

THE ARMY ETHIC

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MASTER OF MILITARY ART AND SCIENCE
General Studies

by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

THE ARMY ETHIC, by Mitchell A. Payne, 124 pages.

This thesis examined the CAPE Army Ethic. It uses a three-phased approach, first conducting a survey to determine perceptions of relevancy among CGSS officers. Second, it uses a comparative analysis to determine how the CAPE-proposed Army Ethic adheres to principles of ethical codes in other professions and military organizations. Third, it conducts an analysis of the moral principles of the U.S. Constitution to determine the CAPE-proposed Army Ethic's adherence to the national values as espoused in the United States' foundational documents. This analysis identified one major area for improvement in the CAPE-proposed Army Ethic, centered on the development of a unique professional identity for the American military, as well as several other minor areas for improvement. This thesis then recommends adjustments to the proposed ethic, and concludes by offering implications for the Army as an organization.

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ACRONYMS

ADP	Army Doctrine Publication
ADRP	Army Doctrine Reference Publication
CAPE	Center for the Army Profession and Ethic
CGSS	Command and General Staff School
DOD	Department of Defense
FS	Force Sustainment
JER	Joint Ethics Regulation
LTC	Lieutenant Colonel
MFE	Maneuver Fires and Effects
NCOES	Officer Education System
OES	Officer Education System
OS	Operational Support
U.S.	United States
UCMJ	Uniform Code of Military Justice

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CHAPTER 1

INTRODUCTION

A code of ethics . . . cannot be developed overnight by edict or official pronouncement. It is developed by years of practice and performance of duty according to high ethical standards. It must be self-policing. Without such a code, a professional Soldier or a group soon loses its *identity* and effectiveness.¹

— SMA Silas L Copland, Third Sergeant Major of the Army

Certain things we have to do in war are outside our character.²

—LTC(R) Allen West

In April 2003, Lieutenant Colonel (LTC) Allen West commanded 2nd Battalion, 20th Field Artillery Regiment, 4th Infantry Division. He deployed to Iraq in support of Operation Iraqi Freedom. While deployed, LTC West interrogated Yehiya Kadoori Hamoodi, an Iraqi police officer, whom he believed had actionable knowledge of an impending ambush against the men in LTC West's battalion. During the course of the interrogation, LTC West took Mr. Hamoodi outside, put him face down on the ground, and discharged his service pistol into a nearby clearing barrel.³ Fearing for his life, Mr. Hamoodi "confessed" and gave up names, although in later interviews, Mr. Hamoodi

¹ HSMA Silas L Copland, "The NCO Must Grow with the Army," in *The Sergeants Major of the Army: On Leadership and the Profession of Arms*, ed. Sandra J. Daugherty (Arlington, VA: Association of the United States Army, 2009), 11; emphasis added.

² Deborah Sontag, "The Struggle for Iraq: Interrogations," *New York Times*, 27 May 2004, accessed 12 September 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.

³ Ibid.

claimed that the names and information were “made up.”⁴ Follow on investigations corroborated the fallacious nature of Mr. Hamoodi’s “confession.”⁵

When the story broke, LTC West’s chain of command removed him from command pending an Article 32 investigation. That investigation showed that LTC West had illegally interrogated an Iraqi citizen, and violated Articles 128 and 134 of the Uniform Code of Military Justice.⁶ Had he been found guilty, LTC West could have faced up to eleven years in prison. Instead, LTC West’s chain of command decided to pursue non-judicial punishment, and fined him \$5,000. LTC West pled guilty to the charges, paid the fine, and retired with full benefits after twenty-two years of military service.

Was Allen West wrong? Members of Congress did not think so. Ninety-five members of the United States House of Representatives signed and sent a letter to the Secretary of the Army affirming LTC West’s actions. In the aftermath of his actions, LTC West received over 2,300 letters and emails from a grateful nation, affirming his decision to place the lives of his men above “petty regulations.”⁷ In August 2010, Florida’s 22nd District elected Allen West (R) to the United States House of Representatives. Was LTC West wrong to make the welfare of his men his primary mission? Was he wrong to act “outside of his character,” as he put it? Do the exigencies

⁴ Sontag, “Interrogations.”

⁵ Ibid.

⁶ CNN, “U.S. Officer Fired for Harsh Interrogation Tactics,” 13 December 2003, accessed 12 September 2014, <http://www.cnn.com/2003/US/12/12/sprj.nirq.west.ruling/index.html>.

⁷ Sontag, “Interrogations.”

of war necessitate a change or abandonment of our personal and professional identities?
What role might a codified Army Ethic have played in LTC West's decisions?

Background

Military doctrine and government documents clearly outline the responsibilities of the United States (U.S.) Army. United States Code Title 10 states that the Army “shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war.”⁸ Army Doctrine Publications (ADP)-1, *The Army*, refines this Title X responsibility, and asserts the Army's mission as “to fight and win the nation's wars through prompt and sustained land combat, as part of the joint force.”⁹

Within this mission set, two fundamental questions arise: Who are these people who specialize in the application of violence? How does the American public know that it can trust them with their safety? These twin questions of identity and trustworthiness must inform all discussion on military ethics, and especially the formation of a professional code of ethics. This study will show that professional ethical codes promote a professional identity, which subsequently informs acceptable and unacceptable behavior. Without a unifying professional code that clearly identifies what it means to be a member of the profession of arms, people will use the exigencies of war to continue to

⁸ Armed Forces: Army, U.S. Statutes at Large 3 (2011): 1710, codified at U.S. Code 10 (2011), § 3062.

⁹ U.S. Army, Army Doctrine Publication (ADP) 1, *The Army* (Washington, DC: Government Printing Office, 2012), 1-8.

act “outside their character,” as LTC West put it. Resultantly, the U.S. Army needs a professional code of ethics.

Army Doctrine and Training Publications (ADRP) 1, *The Army Profession*, defines the Army Ethic as “the evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose.”¹⁰ While this definition serves as an operative definition throughout the rest of the publication, it does not clarify what it means to be an Army professional or how said professionals are supposed to act in the conduct of the profession of arms. Thus, the current Army definition of the Army Ethic is insufficient as a unified code of ethics for the profession of arms.

Conversely, military legal experts might point to the Joint Ethics Regulation (JER) as the foundation for a codified ethic.¹¹ While this document does offer a code of ethics and associated ethical values, this document primarily functions as a legal document similar to the Uniform Code of Military Justice (UCMJ). The JER does not directly reinforce what it means to be a member of the profession of arms. The resulting juridification of this ethical code does not address the question of how should a military professional should act. Instead, the JER, as an ethical code, changes the question to

¹⁰ U.S. Army, Army Doctrine and Training Publications (ADRP) 1, *The Army Profession* (Washington, DC: Government Printing Office, 2013), 1-3.

¹¹ Department of Defense, Department of Defense (DoD) 5500-7R, *Joint Ethics Regulation* (Washington, DC: Government Printing Office, 1996), 155-158.

“what can I get away with?”¹² Every time a military commander calls his Judge Advocate General officer, the primary question is, “will this [issue/decision/policy] get me in trouble?” In the words of military ethicist, Anthony Hartle, “to conclude that an action not prohibited under the JER is therefore ethically acceptable is a corruption that member of the military profession should avoid.”¹³ Thus, while it provides insight and general guidance to the military professional, the JER is also insufficient to serve as a unified code of ethics for the profession of arms.

These are only a few examples of a multi-voiced conversation with regard to the U.S. Army’s unified code of ethics. In June 2014, the Center for the Army Profession and Ethic (CAPE) published a white paper entitled, “The Army Ethic,” to rectify this problem. The self-expressed goal of the white paper was to produce “an articulated, accessible, commonly understood, and universally applicable Army Ethic, motivating *Honorable Service*, guiding and inspiring right decision and actions.”¹⁴ The paper then goes on to describe the risks associated with not having a codified Army Ethic, and reviewed previous attempts to identify and codify an Army Ethic.

The final page of this white paper proposed a codified Army Ethic. This Ethic is written in four parts, an assertion of a Soldier’s identity as a “Trustworthy Army Professional,” and a listing of three following principles:

¹² Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 67.

¹³ Ibid.

¹⁴ Center for Army Profession and Ethics (CAPE), *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 1.

1. Honorable Servants of the Nation—Professionals of Character
2. Military Experts—Competent Professionals
3. Stewards of the Army Profession—Committed Professionals¹⁵

The proposed Ethic then discusses each one of those principles, adding depth and breadth to them in an attempt to show how those principles might be useful in attaining their goal of an “articulated, accessible, commonly understood, and universally applicable Army Ethic.” This white paper attempts to solve the problem of a codified Army Ethic, but is it sufficient?

Problem Statement

The lack of a unifying codified Army Ethic stems from a fundamental question of a Soldier’s identity as a member of the profession of arms. The inability to articulate clearly and concisely, both who we are as professional Soldiers and how professional Soldiers should act, has resulted in an inconsistent understanding among Army Professionals about how to apply our various underlying “oaths, creeds, values, and virtues.”¹⁶ Furthermore, if Army personnel fail to see the CAPE-proposed Army Ethic as relevant, then this proposed document will not be effective in guiding and inspiring ethical behavior as per its stated goal. Additionally, if the CAPE-proposed Army Ethic fails to adhere to the fundamental principles of a professional ethic, then it will fail to become the document that military professionals need to articulate their identity, guide their actions, and describe to the world what it means to be a military professional.

¹⁵ Ibid., 11.

¹⁶ CAPE, *The Army Ethic White Paper*, 2.

Finally, without a grounded ethical code, the United States Army loses credibility as a profession. Any one of these potential omissions may result in the CAPE-proposed Army Ethic failing to achieve its aforementioned goal.

Primary and Secondary Research Questions

The primary research question this thesis will address is as follows: Is the CAPE-proposed Army Ethic a sufficient guide to produce ethical behavior?

Secondary Questions include:

1. Do Army Officers at CGSC perceive this proposed ethical code as relevant?
2. How does the CAPE-proposed Army Ethic compare to other professional ethical codes?
3. Does the CAPE-proposed Army Ethic reflect the values of the nation, as espoused in our historical and foundational documents?

Thesis Purpose and Research Outline

This thesis will evaluate the CAPE-proposed Army Ethic in terms of its perceived relevance among CGSS officers, its ability to clearly present a unifying identity for members of the profession of arms, and its adherence to the fundamental principles of a professional codified ethic. Based on that analysis, this thesis will suggest ways to improve the CAPE-proposed Army Ethic.

Research will be conducted in three ways. The first way will be to conduct a survey of CGSS officers to determine their perceptions of the CAPE-proposed Army Ethic. An analysis of those perceptions of relevance will offer insights into ways to improve the CAPE-proposed Army Ethic.

The second part of the research will be to conduct an analysis of the moral principles within the historical and foundational documents of the United States Government. Every member of the United States Army swears an oath to “support and defend the Constitution of the United States.”¹⁷ Therefore, the Constitution, and its precursor document, the Declaration of Independence, form a basis for an Army-wide foundation. These documents contain moral principles; those principles warrant investigation and will help inform the discussion of a unifying foundational identity upon which to base the development of the codified Army Ethic.

Lastly, a comparative analysis will be conducted of the major several professional ethical codes from both other professions and other militaries. This will determine what the underlying principles of a professional ethical code are. Those ethical principles will be applied to the CAPE-proposed Army Ethic to determine if it fits the criteria as identified from the ethical codes. Figure 1 indicates a graphic representation of this thesis’ research path.

¹⁷ Department of Defense, DD Form 4, *The Oath of Enlistment* (Washington, DC: Government Printing Office, 2007), 2; U.S. Army, DA Form 71, *Oath of Office* (Washington, DC: Government Printing Office, 1999), 1.

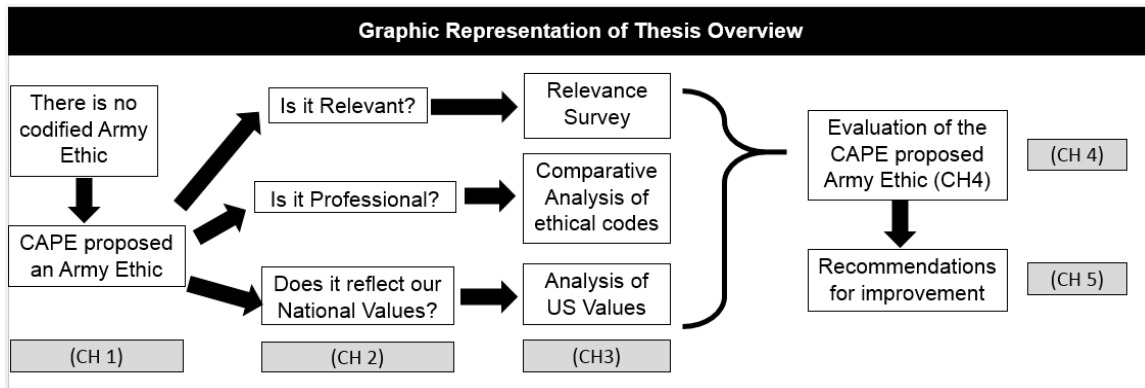


Figure 1. Graphic Representation of Thesis Overview

Source: Created by author.

Definitions and Key Terms

For the purposes of this thesis, the difference between morals, values, virtues, and ethics are distinguished. Philosopher Alan Donagan, in his book, *The Theory of Morality*, defines morality in terms of the “generally accepted norms of *individual conduct*.”¹⁸ His definition highlights the individual nature and applicability of morals. Ethicist Stuart Rachels offers his own definition of morality, defining it as “the effort to guide one’s conduct by reason—that is, to do what there are the best reasons for doing—while giving equal weight to the interest of each individual affected by one’s decision.”¹⁹ Individuals develop their moral beliefs based on their upbringing, religious background, and education. These beliefs help shape that individual’s perceptions of right and wrong

¹⁸ Alan Donagan, *The Theory of Morality* (Chicago, IL: University of Chicago Press, 1979), 1; emphasis added.

¹⁹ Stuart Rachels, *The Elements of Moral Philosophy*, 7th ed. (New York, NY: McGraw-Hill, 2012), 13.

actions. Thus, for the purposes of this thesis, “morals” and “morality” are used in terms of individuals only.

Modern day virtue ethicist, Alasdair MacIntyre, in his foundational work, *After Virtue*, offers a coherent definition of a virtue. He writes, “A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.”²⁰ Historical Ethical Schools of the Literature Review will discuss this further. For the purposes of this thesis, virtues differentiate from morals in that morals are individual standards of right and wrong behavior for individuals, whereas virtues are desirable traits for individuals to attain.

Values are different from morals. Values represent those specific morals or virtues to which a person or society places emphasis on at a given place and time.²¹ Different societies have different values. Values can be individual or corporate, and may change as those individuals or corporate bodies develop over time and incorporate other viewpoints or respond to shifts in morality, religion, economics, and other socio-cultural factors. This thesis will use the term values in specific reference to the Joint Ethical Values and the Army Values.²²

²⁰ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 191.

²¹ Louis Pojman, *Ethics: Discovering Right and Wrong*, 3rd ed. (Belmont, CA: Wadsworth Publishing Company, 1998), 93.

²² Department of Defense, DoD 5500-7R, *Joint Ethics Regulation*, 155-158; U.S. Army, Army Doctrine Reference Publication (ADRP) 6-22, *Army Leadership* (Washington, DC: Government Printing Office, 2012), 3-1 to 3-3.

This thesis will use the term “ethic” from the perspective of a philosophical ethicist, as opposed to a legal or financial sense. The Joint Ethics Regulation discusses ethics from a legal sense, providing “ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training.”²³ This regulation deals with ethics from more of a legalistic sense, although it does list ethical principles that apply to all DOD personnel.²⁴ This will be a topic for further discussion in U.S. Joint and Army Doctrine of the Literature Review, but for the duration of this thesis, the term “ethic” will be used in terms of philosophical ethics or in terms of a written professional code of ethics.

For the duration of this thesis, the phrase “professional ethical code” will refer to the written code of ethics across the various professional fields (medical, journalism, education, legal, and counseling fields). The phrase “Army Ethic” will specifically refer to the doctrinal definition for the Army Ethic as defined in ADRP-1, which states the Army Ethic is “the evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army Profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose.”²⁵ The phrase “codified Army Ethic” will refer to the detailed and codified delineation of the specific moral principles and ethical values for the Army as a professional organization expressed in written form. The phrase “CAPE-proposed

²³ Department of Defense, DOD 5500-7R, *Joint Ethics Regulation*, 1.

²⁴ *Ibid.*, 155-158.

²⁵ U.S. Army, ADRP 1, *The Army Profession*, 1-3.

Army Ethic” is a more specific reference to the codified Army Ethic as published in the June 2014 white paper, “The Army Ethic.”

Throughout this paper, *foundational documents* of the United States will refer to the United States Declaration of Independence, and the Constitution of the United States, to include the Bill of Rights, and all following amendments. United States foundational documents of the Literature Review will discuss this further.

Assumptions

This thesis assumes fundamentally that the nature of ethics is open to study, and that said study can produce distinguishable and applicable fundamental principles for the evaluation of any professional codified ethic. This assumption is in contrast to some schools thought with regard to philosophical ethics, namely ethical subjectivism and moral skepticism.²⁶

This thesis also assumes that a codified Army Ethic will be effective in guiding and inspiring right action. An investigation of methods to increase the efficacy of ethical training might be a topic for future research; one underlying assumption is that relevance to an individual will help the CAPE-proposed Army Ethic achieve its goal of being “universally applicable.”

This thesis assumes the need for a guideline for ethical behavior. There have been numerous ethical violations by high-ranking military leaders. One example is LTC(R) Allen West’s unethical interrogation of Yehiya Kadoori Hamoodi in 2004.²⁷ Another

²⁶ Rachels, *Elements*, 32-44.

²⁷ Sontag, “Interrogations.”

example of a recent ethical violation from a senior leader is LTC Nate Sassman's decision to obstruct an active investigation into the death of an Iraqi detainee in 2005.²⁸ The more recent bevy of senior leader misconduct offers further evidence that ethical violations exist in the US Army.

Finally, this thesis assumes that the military is a profession, and thus warrants an ethical code. A cursory glance at current Army doctrine might lead one to believe that this is not much of an assumption, given the recent publication of ADRP 1, *The Army Profession*. Therein, Army doctrine defines the Army Profession as "a unique vocation of experts certified in the design, generation, support, and ethical application of land power, serving under civilian authority and entrusted to defend the Constitution and the rights and interests of the American people."²⁹ That same ADRP goes on, however, to list the certification criteria for Army professionals as competence, character, and commitment. This is somewhat more of a stretch; what is the metric for evaluating competence or commitment? Thus, it is necessary to assume that the Army is an actual profession akin to law or medicine.

Limitations

While religious beliefs influence individual morals and values, the United States Army is not a religious organization. Any unifying or fundamental moral principle cannot be solely religious in nature. Religious beliefs inform the morals and values of

²⁸ Dexter Filkins, "Fall of the Warrior King," CGSS, L207 Curriculum, accessed 31 January 2015, https://CGSS.blackboard.com/webapps/blackboard/content/listContent.jsp?course_id=_3801_1&content_id=_241853_1.

²⁹ U.S. Army, ADRP 1, *The Army Profession*, 1-3.

individuals within the organization, and the United States Army is composed of many people who come from diverse religious backgrounds. “The moral tradition associated with the Jewish and Christian religions is incompatible in various respects with other venerable moral traditions, for example that of Hinduism.”³⁰ Any proposed Army Ethic must take into account the great variety of religious backgrounds when considering an underlying and unifying identity as a part of a professional codified Army Ethic.

This is not to say that a codified Army Ethic cannot be formed by the longstanding Judeo-Christian values and morality as a part of the tradition of Western history and thought.³¹ This is especially true given that the American military represents a cross-section of American society. Those societal and religious values will shape and influence both individuals in the military, and collectively as the military reflects those societal values. Despite this reflection, however, given the fact that there is no state-sponsored church or religious institution, any military organization in the United States cannot base its ethical code or moral principles in *purely* religious foundations.

One final limitation that this research faces is that it is limited in time and relies on the July 2014 version of the CAPE-proposed Army Ethic as published and disseminated. CAPE has made subsequent changes to their initial version; the updated version of their Ethical Code has not currently been published, but exists in draft form (see Annex C). This criticism began prior to the dissemination of the updated draft version, and focuses mainly on the July 2014 version. The author has received feedback from CAPE, and in the principle of academic charity, the author has discarded previous

³⁰ Donagan, *The Theory of Morality*, xv.

³¹ Hartle, *Moral Issues*, 82.

criticisms where CAPE has already made changes.³² Due to the academic constraints, however, this study must focus on CAPE's published work, and not the living document.

Scope and Delimitations

This thesis will focus the scope of its research into ways to improve the CAPE-proposed Army Ethic in terms of its relevance, identity, and its adherence to fundamental principles in ethical codes. As such, research of specific case studies is delimited in ethical violations. This study will not presume to identify reasons why people violate their moral and ethical codes, or abandon their virtues and values.

Furthermore, it would be outside the scope of this study to examine and evaluate the current methods of ethical training within the military, although this may be highlighted as an area for future study. Any study at how professional organizations train their members in their ethical codes (both initially and reinforcing throughout their professional career) presupposes that those professions already have an ethical code to use as a basis for instruction.

Finally, while militaries are a microcosm of society, this paper will not examine the effects of a codified Army Ethic as a reflection of societal values, nor will it discuss the effects of those changing societal values on a codified Army Ethic. Nor will this paper look at what might be the appropriate action in the event that societal values change in such a way as to conflict with professional values, though this too would be an area for future study.

³² Pojman, *Ethics*, 270.

Significance of the Study

The study will attempt to contribute to the ongoing conversation about the nature of the military profession and ethic. If we accept the doctrinal definition of the Army Ethic as an “*evolving* set of laws, values, and beliefs,” then it follows that those sets of laws, values, and beliefs are constantly in need refinement.³³ As there currently is no published codified Army Ethic, this study hopes to offer suggestions on how to make the CAPE-proposed Army Ethic more relevant to today’s professional military service member.

In a world, that continually grows more globalized and interconnected, people have the ability to share information at instantaneous speeds. This flow of information is critical in that it shapes peoples’ perceptions of the world in which they live. The United States Army must have a codified Army Ethic to define for itself what it means to be a professional military service member, and to offer guidance in the fog of war. Said ethic can and will have large ramifications on what we say about ourselves and what others say about us as an organization. This document must become relevant to today’s Army professional by presenting a relevant and unique professional identity by adhering to the fundamental principles of professional ethical codes, and by honestly reflecting our national values.

³³ U.S. Army, ADRP 1, *The Army Profession*, 1-3.

CHAPTER 2

LITERATURE REVIEW

People have been writing about morals, ethics, and right living for thousands of years. From religious commandments written on stone tablets to Greek philosophers debating the nature of goodness, people have been searching for guidelines on how to live correctly. The field of ethics has a long and broad history with inputs from religion, philosophy, and the social sciences.

Within the subset of military ethics, ethicists must take this long distinguished history and apply it to the military. This chapter will divide the literature review into five sections: a review of the major philosophical schools; a review of the U.S. Army doctrine with regard to values, character, and leadership; an examination of ethical codes from other disciplines and militaries; a review of ancillary documents that influence the development and implementation of the Army Ethic; and a review of United States historical documents.

Historical Ethical Schools

There are three major schools of ethical theory, Deontological Ethics, Consequentialist Ethics, and Virtue Ethics. Each form of ethical theory informs the United States foundational documents and the subsequent formation of the Army Ethic. As a part of the literature review on historical ethical theories, this thesis will examine the primary documents that served as the foundation for each ethical theory, and offer suggestions on how those ethical schools influence and relate to a codified Army Ethic.

Immanuel Kant's *Critique of Pure Reason* serves as solid foundation for the deontological school of ethics.³⁴ In this book, Kant argues that right and wrong are immutable and subject to fundamental laws derived from reason. Called the famed "categorical imperative," Kant posits that the fundamental law of pure practical reason is that one should "act so that the maxim of thy will can always at the same time hold good as a principle of universal legislation."³⁵ Expressed later in his book as a function of free-will and the categorical imperative, Kant asserts, "man (and with him every rational being) is an end in himself . . . he can never be used merely as a means by any (not even by God) without being at the same time an end also himself."³⁶

Under a Kantian deontological ethic framework, these fundamental statements act as universal guidelines to shape the way people think and act. They ascribe free moral agency to each rational being, attributing fundamental and inalienable rights to each individual. Violation of these rights, as expressed in the categorical imperative, is to violate the selfsame rights attending each individual.

Deontological ethics are important to the study of military ethics due to the proclivity of military organizations to stress rules and obedience. The focus of a deontological ethical system is the nature of the maxims (rules) upon which we act, not of the actor or of the consequences of the act.³⁷ Under a deontological lens, the focus of

³⁴ Marcia Baron, Philip Pettit, and Michael Slote, *Three Methods of Ethics* (Malden, MA: Blackwell Publishers 1997), 34-36.

³⁵ Immanuel Kant, *Critique of Practical Reason* (New York, NY: Barnes and Nobel Books), 16.

³⁶ *Ibid.*, 124.

³⁷ Baron, Pettit, and Slote, *Three Methods*, 34-36.

rightness and wrongness lie in the act itself. Much like military law and rules of engagement, deontological ethics describes actions in terms of what is wrong, right, permitted, or obligatory.³⁸ Actions, or more appropriately their underlying rules (maxims) which underlie those actions, are universally and unequivocally right or wrong. Torture, for a deontological ethicist, is always wrong regardless of any expedience in specified or actual circumstances.

Consequentialist ethics, contrarily, assert that the outcome of an action determine the rightness and wrongness of said action. Utilitarianism, as a subset of consequentialist ethics, “holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.”³⁹ The chief end of this ethical theory is to bring about an “existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality.”⁴⁰

As a foundational proponent for consequentialist ethics, John Stuart Mill goes on to differentiate between different forms of happiness, arguing that a qualitative analysis must go hand in hand with a quantitative accounting of overall happiness, arguing that intellectual pleasures are of a higher sort than purely physical pleasures.⁴¹ Thus, the greater end of utilitarianism is to maximize not only the overall amount of pleasure, but also the right kind of pleasure.

³⁸ Peter Olsthoorn, *Military Ethics and Virtues* (Abingdon, OX: Routledge, 2011), 5.

³⁹ John Stuart Mill, “Utilitarianism,” Project Gutenberg, accessed 20 December 2014, <http://www.gutenberg.org/ebooks/11224>.

⁴⁰ Ibid.

⁴¹ Ibid.

In his book “A Moral Military,” philosopher and educator Sidney Axinn argues that the United States Constitution is in some part a method of utilitarianism. Specifically citing the legislative branch’s ability to pass laws (thus determining right and wrong for a society), Axinn argues that this shows the influence of utilitarianism in the design of the United States, although mitigated by the Bill of Rights.⁴² This is an interesting argument, but it is invalidated by the presence of the third branch of the United States Government, the judicial system. The U.S. Supreme Court is the ultimate determining authority on the legality of all legislation passed by the U.S. Congress. The judicial branch of government is not representative of the people, but acts as an impartial arbitrator of legislative Constitutionality, taking up the role of a higher legal power independent of the will of the people.⁴³

It is important to consider the consequentialist, ethical viewpoint, because in the military choices are often presented as a choice between the lesser of two evils. By their very nature, all military operations involve risk and have the potential for collateral damage. Often commanders choose a course of action based on which one presents the lowest risk to friendly and civilian forces, and still accomplishes the military mission.⁴⁴

⁴² Sydney Axinn, *A Moral Military* (Philadelphia, PA: Temple University Press, 2009), 21.

⁴³ U.S. Constitution, article 3, section 2.

⁴⁴ Hartle, *Moral Issues*, 3-6; Hartle presents two case studies (from Vietnam and WWII) on how consequentialist ethical theory can influence ethical decision making in combat. He goes on to argue that consequentialist ethical theories should not form the basis for a military ethic, but he does justice to the entirety of philosophical ethics by at least considering the consequentialist ethical perspective.

In that sense, some could argue that the military ethic should be informed (or at least aware) of the consequentialist school of ethical thought.

The final major school of ethical thought centers on virtue ethics. First laid out in the *Nicomachean Ethics* by Aristotle, the idea of virtue ethics is that by continual habituation, individuals can train themselves to be a virtuous person.⁴⁵ If utilitarian and deontological ethics focus on determining the right actions, virtue ethics puts the question of character at the center of the discussion. Aristotle asserts there are two kinds of virtues, intellectual and moral; and whereas intellectual virtues arise due to education, moral virtue “comes about as a result of habit, whence also its name, *ethike*, is one that is formed by a slight variation from the word *ethos* (habit).”⁴⁶ Ethics, under the Aristotelean perspective, is the process of forming those moral virtues through habituation; virtue ethics involves the study of those virtues and the study of how to habituate people to those virtues.⁴⁷

One of the key tenants of Aristotelean virtue ethics is the concept of the golden mean, whereby people define virtues as a reasonable balance between two extremes.⁴⁸ Aristotle goes on to describe the golden mean by using the virtue of courage as an example. Courage is the balance between cowardice and rashness. “The coward, the rash man, and the brave man, then, are concerned with the same objects, but are differently

⁴⁵ Aristotle. “Nicomachean Ethics,” in *The Basic Works of Aristotle*, ed. Richard McKeon (New York, NY: Random House Books, 1941), 935.

⁴⁶ Ibid., 952.

⁴⁷ MacIntyre, *After Virtue*, 181.

⁴⁸ Aristotle, “Basic Works of Aristotle,” under *Nicomachean Ethics*, 963.

disposed towards them; for the first two exceed and fall short, while the third holds the middle, which is the right position . . . courage is a mean with respect to things that inspire confidence or fear.”⁴⁹

Another key tenant of Aristotelean virtue ethics is the idea of moral motivation. Not only is it necessary to habituate oneself to the right action, those actions must also stem from the right motivation. In his explanation of the virtue of generosity, Aristotle writes, “virtuous actions are noble and done for the sake of the noble. Therefore the liberal man, like other virtuous men, will give for the sake of the noble, and rightly.”⁵⁰ Put another way, virtuous acts must spring from a noble intention and serve a morally just cause. “Virtue should be its own reward.”⁵¹

As stated earlier, Alasdair MacIntyre defines a virtue as “an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.”⁵² This essentially fits with the Aristotelian understanding of virtues, in that they are an external attribute that can be acquired. The phrase “internal to practices” is key to MacIntyre’s understanding of virtue ethics. Earlier in his book, MacIntyre defines a practice:

By a “practice” I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of

⁴⁹ Ibid., 976.

⁵⁰ Ibid.

⁵¹ Olsthoorn, *Military Ethics*, 4.

⁵² MacIntyre, *After Virtue*, 191.

excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended. . . . Planting turnips is not a practice; farming is.⁵³

This is important to the formation of a professional code of ethics, because under this operative definition, military operations qualify as a practice. If we accept the premise that military operations fit into MacIntyre's definition of a practice, then as per his definition of a virtue, there are associated qualities (virtues) that are essential to the basic form of the military professional.

MacIntyre goes on to discuss the relationship between practices and institutions.⁵⁴ The United States Army is the institution associated with the practice of military operations. He writes that practices are unsustainable if they do not have institutional support, but that those institutions, by virtue of producing external goods, are a corrupting influence on practices.⁵⁵ Virtues, according to MacIntyre, provide an essential function to resist that corrupting influence.⁵⁶

This is a very important and fundamental point that is essential for this thesis; namely that the institutionalization of military practice is both corrosive and undesirable, but it is also an inescapable fact. The presence of virtues in a military professional is essential to the formation of their identity as military professional. A professional ethical code must therefore continually reemphasize the fundamental identity of that

⁵³ Ibid., 187.

⁵⁴ Ibid., 193.

⁵⁵ Ibid., 194.

⁵⁶ Ibid.

professional. A codified Army Ethic must clearly articulate who we are as military professionals, and then reemphasize those virtues that will act as guiding principles to inform what acceptable behavior within the profession of arms is. The literature review will further discuss the current Joint and Army doctrine with regard to the Army's espoused virtues and values.

The review of these ethical frameworks is necessary because from certain considerations, the United States Army is an organization that embraces tenants of all three ethical systems. With from a deontological perspective, the United States Army is an organization that is subject to the laws of international warfare and the Uniform Code of Military Justice. All uniformed personnel are subject to these laws, and must conduct themselves in such a way as to hold up the principles behind these laws and regulations.

From a consequentialist perspective, the act of warfare is an inherently violent profession. Military professionals, whenever possible, act in such a way as to minimize collateral damage to civilian infrastructure and populations, to alleviate as much suffering as possible. This is a sense a sort of reverse consequentialism—in the pursuit of our military objectives, professional military leaders seek to prevent the most harm to the most people, while still acting to achieve their military goals.

The study of virtue ethics, conversely, is a necessary part of any examination of the Army Ethic, because the United States Army is fundamentally a virtue ethics' based institution. A popular criticism of deontological ethics from virtue ethicists is that "virtue

ethics urges us to do what is good, while duty-based ethics merely asks us to refrain from doing evil.”⁵⁷

U.S. Joint and Army Doctrine

This section will focus on what current Joint and Army doctrine have to say with regard to ethics and values. Specifically, this section will examine the DoD 5500-7—the *Joint Ethics Regulation* (JER); ADP 1, *The Army*; ADRP 1, *The Army Profession*; ADRP 6-22, *Army Leadership*; and ADP 6, *Mission Command*.

As mentioned earlier, the Joint Ethics Regulation (JER) claims to be a “single source of standards of ethical conduct and ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training.”⁵⁸ Furthermore, this regulation lists a clearly specified code of conduct, human goals, and ten ethical values.⁵⁹ This regulation even gives specified guidance on the number of hours of annual ethics training that each member of the DOD is to conduct.⁶⁰ As a legal document, the JER does a fine job of teaching not to accept bribes or gifts in excess of twenty dollars.

Alternatively, the contrasting argument is offered that the JER is not an ethical code suitable for a military professional. Military ethicist Anthony Hartle explains:

In practice, the JER provides a *legal* guide for the conduct of all members of the Department of Defense. . . . Although the JER provides the broad guidance noted

⁵⁷ Olsthoorn, *Military Ethics*, 6.

⁵⁸ Department of Defense, DoD 5500-7R, *Joint Ethics Regulation*, 1.

⁵⁹ *Ibid.*, 153, 154, 155-157.

⁶⁰ *Ibid.*, 143.

and some of the rules to which military officers are committed, it functions as a legal code more similar to the UCMJ than to an ethical guide. When one goes to a legal office with a question about the JER . . . [the issue] concerns what the regulation allows and prohibits, with the emphasis on the latter. The JER provides guidance for legally acceptable actions, but to conclude that an action not prohibited under the JER is therefore ethically acceptable is a corruption that members of the military profession should avoid.⁶¹

In his opinion, the legalized nature of the JER makes it unacceptable as a professional code of ethics. If you accept this premise, then it logically follows that the same should hold true regarding the Uniform Code of Military Justice. Hartle continues to voice his concern in using legal documents as the basis for a professional ethic: “The UCMJ defines honorable conduct in a negative sense by establishing what members of the military will *not* do. The professional military ethic, on the other hand, emphasizes ideas and positive aspects of conduct.”⁶²

The juridification of an ethical code will incline people to look for loopholes in the code, rather than adhere to its spirit.⁶³ Unlike legal rulings, ethical codes are not a line one toes or crosses; they are a direction one faces. While the underlying sense of morality might be similar between legal documents and professional ethical codes, the two sets of documents have very different purposes.⁶⁴

The Army defines its mission in ADP 1, The Army, asserting, “The mission of the United States Army is to fight and win the Nation’s wars through prompt and sustained

⁶¹ Hartle, *Moral Issues*, 66-67.

⁶² *Ibid.*, 63.

⁶³ *Ibid.*, 66.

⁶⁴ *Ibid.*, 63.

land combat, as part of the joint force.”⁶⁵ While militarily this may serve as an effective mission statement, ethically it is insufficient as a unifying identity or code of ethics. Saying our identity is to fight and win wars is akin to saying a dentist’s mission is to pull teeth. This is merely a statement of what they do, not of who they are. This is also unsuitable as an ethical code; it is, simply put, a mission statement.

Elsewhere, this doctrine discusses the importance of military actions to remain within ethical and moral boundaries. ADP 1 lists five reasons to maintain ethical behavior:

1. Humane treatment of detainees encourages enemy surrender and thereby reduces friendly losses.
2. Humane treatment of noncombatants reduces their antagonism toward U.S. forces and may lead to valuable intelligence.
3. Leaders make decisions in action fraught with consequences.
4. Leaders who tacitly accept misconduct, or far worse, encourage it, erode discipline within the unit. This destroys unit cohesion and esprit de corps.
5. Finally, Soldiers must live with the consequences of their conduct.⁶⁶

The problem with these justifications the maintenance of ethical behavior is that they express the idea that the only reasons for ethical behavior are the potential consequences. These statements do not discuss any sense of inherent rightness, nor do they affirm any sense of professional identity. *Am I to believe that it is okay to shoot an unarmed civilian if no one catches me?* In that spirit, is it acceptable to discharge a

⁶⁵ U.S. Army, ADP 1, *The Army*, 1-8.

⁶⁶ *Ibid.*, 2-19.

firearm in the course of an investigation to intimidate a detainee? Additionally, these reasons in no way articulate what kind of military professional one should be, nor do they offer guidance as to what actions are permissible, or what virtues are to be valued.

To expand on the earlier discussion with the doctrinal definition of the Army Ethic, let us first look again at the definition. ADRP 1, *The Army Profession*, defines the Army Ethic as:

The evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army Profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose.⁶⁷

Army doctrine goes on to expand on this definition by including both the “intangible motivations of the human spirit (ethos)” as well as “legal and moral components (ethic)” as a part of the totality of the Army Ethic.⁶⁸ Further in the publication, the doctrine goes on to state that Army professionals live “with values and by ethical principles.”⁶⁹ While it then goes on to discuss the Army values, never once does it define those pesky ethical principles. If the document never articulates those ethical principles, how then are Army professionals supposed to abide by them?

In that same paragraph, ADRP 1 makes one obscure reference to human dignity, stating, “Army professionals treat each other and all humans with dignity and respect—treating others as they should be treated.”⁷⁰ It is a logical fallacy to equate the two

⁶⁷ Ibid., 1-3.

⁶⁸ Ibid., 1-4.

⁶⁹ Ibid., 2-7.

⁷⁰ Ibid.

statements; what if an individual believes that treating someone “as they should be treated” involves torturing them for information? It is not axiomatic to connect the two statements, as they might have diametrically opposed results.

Finally, ADRP 1 posits that “making the right choice . . . sometimes means standing firm and disagreeing with leadership on ethical grounds.”⁷¹ While this might be a true statement, in the absence of codified ethic, what are those ethical grounds? One might argue moral grounds in light of the Army Values, and one can clearly be argued legal grounds in light of the JER and UCMJ. Without a clear understanding of what those ethical grounds are or might be, however, individuals have no basis to voice their ethical disagreement to their leadership.

The Army publication ADRP 6-22, *Army Leadership*, lists seven Army Values.⁷² For those unfamiliar with U.S. Army Doctrine, those values are:

1. Loyalty
2. Duty
3. Respect
4. Selfless Service
5. Honor
6. Integrity
7. Personal Courage

⁷¹ U.S. Army, ADRP 1, *The Army Profession*, 4-4.

⁷² U.S. Army, Army Doctrine and Training Publications (ADRP) 6-22, *Army Leadership* (Washington, DC: Government Printing Office, 2012), 3-2 to 3-3.

These are values designed to provide a common basis for personal interaction and an individual behavior guide for all Army personnel. In this way, the Army standardizes acceptable behavior, and provides a common basis for people from different educational, religious, economic, and socio-cultural backgrounds. However, given the previous definition of ethical virtues, a mislabeling has taken place. These seven concepts, which comprise the Army Values, are not in fact values, but virtues as properly understood in the context of philosophical ethics.

In 2010, COL John Mattox offered a criticism of the various service value statements. In his article, COL Mattox offers several valid criticisms of the “apparent artificialities” contained within the Army Values.⁷³ His general criticism focus on the bureaucratic decision to “express the Army’s core values as an acronym (LDRSHIP), no matter what contortions needed to be applied to make it so.”⁷⁴ Within this framework, he analyzes two specific instances: Personal Courage and Honor.

COL Mattox’s criticism of the Army value of Personal Courage centers around the addition of the word, *personal*. He argues that, “courage, by its very nature, is personal . . . what would it mean to refer to “corporate” courage?”⁷⁵ He goes on to articulate that all moral values gain their meaning through individual experience and at the individual level. With this understanding of personal moral values, COL Mattox argues that all morals are inherently personal. Thus modifying “courage” with the

⁷³ John Mattox, “Values Statements and the Profession of Arms: A Re-evaluation,” in *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins and Chaplain (MAJ) Larry Dabeck (Leavenworth, KS: CGSS Foundation Press, 2011), 65.

⁷⁴ *Ibid.*, 68-69.

⁷⁵ *Ibid.*, 69.

adjective “personal” to fit an artificial acronym is a redundant artificiality. Secondly, COL Mattox argues that the Army value of Honor is another artificiality. The Army defines Honor as “Live up to all the Army values.”⁷⁶ In his words, “What good is a “value” that merely tells one to “live the values?”⁷⁷

COL Mattox brings up interesting and valid concerns with regard to the Army values. How important are these values if the organization imposed artificialities for the sake of fitting an acronym? Instead of imposing artificialities to fit an acronym, a values statement should have an inherent logic and unifying sense of purpose. This criticism is also fitting because it deals with the personal nature of morals—morals are important because people are important; individuals retain an inherent sense of worth, a fundamental worth derived from our common humanity, our values ought to reflect that inherent sense of individual worth, not some arbitrary acronym.⁷⁸

This is a fundamental discrepancy in the application of the military virtue of honor between current U.S. Army doctrine and the historical understanding of military honor. In his book, *The Professional Soldier*, noted sociologist Morris Janowitz highlights the prominence of military honor, positing, “Honor . . . is a most important dimension of self-image among officers in the United States military.”⁷⁹ Janowitz’ sense of honor, however, differs from the current doctrinal definition of Honor. He writes,

⁷⁶ U.S. Army, ADRP 6-22, *Army Leadership*, 3-3.

⁷⁷ Mattox, “Values Statements,” 69.

⁷⁸ Ibid.

⁷⁹ Morris Janowitz, *The Professional Soldier* (New York, NY: The Free Press, 1960), 225.

Military honor is both a means and an end. The code of honor specifies how an officer out to behave, but to be “honorable” is an objective to be achieved for its own right. When military honor is effective, its coercive power is considerable, since it persistently points to a single over-riding directive: The professional soldier always fights.⁸⁰

This directly applies to the formation of a codified ethic in that his work that suggests the sense of Honor may be a unifying means of identity. This notion, however, must ultimately be rejected for two reasons. First, the current doctrinal definition of Honor precludes using it as an ethical guideline. Second, one cannot posit a virtue as a unifying identity, because virtues by definition are traits to aspire to which transcend all professional definitions and identities. Multiple professions value honesty as a professional virtue, yet they would not define their professional identities in terms of that single trait. One cannot use a virtue as a professional ethical code.

The utility of a professional ethical code lies in its ability to influence decision-making. ADP 6-0, *Mission Command*, outlines the Army’s philosophy on how leaders apply authority and direction to enable subordinate initiative in a complex world.⁸¹ Essentially, this piece of Army doctrine details how leaders are to make decisions and allow subordinate leaders to do the same.

It is, therefore, curious that the word “ethic” (or any derivative) does not appear anywhere in ADP 6-0. One would posit that ethical decision making is an underlying yet inherent part of the mission command process, especially with regard to the principles of building cohesive teams through mutual trust, providing a clear commander’s intent, and

⁸⁰ Ibid., 215.

⁸¹ U.S. Army, Army Doctrine Publication (ADP) 6-0, *Mission Command* (Washington, DC: Government Printing Office, 2012), 1.

allowing subordinates the ability to exercise disciplined initiative.⁸² If I, as a commander, do not have the full confidence that my subordinates will act in an ethical manner, I cannot (and indeed will not) trust them to execute any mission. The costs of unethical decisions in the military are simply too high.

Comparative Ethical Codes

This section outlines comparative ethical principles and codes from various non-military fields, as well as comparative codes from other national military organizations. Specifically, this section will review ethical codes from the following fields: journalism, business, counseling, law, and medicine. Finally, this section will examine military ethical codes of the British and Israeli armed forces.

The Society of Professional Journalists (SPJ) lists a Code of Ethics, which contains a preamble and four underlying principles in support of what they assert to be the underlying theme of journalistic ethics. The SPJ Code of Ethics states, “ethical journalism strives to ensure the free exchange of information that is accurate, fair, and thorough.”⁸³ In their subsequent principles, they emphasize four areas:

1. Seek truth and report it.
2. Avoid harm.
3. Act independently.

⁸² Ibid., 2.

⁸³ Society for Professional Journalism, *SPJ Code of Ethics* (Nashville, TN: Society for Professional Journalism, 2014), accessed 3 January 2015, <http://www.spj.org/ethicscode.asp>.

4. Be accountable and transparent.⁸⁴

Following each of these principles are descriptive and proscriptive examples of how journalists can apply those principles. Of particular interest is the clause introduced at the end of their ethical code. The SPJ Code of Ethics “is *not a set of rules, rather a guide* that encourages all who engage in journalism to take responsibility for the information they provide.”⁸⁵ This disclaimer helps differentiate it from a legalistic list of *dos and don'ts* into a code that reemphasizes who journalists are as members of a profession.

In his book, *The Invention of Journalism Ethics*, Stephen J Ward emphasizes the basis for journalistic ethics. He explains the purpose, the historical roots, and the basis for modern journalistic ethics, arguing that fundamental unifying principle for journalistic ethics is the search for objective truth. His research looks at how changing societal norms have caused his profession to reexamine, and in some ways redefine the concept of journalistic ethics. He defines journalism ethics as “a set of ethical principles, norms, and standards that guide journalists in their practice . . . norms and principles that journalists espouse to explain and defend their actions and their profession.”⁸⁶

The ethical standard of objectivity is essential to the very foundation of journalism as a profession. “The aim of editor’s ethical rhetoric is to establish, maintain,

⁸⁴ Ibid.

⁸⁵ Society for Professional Journalism, *SPJ Code of Ethics*.

⁸⁶ Stephen Ward, *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen’s University Press, 2004), 22-23.

or enhance their own credibility and that of their publications.”⁸⁷ He goes on to assert that journalism, by its very nature, promotes active dialogue about institutional reform and is “the lifeblood of a deliberating democracy.”⁸⁸ This is critical because without an espoused ethical code, journalism as a profession becomes indefensible. Ward asserts throughout the twentieth century, journalism ethics, in reaction to manipulative “yellow journalism,” has spent itself over-reaching for an ideal “just the facts” objectivism.⁸⁹ In their attempt to assuage the public over the veracity of their reporting, the journalism ethic of objectivity was “a rhetorical weapon by which journalists could articulate and defend their belief in impartial, factual journalism.”⁹⁰

Journalism, then, bases its ethical code on a fundamental principle, namely, the search for and reporting of objective truth. Its ethical code, while providing guidelines for ethical behavior for members of its profession, is not meant as an exhaustive legal list, but rather as a reinforcement of the underlying identity as professional journalists and the broad principles of professional journalism.

Business ethics offer a different view of professional ethics. While some might contend whether business is an actual professional field, the fact of the matter remains that it has an espoused ethical code that warrants further investigation. In their instruction book on the formation and application of business ethics, educators and businesspersons, Linda Trevino and Katherine Nelson, define ethical behavior in business as “behavior

⁸⁷ Ibid., 3.

⁸⁸ Ibid., 9-10.

⁸⁹ Ward, *Invention*, 220.

⁹⁰ Ibid., 257.

that is consistent with the principles, norms, and standards of business practices that have been agreed upon by society.”⁹¹

They go on to posit the idea that poor ethical decisions in a business environment are the result from two causes: the lack of an individual internalization of moral and ethical principles, as well as the result of ill-defined and unsupportive ethical systems that either encourage or allow unethical behavior. To put it another way, ethical problems can result from both bad apples as well as bad barrels.⁹²

Referencing MacIntyre, the institutionalization of the practice of business has a corrosive effect on the virtues and values of the professionals in the business field.⁹³ To combat this corrosion, the Caux Round Table Principles for Business offer seven principles that provide a common basis for business ethics:⁹⁴

1. Respect stakeholders beyond shareholders
2. Contribute to economic, social and environmental development
3. Build trust by going beyond the letter of the law
4. Respect rules and conventions
5. Support responsible globalization

⁹¹ Linda Trevino and Katherine Nelson, *Managing Business Ethics: Straight Talk About How To Do It Right*, 3rd ed. (Hoboken, NJ: John Wiley and Sons, 2004), 15.

⁹² Ibid., 14.

⁹³ MacIntyre, *After Virtue*, 194.

⁹⁴ Frederick Phillips, “Caux Round Table Principles for Business,” Caux Round Table, May 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>.

6. Respect the environment

7. Avoid illicit activities

Fundamental to these seven principles are two basic ethical ideals: the Japanese concept of Kyosei (living and working together for the common good), and human dignity (defined as the sacredness or value of each person as an end, not simply as a means to the fulfillment of others' purposes). The combination of these two ideals enables cooperation and mutual prosperity to coexist with healthy and fair competition.⁹⁵

The American Counseling Association offers another perspective with regard to a professional ethical code.⁹⁶ They establish their unique role as professionals who “[empower] diverse individuals, families, and groups to accomplish mental health.” The 2014 version of their ethical code is twenty-four pages long, and is divided into nine subsections, each of which revolves around a distinct area of the counseling profession. The nine subsections of the 2014 ACA Code of Ethics are as follows:

Section A: The Counselling Relationship

Section B: Confidentiality and Privacy

Section C: Professional Responsibility

Section D: Relationships with Other Professionals

Section E: Evaluation, Assessment, and Interpretation

Section F: Supervision, Training, and Teaching

Section G: Research and Publication

⁹⁵ Ibid.

⁹⁶ American Counseling Association, *2014 ACA Code of Ethics* (Alexandria, VA: ACA), 3.

Section H: Distance Counselling, Technology, and Social Media

Section I: Resolving Ethical Issues⁹⁷

This document clearly lays out acceptable and unacceptable behavior. In its preamble, the ACA Code of Ethics mentions that professional counselors are to adhere both the letter and spirit of these ethical standards. Each subsection serves to reinforce who a counselor is supposed to be, as well as how they are supposed to act in light of their identity.⁹⁸ This ethical code is different from the two previous codes (journalistic and business) in that the majority of it focuses on offering detailed guidelines for correct action. The sheer length of this document, when compared to the previous two, makes this document a little unwieldy to the public; however, the document's preamble offers a more concise mission and purpose statement.

As might be expected, the legal profession has a very extensive legal code of ethics. The American Bar Association maintains the *ABA Model Code of Professional Responsibility*, which details its ethical codes in three sections: Canons, Ethical Considerations, and Disciplinary Rules. According to the American Bar Association, the primary goal of this ethical code is to ensure the continued existence of a “free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through

⁹⁷ Ibid., 3.

⁹⁸ Ibid., 4, 6, 8, 10, 11, 12, 15, 1, 18-19; each subsection of this ethical code contains a brief introduction describing how that section relates to each other and how that section relates their overall professional identity and respects human dignity.

reason for enlightened self-government.”⁹⁹ From this statement, we clearly see that the principle of justice through rule of law is the primary unifying principle for this profession.

The canons are designed as axioms, the following ethical considerations delineate character objectives (virtues) towards which every legal professional should aspire, and the disciplinary rules represent the prohibitions within the profession.¹⁰⁰ These three sections “define the type of ethical conduct that the public has a right to expect not only of lawyers but also of their non-professional employees and associates in all matters pertaining to professional employment.”¹⁰¹ The nine canons of legal ethics articulate that lawyers should:

Canon 1–Assist in maintaining the integrity and competence of the legal profession

Canon 2–Assist the legal profession in fulfilling its duty to make legal counsel available

Canon 3–Assist in preventing the unauthorized practice of law

Canon 4–Preserve the confidences and secrets of a client

Canon 5–Exercise independent professional judgment on behalf of a client

Canon 6–Represent a client competently

Canon 7–Represent a client zealously within the bounds of the law

⁹⁹ American Bar Association, *ABA Model Code of Professional Responsibility* (Chicago, IL: ABA, 1980), 6.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

Canon 8–Assist in improving the legal system

Canon 9–Avoid even the appearance of professional impropriety¹⁰²

These axioms, and their associated ethical consideration and disciplinary rules clearly reinforce the unifying purpose for this profession, that of justice and rule of law. Of particular note are also the ways in which this profession communicates itself to the greater society. Namely, the legal profession ensures that it serves the greater society by providing a unique service (Canon 2), and ensuring that service is of a high caliber (Canons 1, 3, and 8). Also of note is the self-critical nature of this ethical code—lawyers are required to assist in the overall improvement of the legal profession. “Changes in human affairs and imperfections in human institutions make necessary constant efforts to maintain and improve our legal system.”¹⁰³ This represents a continuing theme among professional ethical codes, namely that they make provisions for growth and refinement within their profession.

The final professional field that this thesis will examine is that of the medical field. The American Medical Association (AMA) is the root association for the medical field in America. The AMA keeps and revises the AMA Code of Medical Ethics. The preamble to the code states that a “physician must recognize responsibility to patients first and foremost, as well as to society.”

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a member of this profession, a

¹⁰² Ibid., 9, 12, 29, 33, 37, 46, 48, 64, and 67; contains each of the canons, along with their associated explanations, ethical considerations, and disciplinary rules.

¹⁰³ Ibid., 64.

physician must recognize their primary responsibility to patients, society, other health professionals, and to self. The following principles adopted by the American Medical Association are not laws, but standards of conduct that define the essentials of honorable behavior for the physician.

The nine principles of the AMA Code of Medical Ethics are:

1. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.
2. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
3. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements, which are contrary to the best interests of the patient.
4. A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.
5. A physician shall continue to study, apply, and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
6. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.

7. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.

8. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

9. A physician shall support access to medical care for all people.¹⁰⁴

All medical ethical guidelines stem from the foundational premise of human dignity. This single concept informs all ethical decisions, and shares a similar idea that subsequently informs military ethics.

In addition to professional ethical codes, several military forces have published values statements or ethical codes. In 2008, the country of Great Britain revised and published a document entitled, “Values and Standards of the British Army.” This document lists six values for the British Army, and four subsequent standards. The six values of the British Army are:

1. Selfless Commitment
2. Courage
3. Discipline
4. Integrity
5. Loyalty
6. Respect for Others.¹⁰⁵

¹⁰⁴ American Medical Association, “AMA Code of Medical Ethics,” June 2001, accessed 8 February 2015, <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page>.

¹⁰⁵ British Army, *Values and Standards of the British Army*, accessed 19 December 2014, http://www.army.mod.uk/documents/general/v_s_of_the_british_army.pdf, 9-12.

They follow their six values with a second section entitled, “Standards,” wherein they discuss the above values and how they relate to legal standards, appropriate behavior, and total professionalism.¹⁰⁶ While this document offers guidance for correct living, this document does not claim to be a professional ethical code. This document is much more akin to the U.S. Army Values, as discussed in ADRP 6-22. While this is useful in understanding the roles of virtues in an organization, the utility of this document to this thesis is seen in what it lacks. By omitting a unifying professional identity, this document falls short of a professional code of ethics. This is a predicament that displays gaps not only in British Army doctrine, but also currently in U.S. Army doctrine.

On the other hand, the Israeli Code, entitled *Ruach Tzahal*, provides an interesting contrast. The *Ruach Tzahal* begins by listing three core values for the Israeli Defense Forces (IDF), ten secondary values, and thirty-four basic principles.¹⁰⁷ The first core principle that the *Ruach Tzahal* asserts is “Defense of the State, its Citizens and its Residents.” The *Ruach Tzahal* further defines this core value by stating, “The IDF’s goal is to defend the existence of the State of Israel, its independence and the security of the citizens and residents of the state.” The second core value is logically follows from the first core value to the first, being “Patriotism and Loyalty to the State.”

This is extremely important, because this is a military ethical code that clearly articulates a unifying purpose and identity for their organization. In the case of the IDF,

¹⁰⁶ Ibid., 16-21.

¹⁰⁷ Israel Defense Forces, “*Ruach Tzahal*,” accessed 12 December 2014, http://www.idfinfo.co.il/Ruach_Tzahal.php?cat=a15.

their main organizational purpose is the continued existence as state. This clear articulation provides a unifying basis for all military professionals in the IDF.

Secondarily, their last core values offer another unique insight into the IDF's identity as military professionals. The third core value of the Ruach Tzahal is "human dignity."¹⁰⁸ It offers an expanded explanation by stating, "The IDF and its soldiers are obligated to protect human dignity. Every human being is of value regardless of his or her origin, religion, nationality, gender, status, or position."¹⁰⁹ This statement is particularly important in the context of a professional military organization, given very nature of a military organization is inherently violent. In the words of philosopher and military officer Colonel Celestino Perez,

The soldier realizes that—as a warrior—he is an instrumental actor . . . whose intent is to shape through physical violence a human reality such that it conforms with the military unit's mission and the commander's intent. Just as the carpenter does violence to a tree and its wood to produce a chair, so does the warrior do violence to the earth and enemy flesh and bone to realize the commander's aim.¹¹⁰

Clearly, then, it behooves the military professional to balance the inherent need to do violence upon one's opponent with the recognition of the opponent's inherent worth and dignity as a human being. The inclusion of both of these major points of the IDF core values (loyal defenders of the homeland and human dignity) has merit in the ongoing discussion of a United States codified Army Ethic.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Celestino Perez, "The Army Ethic and the Indigenous Other: A Response to Colonel Matthew Moten's Proposal," in *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins and Chaplain (MAJ) Larry Dabeck (Leavenworth, KS: CGSS Foundation Press, 2011), 261.

Ancillary Legal and Ethical Documents

This section will deal with various ethical documents, which, while not foundational to the United States, still provide a framework for shaping ethical conduct. This section will specifically examine Just War Theory, the Geneva Conventions, the Hague Conventions, and the UN declaration of human rights, and offer a conclusion that ties the applicability of those documents to the formation and refinement of a codified Army Ethic.

Just War Theory falls into two broad categories: *Jus Ad Bellum* (just cause for initiating war) and *Jus In Bello* (just conduct in war).¹¹¹ Just War Theory is rooted in the theological positions of Western Christian thought. St. Augustine formulated the foundational thought on Just War theory based on his theological understanding of peace¹¹². Augustine asserts, “For it is the wrongdoing of the opposing party which compels the wise man to wage just war.”¹¹³ Under this tradition, then the only legitimate reason for waging war is the defense or restoration of the peace and order of society against serious injury.¹¹⁴ Other theologians such as St. Thomas Aquinas and Vitoria developed the idea, further articulating that war should be a last resort; war should only be waged when there is a reasonable hope of success (to alleviate needless suffering); and

¹¹¹ Hartle, *Moral Issues*, 96-97.

¹¹² Clifford Kossel, “The Just War Theory,” *Religious Education* 59, no. 3 (1964): 220.

¹¹³ St. Augustine, *City of God*, accessed 14 January 2015, <http://oll.libertyfund.org/titles/2053>, Book XIX, CH7.

¹¹⁴ Kossel, “The Just War Theory,” 223.

that war should be waged with the right intention of furthering the common good.¹¹⁵

Philosophers Nicholas Fotion and Gerard Elfstrom, of Emory University, suggest that two more categories may ethically allow for a just war: “1) pre-emptive strike against inevitable aggression, and 2) responses to threats to the lives and well-being of citizens of other nations.”¹¹⁶

Secondarily, Just War theory also specifies that the means used in war must be consistent within the greater societal morality. Two distinguishing features characterize just conduct in war: proportionality and discrimination. In war, one should use a proportionate amount of force to achieve the military objective—it would be disproportionate to use a B52 bomber strike to eliminate a single enemy sniper.¹¹⁷ Just conduct in war also encompasses discrimination—military combatants should limit their actions to legitimate military targets, and should not intentionally strike civilian, religious, or cultural targets.¹¹⁸

The United States is a signatory member of the Geneva Convention. This document, in conjunction with the Hague Conventions, provides the basis for the Law of Armed Conflict. Furthermore, both documents fully encompass the tenants of the just war tradition; both documents address the just cause of war as well as what constitutes just conduct in war. Fundamental to the understanding of the Geneva Convention is the moral

¹¹⁵ Ibid., 223-225.

¹¹⁶ Nicholas Fotion and Gerard Elfstrom, *Military Ethics* (Boston, MA: Routledge and Kegan Paul, 1986), 116-117; enumeration added.

¹¹⁷ Hartle, *Moral Issues*, 97.

¹¹⁸ Fotion and Elfstrom, *Military Ethics*, 135-137.

and ethical basis upon which it grounds itself. “Each of these fundamental international agreements is inspired by *respect for human personality and dignity*; together, they establish the principle of disinterested aid to all victims of war without discrimination.”¹¹⁹

From this foundational premise, it continues to list explanatory remarks for each of the four conventions, mentioning “the inalienability of the right of protected persons” and “family honour and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected.”¹²⁰

Hartle goes on to distill the moral principles of these two documents into two underlying humanitarian principles: Individual persons deserve respect as such; and human suffering ought to be minimized.¹²¹ Hartle’s analysis and summarization of these documents presents a cogent argument for his underlying humanitarian principles to grant inclusion into the development of a codified Army Ethic.

United States Foundational Documents

The two foundational documents to the United States are the Declaration of Independence, and the Constitution of the United States. The Declaration of Independence established our right to exist as a separate nation, and the United States Constitution established the framework for how this fledgling nation would govern itself.

¹¹⁹ The Geneva Conventions of 12 August 1949, Preliminary Remarks, 1949, accessed 28 January 2015, <https://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>, 19; emphasis added.

¹²⁰ Ibid., 29.

¹²¹ Hartle, *Moral Issues*, 118.

These two foundational documents contain moral principles that shape and guide both our national identity as well as help to frame our societal values. This section will analyze those documents to ascertain those morals and values in each document.

The Declaration of Independence unanimously ratified by delegates from all thirteen original colonies, is organized into three parts. The first section lists the logic and necessity of declaring independence; the second section lists specific grievances against the King of Britain, and the third section discusses the actions taken by the representative colonies to address those grievances in peaceful ways prior to declaring independence.

In the first section, two statements give insight into the underlying moral principles and values. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” This statement clearly states four moral principles: equality, life, liberty and the right to pursue happiness. What is also important to note is that these rights are inalienable, endowed upon individuals by their Creator. This document promotes a moral justification for their action of secession based on fundamental principles that apply to all men by virtue of their Creation.

This idea profoundly impacts the formation of a military ethic, because if we logically accept the premise, as this founding document asserts, that our Creator is the responsible agent for our “inalienable” rights, then those selfsame rights apply to all people in all countries to whom this Creator presumably also given these “inalienable” rights. Thus, it logically follows that those other people, having also been endowed their Creator, have the same rights to life, liberty, and the pursuit of happiness.

Secondarily, the first section also articulates the belief that governments are human institutions, “deriving their just powers from the consent of the governed.”¹²² This articulates a political positivism in the power democracy, supporting the belief humans as a whole not only are *able to*, but *should* govern themselves.¹²³ This belief is further supported in the specific, detailed listing of the grievances to King George III. The Declaration of Independence claims a grievance against the King, “For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.” By denying the colonial Americans’ rights to self-legislation and representation, King George III infringed upon the colonials’ basic, inalienable rights.

This is also important to the formation of a codified Army Ethic, in that it speaks to the heart of our national values—individual self-determinism, or freedom. Granted by the Creator, the concept of individual liberty logically and necessarily leads to the concept of individual self-determination. Underlying to both of those ideas, however, is the concept of individual worth and dignity. This concept of individual worth and dignity provides a basis for interaction with each other—by recognizing the worth and dignity in another person, we therefore act in such a way that is reflective of that worth.¹²⁴ The Founding Fathers applied this logic to both individuals as well as governing bodies, using it to justify the formation of a new nation, as well as weaving this concept throughout the framework of the fledgling country.¹²⁵ Even in instances where, by virtue of social or

¹²² Ibid., 140.

¹²³ Ibid.

¹²⁴ Donagan, *Morality*, 242.

¹²⁵ Hartle, *Moral Issues*, 49.

economic circumstances, the government infringed on this right to individual freedom, the nature of the Constitution provided venues to rectify those infringements.

If the Declaration of Independence afforded the United States the right to become a nation, then the Constitution is the resulting successor in terms of foundational documents. Whereas the Declaration of Independence stated our reasons for becoming a nation, the U.S. Constitution told its citizens and the rest of the world what kind of nation we would be. “As the law, the Constitution profoundly affects our most vital interests and our most important social relations.”¹²⁶ Because of its foundational importance to our nation, and because it serves as a statement of values for our nation, the moral principles inherent in this document should inform the development of a codified Army Ethic.

The preamble to the Constitution clearly delineates that the purpose of Constitution is to “form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and ensure the blessing of liberty.”¹²⁷ These principles, in conjunction with the earlier principles of life, liberty, and the pursuit of happiness as outlined in the Declaration of Independence, form the basis of our national identity. These documents attempt to answer the question of who we want to be as a nation.

The U.S. Constitution is a marvel of political compromise and ingenuity. The very design of this document promotes the ideals of self-determination, liberty, and governance, while allowing for political expedencies such as the three-fifth’s

¹²⁶ D. Lyons, “Constitutional Principles,” *Boston University Law Review* 92, no. 4 (March 2015): 1237-1243, <http://exprozy.ccu.edu/login?url=http://search.proquest.com/docview/132789051?accountid=10200>.

¹²⁷ U.S. Constitution, preamble.

compromise.¹²⁸ While simultaneously promoting a view of political positivism, this document also highlights a wariness about the power of government and its ability to encroach on the rights of the individual.¹²⁹ Nowhere is this more clearly seen than in the “checks-and-balances” system, designed to prevent the concentration of power in any one branch of government.¹³⁰

The U.S. Constitution simultaneously holds two contending views of human nature. To give voice again to military ethicist Anthony Hartle, he asserts that the U.S. Constitution promotes four fundamental American values: freedom, equality, individualism, and democracy.¹³¹ Hartle logically builds an argument starting with the presumption of the value of freedom in American society. Accepting that, he postulates that we are equally free. That sense of equality, he argues, leads to a sense of worth and primacy for the individual. Finally, if each individual is equally free, each individual ought to have an equal vote in how they govern themselves, leading to his fourth value, democracy.¹³²

This logical progression is evident in the entirety of the U.S. Constitution. From the Preamble throughout the Twenty-seventh Amendment , this document highlights

¹²⁸ U.S. Constitution, article 1, section 2, clause 3.

¹²⁹ Hartle, *Moral Issues*, 49.

¹³⁰ Lyons, “Constitutional Principles.”

¹³¹ Hartle, *Moral Issues*, 132.

¹³² Ibid., 137-141. Much of Hartle’s work in this section is based on sociologist Robin Williams’ work, as found in his work, *American Values: a Sociological Perspective*. While his work is now somewhat dated, I feel that the truths of Williams’ work still apply to American society—namely the emphasis on individual freedoms and equality.

these values. The value of Freedom, as identified by Hartle, is clearly seen in the First Amendment, which highlights the freedoms of the press, religious exercise, freedom of speech, and freedom of assembly.¹³³ These amendments assert the individual freedoms and rights of American citizens, addressing two of Hartle's American values.¹³⁴

Individual rights are a fundamental American value as well. "The Constitution forbids the majority or even the entire House and Senate to pass laws that impair the fundamental rights of individuals."¹³⁵ Hartle goes on to claim, "The powers granted the Supreme Court are primarily for the purpose of protecting individual rights."¹³⁶ The United States, as a representative democracy, does attempt to bring about the greatest good for the greatest amount of people, but not at the expense of a higher cultural value—individuals and their rights.

It is worthwhile to note that the study of the national value of democracy lends itself to another related national value—teamwork. This contrasts somewhat with the value of individualism, but interestingly enough, the very first word in the U.S. Constitution is "we."¹³⁷ The idea of democracy is inextricably tied to the idea of teamwork; one cannot have an effective democracy without people willing to work together to solve problems.

On the other hand, the check and balance system along with the severe limits on the executive branch promote a contrastingly pessimistic view of human nature,

¹³³ U.S. Constitution, amendment 1.

¹³⁴ Hartle, *Moral Issues*, 13, 139.

¹³⁵ *Ibid.*, 49.

¹³⁶ *Ibid.*

¹³⁷ U.S. Constitution, preamble.

highlighting our culture's belief in the frailty and fallibility of humankind. One can see evidence of the perceived frailty of humanity by the numerous checks to prevent the concentration of power; the Founding Fathers understood that humans are susceptible to the lure and abuse of power.¹³⁸ Subsequently, the Twenty-second Amendment further limits the power of the Executive branch by imposing the two-term limit on all future Presidents.¹³⁹ Finally, the Constitution also shows a wariness in the existence of a standing Army, and clearly subjugates the military to civilian authority.¹⁴⁰ Recognizing that a standing military offered multiple opportunities for abuses of power, the Constitution establishes the basis of federal service under the authority of America's elected civilian government.

Furthermore, the design of the U.S. Constitution shows an inherent belief that humans are fallible beings. Article Five of the U.S. Constitution describes the process for amending the Constitution. This Article puts the power for amending the Constitution in the hands of the Legislative branch—the representatives of the American People. The citizens of America thus became responsible to correct their own legal shortcomings. Recognizing that people are imperfect, and thus no political system is perfect, the Constitutional framers understood the need to amend this document so that the people could overcome those imperfections. Egregious violations of equality, as seen in the

¹³⁸ Lyons, "Constitutional Principles."

¹³⁹ U.S. Constitution, amendment 22.

¹⁴⁰ U.S. Constitution, article 2, section 2, clause 1.

Three-Fifths Compromise are addressed and corrected later in the Thirteenth and Fourteenth Amendments.¹⁴¹

As societal norms and values change, the Constitution is designed to change with and reflect that society. Women received the right to vote in 1917, showing a shift in cultural values and the recognition of their long overlooked equality and value as full members of the American society.¹⁴² In that same period, the nation banned the creation and consumption of alcohol, only to change their minds fourteen years later.¹⁴³ This process of changing and amending the foundational legal document reflects society's changing values, and underlies the American attitude towards the fallibility of ourselves as a people. Americans realize they are not perfect, and, to paraphrase Dr. King, we have a responsibility to ensure we live out the true meanings of our creeds.¹⁴⁴

These somewhat pessimistic (or realistic) views of the frailty and fallibility of humanity are equally present within U.S. Constitution, and, with due respect to Hartle, must also be included in an analysis of the moral principles of the Constitution. These two contending views, pessimistic and optimistic, are equal in their power to define the values of the American people. If we accept this document as representative of our

¹⁴¹ U.S. Constitution, amendments 13 and 14. The 3/5 Compromise determined the number of seats each state would have in the United States House of Representatives between the Northern and the Southern states with regard to the "personhood" of slaves in the South.

¹⁴² U.S. Constitution, amendment 19.

¹⁴³ U.S. Constitution, amendments 18 and 21.

¹⁴⁴ Martin L. King, Jr., "I Have a Dream . . ." speech, March on Washington, 1963, accessed 28 January 2015, <http://www.archives.gov/press/exhibits/dream-speech.pdf>.

cultural values, then we are at once embracing a view of who we are, and who we could become.

Finally, the U.S. Constitution not only recognizes the value of human life. This document also recognizes the value of our property.¹⁴⁵ An analysis of the Third and Fourth Amendments within the Bill of Rights shows that the Constitution values the property of individuals as a fundamental right. The Declaration of Independence further supports this belief. That document posits the inalienable right to pursue happiness. While this pursuit might not be equitable with the acquisition of material goods, there are four specific complaints listed within the second section of the U.S. Declaration of Independence, which speak to the violation of the protection of personal property.

The importance of personal property is also seen in the Geneva and Hague conventions, which limit the use of military power on protected targets within civilian and cultural areas. These legal protections, combined with a cultural value of personal property, as espoused in the Declaration of Independence and U.S. Constitution, affects the development of a military ethic. By law and in support of our United States' cultural values, U.S. military leaders must also respect and value individual possessions, in as much as it is militarily feasible. Nothing in the current rules of engagement infringes on the right for self-preservation, but military leaders must consider the ethical implications of targeting protected cultural sites in the conduct of warfare.

¹⁴⁵ U.S. Constitution, amendments 2, 3, and 4.

Conclusion

Both of these viewpoints must inform the “evolving set of laws, values, and beliefs” that comprises the Army Ethic.¹⁴⁶ A question of identity is at the heart of the ongoing development of the Army Ethic. The Army is a reflection and microcosm of society; in the interest of internal consistency, and to ameliorate any values-gaps in our organization, any codified Army Ethic needs to represent those selfsame values of our society as embodied by the U.S. Constitution. Freedom, equality, individuality, democracy, teamwork, frailty, fallibility, and respect for property are all a part of the tapestry of American values as seen in our foundational documents.

¹⁴⁶ U.S. Army, ADP-1, 1-3.

CHAPTER 3

METHODOLOGY

The research methodology will take place in three sections. First, a survey will be conducted to determine the attitudes of CGSS officers at Fort Leavenworth with regard to a codified Army Ethic. This survey will focus on the perception of the Army as a profession, and the subsequent relevance of a codified Army Ethic to field grade officers. This data set will provide the basis for an evaluation as to the purpose of the Army Ethic, and analyze and draw conclusions for both the purpose and relevance of the Army Ethic.

The second section of research methodology follows from the research from the literature review. In this section, the contending criteria for a unifying identity upon which to base a codified Army Ethic is listed and evaluated.

The third part this research includes an analysis of the literature review. This information provides a basis to develop logical premises with regard to the formation and purpose of a codified professional ethic. This provides the basis for an evaluation of the CAPE-proposed Army Ethic, its foundation, and internal consistency in light of this logical framework.

Methodology Overview

This section will provide background information to the survey methodology. The survey purpose, survey design, sampling data rationale, survey validity, and how the survey relates to my evaluation of the Army Ethic are explained. The survey methodology was chosen over other methodologies (case studies, experiments, correlational studies) because of the ability to easily collect significant amounts of

data.¹⁴⁷ Surveys and their interpretations allow researchers to identify trends and patterns. Admittedly, one of the limiting factors of survey research methodologies is that there is no way to determine the truthfulness of participant responses. This was controlled by ensuring anonymity of all survey participants.

Survey Purpose

The purpose of this survey is to determine the attitudes of field grade officers at CGSS with regard to the Army Ethic, its relevance to those students as individuals, and its relevance to the Army as a profession. Understanding these perceptions is a key factor in developing a codified ethic that people will actually use. Barring that, understanding those perceptions will provide a relevant basis for an evaluation of the proposed Army Ethic, as well as offer insight into perception trends that might affect future revisions of the proposed Army Ethic.

Survey Design

The survey was designed as an online survey to elicit the greatest number of responses from the survey participants. Additionally, the specific delimitations of this survey keep it small as another means of increasing the response rate.¹⁴⁸ Furthermore, online surveys are inexpensive, and provide the ability to collect massive amounts of data quickly and accurately, given that the nature of online surveys eliminates the laborious

¹⁴⁷ Bernard Berns, *Research Methods: A Tool for Life* (Boston, MA: Pearson Education, 2009), 104.

¹⁴⁸ Arlene Fink, *How to Conduct Surveys: A Step-By-Step Guide*, 4th ed. (Thousand Oaks, CA: Sage Publications, 2009), 6.

requirement to enter data.¹⁴⁹ One of the major limitations of online surveys is the access of the recipients to the appropriate technology.¹⁵⁰ The fact that all CGSS students (and faculty?) have access to the appropriate technology and online resources mitigates this limitation.

Survey Sampling Data Rationale

This rationale for the sampling data was carefully delimited by combining two sampling factors: Stratified Random Sampling and Purposive Sampling.¹⁵¹ Stratified Random Sampling is where “groups of interest are identified, [and] then participants are selected at random from [said] groups.”¹⁵² This survey gathered all Active Duty and Reserve/National Guard Army officers in collective lists, and randomly assigned them numbers, one through four. This survey also gathered all of the U.S. Army officer instructors at CGSS. Based on this random sampling selection, this survey effectively sampled 25 percent of the U.S. Army Active Duty and Reserve/National Guard officers as well as the U.S. Army instructors in the 2015 CGSS class.¹⁵³

Berns defines purposive sampling as “a nonrandom sampling technique in which participants are selected for a study because of some desirable characteristics, like

¹⁴⁹ Lois Ritter and Valerie Sue, “Using Online Surveys in Evaluation,” in *New Directions for Evaluation*, no. 115, ed. Sandra Mathison (Danvers MA: Wiley Periodicals, 2007), 8.

¹⁵⁰ *Ibid.*, 7.

¹⁵¹ Berns, *Research Methods*, 127-130.

¹⁵² *Ibid.*, 127.

¹⁵³ *Ibid.*, 128.

expertise in some area.”¹⁵⁴ This sampling incorporated elements of purposive sampling to account for the specific population of CGSS students. The survey sampling population was limited to U.S. Army officers because this research topic deals with a military branch specific ethic, the Army Ethic.

U.S. Army Reserve and National Guard officers were included in this survey sample because presumably any doctrine or ethical guidelines published Army-wide will include them. Additionally, there is a question whether there is a statistically significant difference in perceptions of the Army as a profession and its associated ethic between Active Duty and U.S. Army Reserve/National Guard officers.

This survey also distinguished between several other demographic factors, to include number of deployments, military functional alignment (Maneuver, Fires and Effects (MFE); Force Sustainment (FS); and Operations Support (OS)), gender, and military rank.

Finally, this sample population is also purposive in that the nature of the population (field grade officers) represents a core body of individuals who have chosen to make a career of their military service. Their rank, time in service, and future responsibilities as organizational leaders should provide a richer perspective on the military service as a profession. Officers in this sampling set will be the future battalion commanders and senior leaders of the Army. Their views on the viability and relevance of a codified Army Ethic, therefore, bear a greater weight due to the potential positional authority of a future leader.

¹⁵⁴ Ibid., 130.

Survey Question Validity

Researchers evaluate survey questions using four factors: clarity, brevity, biases, and relevance.¹⁵⁵ This survey applied these factors throughout its development. Given the intangible nature of philosophical ethics, this survey included the full text of the July 2014 Army Ethic to add clarity and relevance to the survey questions, and used “yes/no” and multiple response questions.¹⁵⁶ In order to allow for the maximum flexibility in the responses, all of the multiple response questions included an open-ended response option. The inclusion of the open-ended response options mitigated any anchoring limitations within the individual survey questions.¹⁵⁷

¹⁵⁵ Ritter and Sue, *Using Online Surveys*, 29-31.

¹⁵⁶ *Ibid.*, 33.

¹⁵⁷ *Ibid.*, 36.

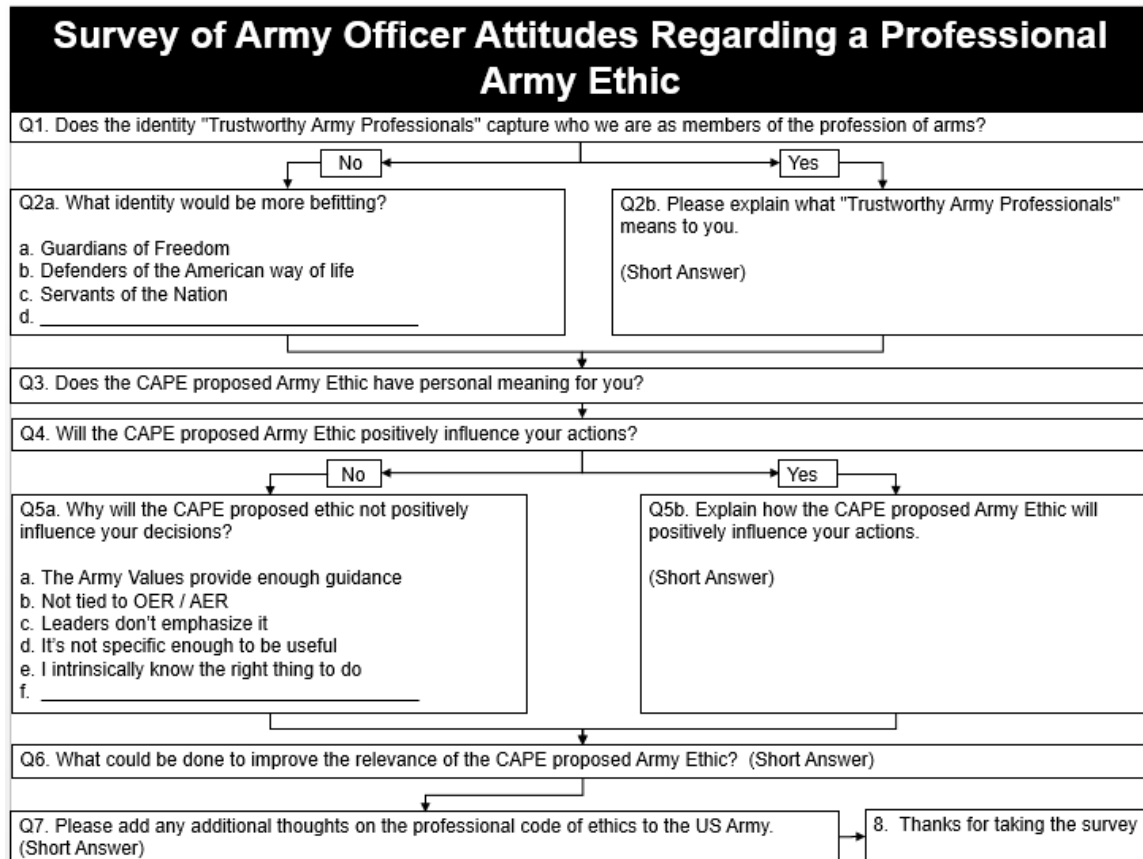


Figure 2. Survey Question Flow Chart

Source: Created by author.

The survey focuses on the participant's perception of the relevance of the Army Ethic. The participant is given a brief explanation of the roles of various professions and their unique identities and roles within society. This establishes a baseline standardization. The first question deals with the perception of relevance with regard to the proposed identity [Q1, yes/no]. This leads to a branch follow-on question, depending on the respondent's answer, leading to a further explanation of their answer, either positive or negative, with regard to whether the phrase, "Trustworthy Army

Professionals,” is an adequate depiction of the professional identity within the profession of arms.

After responding to either branch of previous question, all respondents are given the full text of the CAPE-proposed Army Ethic from the July 2014 white paper. After reading that text, the survey asks respondents whether this ethical code has personal meaning for them [Q3]. Respondents are also asked whether or not the ethical code will positively influence their actions [Q4, yes/no]. The participant’s answer to Q4 leads to another branch. If the answer that the proposed Ethic will not influence their action, they were asked to select the reasons why it will not positively influence their actions [Q5a, multiple selection and short answer]. If they indicated that the proposed ethical code would positively influence their actions, respondents were asked to further explain why [Q5b, short answer].

After responding to the previously branched question [Q5], the survey asked all respondents what could be done to improve the relevance of the CAPE-proposed Army Ethic [Q6, short answer]. Finally, the survey gave all respondents the ability to write a brief statement to capture any additional thoughts with regard to a professional code of ethics for the U.S. Army [Q7, short answer].

Survey Relevance

This survey is relevant to this thesis because it will add depth to the analysis of the CAPE propose Army Ethic. In the military (as perhaps likely in other professions), the relevance of a standard has a positive correlation to the amount effort one must expend to meet that standard. If the ethical standards are irrelevant, or conversely so broad as to make them ineffective, then behavior will not change. An ethical code that

remains irrelevant to individuals will ultimately be ineffective. This survey, then, supports the primary research question in that it will offer a basis for analysis and suggest ways to improve the CAPE-proposed Army Ethic in terms of relevance to the military professional.

Evaluation Criteria to Identify a Unifying Identity

This section lays out the evaluation criteria necessary to articulate a unifying identity. Based on the comparative analysis of the other ethical codes, this research identified four criteria for a unique professional identity.

Any of the virtues cannot be a basis for a unified identity. As defined earlier, virtues are individual human traits to be attained. Certain virtues, like integrity, apply across the entire spectrum of professions. For a profession to define itself in terms of a single virtue is a misnomer. Certainly, physicians should employ the same amount of personal integrity as journalists, counselors, educators, or lawyers. Simply put, if the virtues apply across all professions, then they cannot provide a basis for a unique professional identity.

Conversely, a unique identity must be broad enough to apply universally to all the members of that profession. Different people within that profession might have different specialties, like lawyers who specialize in taxes versus criminal prosecution or doctors who specialize in internal medicine versus cardio-thoracic surgery. Despite those differing specializations, however, their unifying professional identity must still apply to their specific subset within their chosen profession. This is especially pertinent to the military, where various branches with varying purposes exist—a professional identity must be applicable whether you are an infantryman, logistician, or signal officer.

Thirdly, a unique professional identity must be feasible. Professions cannot set such a high standard for their members that they are unable to achieve said standards. Furthermore, the nature of their specific professional training must support and reinforce their professional identity. Counselors, for example, receive specific training in empathy and attending skills, which supports and reinforces their professional identity.

Finally, a unique professional identity must be clearly articulated and understandable. Their identity must be understandable for both the seasoned professional as well as the new initiates into the profession. Furthermore, this criterion supports the promotion of that profession throughout society—an important aspect of all professions. The average citizen within a given society should be able to understand what that profession is, how it is different from the other professions, and how that profession supports society as a whole.

To summarize, the four criteria this thesis will use to evaluate the CAPE-proposed professional identity:

1. Distinguishability—How does the proposed identity distinguish the profession of arms from other professions?
2. Applicability—Does the proposed identity apply to all members of the profession?
3. Feasibility—Is the identity achievable and supportable through professional training?
4. Clarity—Is the proposed identity clearly articulated and easy to communicate?

Distillation of Ethical Principles

This section will conduct a comparative analysis of the five professional codes from the various fields of business, law, medicine, counseling, and journalism. The results of this analysis will allow distillation of fundamental principles of professional ethical codes. These distilled principles, in conjunction with specific insights from military ethicists, will allow evaluation of the CAPE-proposed Army Ethic as it relates to other professional codes.

According to philosophers Fotion and Elfstrom, “All the kinds of codes [medicine, law, education, and business] we are comparing express a concern for the integrity of their respective fields or professions, and all take the high road in speaking of service, honor, honesty, and loyalty.”¹⁵⁸ This is important because it shows a similarity across the spectrum of ethical codes, in that they all have values they try to espouse. The selection of those values is inextricably tied to their professional identity. (i.e., all professions value truth, but not to the same extent that journalism does).

Military ethicist Anthony Hartle offers three purposes of a professional code of ethics:

Codes of professional ethics . . . serve at least three distinct purposes: (1) they protect other members of society against abuse of the professional monopoly of expertise, (2) they “define the professional as a responsible and trustworthy expert in the service of his client,” and (3) in some professions they delineate the moral authority for actions necessary to the professional function but generally impermissible in moral terms. The first and third purposes are accomplished primarily through defining the rights and obligations of the professional in relation to clients, colleagues, and the public.¹⁵⁹

¹⁵⁸ Fotion and Elfstrom, *Military Ethics*, 68.

¹⁵⁹ Hartle, *Moral Issues*, 31.

As discussed earlier in the literature review, Alasdair MacIntyre's understanding of virtue ethics provides insight into the first fundamental principle of a professional code of ethics. Based on the nature or practices and institutions, ethical codes and their associated virtues must inform and reemphasize the fundamental identity of the members of those professions.¹⁶⁰ Additionally, the comparative analysis of the professional codes of ethics from the fields of journalism, medicine, law, education, and counseling clearly shows this. Each of those ethical codes reemphasizes their unique identity, tied to the unique way that said profession serves the greater society at large.

In light of MacIntyre's views on virtue ethics, and given that Hartle already draws a connection between two of his purposes of an ethical code, a synthesis of these two thinkers provides four principles that are foundational to any professional code of ethics:

1. A professional code of ethics must reemphasize the identity of the individuals within that professional field. This principle asks the question, "Who am I as a professional?"
2. A professional code of ethics must espouse virtues to which those professionals are to develop within themselves and thus attain. This principle asks the question, "Who am I trying to become as a member of this profession?"
3. A professional code of ethics must offer guidelines for right action within the context of that profession, as well as what is unacceptable behavior for that profession.¹⁶¹ This principle asks the questions "What should I be striving to

¹⁶⁰ Ibid., 31.

¹⁶¹ Ibid., 194. This is based on MacIntyre's own combination of his first and third purposes for an professional code of ethics.

do, in light of who I am?”¹⁶² It also asks the question, “How do I protect society from the abuses of our power and expertise?”

4. A professional code of ethics must establish the relationship between society and that profession in terms of informing society about said profession, as well as articulating how that profession serves the greater society as a whole.

A comparative analysis of the various professional ethical codes shows that those four principles are present in each ethical code. (See below.)

¹⁶² With reference to my earlier discussion in chapters 1 and 2 about Hartle’s views on the juridification of a code of ethics (Hartle 2007, 66-67), professionals do not ask “What does my ethical code let me get away with?”

Table 1. Comparative Analysis of the Principles of Various Professional Ethical Codes

Profession	Principle 1: Unifying Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues* - Who are we trying to be?	Principle 3: Professional & Unprofessional Behavior - Based on who we are, how do we act? - How do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
Journalism (1)	Public Enlightenment	- Accuracy - Independence - Integrity - Humility - Compassion	- Verify all reporting, take responsibility - Report with honesty, update information as it changes, print corrections - Courageously hold the powerful accountable - Maintains source confidentiality - Avoid deliberately inflammatory reporting - Avoid out of context reporting - Avoid selective reporting to promote an agenda - Avoid conflicts of interest (favored interest) - Avoid combining news and advertising	- Respond quickly to accusations of inaccuracy - Promote trust through faultless integrity - Expose unethical conduct in journalism
Business (2)	Promote harmony and mutual prosperity	- Responsible - Trustworthy - Transparency/ Integrity - Global Connection	- Respect the clients, business partners, and the environment - Contribute to society instead of just making a profit - Illicit Activities (Terrorism, bribery, money laundering, etc.) - Avoids wasteful use of resources	- Goes beyond letter of legal minimum, fulfills spirit of the law, reports illegal activities - Contributes to the economic, social and environmental development of communities

Counseling (3)	Respect the dignity and promote the welfare of clients by empowering individuals to achieve mental health goals	- Respectful of human dignity - Empathy - Transparency - Informed consent	- Maintains client confidentiality & privacy - Maintains professional education - Avoids abusing therapeutic relationship - Avoids imposing own values on clients - Counselors won't abandon or neglect clients - Gatekeeper profession	- Seeks consultation with other professionals - Publishes findings to contribute to greater body of professional and public knowledge - Maintains appropriate records and logs
Law (4)	Promote justice and rule of law	- Respect for human dignity - Authority of Reason - Competence - Zealous defense of client	- Maintains privileged information - Maintains competent practice - Acts in best interest of client within bounds of the law and principles of justice - Avoid even the appearance of impropriety - Gatekeeper profession	- Assists in improving the legal system - Prevents the unauthorized practice of law - Avoid conflicts of interest
Medicine (5)	Bring physical and mental healing to the benefit of patient	- Respectful of human dignity - Professional growth & learning - Competent - Places patients' needs as paramount	- Maintains Doctor-Patient confidentiality - Maintains professional education - Balances the legal requirements with potential benefits to their patient - Work with other health professionals - Must not use their medical knowledge to knowingly bring harm to their patient (non-maleficence) - Avoid the appearance of impropriety	- Publishes findings to contribute to greater body of professional and public knowledge - Obligated to report unethical and incompetent behavior - Work to improve the community health

* These lists are not an exhaustive list of all the virtues and behaviors; they were selected to highlight each profession's unique practices. Many of these professions share similar traits, virtues, and behavioral guidelines.

Source: (1) Society for Professional Journalism, “SPJ Code of Ethics,” *Society for Professional Journalism* (6 September 2014), <http://www.spj.org/ethicscode.asp>; (2) Frederick Phillips, “Caux Round Table Principles for Business,” Caux Round Table, May 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>; (3) Erin Martz, ed., *2014 ACA Code of Ethics* (Alexandria, VA: ACA, 2014); (4) American Bar Association, *ABA Model Code of Professional Responsibility*, (Chicago, IL: ABA, 1981); (5) American Medical Association, “AMA’S Code of Medical Ethics,” American Medical Association, June 2001, <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page>.

This chart represents a comparative analysis of the various ethical principles at work in the aforementioned professions.¹⁶³ This chart is not an exhaustive list, given that many of the professions promote many similar professional virtues, and acceptable and unacceptable behavior. Two areas of note include the differentiation in the second column (Principle 1: Professional Identity). Whenever possible, this column represents the actual words that define those professions. If not, the words and phrases represent a summarization of the preambles of their respective professional code of ethics. Secondly, the fourth column, representing the unique professional relationship to society, is tied to the previous columns in that unacceptable behavior is often unacceptable in order to protect society.

National Values

The literature review examined the foundational documents, and secondary source material to determine national virtues and values. That analysis identified eight values: freedom, equality, individuality, democracy, teamwork, frailty, fallibility, and respect for

¹⁶³ Harry Wolcott, *Transforming Qualitative Data* (Thousand Oaks, CA: Sage Publications, 1994), 179.

property. Within the context of the comparative analysis of professional codes of ethics, these national values should be present in the second section of a U.S. Army professional ethical code.

These values are the result of the juxtaposition of two contending viewpoints of human nature contained within the foundational documents. The Constitution and Declaration of Independence simultaneously hold two different views of human nature, an individualist and a collectivist view. The individualist view promotes the values of freedom, individual rights, fallibility, and respect for property. The foundational documents, specifically the Bill of Rights, explicitly and implicitly promote these individual values.

The collectivist view, on the other hand, shows that equality, democracy, teamwork, and frailty are also concurrent national values. These values are collective because they require other people to function. One cannot have a functioning democracy without a belief in the equality of other people. Similarly, without working together, democracy cannot effectively function. The structure of the U.S. Constitution accounts for human frailty by structuring it with the check and balance system, intentionally keep one branch of government from consolidating power.

These eight values serve as a framework to evaluate the CAPE-proposed Army Ethic and its adherence to the national values as espoused in the United States' foundational documents. Table 2 shows the values identified in the U.S. foundational documents.

Table 2. CAPE-Proposed Army Ethic Adherence to National Values				
Value	Freedom	Individuality	Fallibility	Respect for Property
Example				
Sufficient Adherence				
Value	Equality	Democracy	Teamwork	Frailty
Example				
Sufficient Adherence				

Source: Created by author.

Conclusion

This chapter focuses on the selection and development of the evaluation criteria that this thesis will use to evaluate the CAPE-proposed Army Ethic. In the subsequent chapter, this thesis will evaluate the CAPE-proposed Army Ethic in terms of its relevance and its adherence to the fundamental principles of a professional ethical code as identified above (see table 1.) This analysis will incorporate the criteria for establishing a unique professional identity as a subset of the first principle of a professional ethical code. This analysis will incorporate the national values as espoused in the U.S. Constitution and foundational documents as a subset of the third, fourth, and fifth columns.

CHAPTER 4

FINDINGS AND ANALYSIS

This chapter presents and analyses the data based on the criteria established in the previous chapter. This presentation and analysis will take place in two sections. The first section will present and analyze the data from the relevance survey in the hope of identifying trends throughout the CGSS population. The second section will evaluate the CAPE-proposed Army Ethic in terms of its adherence to the four fundamental principles of a professional code of ethics, as set forth in the previous chapter.

Presentation and Analysis of the Survey

This section presents the data from the “Survey of Army Officer Attitude Regarding a Professional Army Ethic.” This section will present and analyze the data in three sub-sections: Demographic Data, Professional Identity, and the Ability of an Ethical Code to Influence Behavior.

Demographic Data

This survey had a response rate of 96 percent, indicating that a sufficient number of respondents participated to gain statistically reliable and significant survey data. The majority of respondents were male (90.3 percent), active duty (90.4 percent), and had one or more combat deployments (90.3 percent). This survey had only one non-field grade respondent. Given the population of officers at CGSS, this survey assumed that said officer was a senior (promotable) captain, and therefore aggregated their answers in with the majors’ data during demographic separation.

The survey results no statistically significant differences with regard to the attitude of Army officers across the vast majority of the demographic categories. The minimum threshold was five survey respondents per demographic category. Where those minimum thresholds were not met, this survey aggregated responses (i.e., National Guard and Reserve officer results were aggregated together to distinguish from Active Duty officers). One demographic category did result in statistically significant differences, and will be discussed in the third section of the survey data presentation.

Professional Identity

The majority of officers surveyed (60.6 percent) indicated that “Trustworthy Army Professionals” presented a sufficient professional identity. When asked to explain what Trustworthy Army Professionals meant, the majority of the responses indicated a strong correlation between “trustworthiness” and the Army Value of integrity. Many of the responses indicated the need for military professionals to maintain high standards of character; that all Soldiers are expected to maintain their integrity, and do the right thing at all times.

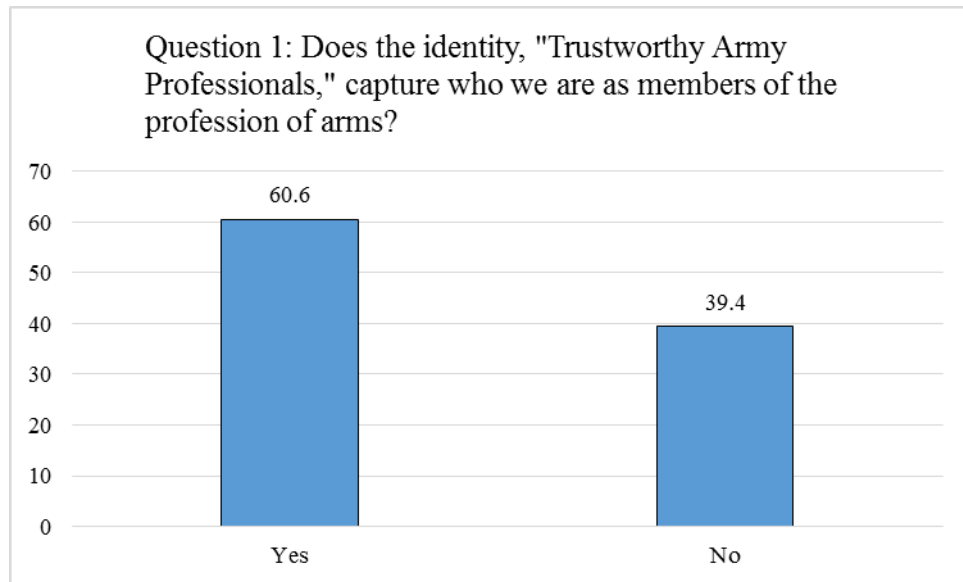


Figure 3. Question 1

Source: Created by author.

A strong minority (39.4 percent) indicated that this phrase failed to capture a unique professional identity. When asked to further explain their answers, respondents indicated the following:

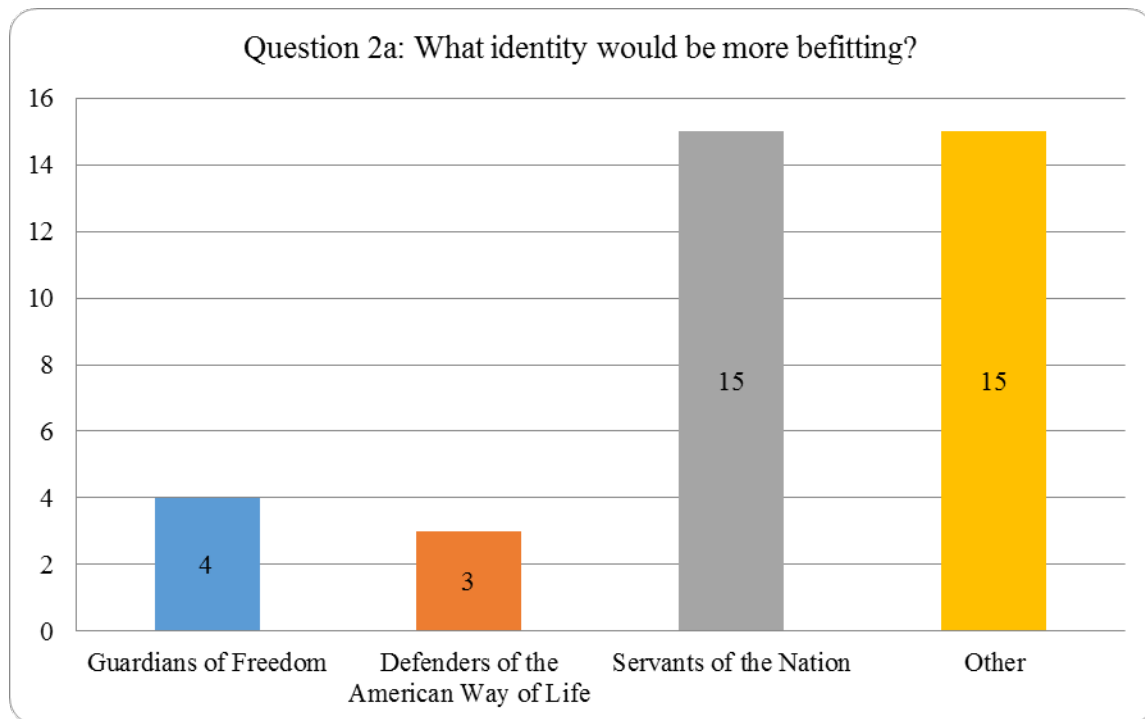


Figure 4. Question 2a

Source: Created by author.

This above chart indicates a strong preference for the idea of servanthood as a unique identity of the military professional. Also of note, a majority (47 percent) of the write-in responses (as indicated by the “other” column) focused on the theme of defenders or guardians of the Constitution. This finding indicates another strong preference for the military profession’s unique role in society as its defender. Simply put, respondents who found “Trustworthy Army Professionals” insufficient offered alternative professional identities based on the concepts of servanthood and constitutional defenders. This potentially indicates the strong place that the oaths of office and enlistment play in the minds of Soldiers, as well as a reflection of Army’s Motto, “This We’ll Defend.”

The implication of these concepts in some ways reflects the Army Value of Selfless Service as well as the oath of commissioning or enlistment. Since every member of the Army team, be they officer, enlisted, or DA civilian, swears an oath to “support and defend the Constitution,” this provides a unifying basis for a unique professional identity in society. Much as medical professionals serve as society’s healers, the results of the survey indicate that military professionals see themselves as society’s servants, or defenders/guardians.

Ability of an Ethical Code to Influence Behavior

The one demographic category that showed a statistically significant difference was the functional alignment. In response to questions three and four, which respectively examined attitudes regarding personal meaning [Q3] and whether or not the CAPE-proposed Army Ethic would positively influence the respondent’s actions [Q4], this survey found that the officers of different branches had significantly different responses.

Table 3. Statistically Significant Responses for Survey Questions 3 and 4				
	Does the identity “Trustworthy Army Professionals” capture who we are as members of the profession of arms?	Does the CAPE-proposed Army Ethic have personal meaning for you?	Will the CAPE-proposed Army Ethic positively influence your actions?	What identity would be more befitting?
Chi-Square	2.524	9.619	11.570	5.893
df	4.0	4.0	4.0	4.0
Asymp. Sig.	0.640	0.047	0.021	0.207
a. Kruskal Wallis Test				
b. Grouping Variable: What is your functional alignment?				

Source: Created by author.

Officers from the MFE and FS functional alignment indicated a similar level of positive response for personal meaning (Q3) and positive influence (Q4). Officers from the OS functional alignment showed a significantly lower rate of positive responses to the same questions.

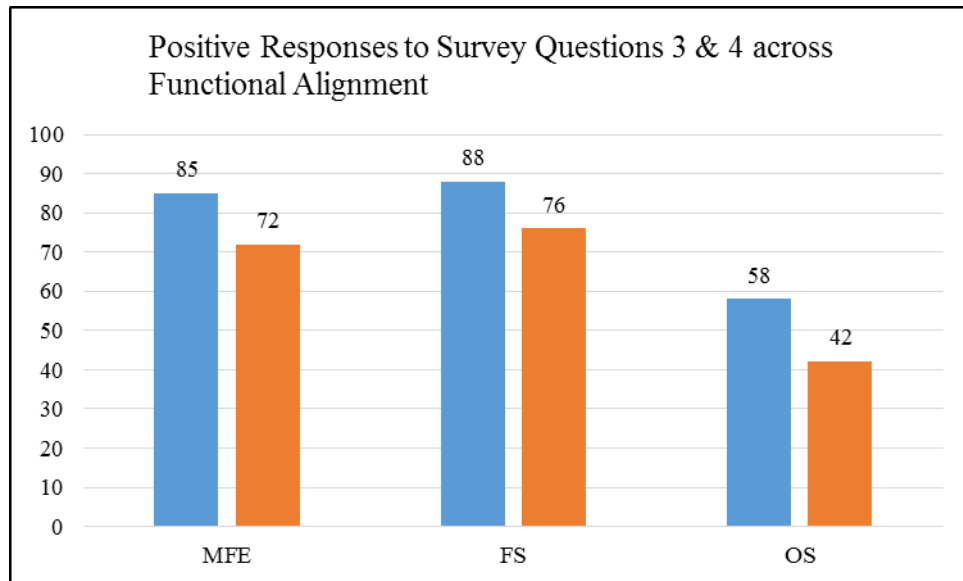


Figure 5. Positive Response to Survey Questions 3 and 4

Source: Created by author.

The above chart depicts the positive responses to questions 3 and 4 across the three surveyed demographic areas. The left column responses (blue) correspond to positive responses question 3, and the right column (orange) correspond to positive responses question 4. This difference in viewpoints indicates that officers from different branches view a code of ethics differently. This implies the need for standardized ethical training across all the branches, reinforcing the need for a codified Army Ethic.

This finding also has implications towards the perception of the relevance of an ethical code. Over one third (35 percent) of officers surveyed indicated that the CAPE-proposed Army ethic would not positively influence their actions. When further questioned why, the majority of responses (61 percent) responded that they already knew the right thing to do, or that the Army Values provided enough guidance for right action.

Figure 6 depicts the aggregate responses to question 5a. Respondents were allowed to choose multiple responses to the question.

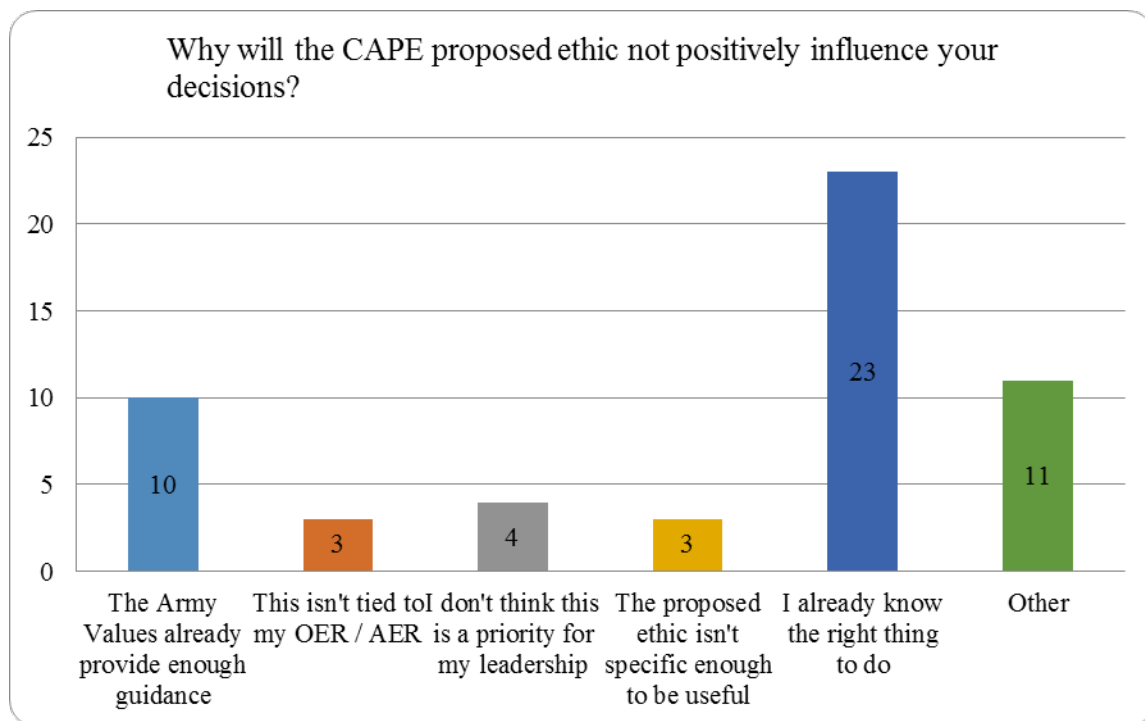


Figure 6. Aggregate Responses to Question 5a.

Source: Created by author.

A number of the write in responses (indicated by the “other” column) also indicated an intrinsic morality that dictated professional action. Aggregating these

responses to the previously documented responses indicates that over 70 percent of responses show no need for further professional guidelines due to an intrinsic sense of morality. Several write-in responses indicated that the ethical statement lacked enough depth to rightly guide professional behavior.

This finding has implications to the attitudes of the Army as a profession. The inability to distinguish between personal conduct and professional conduct implies that some officers have a weaker view of what it means to be a professional. No one denies that all people should act with basic morality, but in the conduct of our professional duties as military personnel, to simply say “act with integrity” is not enough. Of course, individuals should act with integrity, but does that sufficiently shape how one should train and equip their subordinates for combat? Does “personal courage” sufficiently guide whether or not one should call a fire mission in a populated area? Similarly, one expects a doctor to act with integrity, that that concept does not provide sufficient professional guidance as to whether or not to conduct a risky surgery. The medical code of ethics, however, does provide such guidance. Similarly, a codified Army Ethic, when viewed in the strong sense of the military as a profession, offers its adherents similar aspirational guidance.

Analysis of the CAPE Proposed Army Ethic

This section will evaluate the CAPE-proposed Army Ethic in three sections by applying the evaluation criteria described in the previous chapter. As outlined in the previous chapter, there are four fundamental principles that a professional code of ethics must address: (1) A profession’s unifying identity, (2) its espoused values, (3) professional and unprofessional behavior, and (4) the professional relationship to

society. As a subset to the first fundamental principle of a professional ethical code, the CAPE-proposed Army Ethic's unifying identity will be evaluated by four qualities: (1) distinguishability, (2) feasibility, (3) applicability, and (4) clarity. As a sub-set to the second and fourth principles, this section will also evaluate the CAPE-proposed Army Ethic in its ability to incorporate, address, or adhere to underlying moral principles and societal values as expressed through the United States' foundational documents.

Principle 1: Unique Identity

The CAPE-proposed Army Ethic asserts that Army professionals aspire to attain the identity of "Trustworthy Army Professionals."¹⁶⁴ Earlier this thesis discussed the artificiality of Honor as an Army Value as it is currently defined in doctrine. Quoting COL Mattox, "What good is a "value" that merely tells one to 'live the values'?"¹⁶⁵ This offers a similar question with regard to CAPE's proposed identity, namely, "What good is a professional ethic that tells us to be professional?" Are doctors to be identified as "professional doctors?" Similarly, the artificiality of the adjective "trustworthy" at the beginning of the identity seemingly serves no purpose in telling us what that identity *actually is*. Instead, the presence of the word "trustworthy" simply adds another virtue to the already existing Army values, one that already corresponds with the Army value of integrity.

The simple fact that one can superimpose any professional occupation into that identity indicates that the proposed identity of "Trustworthy Army Professionals" is

¹⁶⁴ CAPE, *The Army Ethic White Paper*, 11.

¹⁶⁵ Mattox, "Values Statements," 69.

inadequate. One would not consider doctors as “trustworthy medical professionals,” journalists as “trustworthy news professionals,” or educators as “trustworthy teaching professionals.” Similarly, one should not consider members of the profession of arms as “trustworthy Army professionals.”

Conversely, one can immediately see what it means to have an actual distinguishable, unifying identity when you compare the unifying identities of other professions. It makes no sense for a doctor to be an agent that promotes harmony and mutual prosperity as per the model of business ethics—they are first and foremost healers. Alternatively, consider the ridiculousness of imposing a legal identity on a psychotherapist. It makes no sense to tell a professional mental health counselor that they are to “promote justice and rule of law.” This is not to say that doctors do not promote harmony and mutual prosperity, nor that counselors should be ignorant of legal niceties, simply that their primary professional identities have a uniqueness that distinguishes it from other professions and that profession’s unique role in society.

Without achieving the first quality, distinguishability, it may seem like a moot point to address the rest of the evaluation criteria. Still, a further assessment across the other evaluation criteria shows further weaknesses. If we accept the CAPE-proposed professional identity as Trustworthy Army Professionals, it prompts the question of how do we develop professional training in support of this identity? Do our current professional schools focus on developing trustworthiness? How exactly does one train trustworthiness? These questions indicate that this proposed identity also fails to meet the criteria of feasibility. The other two criteria, applicability and clarity, do fit the model in the CAPE-proposed Army Ethic. One can apply the phrase, “Trustworthy Army

Professionals,” to every member of the profession, and it clearly communicates the proposed idea to the profession and the society that it serves. Still, the indistinguishability and unfeasibility of this statement raises some troubling concerns.

Table 4. Comparison of Professional Identities				
Profession	Distinguishable from other Professions	Applicable to all specialized members of the profession	Feasible and supported through professional training	Clearly articulated and easily accessible to the public
Journalism (1)	Yes	Yes	Yes	Yes
Business (2)	Yes	Yes	Yes	Yes
Counseling (3)	Yes	Yes	Yes	Yes
Law (4)	Yes	Yes	Yes	Yes
Medicine (5)	Yes	Yes	Yes	Yes
CAPE Proposed Army Ethic (6)	No	Yes	No	Yes

Source: (1) Society for Professional Journalism, “SPJ Code of Ethics,” *Society for Professional Journalism* (6 September 2014), <http://www.spj.org/ethicscode.asp>; (2) Frederick Phillips, “Caux Round Table Principles for Business,” Caux Round Table, May 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>; (3) Erin Martz, ed., *2014 ACA Code of Ethics* (Alexandria, VA: ACA, 2014); (4) American Bar Association, *ABA Model Code of Professional Responsibility*, (Chicago, IL: ABA, 1981); (5) American Medical Association, “AMA’S Code of Medical Ethics,” American Medical Association, June 2001, www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page; (6) Center for the Army Profession and Ethic, *The Army Ethic White Paper* (West Point, NY: CAPE, 2014).

The identity in the CAPE-proposed Army Ethic is insufficient. The proposed identity does not actually provide any guidance for action or a shared understanding of what it means to be a member of the profession of arms. While it meets some of the evaluation criteria, as annotated in the chart above, it fails in two criteria—the proposed identity is indistinguishable from other professions. Secondarily, this identity is

unfeasible because is it unsupported through professional training. Thus, it is in need of revision; the following chapter of this thesis will offer recommendations to improve this aspect of the CAPE-proposed Army Ethic.

Principle 2: Espoused Values

The idea behind professional values is that they are built upon the previous unifying professional identity. Based on that identity, certain values are highlighted over others. Those desired virtues and values reinforce the identity, informing members of the profession the desired traits that they are to cultivate within themselves in order to better apply serve the greater public. No person denies the need for integrity and character across the venue of professions, but integrity is more highly valued in the professions of journalism and law. No one denies that doctors, journalists, and military leaders should be empathetic, but this virtue is more highly valued by professional counselors. Multiple professions value human dignity, but none place so high of a value on it as the medical field. Given the United States' foundational values as espoused in its national foundational documents, this research indicates that the CAPE-proposed Army Ethic only addresses some of the national and societal values.

Table 5 shows gaps in the admission of, or adherence to previously identified national values. This research indicates that the CAPE-proposed Army Ethic is lacking in its representation of the values of freedom, individuality, and democracy. The CAPE-proposed ethic neither directly or indirectly addresses these topics in its ethical statement. Furthermore, it only indirectly or moderately adheres to the principles of equality, teamwork, and respect for property.

Table 5. CAPE Proposed Army Ethic Adherence to National Values				
Value	Freedom	Individuality	Fallibility	Respect for Property
Example			Continuously advance our expertise (3.1)	Obeys the laws of the Nation . . . reject immoral orders (1.1)
Sufficient Adherence	No	No	Yes	Moderate
Value	Equality	Democracy	Teamwork	Frailty
Example	Intrinsic worth of all people (1.3)		Accomplish the mission as a team. (2.1)	Subordinated to civilian authority. (1.1) Set the example for right conduct despite risk, uncertainty, and fear (1.4).
Sufficient Adherence	Moderate	No	Moderate	Yes

Source: Created by author.

This conclusion belies one inherent question, however. Does the any codified Army Ethic need to adhere to all of the national values? After all, one can make the argument that by virtue of volunteering for military service, individuals are willing abridge some national values as a part of military service. Individuals who volunteer for military service lose certain freedoms, like the ability to take vacation whenever they want, and abridge others, like the freedom to freely speak your mind to your boss. While telling off your boss has consequences in the civilian world, rank insubordination is expressly prohibited in the military.

Similarly, while the military overall might support the national value of democracy, the military is by necessity an authoritarian organization and not a democratic institution. By virtue of the nature of military service, not everyone gets a vote. In the same vein, military service also abridges the national value of individuality.

This is not to deny the inherent worth of all individuals, whether or not they serve in the military, but it is to say that individuals serving in the profession of arms are by necessity part of a larger organization. In the due course of military operations, individuals might be ordered to place themselves in harm's way to allow for mission accomplishment. Such actions sacrifice their individual wellbeing for the sake of the greater whole, a necessary component of a functional military organization. This abridgement of individualism does not invalidate individual worth; it merely emphasizes the collective values over the individualistic national values.

Current doctrine emphasizes the essential team fight across the services, U.S. Governmental agencies, and our multi-national partners. The CAPE-proposed Army Ethic mentions that the Army will “accomplish the mission as a team.”¹⁶⁶ However, nowhere in the document does it mention the need to interact with our joint, interagency, intergovernmental, and multi-national (JIIM) partners. The Army's very own mission statement makes it clear that the Army will accomplish its mission as part of a joint team. Clearly, then, important enough to be included in the organization's very own mission statement, then it is this sense of greater teamwork is something that the Army's professional ethical code should address. This cross professional teamwork is evidenced in the medical, business, and counseling ethical codes, which encourage several professional fields to come together to solve complex problems with implications outside the narrow field of each individual profession.

¹⁶⁶ CAPE, *The Army Ethic*, 11.

Principle 3: Professional Behavior

The profession of arms, at its most basic sense, is the studied application of combat power to achieve a military objective. This is a partially differentiated role in society, wherein professional considerations have additional weight in determining the morality of actions.¹⁶⁷ As an example, it is generally morally impermissible for one person to shoot a tank at another person. Within the tightly controlled context of the military profession, however, this is a legal and authorized act. On the one hand, the military legal code acts as a backstop to prevent war atrocities and to ensure compliance with the laws of armed conflict. On the other hand, a professional code of ethics acts as a guide for professional behavior. Given the inherently violent nature of the profession of arms, the military professionals must clearly delimit themselves and reinforce acceptable and unacceptable behavior in their code of ethics.

The CAPE-proposed Army Ethic does clearly lay out terms of acceptable behavior.¹⁶⁸ From the beginning, it clearly articulates that the U.S. Army professional must first and foremost support and defend the U.S. Constitution. From there, it articulates that all people have intrinsic worth and dignity. When militarily necessary, the proposed Ethic states that Army missions “may justly require taking the lives of others while courageously placing our own at risk.”¹⁶⁹ It goes on to discuss the responsibility of Army professionals to the people of the United States to effectively steward the resources given. It expresses those resources in terms of both people as well as financial and

¹⁶⁷ Hartle, *Moral Issues*, 35-36.

¹⁶⁸ CAPE, *The Army Ethic*, 11.

¹⁶⁹ *Ibid.*

military equipment. These sentiments serve to effectively encapsulate acceptable behavior for the profession of arms.

This proposed ethic, however, is a little vague on unacceptable behavior in the profession of arms. This was intentionally done to prevent the juridification of the document, seeking to create a document that is aspirational in nature and not prohibitive. The CAPE-proposed Army Ethic does contain prohibitive statements, namely that military professionals are to “reject and report illegal or immoral orders or actions.” While every profession is obligated to adhere to the legalities within society, this is particularly applicable in the military institution, where orders carry both moral and legal ramifications. Legal orders act as a backstop, a line that professionals must not cross. CAPE’s proposed Army Ethic includes this backstop, but avoids the trap of juridification.

Despite this successful navigation of legalities and ethical codes, there remains one area where the CAPE-proposed Army Ethic could improve—the inclusion of the laws of war, or law of armed conflict. These laws are unique to the profession of arms; military professionals must adhere not only to the laws of the nation, but also to these additional requirements. The CAPE-proposed Army Ethic does not mention them, and should do so in order to reemphasize the additional legal obligations to which military professionals must adhere.

Principle 4: Relationship to Society

Finally, the U.S. Army as a profession has a unique role in our society. As a subset of the overall military power of the United States, “America’s overwhelming military power in this new century makes ethical consideration and ethical constraint

even more significant. . . .With such dominance comes great responsibility.”¹⁷⁰ This is a unique responsibility that also follows from the Fotion and Elfstrom’s concepts of ethics of scale.¹⁷¹ Physicians may have to make ethical decisions that primarily affect the life of a single individual, whereas military professionals routinely make decisions that “affect the lives of scores, hundreds, or even thousands of people during war.”¹⁷² Furthermore, the exigencies of war may require that both professionals and non-professionals in the military do many things that have major ethical implications.¹⁷³ The statements have vast implications—improperly applied, United States Army can literally destroy cities, nations, and cultures. The scout platoon leader, with radio in hand, has the combat power to literally destroy entire Afghan villages. This overwhelming combat power, and its associated responsibility, requires a strong sense of ethical guidance.

The military is also unique among the other professions in that it is a sole-source provider for its professional services. If clients do not like or agree with their counselor, they can find another one. If patients do not like or trust their doctors or lawyers, they can seek medical or legal counsel elsewhere. If the American public or political leadership loses the trust of its military, there is no one else to whom they can turn for defense. Simply put, the unique role of the military profession requires a special repository of trust between the American people and its military.

¹⁷⁰ Hartle, *Moral Issues*, 230.

¹⁷¹ Fotion and Elfstrom, *Military Ethics*, 68.

¹⁷² Ibid.

¹⁷³ Ibid., 69.

This special repository of trust must be reinforced by military professionals remaining non-partisan. Previous ethicists discussed the need for Army ethical codes to reinforce the idea of a non-partisan professional Army officer as a function of the constitutional principle of military subordination to civilian authority. This is one reason why military officers do not endorse political parties or political candidates—military professionals, in their role as a professional, remain non-partisan, and serve all political parties equally to the best of their abilities. Such non-partisan professional behavior is a pre-requisite for candid professional advice on how to best apply land power to achieve national objectives. The CAPE-proposed Army Ethic makes no mention of the non-partisan nature of professional military service; this is an area where CAPE’s proposed ethic could improve.

Conclusion

This thesis’s analysis, as well as the survey results, shows weaknesses in the CAPE-proposed Army Ethic and in Army officer’s perception of said document. Officers surveyed indicated several implications for ethical training and education, while simultaneously raising questions of the proposed professional identity of “Trustworthy Army Professionals.” This reflects this research’s main criticism of the CAPE-proposed Army Ethic, in that it lacks a distinctly unique professional identity. Second, while the CAPE-proposed Army Ethic does not adhere to all of national values in the Constitution, the unique nature of military service abridges some of those self-same values, and therefore does not require adherence to all of the national values. Third, the CAPE-proposed Army Ethic avoids the trap of juridification by focusing on the aspirational aspects of the Ethical Code, although it could improve by mentioning the Law of Armed

Conflict, which is an additional legal requirement unique to the profession of arms.

Finally, given its unique role in society, the CAPE-proposed Army Ethic does not sufficiently capture the necessarily non-partisan nature of professional military service.

Table 6 indicates a summarization of the issues with the CAPE-proposed Army Ethic in light of the foundational principles of other professions' ethical codes. The next chapter in this thesis will offer suggestions on ways to improve the ethical code in light of this analysis by comparing other suggested ethical codes.

Table 6. Comparative Analysis of the Principles of Various Professional Ethical Codes

Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues * - Who are we trying to be?	Principle 3a: Professional & Unprofessional Behavior - Based on who we are, how do we act? - How do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
Journalism (1)	Public	- Accuracy - Independence - Integrity - Humility - Compassion	- Verifying all reporting, taking responsibility - Report with honesty, update information as it changes, print corrections - Courageously hold the powerful accountable - Maintains source confidentiality - Avoid deliberately inflammatory reporting - Avoid out of context reporting - Avoid selective reporting to promote an agenda - Avoid conflicts of interest (favored interest)	- Respond quickly to accusations of inaccuracy - Promote trust through faultless integrity - Expose unethical conduct in journalism

Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues * - Who are we trying to be?	Principle 3a: Professional & Unprofessional Behavior - Based on who we are, how do we act? - How do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
			- Avoid combining news and advertising	
Business (2)	Promote harmony and mutual prosperity	- Responsible - Trustworth - Transparency/ Integrity - Global connection	- Respect the clients, business partners, and the environment - Contribute to society instead of just making a profit - Avoid illicit activities (terrorism, bribery, money laundering, etc.) - Avoids wasteful use of resources	- Goes beyond letter of minimum, fulfills spirit of the law, reports illegal activities - Contributes to the economic, social, and environmental development communities
Counseling (3)	Respect the dignity and promote the welfare of client by empowering individuals to achieve mental health goals	- Respectful of human dignity - Empathy - Transparency - Informed consent	- Maintains client confidentiality & privacy - Maintains professional education - Prohibited from abusing therapeutic relationships - Avoids imposing own values on clients - Avoids abandoning or neglecting clients - Gatekeeper profession	- Seeks consultation with other professionals - Publishes finding to contribute to greater body of professional and public knowledge - Maintains appropriate records and logs
Law (4)	Promote justice and rule of law	- Respect for human dignity - Authority of reason - Competence - Zealous defense of client	- Maintains privileged information - Maintains competent practice - Acts in best interest of client within bounds of the law and principles of justice	- Publishes findings to contribute to greater body of professional and public knowledge

Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues * - Who are we trying to be?	Principle 3a: Professional & Unprofessional Behavior - Based on who we are, how do we act? - How do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
			- Avoids even the appearance of impropriety - Gatekeeper profession	
Medicine (5)	Bring physical and mental healing to the benefit of patient	- Respectful of human dignity - Professional growth & learning - Competent - Places patient's needs as paramount	- Maintains Doctor-Patient confidentiality - Maintains professional education - Balances the legal requirements with potential benefits to their patient - Work with other health professionals - Must not use their medical knowledge to knowingly bring harm to their patient (non-maleficence) - Avoid the appearance of impropriety	- Publishes findings to contribute to greater body of professional and public knowledge - Obligated to report unethical and incompetent behavior - Work improve the community health
CAPE-Proposed Ethic (6)	Trustworthy Army Professional	- Frailty - Fallibility - Equality (m) - Teamwork (m) - Respect for property (m)	- Support & defend the US Constitution - Recognize intrinsic dignity of all people - Stewards of resources (people, things) - Just taking of opponent's lives - Reflect and report illegal actions	- Subordinate to civilian authority - Offer candid professional judgment in the application of military power to subordinates, peers, and superiors
* These lists are not an exhaustive list of all the virtues and behaviors; they were selected to highlight each profession's unique practices. Many of these professions share similar traits, virtues, and behavioral guidelines.				

Source: (1) Society for Professional Journalism, “SPJ Code of Ethics,” *Society for Professional Journalism* (6 September 2014), <http://www.spj.org/ethicscode.asp>;
(2) Frederick Phillips, “Caux Round Table Principles for Business,” Caux Round Table, May 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>;
(3) Erin Martz, ed., *2014 ACA Code of Ethics* (Alexandria, VA: ACA, 2014);
(4) American Bar Association, *ABA Model Code of Professional Responsibility*, (Chicago, IL: ABA, 1981);
(5) American Medical Association, “AMA’S Code of Medical Ethics,” American Medical Association, June 2001, www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics;
(6) Center for the Army Profession and Ethic, *The Army Ethic White Paper* (West Point, NY: CAPE, 2014).

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS FOR FUTURE STUDY

The analysis of the previous chapter indicated weaknesses in the CAPE-proposed Army Ethic. This chapter will offer suggested revisions in light of foundational principles and other proposed Army Ethical codes. Three areas are recommended to revise the CAPE-proposed Army Ethic.

First, the CAPE-proposed Army Ethic must present a clear and distinguishable unifying identity. It is proposed that U.S. Army professionals are “Defenders of the American Way of Life.” The phrase “American Way of Life” encapsulates the ideas and values espoused by the U.S. Constitution, tying the military’s identity to its Constitutional basis. Furthermore, the idea that member of the profession of arms are “Defenders of the American Way of Life” highlights the unique nature of the profession of arms. Most people would hesitate to let someone cut them open and remove a body part, unless that person was a medical professional. Similarly, most people would find it unacceptable to have anyone outside of the profession of arms operate a M1 Abrams Main Battle Tank. As a guardian of freedom, Army Professionals have the authority and ability to apply massive combat power to achieve an objective, a distinguishing characteristic from other professions.

The choice of the word *defender* is not arbitrary. The term “defender” reemphasizes the inherent posture for application of combat power in keeping with the just war tradition. As defenders, members of the profession of arms have a responsibility to keep themselves and their arms ready to so battle when necessary. This also requires the ability to train and prepare for war, physically, mentally, and morally. Indeed, when

Army professionals forego their responsibility to stand ready for war, they do their nation a disservice.

The updated (Draft 2015) version of the CAPE-proposed Army Ethic does update and reemphasize the military professional's role as defender of the Nation, and also incorporates the Army's motto, "This We'll Defend."¹⁷⁴ This reemphasizes the unique role of the Army Professional in society, which reaffirms the self-identified roles as indicated in this study's survey. However, by maintaining that a military professional's identity is that of a "Trusted Army Professional," it still falls prey to the fallacy of using a word in its own definition. Asking the question, "Who am I as a professional?" should not be answered by saying, "I'm an Army professional," trusted or otherwise.

Second, the inclusion of the concept of the Laws of Armed Conflict is proposed. This legal document outlines the extra-legal requirements for military professionals in addition to the laws of the Nation.

The CAPE-proposed Army Ethic makes no mention of operations in a joint or JIIM environment. The Army is a team oriented organization—the various branches of the Army are interdependent. We must rely on each other to accomplish the mission within the Army, and the same goes true for our JIIM partners. A simple phrase stating, "we accomplish the mission as a team" is insufficient to relay the importance of our JIIM partners, as well as the complexity of the problems in a modern operating environment. This omission within CAPE's proposed ethic betrays an arrogant proclivity for unilateral action.

¹⁷⁴ See Annex B.

Today's operating environment is so complex that it requires the application of all partners in unified action. Members of the profession of arms must first acknowledge the necessity of operating as a part of a larger JIIM team, and then embrace the idea that all players on the JIIM team can contribute to mission accomplishment. Just as the tank commander must incorporate dismounts, indirect fires, and logistical support to reach maximum effectiveness, so too must the U.S. Army recognize and incorporate the capabilities of its JIIM teammates to fight and win America's wars.

Third, previous military ethicists argue that a non-partisan nature is necessary to maintain the boundaries of military professionalism. While all the professional ethics mention a candid expression of our military judgment, in order to fully embrace the Constitutional principle of military subordination to civilian authorities, Army Professionals must remain non-partisan. To do otherwise is to risk the confidence in our national political leaders.

Table 7. Analysis of the CAPE Proposed Army Ethic and Suggested Revisions				
Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues* - Who are we trying to be?	Principle 3a: Professional & Unprofessional Behavior - Based on who we are, how do we act? - How do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
Cape Proposed Ethic (6)	Trustworthy Army Professional	- Frailty - Fallibility - Equality (m) - Teamwork (m) - Respect for Property	- Support & defend the US Constitution - Recognize intrinsic dignity of all people - Stewards of resources (people, things) - Just taking of opponent's lives - Reject & report illegal actions	- Subordinate to civilian authority - Offer candid professional judgment in the applications of military power to subordinates, peers, and superiors

Proposed Revision	Defender of the Constitution	- Frailty - Fallibility - Equality (m) - Teamwork (m) - Respect for Property - Teamwork (JIIM)	- Respect all people including enemies - Tenaciously achieves the military objective - Adhere to laws of war, laws of the US	- Subordinate to civilian authority - Offer candid professional judgment in the applications of military power to subordinates, peers, and superiors - Non-partisan
* These lists are not an exhaustive list of all the virtues and behaviors; they were selected to highlight each profession's unique practices. Many of these professions share similar traits, virtues, and behavioral guidelines.				

Source: Center for the Army Profession and Ethic, *The Army Ethic White Paper* (West Point, NY: CAPE, 2014).

Table 7 shows a comparison between the CAPE Proposed ethic and other military ethical codes. This chart comparatively analyzes the CAPE-proposed Army Ethic in light of the of foundational principles of all ethical codes and in light of other recently proposed Army Ethical codes from previous military ethicists. This chart also compares the ethical code of the Israeli Defense Forces as a foreign counterpoint.

In light of these recommendations, and after a careful comparative analysis of other proposed professional ethics, this thesis would offer the following statement as a revised ethical code. This revision represents a distillation of the salient portions of Hartle's Proposed Ethic and the CAPE-proposed Ethic, as well as the author's own analysis based on the work in this thesis. As much as possible, this proposed revision synthesizes the best parts of the aforementioned proposed Army ethics, as indicated by the chart in table 7. It is as follows:

The Army Ethic (Revised)

As a member of the Profession of Arms in the United States Army, I have sworn to support and defend the Constitution of the United States. This makes me a guardian of freedom and a protector of the American way of life. I stand firmly to protect our nation from those who reject our national values and oppress freedom, equality, democracy, and individual rights.

I acknowledge that all people have intrinsic worth and dignity. While my chosen profession may require me to justly take the lives of others, I do so in a manner that reflects their fundamental worth and dignity. If my enemies choose to surrender, I will treat them with respect. If they choose to fight, I will meet them on the field of battle. I will apply the appropriate amount of force to minimize casualties and collateral damage to achieve my military objective. I uniformly reject illegal orders and actions, and will conform to the Army Values, the laws of war, UCMJ, and the laws of the United States. I will never bring dishonor on myself, my unit, and the United States of America. I am a professional of integrity and character.

I am a trained professional in the application of military power to achieve tactical, operational, and strategic goals. This means I must continually strive to master the knowledge, skills, and abilities of my chosen profession. This also means that when called upon, I will offer candid professional advice to the appropriate civilian authorities on how to best apply military power. I will offer this professional judgment without regard to partisan domestic politics. I am a servant of the entire nation and professional expert at the application of combat power to achieve victory.

As an member of the Profession of Arms, I am responsible for all that happens and fails to happen under my watch. I am responsible to the represent our national values to the rest of the world, understanding that my actions and the actions of my Soldiers can have strategic implications. I am responsible respect to each Soldier under my care as individual persons, and to ensure they are fully trained, equipped, and prepared to meet the enemies of this nation in combat. I work as a part of a larger joint, interagency, intergovernmental, and multi-national team to overcome adversity so that we can achieve victory. I will never accept defeat, and I will never quit. I am a committed professional.

Figure 7. The Army Ethic (Revised)

Source: Created by author.

This revised ethical code is shorter than CAPE's proposed ethic. This proposed revision discusses the Army values and the Warrior Ethos, as well as the character, competence, and commitment framework as outlined in ADRP-1.¹⁷⁵

¹⁷⁵ U.S. Army, ADRP 1, 3-3, 3-4.

Research Implications

Based on this research, there are at least two implications for the greater U.S. Army. First, a codified Army Ethic must become the central foundation for the Army to tell its story to the greater American public. Current recruiting campaigns focus on individuals and how they can benefit from joining the military.¹⁷⁶ While those benefits exist, by basing a recruiting campaign on that aspect the U.S. Army overtly reinforces the idea that people should join the Army to get what they can out of it. This runs contrary to the Army Value of Selfless Service, and runs contrary to the notion that we are service members.

If military professionals self-identify as defenders or servants of the nation, and if their professional ethic supports this, then that notion should serve as the foundation for the Army to tell its message. Rather than basing a recruiting message around graphic designers, imagine what a recruiting campaign would look like based on the notion of defending America and her values against those who would do them harm? If the U.S. Army wants to maintain a consistent message about what it means to be a professional Soldier, a codified Army Ethic must provide that unifying basis across the entire Army.

A second implication of this research shows the need for a unified and standardized ethical training at all Officer Education System (OES) and Non-Commissioned Officer Education System (NCOES) schools. The fact that there was a significant difference of opinion with regard to the relevance of an Army Ethical code

¹⁷⁶ Johnny Alexander, "US Army Commercial–Graphic Artist Vs. Drill Sergeant–World's Greatest Army," Youtube, accessed 14 April 2015, <https://www.youtube.com/watch?v=auhsCXKKnEg>.

between various branches in the Army. This belies a disturbing trend where various branches conduct their own levels of ethical training.¹⁷⁷

The theme of professionalism, associated with the Army Ethic, must be woven into the fabric of every member of the Army team. If we accept the premise that all Soldiers and DA civilians are members of the profession of arms, then there needs to be a uniform method of instruction into professionalism and ethical conduct across all the branches of the Army team. Furthermore, as those professionals are promoted and receive further professional development and education, the themes of professionalism and ethical behavior must continually be reinforced throughout the professional training at all OES and NCOES schools.

Furthermore, in keeping with the Virtue Ethics philosophy that the U.S. Army has adopted, wherein habituation to a virtue leads to virtuous behavior, then it logically follows that vignette training is the most appropriate method of ethical instruction. One might suggest posing a series of ethical dilemmas for discussion in small groups tiered to the appropriate level of NCOES and OES education.

Topics for Future Research

Why do people violate their internal morals and ethics? Is it out of ignorance, or are such failures indicative of a deeper failure of moral character? Thesis: people violate their moral and ethical codes not out of ignorance, but out of a misprioritization of other ethical demands (e.g., adultery is the prioritization of romantic love over integrity).

¹⁷⁷ Sean Wead, “Ethics in Combat” (DMin diss., Virginia Theological Seminary, 2010), 63.

Does ethical behavior relate to Comprehensive Soldier Resilience? Thesis: the more ethical you are as a person, the more mentally and spiritually resilient you become. Do people have greater problems dealing with questionable ethical decisions in combat, in addition to the natural rigors of combat?

If the military is a microcosm of society, how do changing societal norms and values affect the codification of a military ethic? Can an Ethic remain codified in a pluralistic and post-modern society? How often should one review a codified ethic in a constantly changing society?

Conclusion

This thesis explored the relationship between the ethical codes of various professions, and conducted a comparative analysis between those ethical codes to examine the CAPE-proposed Army Ethic. Simultaneously, this thesis also examined the moral principles inherent to the foundational documents of the United States, namely the U.S. Constitution and the United States Declaration of Independence. Lastly, this thesis evaluated the CAPE-proposed Army Ethic in light of the distilled foundational principles of ethical codes as well as in light of those national values espoused in the aforementioned historical documents. Said analysis revealed gaps in CAPE's proposed Army Ethic, specifically pertaining to the identification of a unique professional identity. Finally, this thesis proposed recommendations to address those gaps within the CAPE-proposed Army Ethic.

Why is this important? Everything we do as military professionals should be in support of that 18-year-old private climbing the hills of some third world country. I remember as a platoon leader the look of my Soldiers as they had to deal with the

personal ramifications of close combat. I explicitly remember their far off stares as I sat and talked with them on many a midnight guard shift at the OP. Whereas last summer they were chasing girls and speeding throughout the Wisconsin byways, ten months later they were driving up-armored HMMWVs and dodging RPGs in southern Afghanistan. They had trouble sleeping because of their nightmares. I might not have had the right words to say to them then, but as I reflect on what it means to be a member of the profession of arms, I write these words for them.

The responsibilities of leadership and command should not weigh lightly on in the back of any military professional. The responsibility for ethical leadership and ethical conduct in war directly correspond to instilling the trust of the American people. We as military professionals owe it to that 18-year-old private on that unknown hilltop in a dusty, Third-World country. We must prepare them as much as possible beforehand to resolve any potential ethical dilemmas that combat might present. That private needs to know that their actions are just, and that they can trust their professional military leaders to make the right ethical decision when it comes time to pull the trigger.

What we do as military professionals is an outgrowth of who we are as people. I do not do what I do for the money—I serve because I believe in America and because I believe in the U.S. Army. I believe in what we do, and I believe in what it means to be a Soldier. I stand on the wall and protect the American people from those who would do them harm. I support and defend the U.S. Constitution, and I fight to win America's wars.

APPENDIX A

CAPE Proposed Army Ethic

The Army Ethic The Heart of the Army Introduction

The Army Ethic defines the moral principles that guide us in the conduct of our missions, performance of duty, and all aspects of life. Our ethic is reflected in law, Army Values, creeds, oaths, ethos, and shared beliefs embedded within Army culture. It inspires and motivates all of us to make right decisions and to take right actions at all times.¹⁷⁸

The Army Ethic is the heart of our shared professional identity, our sense of who we are, our purpose in life, and *why* and *how* we serve the American people. To violate the Army Ethic is to break our sacred bond of trust with each other and with those whom we serve. Failure to live by and uphold the Army Ethic brings dishonor on us all and may have strategic implications for the mission.

Army Professionals fulfill distinctive roles as honorable servants, military experts, and stewards of our profession. By our solemn oath, we voluntarily incur an extraordinary moral obligation inherent in the identity to which we aspire: Trustworthy Army Professionals.

Honorable Servants of the Nation—Professionals of Character

By oath, we support and defend the Constitution, subordinate to civilian authority, and obey the laws of the Nation and the orders of those appointed over us; we reject and report illegal or immoral orders or actions.

¹⁷⁸ CAPE, *The Army Ethic White*, 11.

We take pride in honorably serving the Nation with integrity and demonstrating character in all aspects of our lives.

We recognize the intrinsic dignity and worth of all people, treating them with respect and compassion.

We demonstrate courage by setting the example for right conduct despite risk, uncertainty, and fear; and we candidly express our professional judgment to subordinates, peers, and superiors.

Military Experts—Competent Professionals

We commit ourselves to do our duty, with discipline and to standard, putting the needs of others above our own, and accomplish the mission as a team.

We understand the mission may justly require taking the lives of others while courageously placing our own lives at risk.

We continuously advance our expertise in the knowledge, skills, and abilities of our chosen profession, seeking the truth, and striving for excellence through life-long learning and professional development.

Stewards of the Army Profession—Committed Professionals

We uphold the standards of the profession and adhere to its values; we lead by example and hold ourselves and others accountable for decisions and actions.

We apply discipline in our use of the resources entrusted to us by the American people; we ensure our Army is well equipped, well trained, and well led; and we care for and develop Soldiers, Army Civilians, and Families.

We develop and sustain *Esprit de Corps* and persevere, adapt, and overcome adversity, challenges, and setbacks.

APPENDIX B
HARTLE'S PROPOSED ARMY ETHIC

Military Professionals: ¹⁷⁹

1. Accept service to country at their primary duty and defense of the Constitution of the United States as their calling. *They subordinate their personal interests to the requirements of their professional functions.*
2. Conduct themselves at all times as persons of honor whose integrity, loyalty, and courage are exemplary. *Such qualities are essential on the battlefield if a military organization is to function effectively.*
3. Develop and maintain the highest possible level of professional knowledge and skill. *To do less is to fail to meet their obligation to the men and women with whom they serve, to the profession, and to the country.*
4. Take full responsibility for their actions and orders.
5. Promote and safeguard, within the context of mission accomplishment, the welfare of their subordinates as persons, not merely as soldiers, sailors, or airmen.
6. Conform strictly to the principle that subordinates the military to civilian authority. *They do not involve themselves or their subordinates in domestic politics extend the exercise of basic civil rights.*
7. Adhere to the laws of war and the regulations of their service in performing their professional functions.

¹⁷⁹ Hartle, *Moral Issues*, 73.

APPENDIX C

CAPE ARMY ETHIC (DRAFT, UPDATED 2015)

The Army Ethic includes the moral principles that guide our decision and actions as we fulfill our purpose: to support and defend the Constitution and our way of life. Living the Army Ethic is the basis for our mutual trust with each other and the American people. Today our ethic is expressed in laws, values, and shared beliefs within American and Army Cultures. The Army Ethic motivates our commitment as Soldiers and Army Civilians who are bound together to accomplish the Army mission s expressed in our historic and prophetic motto: *This We'll Defend*.

Living the Army Ethic inspires our shared identity as trusted Army professionals with distinctive roles as *honorable servants*, *Army experts*, and *stewards of the profession*. To honor these obligations we adopt, live by, and uphold the moral principles of the Army Ethic. Beginning with our solemn oath of service as defenders of the Nation, we voluntarily incur the extraordinary moral obligation to be trusted Army professionals.

Trusted Army professionals are

Honorable Servants of the Nation—Professionals of Character:

We serve honorably—according to the Army Ethic—under civilian authority while obeying the laws of the Nation and all legal orders; further, we reject and report illegal, unethical, or immoral orders or actions.

We take pride in honorably serving the Nation with integrity, demonstrating character in all aspects of our lives.

In war and peace, we recognize the intrinsic dignity and worth of all people, treating them with respect.

We lead by example and demonstrate courage by doing what is right despite risk, uncertainty, and fear; we candidly express our professional judgment to subordinates, peers, and superiors.

Army Experts—Competent Professionals

We do our duty, leading and following with discipline, striving for excellence, putting the needs of others above our own, and accomplishing the mission as a team.

We accomplish the mission and understand it may demand courageously risking our lives and justly taking the lives of others.

We continuously advance the expertise of our chosen profession through life-long learning, professional development, and our certifications.

Stewards of the Army Profession – Committed Professionals

We embrace and uphold the Army Values and standards of the profession, always accountable to each other and the American people for our decision and actions.

We wisely use the resources entrusted to us, ensuring our Army is well led and well prepared, while caring for Soldiers, Army Civilians, and Families.

We continuously strengthen the essential characteristics of the Army Profession, reinforcing our bond of trust with each other and the American people.

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