associated with that identity is itself morally acceptable. Morally inappropriate roles and practices (e.g., master-slave relationship) cannot generate any moral obligations other than to abstain from participation.

are not mere “hats” to don or doff at different times and places. For any role or identity to spawn any genuinely moral commitments requires that the identity first be morally acceptable. For this reason, I suggest that we revise the identity of “warrior” to “just warrior.” The term “warrior” is roughly equivalent to “fighter.” It is not clear that there are any ethical implications to being a warrior other than not to do it very often, since war seems generally to be a pretty bad thing. But if we clarify the role as being a “just warrior,” then we can more readily see that the role is morally appropriate and that certain moral principles will govern that identity.

As our professional ethic derives from our professional identity, our articulation of our ethic should be organized around the various elements of our professional identity. Doing so offers several advantages. First, it provides a simple structure for remembering the elements of our professional ethic. Second, it helps the soldier to understand the moral underpinnings of his service. Third, it reinforces the soldier’s sense of identity, giving meaning to his service and fostering his professional development. Finally, it facilitates further study of our professional ethic. Reflecting on the ethical implications of each component of our composite identity reveals moral principles which should guide the conduct of our profession.

Principles are not necessarily self-explanatory. Or rather, they can be articulated at varying levels of specificity and understood at varying depths. The more generally we express moral truth, the fewer principles are required to do so. But this also results in our principles being increasingly value-like in that they are more difficult to comprehend and apply. The more specifically we express moral truth, the more principles we require. But doing so helps to improve clarity and understanding, facilitating application of the

principle. The better we understand a principle, the more we can do with it.

Consequently, we cannot simply espouse a list of principles to the profession and consider them adequately instructed.

It is often said that just war theory can be reduced to three foundational principles—necessity, discrimination, and proportionality. If this is true, then soldiers who understood these principles fully would need no further moral guidance to conduct themselves appropriately on the battlefield. But principles as general as these are more difficult to understand adequately than are more specific principles. In fact, a good way to help the soldier understand the general principle seems to be by presenting him or her with some of the more specific subordinate principles entailed by the parent principles. Consequently, instead of attempting to teach soldiers discrimination and proportionality alone, we do well to also instruct them on non-combatant immunity, moral equality of soldiers, benevolent quarantine, the doctrine of double effect, the requirement for due care, etc. In coming to understand these subordinate principles, they will better understand the primary principles from which these secondary principles arise.

For this reason, I propose our articulation of our professional ethic be seen as two interrelated projects. The first is a simple, inspirational version of the professional military ethic which is easily ingested and remembered. The second is a longer, more in-depth explanation of the first. This second project would provide the rationale for the elements included in (and perhaps those omitted from) the professional military ethic. It

would provide a more thorough understanding of each of the elements of that code. This instructional model is consistent with that already in wide use across other professions.⁵⁷

There is no way to determine conceptually the ideal formulation of our professional military ethic. Both the content we articulate and the degree of generality or specificity given to that content have to be tailored to the audience for which we articulate the ethic. Thus the specific formulation of our ethic is a matter for public discussion and experimentation. Similarly, the organization of principles within the ethic is open to discussion. Since morality requires similar things of each of us, there are a number of moral requirements which could be reasonably associated with more than one professional identity. Consequently, the both the wording and arrangement of moral principles within any viable expression of our professional ethic is subject to discussion and revision. In the version that follows, I have somewhat artificially restricted each element of our professional identity to four succinctly stated primary principles, in order to keep the overall length to a minimum. The subsequent elaboration on each principle then attempts to address the relevant secondary principles.

Principles of the Professional Military Ethic

Primary Principles of the Professional Military Ethic

I am a professional soldier. I serve the American people through the institution of the United States Army. I am a guardian of my nation's freedom. I am accountable to all

⁵⁷See for example, the American Bar Association's Code of Professional Responsibility, the American Medical Association's Code of Medical Ethics, and even the American Institute of Certified Public Accountants' Code of Professional Conduct.

Americans for my performance of duty. As a professional soldier, I fill four distinctive roles, each of which imposes unique moral obligations upon me.

As a servant of the nation:

1. I dedicate myself to providing willing, honorable service to the American people and will seek to be recused when I can no longer do so.
2. I support and defend the Constitution of the United States, with full confidence in the basic merit and goodness of my nation.
3. I subordinate personal interest, even to the sacrifice of my life if necessary, to pursuit of the common good.
4. I am a responsible steward of American resources and the American trust.

As a just warrior:

1. I employ violence only when necessary to protect the innocent.
2. I target only the hostile, taking care to avoid unnecessary harm to noncombatants and infrastructure.
3. I exert only as much force as necessary to defeat the evil I confront and ensure the harm I generate is proportional to the good I pursue.
4. I learn and obey the rules of war.

As a leader of character:

1. I am an autonomous moral agent, accountable in both public and private life for my beliefs, decisions, and actions.

2. I treat others with fairness and compassion, respecting the dignity and basic human rights of all mankind.⁵⁸
3. I employ my position, influence, and example to inspire and improve others, not for personal advantage.
4. I am committed to honorably leading and caring for those placed in my charge.

As a member of a profession:

1. I am part of a team, collectively committed to providing security, promoting justice, and upholding the rule of law.
2. I strive to achieve and maintain expertise in the knowledge and skills of my profession.
3. I am committed to maintaining the nation's trust through providing honest, faithful, and expert service.
4. I strive to improve the state of my profession and hold others accountable for their conduct.

Articulation of "Servant of the Nation" Role and Associated Principles

The soldier, as with any true professional, is first and foremost a servant. His success is measured by the quality of service he renders. The defining characteristic of service is that it is conducted on behalf of another, not for one's own advantage. The professional soldier serves willingly, with confidence that his service to the state promotes respect for human rights and social justice. Voluntary service towards a greater moral good is ennobling. It improves both the servant and the beneficiary.

⁵⁸Wording of this principle was borrowed from Overbey (1996).

I dedicate myself to providing willing, honorable service to the American people and will seek to be recused when I can no longer do so

The willing servant does not await direction. Instead, knowing the purpose for which he serves, he exercises initiative and judgment, committing his energy and ingenuity to the fulfillment of his duties. He seeks to honor and maintain the trust and confidence of the American people. Even the conscript has an obligation to make his service willing.⁵⁹ As long as he serves reluctantly, he is incapable of meeting the standard of professionalism. The soldier's willing commitment activates his full potential. As General George C. Marshall observed, "True, physical weapons are indispensable, but in the final analysis, it is the human spirit, the spiritual balance . . . that wins the victory. It is not enough to fight. . . It is the spirit we bring to the fight that decides the issue. The Soldier's heart, the Soldier's spirit, the Soldier's soul are everything. Unless the Soldier's soul sustains him, he cannot be relied on and will fail himself, his commander, and his country in the end." When loss of enthusiasm or conflict of conscience prevent his continued faithful service, the soldier recuses himself from further service.

I support and defend the Constitution of the United States, with full confidence in the basic merit and goodness of my nation

The professional soldier is motivated by respect for the social good his service provides, not for any prospect of personal gain. Thus, he must care about the cause for which he serves. Soldiers who serve without concern for the goodness of the institutions they support are mere mercenaries, or moral prostitutes. They are a menace to all

⁵⁹"I am prepared to give my life in [my nation's] defense," from the Code of Conduct, is an expression of willing service, even for those who are drafted.

peaceful and just societies. In a profession whose unique practice entails the application of coercive force, it is of the utmost importance that the professional soldier have confidence that his violence promotes a greater moral good. Service to the Constitution provides a basis for this confidence. Although America is not a perfect nation, the professional takes confidence that commitment to the moral values enshrined in the Constitution orient his service in a morally productive direction.

I subordinate personal interest, even to the sacrifice of my life if necessary, to pursuit of the common good

The professional soldier's reason for serving must be respect for the common good. Only respect for the common good can sustain the degree of commitment military service requires. And given how much he risks in serving, any other motive would render service a foolish gamble at best. Recognizing the great moral value of his service, the soldier he commits himself with full diligence to the fulfillment of all assigned missions. He disciplines himself to endure inconvenience, deprivation, hardship, and mortal danger to ensure the security of his nation. Anything less undermines public trust and jeopardizes the nation he serves.

I am a responsible steward of American resources and the American trust

The nation extends to the soldier great trust and enormous resources. The soldier honors that trust through faithful, diligent service. He cares for and makes responsible use of the lives, materiel, property, and equipment entrusted to him. He strives continually for resource economy, while first ensuring accomplishment of the purpose for which those resources were entrusted him.

Articulation of “Just Warrior” Role and Associated Principles

A soldier’s second identity is that of a just warrior.⁶⁰ He fights not for personal gain, glory, gain, or fulfillment, but instead to promote justice.⁶¹ He believes in the necessity and justice of the cause for which he is engaged.⁶² He cherishes justice above even peace and comfort. He is willing both to kill and to die in pursuit of it. His violence and sacrifice serve a vital social function. He protects those who cannot protect themselves, offering his life as a buffer between the hostile and the innocent.

I employ violence only when necessary to protect the innocent

The professional soldier loathes war. It threatens the very values he holds most dear. And it poses tremendous risk to his personal peace and safety. Affinity for violence is a disqualification for professional service.⁶³ Thus, the soldier employs violence only

⁶⁰Shannon French suggests in *Code of the warrior* that a warrior is not merely one who engages in combat but one who does so with a purpose, disciplined by a martial code. On the other hand, Pete Fromm argues in “Warriors, the Army ethos, and the sacred trust of soldiers” that the historical identity of a warrior is decidedly at odds with the professional soldier we seek to develop. Given that the term “warrior” can be loosely applied to anyone who fights, amending it to “just warrior” seems an appropriate, even if superfluous, move for our professional context.

⁶¹Soldiers frequently cite fraternity and solidarity as their reason for fighting. But this is a vast under-description of their real motives for fighting.

⁶²The greater the harm being administered, the greater the agent’s need for confidence that it is appropriate. This can come either through first hand awareness of the moral issues involved and the environment in which he is acting or it can come via justified confidence (not naïve confidence based in little more than affinity for those who conveyed the order) in the individuals or institutions generating his orders.

⁶³Just as one would not accept treatment from a surgeon who touted the slogan, “there is no such thing as a bad amputation,” neither can the public entrust its security to those who show enthusiasm for killing.

when necessary to protect human rights. In such instances, he is motivated by concern for the rights of those at risk. As a tool, violence has a specific moral purpose. The professional soldier employs it only for that purpose. When human rights can be safeguarded through non-violent means, the soldier employs those instead.

I target only the hostile, taking care to avoid unnecessary harm to noncombatants and infrastructure

The professional soldier directs violence only at those who pose an obstacle to the restoration of justice. He curtails this violence when it is no longer necessary. He scrupulously avoids endangering those who present no threat. In fact, he does not even privilege his own life above others but instead accepts increased risk to himself to avoid posing undue risk to the innocent.⁶⁴ He likewise makes every reasonable effort to preserve both private and public property.

I exert only as much force as necessary to defeat the evil I confront and ensure the harm I generate is proportional to the good I pursue

The professional soldier tailors his violence to the level of the threat he confronts. He employs sufficient violence to defeat his opponent while minimizing collateral damage.⁶⁵ He avoids engaging targets whose military value is insufficient to justify the amount of damage necessary to suppress them, trusting that his ultimate mission will be

⁶⁴As a tool whose function is to protect rights, the soldier has some legitimate basis for privileging his life above others. But his own bias is likely to infect his judgment on this issue. So it is prudent to proceed as if he must regard his life as equal to that of all other innocents.

⁶⁵One further reason for exercising restraint in war is the prospect that the war ultimately fails to increase justice. If so, then every bit of damage done in war was unnecessary and unproductive.

better served by abstaining. The restoration of justice post-conflict requires the restoration of civil society. Every bit of non-military damage caused in the course of war is an impediment to the establishment of a stable society post-conflict.

I learn and obey the rules of war

The rules of war seek to minimize destruction and preserve the humanity of the combatants. The professional soldier obeys them out of respect for these values and regardless of his opponent's conduct. In order to do so, he educates himself on the rules of war and their potential applications.

Articulation of "Leader of Character" Role and Associated Principles

Leadership entails the exercise of influence upon others to advance some common cause. Given the corporate nature of our profession, every soldier exerts influence on the performance of those around him. Consequently, every professional soldier must consider himself a leader. Even when not formally appointed to a leadership position, he is responsible for exercising initiative and influence to improve those around him and advance their shared purpose.⁶⁶ The first requirement of leadership is to gain mastery over oneself. Only then can one rightly and effectively lead others.

Character is a prerequisite for moral judgment. One who is uncommitted to doing right is severely handicapped in his ability to even discern what is right. He is inundated with biases he cannot overcome until he commits to doing right. Bias and prejudice

⁶⁶A Marine Corps manual explains: "An individual's responsibility for leadership is not dependent upon authority. Marines are expected to exert proper influence upon their comrades by setting examples of obedience, courage, zeal, sobriety, neatness, and attention to duty" (MCWP 6-11, 2002, 94).

distort judgment. Those who are not more committed to honest pursuit of the right than they are to obtaining comfortable conclusions will find themselves on the wrong side of the right more often than not. When they do end up in the right, it will have been by mere accident.

Leadership and character are unrelenting responsibilities. You cannot turn character off and on any more than you can employ leadership you have not developed in other settings. Presuming that you can indulge in immoral conduct off-duty and still demonstrate moral conduct on duty is like presuming that soldiers can participate only apathetically in training and thereafter still fight resolutely and effectively in combat. Leadership and character are both a function of one's having a resolute commitment to one's purpose. Thus, they are mutually reinforcing. As Lieutenant General Sir James Glover observed, "a soldier of character in peace is a man of courage in war" (Diehl 1985, 42).

I am an autonomous moral agent, accountable in both public and private life for my beliefs, decisions, and actions

The professional soldier never surrenders his moral autonomy. Without it he is incapable of professional service. His obedience to orders implies his endorsement of those orders.⁶⁷ Consequently, he obeys all, and only, legitimate orders. Although specifically engaged in service to his country, the professional soldier retains his moral responsibility to humanity. He does not do on behalf of others anything that would be

⁶⁷His obedience reflects that he has confidence in the orders or that he has confidence in the institution generating the orders. If he believes the orders to be flawed but carries them out anyway, then he is guilty of moral cowardice and complicity. He is either morally indifferent or is favoring himself over the public good, obeying orders merely to avoid punishment.

wrong for them to do themselves. To fulfill his moral responsibility, the professional soldier educates his conscience and strives for continuous moral improvement. He is cautious in formulating and carrying out orders in order to ensure that the actions those orders generate are morally appropriate. Violating moral norms in pursuit of a mission generates greater problems for others to deal with.

I treat others with fairness and compassion, respecting the dignity and basic human rights of all mankind

The moral foundation for the professional soldier's service is found in human rights. His violence is justified by its role in upholding or restoring these rights for others. Consequently, he fastidiously honors these rights in the execution of his professional responsibilities. This commitment to honorable treatment of others extends to all, including even enemy combatants, detainees, and noncombatants.⁶⁸ Given the many overseas environments in which the soldier operates, he is particularly attentive to and respectful of foreign cultures and beliefs.

I employ my position, influence, and example to inspire and improve others, not for personal advantage

The rank and position a professional soldier holds are a temporary trust, extended him for a specific purpose: to serve the nation in defense of rights. He honors that trust by using his rank and position exclusively for the purpose for which they were extended. Consequently, he "will never permit [his] subordinates to endure hardships or suffer

⁶⁸"Honorable treatment" constitutes different things for each population. It does not undermine his responsibility to engage with and destroy adversaries. But he does so while respecting them as adversaries. When their status changes, his treatment of them changes. But his respect for them remains consistent.

dangers to which [he is] unwilling to expose [himself]. Every soldier who leads others must share the burden of risk and sacrifice to which comrades are exposed. In this, a soldier is first and foremost a leader and must lead by personal example. Leaders must always set the standard for personal bravery, courage, and [moral] actions” (Gabriel 2007, 178).

I am committed to honorably leading and caring
for those placed in my charge

The professional soldier places the needs of his subordinates above his own. In order to honorably fulfill his leadership mandate, he must continuously develop his leadership capacity, growing in understanding of the many dimensions of human behavior. He is responsible to develop, educate, train, equip, and prepare his soldiers in all aspects of our professional expertise, ensuring they are fully serviceable in both peace and in war, at home and abroad. He is responsible for ensuring they are morally improved as a result of serving with him. This investment in the development of other practitioners is one of the hallmarks of a profession. He is careful to safeguard them and use them responsibly, even while recognizing the necessity of employing them in potentially fatal operations. He ensures that their conduct is such that they can be safely and honorably repatriated back into American society at the end of their service.

Articulation of “Member of a Profession” Role and Associated Principles

Professions enjoy the trust of society to provide a vital public service free of significant public regulation. They enjoy this trust both because their expert service they provide to society concerns theoretical knowledge beyond the understanding of society and because they commit to serving society above their own interests. This trust

relationship benefits both society and the profession. Thus the professional is responsible to conduct himself in ways that honor the public trust and enhance his profession's ability to serve the public. Most importantly, he must never use his expertise and power in a way that harms his client's interests. The good provided by the profession of arms is so vital to the very existence of society that the relationship between the profession of arms and society is best viewed as a covenant relationship.⁶⁹ The profession of arms commits itself to fulfilling its vital social function regardless of society's fulfillment of its obligation to the profession of arms.

I am part of a team, collectively committed to providing security, promoting justice, and upholding the rule of law

The profession of arms differs from other professions in a number of important respects. One of the most distinctive ones is that we collaborate to provide collective service to our client. This elevates the value of teamwork and imposes greater obligations of cooperation, contribution, subordination, and obedience. The professional soldier seeks to build functional teams that are united by their commitment to loyal service, rather than principally through shared hardship or fraternal ritual. Given the corporate nature of our service, society is prone to view every uniformed soldier, regardless of time and status within the profession, as a professional. Consequently, it is incumbent on every member of the profession to aspire to fulfill the expectations of professional service.

⁶⁹In contrast to a contract relationship, in which each party's obligation is a function of the other party's (and each is excused if the other fails to fulfill), in a covenant relationship the parties accept obligations to each other and commit to fulfilling them regardless of whether the other party honors its obligation.

I strive to achieve and maintain expertise in the knowledge and skills of my profession

Each profession possesses a unique expertise. For the profession of arms, that expertise, according to Sir John Hackett, “is the ordered application of force in the resolution of a social problem.” This expertise encompasses a broad repertoire of ability, ranging from the technical skills of fighting a tactical conflict to the technical-theoretical skills of planning and directing combat operations to the principally theoretical skills of employing forces strategically to achieve political ends. For the professional, theoretical expertise is always more important than technical expertise. In other words, knowing when, where, why, and how to apply one’s skill is more important than the mere possession of that technical skill.⁷⁰ The exercise of theoretical judgment to provide a vital service to his client is the hallmark of the professional. In the contemporary operating environment, where every soldier’s actions have strategic potential, it has become increasingly important that every soldier develop increased theoretical understanding. Thus the professional soldier commits himself to continual development across the spectrum of technical and theoretical knowledge of his profession. For a profession on which the very survival of our society depends, competence in professional practice is a moral imperative.

I am committed to maintaining the nation’s trust through providing honest, faithful, and expert service

The trust upon which professions depend requires the faithful and expert service of professional practitioners. For the professional soldier, this means fulfilling assigned

⁷⁰Technical skill in the application of violence, undisciplined by theoretical understanding of the social role of violence, is a moral menace.

missions with integrity and diligence. This also entails providing candid, expert advice to society on the appropriate application of, limits to, and costs of employing our profession. The behavior of every professional contributes to society's level of trust in the profession. Consequently, professional soldiers owe it to both society and their fellow soldiers to ensure their actions are always beyond reproach.

I strive to improve the state of my profession and hold others accountable for their conduct

Professions constitute communities of practice. They survive only so long as communal standards are maintained. Professions are responsible for maintaining the integrity of their practice by developing their knowledge, certifying practitioners, and policing the behavior of their practitioners. For the professional soldier, this requires that he assume responsibility for the conduct of his fellow practitioners, that it not be said of his profession as G. B. Shaw once said of doctors: "Every doctor will allow a colleague to decimate a whole countryside sooner than violate the bond of professional etiquette by giving him away" (J. Cook 2009). This responsibility compels the professional soldier to intolerance of illegal or immoral conduct. But it further inspires him to proactively nurture the conduct of fellow professionals by enriching their understanding of their duty and promoting a healthy professional culture. According to James Toner, "Literature is filled with examples of individual heroes faithful to their shining concepts of honor when, all around them, others failed. [In real life,] [i]t is rarely so. Most humans need the counsel and companionship of others to hold them true when challenges mount" (Toner 1995, 120).

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Attempting to articulate the professional military ethic is an intellectually stimulating undertaking. But it remains an academic triviality, of little benefit to the profession, until that articulation finds broad acceptance in the profession. I have attempted to provide the necessary conceptual explanation to demonstrate the viability of the account of the professional military ethic I offer here. But I also freely acknowledge a limitation inherent in such an attempt. Any given account of the conceptual foundation of the professional military ethic is capable of supporting many different articulations of our professional moral obligations. Agreement on the conceptual underpinnings of our ethic is insufficient to ensure agreement as to the final expression of it. The version that is most suitable to our profession is a matter for public adjudication. Thus, debate, compromise, and revision are necessary before any version of the ethic will be ready for endorsement by the profession. The version of the ethic I offer here is best seen as a launch pad for that discussion. Or better, perhaps it is best seen as a template.

No matter how appropriately it is articulated, for a version of the Army's professional ethic to be established as the Army's official version requires the endorsement of senior Army leadership. As Jeffery L. Schwander explains in his 1988 Army War College individual study project on the professional military ethic: "[T]he adoption of a code of ethics for the Army or any segment of the Army [will] occur only if, at the highest levels of leadership, there [is] an already existing support for such a code. . . . [U]nder normal circumstances the strength of arguments for adopting codes of ethics has little bearing on whether or not an institution adopts a code of ethics"

(Schwander 1988, 2). Fortunately, interest is presently high across the profession. In fact, it has probably never been higher. As Matthew Moten notes, “the Army tends to reform at the end of wars that have accentuated its shortcomings of one kind or another” (Moten 2010, 18). As it did during Vietnam, our Army has begun to discover deficiencies in its professionalism and moral commitments. With the establishment of the Center for the Army Profession and Ethic, we now have both a ripe environment and a venue for promoting an official Army ethic to the Army’s senior leadership.

For a professional ethic to benefit a profession, it must be inculcated in the minds and behavior of the profession’s members. In fact, the ethic we ultimately adopt is probably less important than is the subsequent effort to promote that ethic in the behavior of practitioners. How to accomplish this is an experimental project, rather than a conceptual one. Some ideas that seem promising at the outset will prove unproductive when implemented. This can be a function of the inadequacy of the idea or imperfection in implementation. Similarly, ideas that seem out the outset to be absurd may prove upon implementation to be perfect for a particular audience. Consequently, rather than launching an education effort with a one-size-fits-all, top-down approach, we would do well to encourage experimentation by units across the Army, inviting successful initiatives to emerge and propagate on their own. This process will reveal successful practices that can thereafter be adopted by the Army for wider implementation.

While there are surely a variety of fruitful ways to promote the professional military ethic across the military, all will necessitate changes in military culture. There are simply too many aspects of today’s diseased military culture that are incompatible with our ethic, including egoism, bloodlust, power fixation, institutional cruelty, self-

deception, blind cooperation, excessive deference, misguided loyalty, etc. Furthermore, institutional culture is so pervasive that unless it is coopted in support of our ethic, it will present incessant, formidable resistance to any effort to inculcate the ethic. While culture is relatively slow and difficult to change, it is critical that we undertake to change it. And it is responsive to deliberate influence. Consider relatively recent changes in the Army culture. Whereas infantry used to be among the least popular branches for officers, it is now the most popular. We are fortunate that we do not require wholesale change in our culture. There are countless healthy aspects of our culture, such as the seriousness with which we take training and fighting. We simply need to adapt our culture to ensure that the healthy elements are disciplined within appropriate boundaries. In an organization that prizes obedience, cooperation, and conformity as does ours, some cultural changes can be instigated fairly deliberately from the top down. Barrett highlights the change to military culture precipitated by President Obama's unequivocal rejection of the torture techniques endorsed by the previous administration (Barrett 2012, 11).

A primary obstacle in any moral development initiative is that those for whom it is intended already feel adequately developed. An effort to develop them further necessarily implies that their present development is inadequate. "As Raymond C. Hartjen expressed the thought in his paper on ethics, ' . . . most of us view ourselves as being ethical in all, or nearly all we do. When it is suggested that some action of ours is not ethical, we are likely to take offense at the statement and respond in defense of the ethical image we hold of ourselves'" (Schwander 1988, 6). Consequently, professional moral development is probably better pursued under the auspices of developing practitioners' professional identity, rather than their character. Brigadier General Patrick

Finnegan, the dean of the United States Military Academy from 2005 to 2010, used to regularly appeal to cadets' sense of their professional identity, admonishing them to "Remember who you are and who you represent." Similarly, Mark Osiel argues that soldier behavior on the battlefield is a consequence of their self-identity. He cites an instance during which a new Marine was poised to murder a Vietnamese civilian. A nearby officer simply reminded the recruit that "Marines do not do that," and by thus appealing to his professional identity prevented a war crime (Osiel 2009, 23). Not only is professional identity development likely to be more palatable to our force, but it is probably a more appropriate target than character development anyway. As President Woodrow Wilson observed, "If you will think about what you ought to do for other people, your character will take care of itself. Character is a by-product, and any man who devotes himself to its cultivation in his own case will become a selfish prig."

The most effective step our profession can now take to further the moral development of its practitioners is to articulate its professional ethic. The benefits of doing so are tremendous—for the professional, for the institution, and for society. Despite the conceptual framework provided here, establishing our professional ethic will still require substantial work. Major progress always does. Consider the initial failure of Army efforts to make headway against mild traumatic brain injury, post traumatic stress disorder, and suicide. The Army made little headway against these problems until it acknowledged the magnitude of these problems and committed substantial resources to addressing them. It is time now for the Army to recognize the magnitude of its failure to articulate its professional ethic. The moral and professional progress we need requires this. And the time is now ripe for our doing so. Fortunately, with the establishment of the

Center for the Army Profession and Ethic at West Point five years ago, the Army now has a champion to advance this effort.

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