

ON THE ROAD TO ARTICULATING OUR PROFESSIONAL ETHIC

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“Divorced from ethics, leadership is reduced to management and politics to mere technique.”

—James MacGregor Burns

THE ARMY HAS long functioned without any formal expression of its professional ethic. In fact, many associated with the profession of arms have openly questioned whether it is prudent or even possible to attempt to give expression to a “professional military ethic” (PME). Nevertheless, the Army is presently undertaking to do exactly that. It is promoting open discussion of, inquiry into the nature and content of, and efforts to articulate the American professional military ethic. We offer a few thoughts that we hope will enrich this discussion and inquiry.

In brief, we hold that any exploration of the professional military ethic must take into account the following considerations:

- We claim that any effort to develop a code of ethics must be constrained by preexisting objective morality.
- Because ethics is objective, it follows that a professional ethic can’t differ radically from the moral code which should govern all of humanity.
- Despite its not being radically different, a profession’s ethic serves a unique audience. Its articulation must be serviceable to that audience.
- An ethic is articulated for a purpose. A primary purpose of articulating our professional ethic is to further the moral development of our Soldiers. It must be presented in a way that allows Soldiers to internalize it.

A PME Must Be Normative and Cannot be Created

Field Manual (FM) 1, *The Army*, claims, “Professions create their own standards of performance and codes of ethics to maintain their effectiveness.” This claim is problematic for several reasons and in need of examination. Before doing this, we need to be clear on what an *ethic* is and what an *ethos* is. We find *ethos* an increasingly common topic because of the prominence of the “warrior ethos” in the Soldier’s Creed. Given the similarity of the term *ethos* to *ethics*, we fear that many readily conflate the two. However, aside from a shared etymological heritage, the words *ethos* and *ethics* have little in common.

Ethics answers questions of right and wrong. It derives from immutable characteristics of human nature. *Ethos* reflects the spirit of an organization, or the spirit that an organization seeks to inculcate among its members. It

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PHOTO: Soldiers with the U.S. Army 3d Infantry Division salute during a reenlistment ceremony at Camp Liberty, Iraq, 17 July 2007. (DOD, photo by U.S. Air Force SSGT. D. Myles Cullen)

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derives from the shared attitude or goals of the organization. There is no essential relationship between the two terms. An *ethos* is not necessarily ethical. One can imagine a Nazi *ethos* and what it would entail. And even an *ethos* that seeks to be ethical is subject to scrutiny to determine whether it is in fact so.

Ethics itself is not subject to such scrutiny. It would make no sense to ask whether ethics is ethical, but it does make sense to ask whether any particular code of ethics properly represents one’s moral responsibilities. What we seek when we pursue a professional ethic is a better understanding of the principles that should determine our conduct, not the spirit or mentality that influences our conduct. This said, our goal should be to deliberately cultivate an *ethos* that mirrors our ethic. We could wish nothing more than that the genuine spirit of our organization reflect our moral obligations.

Ethics is *normative*, which simply means that it tells us what we ought to do. It is a product of our shared human nature, including key qualities that define what kind of beings we are. We are rational as well as social beings. Because morality is a product of our human nature, we cannot *create* morality but rather only do our best to discover or discern what morality prescribes for us and then act in accordance with this. If this seems puzzling, consider key documents such as the Declaration of Independence, the Bill of Rights, and the UN’s 1948 Universal Declaration of Human Rights. All of these documents focus on “inalienable” rights. Examples of these rights include the right to life and liberty. They also rest on a foundation in which all human beings are born free and equal. None of these documents presumed to create such rights. Such rights already existed based on preexisting principles. The documents simply discern and describe these principles so as to inform and guide our conduct.

In attempting to express our professional ethic, we are not creating new principles. Instead we are attempting to accurately depict preexisting ethical principles in a way that will guide the conduct of our profession. Scientists don’t create physical laws. They discover them. Scientists then attempt to describe them as accurately, meaningfully, and usefully as possible. The task of developing a professional military ethic is based on the same principle. We are not *creating* moral imperatives; we are simply *identifying* imperatives that already exist. In developing a professional military ethic, depiction must follow discovery. We need to depict the ethic in a way that accurately represents our discovery and illustrates how these principles apply to our profession.

It seems difficult to reconcile our work of identifying and depicting a professional military ethic with FM 1’s claim that “Professions create their... codes of ethics to maintain their effectiveness.” We can assent to the first part of it only insofar as it is understood that what is being created is not the ethic itself but a *representation* of the ethic, the same way an artist creates not the subject itself but a depiction of the subject. However, the second part of the claim is more problematic. The purpose of ethics is to guide conduct toward some moral ideal, not merely to maintain effectiveness. How could effectiveness serve as an appropriate starting point for a genuine code of *ethics*?

Any code whose underlying function is merely effectiveness will work equally well for the unjust warrior as for the just warrior. It might be effective to lie to our Soldiers to gain their support for an unjust war. It might also be effective to implement a policy of disregarding high civilian casualties in certain situations in order to conserve combat power and maintain effectiveness. Our professional military ethic must truly point toward ethical conduct and not mere expediency.

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A PME Must Reflect Moral Codes Governing All Human Beings

The Army's professional military ethic does not differ radically from the moral code that should govern all of us as human beings. As human beings, all of us have certain moral responsibilities, things to do and things to refrain from doing to each other. Our unique abilities and promises we make to others help determine our moral responsibilities.

In both of these areas, professions are different from the rest of society. Each profession represents a unique skill set, a unique set of abilities. A profession has "professed" to its clientele that it stands ready to perform a particular essential service. This "profession" is an implicit promise. So being uniquely poised to fill a particular role and having then announced one's determination to do so, professionals incur a greater obligation to perform this role than the public has. It is important to note that this difference between professional ethics and general morality is one of *degree*, not of *kind*. Professionals have a greater moral obligation to do

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certain acts than does the rest of society, but they do not have license to do things that are fundamentally different from what the rest of society is morally permitted to do. The underlying factors that determine ethical responsibilities are not fundamentally different for professionals.

To illustrate this point, consider the moral obligation to rescue a drowning child. Each of us has such an obligation. But if the rescue requires swimming, then only those who are able to swim have the obligation. You simply can't have an obligation to do that which you are unable to do. (Actually, those who can't swim surely still have obligation to do whatever they can to support a rescue, whether it be summoning help, throwing a rope, or



U.S. Air Force, SMSGT David H. Lipp

A senior Airman helps to usher in patients and control the patient entrance at the Mallam-Atta Market Government Clinic as part of the Medflag 2006 Joint Force Humanitarian Medical Assistance Exercise, Accra, Ghana, 14 September 2006.

some other intervention.) Furthermore, those who are more capable swimmers surely have a greater moral obligation. However, aside from the question of ability, a lifeguard has a greater obligation than the public to rescue those who are drowning. This is because by occupying the position of lifeguard, he has professed (made an implicit promise) to the public that he will try to rescue the drowning. So his obligation is greater than that of any other citizen on the scene whose rescue abilities are identical to the lifeguard's. This scenario suggests that the lifeguard's responsibility to rescue the drowning is greater than that of the public at large, both because of his unique skill set and his having "professed" himself in this role. Additionally, because he has "professed" himself in this role, the lifeguard incurs a moral obligation to equip himself with the skills, knowledge, equipment, and so forth necessary to rescue distressed swimmers. Again, having declared his determination to provide this service, he incurs an obligation to prepare and maintain himself ready to make good on his implicit promise. Yet, the obligation of the lifeguard, while greater in degree than that of the public, is the same kind of obligation the public already has.

These two features—a special role or relationship and special ability—cannot generate moral obligations that are different in kind from those people already owe one another. Special abilities merely increase our obligations to one another. They don't fundamentally alter the nature of those obligations. And our relationship to the public does not license us to do things that the public at large would be wrong to do. Contracting oneself to do wrong would be immoral. So if a certain role or relationship genuinely implies an obligation to do wrong, to enter into that role or relationship would be immoral. Acts that are otherwise morally impermissible cannot be made morally right by virtue of one's professional status any more than immoral acts can be made obligatory by making a promise to do them. There simply cannot be a moral duty to do something immoral, no matter what one's role or relationship.

Some might object that the police officer who uses force when making an arrest is doing something that society at large may not be at liberty to do. However, to whatever extent this is true, it does not undermine the point. A police officer derives

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his moral authority to employ force from his moral authority to protect the innocent and because society has transferred to him its natural authority to protect itself. So the policeman is not doing something fundamentally different from that which private citizens have the natural right to do.

A PME Must Be Articulated as Principles

A functional expression of a professional ethic must be articulated in terms accessible to the breadth and depth of the profession it seeks to serve. Otherwise, it is of little value to that profession. For it to be serviceable to the wide expanse of our profession and across the broad spectrum of military activities, we must state any functional expression of our professional ethic as principles, rather than as "values" or rules. We have to articulate a functional expression of our professional ethic in terms accessible to the breadth and depth of the profession. Otherwise, the statement is of little value to the profession. Given the great diversity within our military profession with regard to educational backgrounds (high school "equivalency" diplomas to multiple advanced degrees), maturity (teenage privates to NCOs and officers in their 50s), and motivation for service (jingoism, patriotism, funds for college, technical interest in a particular field, learning a trade), this is no small challenge. The complexity and diversity of our profession is perhaps unrivaled by any other. In technical expertise, we span such a broad range of skill sets (via individual branches) that we might be better described as an alliance of multiple professions than as one homogenous profession. This has led some to question whether the military has one single ethic or many.

A single expression of our professional ethic best serves our profession. The fundamental function of a professional ethic is to provide guidance for action to the profession. It should enrich the profession's understanding of its moral obligations. It should

help the professional determine what is morally required in his particular role. It should describe right action within the context of the profession. But perhaps most importantly to our present purposes, a professional ethic ought to unify a profession in purpose. We can best accomplish this via a single expression of our ethic. Furthermore, because a professional ethic does not differ radically from the moral code to which we are all beholden, we should not expect to find radical differences in the moral obligations of various elements of our profession. Our primary challenge is to determine how best to communicate those obligations across the breadth and depth of our profession.

Given the diversity of the military and the function of a professional ethic, it follows that any practical expression of our professional military ethic must be—

- Clear and concise, so that it is easily understood and remembered.
- Thorough, so that it provides sufficient moral guidance to American Soldiers.
- Educational, so that it promotes genuine insight into the nature of our professional moral obligations and informs moral judgment in new situations.
- Inspirational, so that it motivates Soldiers to achieve it.

The first two of these criteria seem fairly self-evident and straightforward. The last two merit discussion. We cannot express our ethic in terms of values or rules and expect it to be educational and inspirational.

The case against values. While values are essential to morality, expressions of values are too vague by themselves to provide guidance for action. For example, the value of “respect” provides no guidance unless it is further articulated and developed. While we all have a rough understanding of values, we don’t understand very clearly what kinds of actions those values commit us to. It simply is not

clear what values require. Our current Army Values approach implicitly acknowledges that a value alone is insufficient to guide action. When FM 6-22, *Army Leadership*, presents the Army Values, it does more than simply state them. It attempts to translate them into guiding principles of action. It offers commentary on what kinds of actions those values might call for. For example, it reports that loyalty requires one to “bear true faith and allegiance to the U.S. Constitution, the Army, your unit, and other Soldiers.” This effort to provide meaning to the values reflects the insufficiency of values by themselves to adequately guide action and educate practitioners.

Given their vagueness, Soldiers can interpret values in ways that could generate irreconcilable conflict as they attempt to use them as a foundation for decisions. Many values are not even objective moral values; they are instrumental. Objective moral values genuinely improve action when honored. Instrumental values simply aid in the fulfillment of some particular cause. To illustrate this point, consider the values of personal courage and loyalty. These seem appropriate values, but they can easily be hijacked in pursuit of immoral ends. Courage, for example, makes a bank robber even more dangerous to society than he would otherwise be. Loyalty makes organized crime a more insidious threat than if its members were disloyal to a gang or mob. Even those engaged in illicit ends find courage and loyalty useful. And their conduct is all the more immoral for having harnessed these values.

The case against rules. The case against rules is also well worth noting. First, no list of rules could ever be long enough to capture all of the things that we should and should not do. Second, any list of rules—if enforced—really just approximates another *legal* code. It invites legalistic interpretation and gaming. Not only do we already have an adequate legal code (the Uniform Code of Military Justice), but our ethic should not be relegated to the status of law. Law tells you what you must do to avoid punishment, but not what you ultimately *should* do. Third, if not enforced, rules are impotent. When enforced, rules motivate primarily because of the enforcement mechanism (i.e., punishment). On today’s battlefield, Soldiers often operate independently. The prospect of punishment is too remote to guide them, especially when they aren’t sure they will survive to receive punishment. Rules simply cannot compel proper

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conduct if a Soldier doesn't already care somewhat about doing right.

Finally, rules do not educate. They say what one must or must not do, but they do not say *why*. This is because they are specific to particular cases and don't have clear implications for other cases.

The case for principles. If values and rules are poor candidates for expressing our professional military ethic, what is left? Between values and rules lie principles. They are less vague than values and less specific than rules. They express general moral truths, but they still advocate for or against particular types of action. They provide general guidance while inviting members of the profession to exercise their judgment in applying them with greater precision than either values or rules could do. We maintain that principles are the appropriate vehicle for expressing our professional ethic.

Principles educate. They provide action guidance better than do vague values or narrowly applicable rules. Because they apply to categories of action, one doesn't need as many of them. They do greater work than do specific rules because they educate.

They cover a host of cases, and in doing so they yield insight into the common element in all those cases. The principle involved explains rightness or wrongness. As professionals mature, their understanding of what the principles call for will also mature.

Principles also promote discretionary judgment, the hallmark of a profession. (Rules, on the other hand, obviate judgment. This is the hallmark of a bureaucracy.) Because they educate and then require discretionary judgment, principles invite better conduct than rules do. For example, *respect* is a cardinal value. However, even if we reached a consensus on the meaning of respect, it would not automatically generate any action guidance until we translated respect into a moral principle. Moreover, there are a number of moral principles that might plausibly follow from the value, *respect*. Some are consistent while others conflict.

Possibilities include—

- Regard others as having equal value to you.
- Treat others as they should be treated.
- Do not gratuitously harm anyone (including the guilty).



DOD

A Soldier holds the hand of an injured Iraqi man lying in the street after a suicide car bomb explosion at an intersection in Tameem, Ramadi, Iraq, on 10 August 2006.

- Show appropriate deference to superiors.
- Enjoin attentiveness to the mission and respect legitimate power.

To know what actions a particular value calls for requires considerable reflection, understanding, and sensitivity to other relevant values.

We argue that *respect* must be seen as requiring, among other things, that one *avoid unnecessary harm*. This seems to be the kind of guideline that can direct action without dictating it. In other words, it offers guidance, but still calls on a Soldier to apply discretionary judgment. If we were to deny such discretionary judgment to Soldiers, we might translate the principle of respect into a number of rules. Possibilities include—

- Don't employ poisoned bullets.
- Don't drop ordnance within 500 meters of built-up areas.
- Don't employ herbicides except for control of vegetation immediately around defensive perimeters.

Each of these “rules” illustrates the inadequacy of rules. The first one informs the Soldier not to employ poisoned bullets. However, because it offers no insight into why, the Soldier does not automatically realize he also ought not to employ modified bullets. Since it does not imply this, we must also add to this rule a separate prohibition against scored bullets, another against filed bullets, etc. Even if we simplified it with a policy against modified bullets in general, it would still be inadequate to express all that is captured in the principle of “avoid unnecessary suffering.” And it would thereby risk the mistake introduced by the second rule above. “Don't drop ordnance within 500 meters of built-up areas” is probably a pretty good general rule. But surely it shouldn't be applied in *all* cases. The target being aimed at will sometimes justify this risk. Or the built-up area might be inhabited solely by combatants. Perhaps it is otherwise abandoned by its previous settlers. Hard, fast rules like this are going to prove inappropriate in too many cases.

The rule concerning the use of herbicides seems to approximate a principle, since it requires some amount of judgment or interpretation in determining what counts as “immediately around.” But because it is worded in terms of a strict prohibition, it assumes the form of a rule. And in doing

so, it invites equivocation. What does count as “immediately around”—hand grenade range, small arms fire range, maximum effective range of my highest-casualty producing weapon? While principles also require this kind of interpretation, they seek to educate judgment rather than eliminate it. They seek to encourage rather than compel. In short, they invite ethical conduct.

A PME Should Be Internalized, Not Merely Memorized

The Army's professional military ethic is not merely something for Soldiers to memorize; they should internalize it. America is a nation of great diversity. The members of our profession enter it with diverse worldviews and ethical beliefs, some of which are not in accord with the Army's ethic. Nevertheless, the ultimate goal for our professional military ethic is to have Soldiers not simply act in accordance with its principles but to internalize them. By *internalize*, we mean that the members of the profession will genuinely believe that these principles are morally correct and just. And believing these principles just, they will seek to better understand them and conform their actions to them. The first step towards internalization is education and training. The moral insight necessary to render sound moral judgment requires considerable study. For an expression of the professional military ethic to foster such insight, it must not merely illuminate but also promote reflection upon and dialogue about the moral principles that govern our profession. Only in this way can it invite the professional to genuinely internalize the moral principles governing our profession.

After we explain and teach the professional military ethic, the next step toward internalization is habitualization. Over time, with reinforcement and correction by the profession, our Soldiers will make these principles such a habit that they routinely perform the actions the principles dictate. Ideally, this will lead to internalization. They will not only act in accordance with its principles but also genuinely believe that they are the right moral principles. Such belief cannot be manufactured—it must come from the experience of understanding the truth in action.

We need to take three steps to advance our profession's moral development. First, we must generate

a simple, inspirational approximation of the professional military ethic that is easily remembered and understood. Second, we must generate a longer, more in-depth exploration of this ethic that provides the rationale for the principles included in the shorter version. This should explain the principles more fully and help our profession determine the kinds of actions the principles indicate and the way to apply them. Third, we must reinforce the professional military ethic in all aspects of military service, including garrison operations, field training, and deployments.

Success in this endeavor promises great reward. The internal benefits of articulating this ethic will—

- Provide a vehicle for understanding and internalizing our core values.
- Unify the various subprofessions (i.e., the various branches) in purpose.
- Enable the moral development of individual professionals.
- Instill moral confidence in our Soldiers.
- Improve the moral performance of our Soldiers substantially.
- Enhance the trust relationship with our clientele, the American public.
- Improve our status as a profession, bringing us on line with other established professions (and helping to mitigate concerns over whether we constitute a profession at all).
- Serve as a model for other nations' militaries as they strive to professionalize and discern the moral implications of the profession of arms.

As the Army enters its 236th year of service, it is surely time for us to clearly articulate our professional ethic. **MR**

Center for the Army Profession and Ethic

The CAPE serves as the Army proponent for the full scope of the Profession of Arms—responsible for planning and executing various activities in support of four primary objectives:

- Assess, study, and refine the Army Profession of Arms and its Ethic
- Create and integrate knowledge of the Army Profession of Arms and Ethic
- Accelerate professional development in individuals, units, and Army schools
- Support the socialization of the Army Profession of Arms and Ethic within the Army culture

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