

## EXECUTIVE SUMMARY

### JOINT SERVICES CONFERENCE ON PROFESSIONAL ETHICS

JSCOPE XIV

30-31 JANUARY 1992

### "TEACHING THE TEACHERS OF ETHICS"

#### PRELIMINARIES

Following a recently adopted policy, JSCOPE XIV featured a unifying theme, "Teaching the Teachers of Ethics," but included also some papers on the perennial topic of "Current Ethical Issues Affecting the Profession." As it turned out, this year the current issues papers were all on war and morality questions. Once again, we exceeded past attendance records for registered participants--this year the number was 135.

**Vice Admiral J.A. Baldwin**, USN, President of the National Defense University opened this conference with welcoming remarks for the third year in a row. Admiral Baldwin pointed to signs that work in applied ethics was exploding and made references to the various ethics committees that have been established in other government agencies. He graciously encouraged the continuing efforts of JSCOPE members in professional military ethics, expressing interest in the papers to be presented at this year's conference.

#### THE PAPERS

Except for the presentations provided on very short notice by retired **Lieutenant Colonel Alan Howes** (Australia) and **Ch Colonel Sel Geller** (USAF), copies of the papers delivered at the conference were reproduced and made available to all participants. For this reason our summaries here will be brief. Those wishing to acquire a particular paper should contact the author or their representative on the JSCOPE Executive Board (listed later on in this report). The papers delivered on Thursday, 30 January and three of those delivered Friday morning dealt with some aspect of the theme, "Teaching the Teachers of Ethics." The remaining four papers on Friday dealt with issues associated with war and morality.

**Colonel Mal Wakin**, as Chairman of JSCOPE, laid the groundwork for the teaching theme in some brief remarks entitled, "Military Ethics--Helping the Teachers." He suggested some minimal topics which should be covered, even in the briefest of courses or seminars on military ethics and made more elaborate suggestions for topics and materials in courses of varying lengths. **Colonel Kenneth Wenker** of the United States Air Force Academy faculty followed with a paper discussing, "Two Orientations for Teaching Ethics." The first of these orientations focuses on the "external" standards imposed by laws, rules, regulations, codes, etc. The second orientation focuses on the moral obligations that the professional imposes on himself or herself--those duties that come from within. Colonel Wenker stressed that each of these orientations is important and went on to emphasize the critical nature of decent moral character in leaders of the professions. He described the teaching of the external ethical codes, rules, etc., as indoctrination, while teaching internal morality involves education. Each of these requires a different mode of teaching. Indoctrination in the ethical rules of the profession can be accomplished by many military people, but perhaps is best done by commanders. Teaching internal ethics requires skill in the Socratic dialogue method and some fundamental preparation for the instructor.

**Gordon Campbell** from the faculty of the Army Logistics Management College delivered a paper entitled, "Teaching the Teachers of Military Ethics: An Apology for an Unethical Profession." Unique in his presentation were references to both military and DOD civilian students who seemed to hold the position that, "Being unethical is the price one pays for being in the military," or "If you're in the military, its acceptable to be unethical." He pointed out that these uninformed views made it imperative that ethics instructors explain the just war doctrine in addition to integrating other ethics teaching into all phases of instruction in courses like those he teaches in the logistics and acquisition areas. He made special reference to the usefulness of the Josephson Institute program in augmenting his materials and techniques for teaching applied ethics.

"Teaching Professional Ethics at the Joint Readiness Training Center," by **Major Walter Schrepel** of the 10th Mountain Division at Fort Drum was the final paper on the opening morning of the conference. He advanced the position that ethics training must be integrated into the rest of battle training at the Readiness Center and that, "Ethics would have to become as common a battle task as calling for indirect fire." He references FM 100-1, The Army, and FM

100-32, Military Leadership, as sources for use in inculcating the virtues and values essential to moral leadership. He pointed out the relevance in this type of training of jus ad bellum, jus in bello, emphasis on courage, candor, competence, commitment, and other topics often found in more formal environments. His paper provides anecdotes from his realistic training experience verifying the critical nature of competence and integrity and concluded with specific recommendations for inserting ethical concerns into the readiness training and critiques.

**Major Curt Hillier** from the faculty of the Royal Roads Military College in Canada opened the Thursday afternoon session with an interesting survey and commentary on the experience of ethical dilemmas among Canadian Forces officers. From a relatively low return of the surveys (441 of 1000) only 80 officers of varying ranks recalled work-related ethical dilemmas which they were willing to describe. Response included methods of resolving those ethical issues and some 40% of the dilemmas either remained unresolved, or were resolved "in ways that potentially undermine good order and discipline." One of the conclusions of this survey experience was that ethical issues did not appear to be of great concern to a majority of Canadian Forces officers and this in itself was perceived by the researcher as an indication of a large-scale failure to recognize and resolve ethical dilemmas.

The next paper, "Beyond Rational Autonomy," was delivered by **Major Tim Challens** from the faculty of the U.S. Military Academy. One of the intriguing theses he pursued was that "competitive sports create an impediment toward ethical developments" and that ethics instructors have to overcome this impediment to get the future Army leaders they teach as cadets to accept the laws of land warfare. In support of his thesis he points out that competitive sports teach players "to stretch the rules, cut corners, and win at all costs." Classroom experiences with athletes and non-athletes tended to verify that the athletes were least likely to have developed the moral intuitions which might help them avoid the commission of war crimes. Major Challens essentially decries ethical systems based on rule-following (as in sports and in Kant) and opts for furthering systems based on moral character which includes both reason and factors like sentiment and intuition a la Aristotle, Bishop Butler, Shaftesbury, Hutcheson, et al.

Major Challens was followed by West Point staff member, **Colonel Larry Donnithorne**. Colonel Donnithorne's paper, "Building Character: Ends, Means, and Honor Codes," provided an extensive analysis of the use of honor codes and

other means for achieving the goals of character development at the college level. He delineated several of those goals and the several means available. He pointed out that honor codes may be inculcated in such a fashion as to serve either the development of rule-following behavior and the accompanying disposition or so as to develop the broader goals of moral reasoning and autonomous decision-making. He contrasts the ways in which those goals might be fostered at West Point and at civilian colleges.

The annual JSCOPE banquet was held at the Ft McNair Officers Club. The banquet speaker was **Professor Martin Cook** of Santa Clara University, currently Visiting Professor at the United States Air Force Academy. Professor Cook's presentation, "Teaching the Teachers of Ethics: Santa Clara University's Center for Applied Ethics Model," described the intensive seminar method employed by Santa Clara University to prepare professors in various schools of the university to teach disciplines (accounting, marketing, management, communication, sociology, anthropology, etc.). Professor Cook first suggested that ideally, professional ethics should be taught by those who are both knowledgeable of the particular profession's real-life ethical issues in practice and who have also been "deeply educated in the disciplines of moral philosophy." The "intensive seminar method" involves employing the talents of skilled ethics professors for three days with manageable groups of instructors from a specific discipline. The first day involves discussion of issues of moral choice, whatever code of ethics that discipline may have, ethical and cultural relativism, questions of religious convictions and moral values, etc. It involves a close analysis of a sample of clear moral reasoning. Some review is made of moral development literature and acquaintance is provided with the terminology of utilitarianism, rights language, and concepts of justice. Case-based discussions make applications of this terminology both on the first day and on the second day, when more complex cases are analyzed. The second day also includes discussion of the particular problems associated with introducing ethics in an integrative fashion in the particular discipline of the seminar members. The third day includes a practice teaching session for each seminar member. Critiques of this type of workshop by the participants have been exceptionally favorable.

On Friday morning, **Ch Colonel John Schumacher** from the staff of the U.S. Army War College explained how he prepared his ethics seminar leaders at the Army War College in a paper titled, "Teaching the Teachers of Military Ethics." He quotes from an earlier monograph on military ethics teaching that, "Developing a successful ethics program for the senior

service schools is as complex as developing such a program for mature physicians, lawyers, and judges. ... The critical challenge is to prepare appropriate instructors and discussion leaders." Preparation of instructor/seminar leaders involves stressing the importance of a strong, clearly defined ethical climate in an organization, detailing the ambiguity associated with important ethical issues in the military, exposing students to the philosophical underpinnings of ethics, preparing students for dealing with in-depth case studies, etc. Chaplain Schumacher provided specific information on the substantive content of both instructor subject matter and the materials presented to the students in classes and seminars. His paper also presented a sampling of the case studies used and the guidance provided to instructors for leading the analysis of those cases. He showed how ethics materials are integrated into the major blocks of instruction in the core courses at the War College and described as well the elective ethics advanced course.

**Chaplain Commander A.E. Resnicoff** followed with an energetic, enthusiastic presentation entitled "Un-teaching Ethics." He developed his discussion around three basic views, widely held, that must be untaught before professional military ethics teaching can be accepted as a legitimate enterprise. Those three views needing to be untaught are: (1) Ethics have no place in war; (2) We should trust our instincts: ethics can't be taught; and (3) Ethics only apply when both sides play by the same rules. Chaplain Resnicoff provided thoughtful responses to each of the three challenges to military ethics teachers in a delivery that was exceptionally well received.

A change in the published pre-conference program for Friday morning was necessary, so two presentations were inserted. The first, made by retired **Lt Col Alan Howes**, Australian Army, was an informative discussion of military ethics and the ethical climate in Australian Defense Organizations. Colonel Howes is completing a thesis on "Teaching Ethics to Officer Cadets at the Australian Defense Force Academy" and completing a larger study of effective ways of teaching ethics to military and civilian members of all the Australian Defense Forces. **Chaplain Colonel Selwyn Geller**, USAF, of the National Defense University Staff, provided an additional presentation of the results of his research on "Ethical Sources of the Morals in the Armed Forces." Because of time limitations Chaplain Geller could only indicate some of his concerns for the impact on the ethical concerns of military people made by public announcements from religious organizations as exemplified by the 1983 pastoral letter on war and peace issues promulgated by the

U.S. Council of Catholic Bishops. He expressed concern for historical consistency in these kinds of statements.

These papers were followed by the annual JSCOPE business meeting which is reported on separately in our next section. The final three papers were grouped together under our perennial theme of "Current Ethical Issues Affecting the Profession." Each dealt with some aspect of war and morality. The first of these presented was "Utilitarianism and the Laws of Land Warfare," by **Major Jeffrey P. Whitman** of the West Point philosophy faculty. Major Whitman's thesis is that the laws of land warfare (the war convention) are best understood and best implemented when they are viewed from the perspective of a two-level form of rule utilitarianism. He argued that treating the war convention as absolute makes the soldiers' ability to cope in combat inordinately difficult and that a rule utilitarian interpretation which permits violating the convention under special circumstances is consistent with the special provisions for "military necessity." He suggested that teaching this two-level utilitarian perspective of the war convention would generate more respect for and compliance with the laws of warfare.

**Dr. Frances Harbour** of George Mason University, and a frequent contributor to JSCOPE, delivered the second afternoon paper entitled, "Noncombatant Deaths: Weighing the Consequences." Her paper outlined the various ways in which each of three perspectives--the realists, the utilitarians, and just war theorists--would deal with the moral issue of civilian deaths in war. She draws out the ethical implications of each of these views, clearly noting that even the realist view, tied to state interest more extremely than the others, cannot consistently condone the indiscriminate killing of civilians.

The final paper of the conference was delivered by **Lt Col Terrence Moore**, USAF, faculty member of the Air Force Academy, currently a Fellow at Harvard University's Center for Ethics and the Professions. Col Moore's paper was titled, "Proportionality, Assumption of Risk, and Contributory Responsibility." Col Moore made reference to criticisms that perhaps discrimination and proportionality were not properly observed in the bombing campaign against Iraq in the recent expelling of Iraqi forces from Kuwait. In his argument, he raises effectively the issue of "contributory responsibility" of those whose actions brought about the need for the war in the first place. "The evil must bear its own weight, and to some significant extent the evil must bear not only its own weight, but the weight of the harms we do in resisting it." In dealing with the just

war criterion of proportionality he draws parallels with the tort law of negligence. Using those parallels he proceeds to seek responses to four questions which might indicate the proper apportionment of responsibility for damage done to Iraqi civilians. On this analysis, Saddam Hussein fares far worse than the U.N. coalition forces.

As in past conferences, the papers generated spirited, interested discussion. All of us are indebted to the authors who framed their work so competently and provided us with extremely helpful approaches to teaching military ethics as well as guiding our considerations of serious war and morality issues.

#### THE BUSINESS MEETING

Agenda items included term expirations on the Executive Board of the Army, Coast Guard, and Civilian representatives; selection of the dates and topic for next year's conference; and discussion of the possibility of rotating the location of the annual conference. After elections, the members of the Executive Board for 1992 are:

Col Mal Wakin, USAF Representative and Chairman  
Chaplain, Captain Robert W. Duke, USN Representative  
Lt Col Paul Christopher, USA Representative  
Lt Col H.N. Wiggins, USMC Representative  
Lt Commander Fred M. Rosa, USCG Representative  
Col F.J. Walton, Canadian Forces Representative  
Dr. Frances V. Harbour, Civilian Representative  
Chaplain, Colonel Selwyn Geller, NDU Representative and  
Coordinator

The Executive Board agreed to continue the policy of offering the perennial topic--Current Ethical Issues Affecting the Profession--and one other principal theme. Eight themes for JSCOPE XV were offered to the assembled participants. After discussion, the theme selected by a large margin of votes was: "The Ethics of Military Interventions." As is our custom, the call for papers on this theme and the perennial topic will be issued about June 1 with a response deadline of October 1.

The dates agreed upon for JSCOPE XV are 28-29 January 1993 and the location will again be the National Defense University. The Executive Board in consultation with the assembled conferees and in closed session discussed extensively the merits of rotating the conference location among the service academies, all of whose representatives expressed a willingness to host JSCOPE. It was noted that

the conference was held at five other locations besides NDU in previous years and that the average attendance in those five years was 40 persons. Average attendance for all meetings held at NDU has been more than 100; this year's registration was 135 persons (during a period of very constrained TDY budgets). When polled, 60% of this year's participants indicated that they would not have attended if we had held the conference at the Air Force Academy in Colorado this year. The density of our membership in the Washington, D.C. area argues strongly for meeting in Washington. The West Point, Naval Academy, Coast Guard Academy, and many other delegates were able to drive to the meeting. West Point had several officer attendees and brought several cadet members of their philosophy club as well. It was also pointed out that the nature of our composition as a conference makes NDU the "natural" place to meet--we are a national defense group and we have received written endorsement from a past Chairman of the Joint Chiefs of Staff. After these and other considerations, the strong consensus of the Executive Board and of our assembled participants is that we would like to continue holding JSCOPE meetings at NDU--always providing that NDU continues to find this arrangement an appropriate and congenial one.

#### THANK YOU

Again, we are extremely indebted to **Vice Admiral Baldwin**, President of NDU, for hosting JSCOPE XIV, and for his gracious participation and encouragement. We continue to be grateful for the wonderful local arrangements provided by **Chaplain Sel Geller** and **Mrs. Dot Weathers**, without whom we could not operate in the Washington, D.C. area. Thanks to each of the presenters who enriched us and better prepared us for our tasks as teachers and practitioners. And thanks to each participant; it is our great privilege to work with a wonderful group of congenial, dedicated professionals.