

AN ETHICS FOR THE MILITARY:
THE BATTLE CONTINUES
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INTRODUCTION

Historically, the role of the professional military officer in society can be viewed as one of public service. This role engenders both a high degree of public trust and an expectation by the public of high standards of ethical behavior by the professional officer. Because of their special role, military members are particularly open to criticism when the public feels they have violated public trust and their expectations for them. Both military and civilian leaders have raised serious questions about the state of ethics within today's military. These questions will not go away. They deserve an honest response.

A segment of the officers corps exists which remains completely complacent about the existence of a problem. They believe that the ethical conduct within the professional officers corps needs to reflect simply the norms of today's society. On the other hand, those who favor a code of ethics claim that for the military professional to fail to develop and teach a code of ethics is to ignore a critical obligation to its members and to the people the military institution serves. This view is reinforced by an examination of the historical development of ethics in the American military, the basis for ethical conduct in general, and the particular ethical needs of the military. A clear, written code of ethics is absolutely essential for professional officers, who enjoy a position of "special trust and confidence" with the people whom they serve.

HISTORY OF THE AMERICAN MILITARY ETHIC

"Know ye, that reposing special trust and confidence ..."

In these words, the President of the United States certifies that a commissioned officer is one in whom "special trust and confidence" rests. On the basis of this



special trust, an officer is granted special privileges; on the same basis he is subject to special responsibilities. This "special trust and confidence" is the distinguishing privilege of the officer corps (7:261).

Because the nation has entrusted its safety, wealth, and youth to the military profession, the professional officer must uphold a standard of honor and dedication unlike that of any other profession. From the time of the colonies, a distinctly American tradition has deemed the professional officer a person gentle in disposition: ". . . the qualified U.S. military officer is rated a gentle person, not by an act of congress, but specifically because none but the gentle person is fitted for his very special responsibilities" (1:13). The professional officer displayed his worthiness of this special trust and confidence in a military system founded on the dignity of man, just as was the Constitution which he had sworn to uphold. It was a system which appealed to the higher nature of the individual. The professional officer understood the moral obligation to respect authority. He was loyal to his country and his superiors, and he obeyed orders and regulations because obedience was his duty. This sense of duty made the military officer different from any other professional. The very security and destiny of the entire nation depended on his acceptance of his sense of duty.

Duty and integrity were placed at the very foundation of the military ethic. The first U.S. Army Field Manual, G.O. 100 of April 24, 1863, asserted that "Men who take up arms against another in public war do not cease on this account to be moral beings, responsible to one another." Moral and ethical patterns in the American military were manifested in the concept of personal integrity. This ethical foundation of values was best expressed in the code of ethics of the United States Military Academy at West Point:



Duty, Honor, Country: Those three hallowed words, reverently dictate what you ought to be . . . unbelievers will say they are but words, but a slogan . . . But these are some of the things they do. They build your basic character. They mold you for your future roles as the custodians of the Nation's defense (19:100).

In the two World Wars the code of "Duty, Honor, Country" served well as the basis for the code of ethics of the military officer. The Vietnam conflict, however, was a different kind of conflict, fought by an officer corps whose hallmark became careerism rather than the clear cry of "Duty, Honor, Country."

The Vietnam conflict was a traumatic national experience that dramatically affected the role of the military and the professional officer. Our country provided one of the best equipped forces in the world, manned by highly motivated soldiers, led by some of the best trained officers in any military service. That military force soon discovered, however, that it had a serious flaw. Not only was its professionalism questioned but, also, its ethical conduct: "First, it suffered a crisis of confidence born of the war itself and fueled by charges of incompetence, cowardice and mismanagement" (3:4). The very concept of war had changed. No longer was the goal to win; instead, it was simply to contain the conflict. Seizing territory and defeating the enemy was no longer the way a unit's effectiveness was judged: ". . . The effectiveness of units was determined by the number of enemy killed . . . the insane body count doctrine" (3:4). Officers risked the lives of their men to get a good body count. Certainly, there was ample evidence that something had gone awry. The conflict drastically changed the way society viewed the military.

As Richard A. Gabriel, noted ethicist and author, explains: "Second, the military began to undergo a crisis of adaptation". (3:4) The military had not adapted to the changing attitudes in the society it served and was poorly prepared when faced with the conflicting values of the sixties. The military quickly discovered that it had lost the support of the American people while engaged in a war on



their behalf. In fact, it seemed to be defending the interests of a nation that hated its defenders. Many military recruiters were forced off college campuses by angry, sometimes unruly mobs of peace demonstrators. The media seemed to delight in the inexhaustive coverage of seemingly endless antimilitary demonstrations. The military officer's faith in his model of military professionalism was based on the respect and appreciation of the nation he served. These and other events shattered that model and the professional officer's image of himself. And "Finally, Vietnam produced a crisis of conscience . . . individual and organizational behavior . . . tried the conscience of the profession itself: Charges of war crimes at My Lai; a series of coverups involving high-ranking officers" (3:4). There is, however, no single fact which so betrays the true breakdown in both professionalism and ethical conduct as the killing of our own people: ". . . officers and noncommissioned officers (NCO) alike, were actually assassinated by their own men. As many as 1,016 officers and NCOs may have been killed by their own men" (3:4). Many concerned officers feared that the profession had changed drastically and not for the better. Traditional military values had been eroded.

Whether the unusual political environment, the constraints which were placed on the military during the Vietnam conflict, or merely the lower standards in American society caused this sense of losing direction makes no difference. The impact was the same--it further reduced the dwindling reserve of self-respect so necessary to the professional image.

The decade's long reassurance that "Always there echoes and reechoes: Duty, Honor, Country" (19:103) no longer held any significance for a vast number of the professional officers corps. They stumbled about as though in the dark, yet afraid of the light for fear of what it would reveal. The professional officers corps had been forced to examine its relationship with the nation it defends and



the code of ethics by which it carries out that defense. The traditional guides to determining the rightness of military action in defending the country were questioned and, to many, no longer seemed valid.

WHAT IS RIGHT?

General Wallace Greene, Jr., USMC, related how he spent his life looking for an answer to the question of "What is right?"

When I was 12, my grandmother presented me with a family heirloom . . . a gold medallion (with) the inscription, 'Do right and fear no man!' . . . I showed the gift to my father and read the inscription to him. 'My son', he said, 'what is right?' . . . I am now 76 years old and still looking for the answer to the question . . . 'What is right?' (5:44).

In attempting to answer General Green's question, the same question each officer must ask himself, it is worthwhile to examine the subject of ethics in general because much of what can be said the ethics, per se, applies to military ethics.

In the Crito, written by Plato, two basic questions are posed: First, how can we determine what is evil and, second, may evil be done in return for evil? Socrates responds that ethical questions are best approached through the use of reason, the element which distinguishes man from other creatures. It is the use of reason which allows men to explain to others the basis for an action and gives him the capacity to make judgements as to whether what they do is right or wrong, good or evil, ethical or unethical. Therefore, the ability to reason, a truly human characteristic, determines whether an act is labelled evil or not. Socrates warns that when dealing with ethics, we must remember that the process is one of dealing with moral reasoning and not emotions. He further adds that it is crucial in understanding ethics to understand that a person cannot find answers to ethical dilemmas based on what others think. An ethical person must bear the responsibility for his own actions; he must remain a free agent, using his own reasoning powers.

A soldier who claims that he was "only following orders," or that he acted



a certain way because others did is not an acceptable model of ethical reasoning. There must be reasons why a person does some things and does not do others. If a person follows a code without knowing and understanding the reasons behind the code then the person cannot be thought of as acting ethically. Basic to understanding Socrates is that a person should always do what is morally right and never what is morally wrong. Thus he answers Crito's second question: "Then we ought not to retaliate or render evil for evil to anyone. Whatever the evil we have suffered from him . . . my first principle then is that . . . warding off evil by evil is never right" (11:135).

The traditional moral idealism does not stem from Socrates and Plato alone. The Hebrew prophets advocated justice as the guiding principle of a perfect community and in the New Testament Jesus enunciated the best known statement of moral idealism, "Do unto others what you would have them do unto you." After the Greek and Hebrew writings became the common property of Europe, there were long periods in which, whatever the actual practice, no one questioned the correctness of the Golden Rule of Jesus and the Socratic standard of the common good. The good man was believed to be a man of principle who would sacrifice even his life for the community and his convictions.

The great German philosopher of the eighteenth century, Immanuel Kant, recognized the value of the fundamental principles of morality set forth by Jesus and Socrates. There was however, he felt, a missing element--the application of free will in moral decisions. He began with an indepth examination of the individual person. No one, Kant theorized, could be truly a person without the capacity to act in accordance with what he perceived as the law, free from external forces. This concept Kant termed free will. The freedom to exercise the will, without regard for external forces, could be expressed in both a negative sense



and a positive sense. The person is truly free when acting without any particular motivation. From this principle Kant derived a universally approved principle of action, a categorical imperative. He expressed it in the following ways:

Act only according to the maxim by which you can at the same time will that it should be a universal law.

Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only (12: 80,87).

Kant's ethics is one of justice or equal treatment. He emphasizes the idea of consistency or non-contradiction no matter the circumstances in which it is found. These statements do not tell anyone what course of action to choose. They all provide tests by which one can reasonably determine the morality of his actions as judged by a community regarded as moral.

The discussion of ethics to this point has been limited to the individual. But individuals do not exist in isolation; they are depended upon others. In The Republic, Socrates argues that since no person gives birth to himself, no person is self-sufficient. The individual experiences not only physical dependency on others but cultural dependency. No individual, then, is self-sufficient. And if not self-sufficient, then he is dependent upon others, those others being society.

It is in society that the individual accepts various roles in which to function that are recognized as valid so long as they are useful to society in general. The military profession receives its role and function from the people it serves, and its only justification for existence rests with its role as defender of the society it serves. It retains its position by the continued willingness of its members to sacrifice their very lives in the defense of society. It is this role which sets the military apart from any other group. However, as with any group, there must be a way to define its goals and its ethics.



THE NEED FOR A CODE

We might well ask why a code of ethics has not been developed, especially in light of the obvious need which surfaced during the Vietnam conflict and in view of the changing concept of warfare. Armed with lethal weapons, today's military officer has the capability to end life as we know it. Such weapons can only be placed in the hands of people who understand the ethical expectations the nation has of them.

There are substantial objections to the development of a written code of military ethics. Opponents argue there is no real need for a military ethics to be based on some kind of a written code. In fact, they dispute the value of any code other than the age old code of "Duty, Honor, Country." General Andrew J. Goodpaster, former Superintendent of the Military Academy at West Point, summarized clearly some of the objections in a 1979 speech: ". . . it is not possible to prescribe in advance and in detail for every situation. An unthinking acceptance of a set of ethics prefabricated by others seems to us to have little promise for American military officers".(4) The problem with the objection is that unless a code be specific and "describe in advance and in detail" what ethical response should be taken in any given situation is that it confuses ethical codes with a collection of laws such as the Uniform Code of Military Justice. We cannot determine how an individual should respond in every situation; however, this does not negate the need for a code. Instead, it points out the need. How is one to know what actions are ethical if there is no code by which to judge them?

Many objections to a written code of ethics for the military, when carefully examined, actually support the need for such a code. For example, the person who argues that "a written code of ethics would create more problems than it solves because there would be thousands of interpretations of it" is ignoring the possibility of misinterpreting an unwritten code. In fact, the basic question could



be asked of what is meant by an unwritten code such as "It's a dog eat dog world: you've got to look out for yourself because no one else will" (8:19). This type of unwritten code simply adds a sense of urgency for a written code.

Other critics see danger inherent in a formal code:

Creation of a formal code of military ethics constitutes a danger to the men who observe the code. Members of the military would come to perceive obedience to a code as relieving them of all obligations for moral choice by simply obeying the code . . . obedience would become a substitute for ethical judgement (3:128).

Those who advocate this argument ignore the basic philosophical principles of both Socrates and Kant. Ethical actions are the result of a reasoning individual exercising his free will. Blind obedience to a code cannot constitute ethical action. Ethical responsibility for an action always rests with the individual. The fact that a code exists should never be given as the sole reason for an action. On the contrary ". . . a written code would make the individual aware of (his) obligation and (provide) the reason for honoring those obligations" (3:129).

There is absolutely no doubt that the officer corps is to provide the leadership example necessary to fulfill the military role in today's society. Its role has changed greatly since 1945 when the mission of the military was simple: take territory, protect the homeland, and, most of all, win the war. In Korea that role changed to one of containing the battle rather than making a conquest of the country. Likewise, in Vietnam, our goal was not to conquer the North Vietnamese, but to one of containing them. In Beirut, the function of the Marines was not to win the battle but to play the role of constabulary. The military role has more and more become a constabulary role, its function to prevent total war where there would be no distinction between combatant and non-combatants, where the weapons employed would end civilization. The military's present role is to prevent such an immoral war by containing the violence at the lowest level possible (18).



With the changing role of the military from conquest to containment, how are the moral virtues such as courage, integrity, loyalty, duty and sacrifice exercised? The practice of those virtues was obvious in the past when people depended on those ethical principles for their very survival. Today, how many people really expect to fire a weapon, to kill an enemy in close contact? There are fewer opportunities to exercise the moral ^{virtues} because the very function of the military has changed with the advent of weapons capable of world destruction (18).

But moral virtues are even more important than ever before. The professional military officer is morally obligated to be competent at whatever task assigned, and part of that competency requires adherence to a code of ethical conduct. The Armed Forces Officer refers to "the code" but embodies no real code of ethics other than its emphasis on "the right thing to do" (1:12). There are, in fact, no specific, written Service codes of ethics. One of the most vocal of our military leaders who feels there is an urgent need for a written code is General Maxwell D. Taylor, USA. He explained:

. . . there may be justification or even a definite need, to restate in strong clear terms those principles of conduct which retain an unchallengeable relevance to the necessities of the military profession and to which the officers corps will be expected to conform regardless of behavior practices elsewhere" (16:18).

Such code could serve as a rallying point to unify and to build the moral fiber of the officers corps. General Taylor points out that the relationship of the officers corps and the nation they serve would be greatly enhanced by the "public knowledge of the existence of a code and the pledge of the officers corps to uphold its high standards would reassure the nation as to quality of the leadership of its armed forces" (16:21).

There is yet another pressing reason for a code of ethics. In Lord Acton's famous words, "All power tends to corrupt: absolute power corrupts absolutely."



There has developed in today's officer corps a serious concern for the basic integrity of the individual officer. Status seems to convey a certain sense of arrogance. Actions normally viewed as unethical become ethical when carried out by someone in authority. Many of today's officers subscribe to the "Bottom Line Ethic": anything can be done as long as it accomplishes the mission, regardless of the ethical consequences. Things are viewed as ethical if they are not criminal. Officers feel that what they do on their own time is their business and does not affect their professional sense of ethics. A clear code would remind the officers corps that integrity must be the basis of their actions and that ethical evaluation of an action is not dependent upon an officer's rank but upon the action itself. Mission accomplishment is not the criterion used to judge the ethical implications of an action.

SUMMARY

In U.S. history, military officers have held a position of "special trust and confidence" bestowed by the people whom they serve. For many, "Duty, Honor, Country" has been their only code of ethics. But since World War II the roles and responsibilities of the professional military officer have changed drastically. We are faced with the possibility of nuclear war, and the need for professional officers guided by a written code of ethics is absolutely essential. The military officer, who has always enjoyed a special trust relationship with a nation who willingly entrusts its young to his leadership, must be an ethical person, trained to understand ethical concepts.



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