

**THE UNPROTECTED REPUBLIC  
THE RESPONSIBILITY OF THE MILITARY OFFICE HOLDER**

**William P. Dillon**

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"Consider it the greatest of crimes  
to prefer survival to honor, and  
out of love of physical life, to  
lose the very reason for living . . . "

Juvenal

The American discussion of fundamental ethical issues in recent years has focused upon the freedom of the individual guaranteed in the Constitution, and safe-guarded by the precious American tradition of "equal protection under the law." Primary ethical notions of "good" and "evil," "truth," and "falsehood" have been eclipsed by juridical applied principles of "just," and "unjust," "fair and unfair."<sup>1</sup> America has become the most litigious society in the world because the need to solve ethical problems is no longer fulfilled by the traditional sources: ethical thinking, and/or the practical application of religious commitment to life.<sup>2</sup>

**The American Constitution: A Presumption of Societal Relationships**

The greatly admired American Constitution presupposes a philosophy of human dignity upon which the "protected rights" of the individual against the ever encroaching interests of the "all powerful" state are founded.<sup>3</sup> But that sense of human dignity imagines that the human person requires society for a full human life. In the words of the Preamble, the "People of the United States" establish the Constitution as an instrument by which certain common tasks are facilitated to" . . . establish Justice, insure domestic Tranquility, provide for the common defense, promote the general welfare . . . " The fulfillment of these common tasks is directed towards the fulfillment of a common goal: "to form a more perfect Union . . . "to" . . . secure the Blessings of Liberty to ourselves and our Posterity . . . "<sup>4</sup> The

presumption of the American Constitution is that the human person does not stand alone; but that the human person is always in relationship to others. These relationships, guided by the Constitution, are presumed to enhance, promote, and protect the life and dignity of the individual. Thus, individual "civil rights" are not possible without a shared social and political community; "justice" is only possible as an appropriate mode of social relationship.

### **Aristotle's Corrective**

When Aristotle considers the nature of "the state" or "civil life," his reflections upon the nature of human beings deductively lead him to position "justice" in that ascendancy so espoused by Americans and our Constitution. He reaches these conclusions, however, for reasons which have been, over the course of time, obscured and forgotten. He offers four bases for his conclusions:

#### *A: Shared Life*

Aristotle believed that Nature itself requires people to live a "shared life." His reason: the individual alone is not "self-sufficing" but needs other human beings. This natural requirement is demonstrated, for Aristotle, in the fact that human beings, unlike other living beings, alone have "a voice which is able to set forth a sense of the good and evil, of the just and the unjust."<sup>5</sup> This characteristic above all others orders human beings to form a social or political community wherein "justice is the bond of men," and the administration of justice the "principle of order."<sup>6</sup>

#### *B: Choosing the Good*

In the social and political community, Aristotle thought that the principle which unites its members is not merely some material "sufficiency, . . . for animals then could be said to form a political community." Such is not the case! For Aristotle, "a state exists for the sake

of the good life, and not for the sake of life only . . . slaves and brute animals [he wrote] might form a state; but they cannot, for they have no share in happiness or in a life of free choice."<sup>7</sup> Thus, the political community is peculiar to human beings; it shares the unique moral character of human beings, who are "free" in their choices, and thus, can seek "the good," and the "happy life."

### *C: Public Virtue*

In the state, for Aristotle, "virtue" must be a major concern. He writes: "virtue must be the care of the state . . . for without this end, the community becomes a mere alliance which differs only in place from alliances of which the members live apart."<sup>8</sup> Notice his example: "Let us suppose that one man is a carpenter, another a husbandman, another a shoemaker, and so on, and that their number is ten thousand; nevertheless, if they have nothing in common but exchange, alliance, and the like, that would not constitute a state."<sup>9</sup> For in Aristotle's vision, "a state is not a mere society having a common place, established for the prevention of mutual crime, and for the sake of exchange."<sup>10</sup> Rather, a state is "a community of families and aggregations of families in well-being, for the sake of a perfect and self-sufficing life."<sup>11</sup> Thus, while the state "comes into existence for the basic needs of life," it continues in existence "for the sake of a good life."<sup>12</sup>

### *D: The Common Good*

While in the state, the individual virtues of the citizens are specific to each of them, Aristotle believes that a virtue common to all is necessary if the state is to survive. He writes: "Like the sailor, the citizen is a member of a community. Now, sailors have different functions, for one of them is a rower, another a pilot, and a third a look-out man, a fourth is described by some similar term; and while the precise definition of each individual's virtue applies exclusively to him, there is, at the same time, a common definition applicable to them

all. For they have all of them a common object, which is safety in navigation. Similarly, one citizen differs from another, but the salvation of the community is the common business of them all."<sup>13</sup>

### **Only Then: Justice, the Crown Of Virtue**

In the political community, for Aristotle, the principal virtue, properly so-called, is "justice." It is a moral virtue by which the state is constituted, not a political necessity in response to "special interest groups." As he writes, "But if wealth and freedom are necessary elements, justice and valor are equally so; for without the former qualities (the basic material necessities) a state cannot exist at all, but without the latter [virtue], [a state cannot exist] well."<sup>14</sup> For Aristotle, "justice" is not just one among many civic virtues, "justice is often thought to be the greatest of virtues, and neither evening nor morning star is so wonderful . . . [for] in justice is every virtue comprehended. . . . Justice is complete virtue in its fullest sense, because it is the actual exercise of complete virtue. It is 'complete' because he who possesses it can exercise his virtue not only in himself but towards his neighbor also. Justice alone is thought to be for 'another's good,' because it is related to our neighbor . . ." <sup>15</sup> Thus, for Aristotle, this "political/civic" virtue, which we might call the "golden rule," is not only the highest virtue, but that singular element without which the state cannot exist "well!"

### **Aristotelian Conclusions**

Political theory accepts from Aristotle and his philosopher colleagues as axiomatic the notion that human beings are "social animals." It is often forgotten that Aristotle thought human beings are "social animals" only because he asserted that they are capable of moral judgments, which lead them to choose "the good," and the "common good" in the shared life of a community. For him, the purpose of a community<sup>¾</sup>if is to survive as a state, properly so-called<sup>¾</sup>must be focused upon such public virtue as will achieve "the good life." In

Aristotle's view: (1) because they are social, human beings are endowed with the ability to vocalize moral judgments by which the social and political life of the state is "well" established; (2) because they are equipped to affirm publicly their judgments about "good" and "evil," human beings are thereby most suited to political and social life, in which the pursuit of "good" brings about both virtue and the moral health whereby a state is judged to be ethically sound. Thus, because a state is ordered toward the "moral good . . . the happy life" of its citizens, justice is a moral virtue, not a political necessity which is required by some "special interest." Currently, the discussion of "civil rights" as a justification for the protection of a wide range of personally favored social behaviors has leaped to unwarranted conclusions which are unfounded in the Aristotelian reasoning process that terminates in his affirmations about social and political justice. This separation of politics from ethics is the fountainhead from which springs forth the separation of the "civil rights" of the individual from the common good of society.<sup>16</sup>

### **Officer's Oath: Public Office and the Common Good**

Where in society today are the good of the individual and the good of society more likely to mirror the relationship about which Aristotle wrote? The sense of responsibility for "the good," and the "common good" is more acutely developed in those who hold public office. The requirements of their office make certain demands upon these citizens which heighten the sense of the common good of society, and sometimes renders them more attentive to "the good" as this affects society. Among these public officer holders, military officers are unique.<sup>17</sup> On the one hand, the military oath, which is the same oath required for all holders of public office, makes military officers "public persons," who share the responsibility for the common good with officials who are elected or appointed to public office.<sup>18</sup> Yet, on the other hand, the nature of military officers' responsibility does not encompass the burdens growing out of commitment to "regional political" concerns. These local concerns, and the limited

"political good" toward which they are directed (particularly re-election to office) can delude the purest sense of that good of society, which protects the dignity of the individual.<sup>19</sup> Three characteristics of the exercise of office in the military demonstrate the focus of Commissioned Officers upon the "good," and the "common good":

*The Common Good Above Personal Interests*

First, by tradition, custom, and everyday practice, the Commissioned Officers' lives are more circumscribed by the requirements of the responsible exercise of the office than is the case with civilian officer holders. This circumscription focuses personal life around the requirements of the stated "public need," and the "common good" from which it flows.<sup>20</sup>

*Vested-Delegated Power*

Second, Commissioned Officers enjoy a "vested or delegated power"<sup>21</sup> which in America is exercised not only within the restraints of law, but under the public scrutiny. While this is similar to the "high standards" demanded of political office holders, military officers are seen as corporate personalities, representing not only all the members of the service of which they are a part, but of the citizens of the nation which they serve as well.<sup>22</sup> Thus, their personal lives are much more open to scrutiny, while the bearing of the corporate personality of their service and their country, calls them to a sharper awareness of their responsibility for the common good.

*Non-Self Generated Nor Self-Validated Standards*

Third, commissioned officers, unlike incumbents of political offices in society accept standards for all aspects of their lives and their profession which are objective.<sup>23</sup> That is, as military members, subject to the regulations of their service and the laws of their nation, they do not generate the standards by which they willingly allow themselves to be measured. commissioned officers may be among the few remaining members of our society who affirm

"objectivity" in their acceptance of norms, standards, customs, rules and regulations which transcend themselves in time, in generation, and in validation. Thus, commissioned military officers have an important function to perform in society today:<sup>24</sup> as "public persons" they are educators to another generation of Americans, who need to see exhibited the relationship of "civil rights" to "the good," and "the common good." Military officers' "traditional virtue" of "selfless service for the sake of the common good," has never been more needful. If Military officers do not shoulder this responsibility through their fidelity to the Oath which transforms them into public persons, then the words of Sallust describe the consequences to the republic, which they are sworn to protect and defend:

"I do not think that it was by arms that our ancestors made the republic great from being small. Had that been the case, the republic of our day would have been by far, more flourishing than that of their times, for the number of our allies and citizens is far greater: and besides, we possess a far greater abundance of armor and of horses than they did. But it was other things than these that made them great, and we have none of them: industry at home, just government without, a mind free in deliberation, addicted neither to crime nor to lust. Instead of these, we have luxury and avarice, poverty in the state, opulence among citizens; we laud riches, we follow laziness; there is no difference made between the good and the bad; all the rewards of virtue are got possession of by intrigue. And no wonder, when every individual consults only for his own good, when you are the slaves of pleasure at home, and in public affairs, of money and favor, no wonder that an onslaught is made upon the unprotected republic."<sup>25</sup>

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<sup>1</sup>This movement away from asking philosophical questions about "the good" has been nowhere more noxiously exhibited than in the political discussion about lifting the ban on homosexuals serving in the Military, and the public funding of abortion. In both instances, the discussion's focus has been the "civil rights" of the individual. Thus, the question is phrased, "Does the homosexual have a civil right to serve in the military?" or on the abortion issue, "Do women have a civil right to control the functions of their own bodies?" In neither instance is the question of "the good" ever asked. Namely, what is the nature of "the good" with respect to homosexuality; or what is the nature of "the good" with respect to a pregnant mother. Similar discussions can be anticipated in Dr. Korvokian's proposal with respect to "physician assisted suicide." Thus, the political "good" and the ethical "good" are separated. These discussions and their resulting conclusions imply that citizens are growing to believe they are able to

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achieve a "good" society politically, without asking what is "the good" ethically.

<sup>2</sup>Thus, the situation is little different from the circumstances found in the Silver Age of the Roman Empire, when religion functioned as a political underpinning or ritual emblem of the State, without entering into the ethical discourse which guided and regulated the behavior of the citizens. While more than half the citizens of this country attend religious services almost every week, ethical discourse flowing from religion is almost unseen in the media, and unheard in public discussion. Religion is less a "player" in the moral discourse of American citizens than ever before!

<sup>3</sup>Notice the Tenth Amendment to the Constitution, which seems to embody that spirit very well, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Further, the Constitution also presupposes that the broadest possible rights remain with the citizens, not all of which need be mentioned, nor can be explicitly stated, in that august document. In that respect, notice the Ninth Amendment to the Constitution: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." (Quotes from the U.S. Constitution are taken from the book *Miracle At Philadelphia: The Story of The Constitutional Convention*, by Catherine D. Bowen, (Little, Brown and Company, 1966), pp.313-326.)

<sup>4</sup>IBID., p.313.

<sup>5</sup>Richard McKeon, *The Basic Works of Aristotle*, (Random House, New York, 1941), "Politica," Bk.I, Ch.2, #1253a-9: ". . . the proof that the state is a creation of nature and prior to the individual is that the individual, when isolated, is not self-sufficing . . . he is like a part in relation to the whole. But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god;...for man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all;..." (Ibid., p.1130), #1253a-25-30.

<sup>6</sup>Ibid., p.1130, #1253a-37.

<sup>7</sup>Ibid., ("Politica") p.1187, Bk.III, Ch.9, #31.

<sup>8</sup>Ibid., p.1188, #1289b-6.

<sup>9</sup>Ibid., p.1188, #1280b-20.

<sup>10</sup>Ibid., p.1188, #1280b-31.

<sup>11</sup>Ibid., p.1189, #1280b-33.

<sup>12</sup>Ibid., Bk.I, Ch. 2, #27.



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<sup>13</sup> Ibid., p.1181, Bk.I, Ch.1, #1276b-20.

<sup>14</sup>Ibid., Bk.III, Ch.12, p.1193, #1283a-18.

<sup>15</sup>Ibid., ("Ethica Nicomachea"), p.1003, Bk.V, Ch.1, #1129b-25.

<sup>16</sup>The "common good," which always demands personal sacrifice, can be a rich resource for the examination of ethical issues. Notice the interesting "lesson learned" from the Tailhook experience as suggested in CDR J.A. Gattuso's "Out Of The Bull's Eye: A New Direction For Naval Air," in *The Naval Institute Proceedings*, October 1993, pp. 32-36. Naval aviation feels the need for change, but we've yet to see a definable vision for what naval aviation should look like in the future. That's where we've been stalled organizationally, perhaps because most of us, at least before Tailhook, focused on tangible things—plans, hardware, acquisitions, carriers, and money. Visionary leadership, on the other hand, must first deal with people and the culture (system) within which they form and develop. It is upon this point that Tailhook will be seen to have worked as a positive agent for change. Our officers sacrifice. Their motivation is the belief that the cause they serve, the nation, and this noble profession of arms is more elevating than pure self-concern. Once the belief in this cause is shaken by lack of integrity, nonexistent or subjective standards, poor leadership, and a decline in traditional value systems, there is no logical reason to place military service as a priority over the family and other personal concerns. Unless we change soon, we may see a mass exodus of our finest people." (p.36).

<sup>17</sup> The "uniqueness" of both the military community, as well as its leadership procedures, is a matter of intense discussion. If the military is so "unique" that it does not reflect American society and culture, then how is it to respond to the expectations of civilian oversight? On the other hand, if it is nothing more than a highly organized form of civilian life, how is it to fulfill its mission? This discussion is well illustrated in the public response given to The Commandant of the Marine Corps' directive, limiting marriage in the Corps. Many American parents who lament the "unprepared haste to marriage" of their sons and daughters might have envied and applauded the Commandant's decision. The political discussion of the directive concluded that the limitation of a "civil right" in favor of a "military necessity" (the "good" or the "common good" of the military community) is completely inappropriate, and reversed the decision. Captain John V. Reschar, USMC, in his essay, "Cohesion And The Corps," (*The Naval Institute Proceedings*, November 1993, p.36-38) explains the Commandant's decision in these terms: "Marriage is the third area where individualism is promoted and where a significant disruption of unit cohesion takes place." (The other two areas are the "move away from squad bays into apartment style living," and dress codes on liberty which make "Marines look like any other teenager or shabbily dressed beach bum.") "Marriage of our young Marines is at almost epidemic levels. Almost 30% of Marines within one rifle company I am familiar with are married. Marriage inevitably causes a divergence of focus. The young Marine must balance his wife's needs with the needs of his unit. Unit bonds can be severely strained or even broken, ultimately hurting combat effectiveness. Marines should not be

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allowed to marry until they reach the rank of noncommissioned officer. At this rank they are in charge of units and their ability to bond with the unit is significantly less crucial. Their maturity level and financial status also would lessen the many problems associated with our married junior Marines."(p.38) Captain Reschar concludes: "The Marine Corps has always prided itself on its battlefield effectiveness-an effectiveness created through a hard, disciplined indoctrination and by placing the needs of the Corps above all others. . . . The Marine Corps must refocus on this intangible aspect of combat power and incorporate its tenets in its organization, daily operations, and personnel decisions. Our society is rapidly fragmenting into racial, ethnic, and sexual orientation groups. We as a Corps must not fall into the same trap<sup>3</sup> or in the next major conflict we could find ourselves on the losing side."(p.38) While in the context of the "common good" and success of the "military mission," the argument is coherent and defensible, the current political perception of both "civil rights," and the "social good," places this argument high on the list of "political heresies" of our times!

<sup>18</sup> I applaud the excellent recommendations made by Lieutenant Scott H. Frewing in his recent article, "Are We Committed?" (*Naval Institute Proceedings*, December 1993, pp.57-59.) On one issue, I would make a suggestion. Lt. Frewing wonders whether various historical and legal documents (like the Constitution) are "too temporal" as sources for an ethical values system inasmuch as they are too dependent upon the legislative process. I would like to suggest that while Constitutional Documents point holders of public office towards the "common good,"—however much they are subject to legislative change—they open a door to much needed ethical discussion which proceeds from some commonly accepted national foundation. For the possibilities of such discussion see William P. Dillon, *The Oath Of Office* (Personal Manuscript and Booklet used in Navy Leadership Training; it will be made available upon request), p.2: ". . .the commissioned officer is no longer a private citizen, but a holder of a public office. . . . Public office demands the assumption of a new set of values and standards which heretofore the Officer as a private citizen may not have fully accepted."

<sup>19</sup> The "military mission" causes military members to ask ethical/value questions which relate to the "common good." Generally, arguments that proceed from such a point of departure are suspected in the civilian community. For an example of such "unacceptable" argumentation, see Major Michael Slater's article, "Losing The Next War," *The Naval Institute Proceedings*, November 1993, pp.46-49. Major Slater begins his "values discussion" in the military context from the view point of "*Kampfkraft*" ("fighting power"), that is, "the total mental quality that makes armies fight . . . mental, intellectual, and organizational foundations . . .; its manifestations, in one combination or another, are discipline and cohesion, morale and initiative, courage and toughness, the willingness to fight, and the readiness, if necessary, to die." He warns that "increasing the stress level of our people, particularly the combat troops, without increasing their combat effectiveness, is to be avoided at all costs. Failure to heed this rule could lead to heavy casualties and ignominious defeat in our next war." From "*Kampfkraft*" as a point of departure, Major Slater concludes that women pilots who are not required to achieve the same physical standards as their male comrades "will not maintain the

'*Kampfkraft*' of the aviation community." (He reports from conversations that: "pilots and air crews fear for their lives. . . [because] . . . few women possess the upper body strength to pull them out of a burning aircraft, or to carry a wounded comrade to a rescue helicopter.") Major Slater's conclusions may not be shared even by those whose point of departure is the same. Nevertheless, in the current political climate dominated by "civil rights" as the ultimate and only hermeneutic, such a discussion immediately arouses suspicions of "gender prejudice," and bears with it the certitude of career-stopping "political death" for its originator. The underlying issues which Major Slater explores must be pondered: What, if any, are the distinctions and differences between the "military culture" and the "civilian culture?" Are they different? How different? How much should they be allowed to be different in a free, democratic society? Perhaps the overarching question must be asked: For our civilian contemporaries, is there a viable "common good?"

<sup>20</sup> Dillon, p. 4: "The very first words of the Preamble of the Constitution establish the focus for all elected or appointed persons in our nation. For the Naval Officer this means that the first consideration in every instance of personal and professional life must be: not myself but 'we the people of the United States'; not my personal self-interest but 'justice, tranquility, the common defense, the general welfare'; not my personal freedom, but the 'blessings of liberty' for the American people and the generations which follow our own."

<sup>21</sup>Ibid., p.8: "Personal acceptance of the Constitutional style of 'vested' authority. . . [means that vested authority] is conceived of as: delegated for service, not assumed by right or privilege; checked by law, and balanced by custom and consensus; disinterested in personal gain, immune to petty vengeance; directed by reason, not distracted by emotion."

<sup>22</sup>Ibid., p.3: "The Naval leader is particularly challenged by the clash of contemporary American values and the Navy's Core Values as they apply Constitutional standards to the sea service...the Navy demands that its leaders exercise that special spiritual and moral courage required to care for the well being of the Navy's people. The spirit of American justice mandates a special sensitivity to equal opportunity for all; truthfulness and integrity in exchanges with seniors, peers, and juniors; and a compassionate regard for the total quality of life for those who serve the nation in the Navy."

<sup>23</sup>"Objective" in this context is used in relationship to its opposite, "subjective." Thus, "objective" means that the standards are established by "authority," without the consent of those who are required to observe them. These standards carry with them by analogy all those notions philosophically associated with "objectivity," namely, transcending the individual's personal and subjective judgments, determined by "the nature of being," and existing *a priori* and *post factum* to the subject's apprehension and acceptance of them. See also p.2: "Constitutional leadership must also function within an American Cultural climate which suspects: authority which is hierarchical in nature; values which are not democratic in origin; responsibilities which establish limits to personal freedom."

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<sup>24</sup> How difficult is this function in a democratic society? Richard John Neuhaus suggests that there is the "risk of an alliance between democracy and ethical relativism . . . when truth itself is democratized when truth is no more than the will of each individual or a majority of individuals democracy, deprived of the claim to truth, stands naked to its enemies. Thus does freedom, when it is not 'ordered to truth,' undo freedom..."(cf. *The Wall Street Journal*, 8 October 1993, p.A14.) However, as yet, the only known alternative to a democracy is an all-powerful "freedom depriving" state! The discussion which strives for the truth, is much to be preferred to no discussion at all. Yet, if the disputants do not admit to a "truth" which supercedes the individual or collective perceptions, then the discussion hardly seems worth while at all!

<sup>25</sup>Sallust in Lii of Cat, as quoted by Augustine in "The City Of God," *Basic Writings Of Saint Augustine*," (New York: Random House,1948), Book V, Chapter XII,p.73.