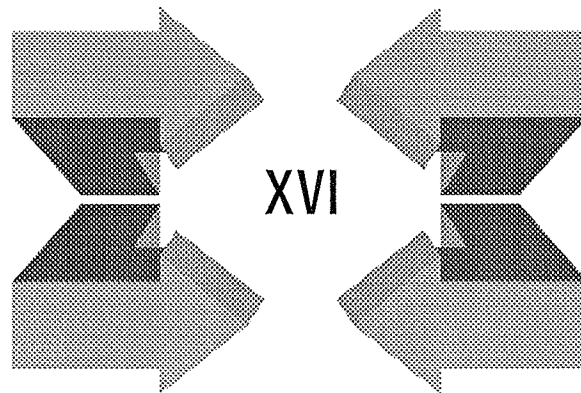


JOINT SERVICES CONFERENCE

ON

PROFESSIONAL ETHICS

**JSCOPE**



WHAT ARE THE MORAL RULES

AND

WHAT IS THEIR SOURCE?

## EXECUTIVE SUMMARY

### THE CONFERENCE

Despite ice and cold weather, the conference was well attended and unfolded on schedule. In addition to 120 preregistered attendees, numerous conferees joined us on Thursday for the keynote address by Secretary of the Navy John Dalton. Our last event on Friday afternoon consisted of a set of concurrent workshops, each drawing an interested group.

**Lieutenant General Paul G. Cerjan**, USA, knowing he would be absent in China for JSCOPE XVI, provided a welcoming videotape that emphasized his support for the conference and his appreciation for the concern for professionalism and high standards manifested by the participation of all those attending.

**Secretary of the Navy John H. Dalton** in his keynote address stressed that the subjects of concern to JSCOPE "are vitally important for the individual well-being of members of our armed forces and for the overall readiness of all military forces." He addressed current issues such as the Tailhook incident and the unfolding investigation of cheating at Annapolis, but stressed that the service traditions of personal integrity and selfless service will be the means of overcoming such problems. Identifying his JSCOPE address as the first in a series he will be giving on character renewal, he emphasized his commitment to reinforcing core values and to supporting the training necessary to ensure high standards of moral conduct.

### THE PAPERS

Conferees received copies of the papers presented and an address list for attendees. Brief summaries of the papers appear below. JSCOPE members who want a copy of a particular paper can turn to an attendee, the author of the paper, or their representative on the JSCOPE Executive Board. Material from the workshops will have to be obtained directly from those who directed the workshop sessions.

**Professor Nicholas Fotion** of Emory University suggests in "It Really Doesn't Matter That Much" that ethical theories are overrated; he asserts philosophers overemphasize the efficacy of their particular favorite since virtually all theories come to relative agreement concerning prescriptive claims. Military ethics provides an illustrative example. Fotion maintains utilitarians, Kantians, virtue theorists, and intuitionists all get just about the "same fix" with regard to the important moral principles in warfare. Where these philosophical camps differ is in their approach.

Fotion takes critical aim at the strong theorists in this diverse group of ethical theory holders, those that claim the existence of *a best* theory in ethics. If such a best theory does exist, Fotion believes there would be a convergence of agreement among ethicists much like the convergence that occurs among competing scientific theories. But that is not the case.

Fotion provides a solution for averting the dangers of relativism, subjectivism, and skepticism seemingly entailed by a jettison of the strong theorist's position: we should practice what he calls theory tolerance. Ethical theories are not completely useless, for they can serve "to organize our thinking, give us a kind of explanation of our views, and [extend] our thinking beyond the realm it was originally intended to explain . . . ." But Fotion believes we should give up both the pipe dream of *a best* theory and the ethical theory intolerance that seems to follow in its wake.

**Professor Tibor Machan**, Auburn University, addresses a long-standing issue: "Can We Provide Arguments for the Moral Rules?" Presenting a secular, naturalistic defense of ethics, he answers yes, defending the view that the inquiry centers on how human beings ought to act. He claims that human action is purposive, with human flourishing as the primary end. Moral rules, principles, or virtues are the constitutive means by which this discernible end may be achieved. From such factors and a clear conception of the different roles and commitments we assume in our lives emerge the ethics of various professions and vocations. Professor Machan reviews some attacks on the claim that we can provide convincing arguments as he suggests and then applies to military ethics his approach to answering the question in his title, concluding that we can identify the considerations that are properly the basis of an argument about what ethical principles ought to guide us in the conduct of the profession of arms.

**Professor K. David Hart**, Brigham Young University, argues that the moral rules that provide the structure for American military ethics derive from the founding values manifested in the Constitution. He examines those values, their historical development, and their interpretation, concluding that the tradition of civic humanism provides the basis for military ethics. In his view, we can best explain the application of the founding values to the military profession in terms of marital virtue, which is "civic virtue gone to war." He sketches the outlines of that virtue in seven categories, including the "American philosophy of war," the moral obligation of citizens to serve, and military competence. Professor Hart calls for a renewal of martial virtue in modern America.

**Professor Martin L. Cook**, USAFA, discusses religion as a source of morality in "Religion and Morality: Exploring the Connections, Seeing the Problems" and concludes that one should accept St. Thomas's conclusion that the "revealed truths" religion provides must be compatible

with our reason. He adds, however, that there are still certain significant contributions that religion can make to morality, and he identifies and discusses three of these. First, religious teaching includes examples of virtuous behavior that adherents can emulate and habituate as a means of becoming persons of character. Second, gratitude to God as the creator can motivate humans to assume a stewardship role relative to the earth and its inhabitants. And finally, religion can provide a framework whereby circumstances surrounding events, as well as the events themselves, can be placed in a value-laden context. Defining each person's place in the world relative to a creator inspires reasons to behave morally. He concludes that although one must reject the claim that morality is and must be founded on religious teaching, the connections between religious frameworks and moral perceptions and motivations are important and undeniable.

**Professor Manuel M. Davenport**, Texas A & M University, in "The Mystery of Morality," begins with the teachings of the ancient Greeks and provides a summary of various Western attempts to "explain" the disposition that human beings have to behave morally. Each of these explanations, he argues--and he briefly discusses Socrates, Plato, Aristotle, Kant, Hume, Mill, Darwin, Spencer, Nietzsche, Schweitzer, MacIntyre, Derrida, Foucault, and Rorty, as well as the "traditional Christian view"--can be understood as attempts to account for a core disposition that all humans have to maintain their integrity as individual human beings. Professor Davenport explains this neurophysiological view of human nature by using a computer metaphor where all experiences are "processed" in terms of a core memory which is developed in childhood as a set of pre-dispositions to respond to stimuli in certain ways. Because the fundamental motive is to preserve the integrity of the self, humans will sometimes postpone or act contrary to internal physical desires, such as sex, food, or drink. To the extent that all selves have similar structures, he argues, moral judgments can be considered objective.

**Professor James Toner** of the Air War College ambushed his unsuspecting audience with a two-part paper. In the first part of "The Necessary Immorality of the Military Profession," Toner considers and apparently supports two powerful arguments against the military academies' continued commitment to high institutional and personal moral standards. He labels these two arguments the "accommodationist approach to military ethics." First, Toner remarks that military personnel in the execution of their wartime duties are asked to perform a multitude of immoral acts ranging from lying to killing on a grand scale. We think we can legitimately ask them to do this because of the higher good (the country's survival) such actions preserve. If this sort of means-ends reasoning is legitimate in the case of war, Toner asks, how can we consistently insist that military personnel adhere to an absolutist moral standard during peacetime? The second argument of the "accommodationist" school notes that the military is not fundamentally different in organization and function from the other central institutions of this country (business and other government agencies, for example). In those institutions a less exacting moral code prevails and serves those institutions' purposes well. The obvious question is, why should the military be any different? In the second part of his paper (handed out after presenting the first part), Toner goes on to answer this assault on the military's commitment to a traditional, very strict ethical standard. His refutation centers around the contention that the military and the military academies are repositories of an essential moral tradition. If we are to have any hope of preserving the well-being of our society, we must preserve this tradition.

**Commander William Dillon**, USN chaplain, argues that justice and individual rights have lost their anchor in ethical considerations--in moral truth. The result degrades political and social community. We are adrift because we have lost sight of four Aristotelian guideposts: shared social life, an understanding of "the good," the role of public virtue, and a commitment to the common good. Dillon then applies these guideposts to the American military, noting that those who take the officer's oath are indeed committed to the common good, serve as exemplars of

public virtue in terms of their role requirements, have a significant shared social life, and incorporate an "objective" conception of the good life. He holds that military officers bear a heavy responsibility in today's society, for they can pose a great danger to justice and individual rights--while as an institution the officer corps manifests qualities which American society needs to regain if the nation is to return to a course of moral stability and justice based upon virtue.

**Major Patrick R. Tower**, USAFA faculty, discusses "Functionalism and Military Ethics."

Citing the prominent view that holds that ethics has no foundation in the modern world, he turns to a form of functionalism for a response. Just as the principles of war apply, objectively, to anyone who desires to be successful in the prosecution of warfare, so too are there pragmatically grounded principles that "tell us what qualifications people should possess and how people should relate to one another if they are to successfully cooperate in the achievement of a commonly recognized goal." Through a set of twelve claims in the form of conditional statements, he argues that the profession of arms exemplifies a "closed narrative community" in which objective moral principles can be confirmed (and have been) through experimentation and experience. We can thus conclude that our professional ethics have an anchor beyond tradition and arbitrary practice, that the military profession in fact has a significant role to play in ethics as a test bed for "character norms needed for successful resolution of common problems," and that we do have a means for discriminating between good and bad ethical theories.

**Professor Kenneth W. Kemp**, University of St. Thomas, notes that before one can offer a meaningful answer to the question, "Where do moral rules come from?" one must define three potentially obscure concepts: "What are rules?" "What is meant by the term 'moral'?" "What do we mean by 'origins'?" In his paper, "St. Thomas on the Origins of Moral Rules: Medieval Answers to Modern Questions," Professor Kemp finds answers to these and other related concerns in the work of St. Thomas Aquinas. He concludes that the single guiding rule for

human beings is "be virtuous" and that the more important issue one should investigate is the relationship between universal social virtues and particular professional ones--especially those fundamental to the military profession. There are, according to Professor Kemp, four possible ways that social virtues can be related to military ones: a) they are inconsistent with one another; b) they overlap; c) they are identical; or d) the same ones apply but vary in intensity. Defending the latter position, he concludes that "there are no human virtues that the soldier does not need, and no military virtues that have no value in civilian life."

In "Kant on War," **Captain Mark D. Mensack**, USMA faculty, pursues the thesis that Immanuel Kant would agree with Michael Walzer's position in Just and Unjust Wars and allow for exceptions to categorical rules in cases where the well-being of a state is in grave danger. He explains the term grave danger using Walzer's notion of "supreme emergency." While acknowledging that Kant is often considered an absolutist, he explains the importance of the state to Kant's philosophy, and cites examples where Kant makes exceptions to categorical rules when the well-being of the state is at risk. He cites evidence that Kant distinguished between individual actions within the limits of the state and actions between states in relation to each other. He then draws from Kant's Metaphysics of Morals to conclude that in situations where the state faces annihilation, Kant would not hold to the absolutist nature of the Categorical Imperative.

## THE BUSINESS MEETING

Members re-elected the civilian and Coast Guard incumbents on the Executive Board, whose terms had expired, established the dates and theme for next year's conference, and discussed new JSCOPE initiatives. The chair noted with pleasure the appointment of a new Canadian



Forces representative. The members of the JSCOPE Executive Board for 1994 are:

Colonel Tony Hartle, USA Representative and Chairman

Colonel Mal Wakin, USAF Representative

Commander William Dillon, USN Representative

Commander Fred Rosa, USCG Representative

Lieutenant Colonel Christopher Sproule, Canadian Forces Representative

Dr. Frances Harbour, Civilian Representative

Captain (CH) Michael Burt, USN, NDU Representative and Coordinator

The chair announced that the Executive Board will coordinate with the Marine Corps University at Quantico and seek an interim Marine Corps Representative until one can be elected at next year's conference.

The dates for JSCOPE XVII are 26-27 January 1995 at the National Defense University in Washington, D.C. The membership affirmed that "Current Ethical Issues Affecting the Profession" will continue as the perennial theme and selected the following special topic for next year:

"Social Values and Military Ethics: Interactions in Theory and Practice."

The Call for Papers for JSCOPE XVII will be issued in June with more details about the topic and paper submission requirements.

New initiatives:

1. Dr. Fred Kiley of the NDU Press has agreed to consider the annual publication of JSCOPE Proceedings. The Executive Board will work with this year's paper presenters and submit the necessary material to the press. If the effort is successful, we may look forward to publishing the results of the conference every year.

2. The membership also discussed an ambitious proposal to review the overall ethics education and training programs of each of the military services and the Canadian Forces. All agreed the effort would benefit not only JSCOPE members but the individual services as well. The goal would be to schedule the presentation of research results annually for the next three or four years. The Executive Board will seek volunteers for such projects and asked members to make suggestions.

3. Members requested consideration of an additional feature at JSCOPE XVII, one that would involve discussion of recently published books helpful in the teaching of military ethics, perhaps inviting the authors to participate in some fashion as well. The Executive Board will pursue such an addition if feasible.

### **SPECIAL NOTES**

The goals of JSCOPE deserve reconsideration. Listed below are those that should help us focus on applying the results of this year's conference and help us prepare for next year's gathering:

1. Provide a forum for the discussion and exchange of ideas relating to professional military ethics.

2. Foster the rigorous and systematic analysis of military issues of ethical significance.
3. Clarify the ethical norms and related behavioral expectations which should guide and constrain the conduct of military professionals.
4. Enhance the quality of military ethics instruction.
5. Afford service commanders informed, timely analyses of the ethical impact of military service practices.

All members of JSCOPE remain indebted to **Lieutenant General Paul G. Cerjan**, President of NDU, for hosting JSCOPE XVII and for his steadfast support of JSCOPE objectives. **Chaplain Michael Burt** deserves special thanks for his highly efficient coordination of local arrangements. We sincerely appreciate the extensive work over several months necessary to make the conference run effortlessly for attendees. The authors of papers presented have our gratitude for providing the engine for the conference through their expertise and their commitment to the values of our profession. **Professor Joseph Brennan** once again achieved the ultimate as our Thursday evening dinner speaker; he presented a talk that was profound, informative, and highly entertaining, which we deeply appreciated. And special thanks as well to each informed, dedicated participant. JSCOPE remains a significant activity because we collectively support and individually contribute to achieving our stated goals.