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## Finding "The Right Way": Toward an Army Institutional Ethic

Clark C. Barrett



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## **Carlisle Paper**

### **FINDING "THE RIGHT WAY": TOWARD AN ARMY INSTITUTIONAL ETHIC**

**Lieutenant Colonel Clark C. Barrett**

**September 2012**

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## PREFACE

The U.S. Army War College (USAWC) provides an excellent environment for selected military officers and government civilians to reflect and capitalize on their career experience to explore a wide range of strategic issues. To assure that the research conducted by USAWC students is available to Army and Department of Defense leaders, the Strategic Studies Institute publishes selected papers in its “Carlisle Papers” series.

A handwritten signature in black ink, appearing to read 'Antulio J. Echevarria II', with a large, stylized flourish at the end.

ANTULIO J ECHEVARRIA II  
Director of Research  
Strategic Studies Institute



## ABOUT THE AUTHOR

CLARK C. BARRETT is currently a member of the Michigan Army National Guard and is a civilian engineer for a major defense contractor. After graduating from West Point in 1993, he was commissioned in the Infantry Branch and served in the 1st Armored Division in Germany. He branch transferred to Armor Branch, continuing his service in Bosnia and in the 4th Infantry Division at Fort Hood, TX. In 2000, Lieutenant Colonel Barrett departed active duty and joined the National Guard. As a Guardsman, he has served in Infantry, Armor, and Cavalry positions and deployed to Egypt and Iraq. Lieutenant Colonel Barrett focuses on the human and organizational dimensions of the military, specializing in leadership studies, motivation theory, and combat stress research. He has authored a number of articles in professional and scholarly publications including, most recently, "Unarmed and Dangerous: The Holistic Preparation of Soldiers for Combat," published in *Ethical Human Psychology and Psychiatry*. Lieutenant Colonel Barrett holds a B.S. in mechanical engineering from the U.S. Military Academy, an M.S. in technical management from Embry-Riddle Aeronautical University, an M.S. in strategic studies from the U.S. Army War College, and a Ph.D. in leadership from Andrews University.



## SUMMARY

The ethical lapses exemplified by Abu Ghraib, Mahmudiyah (Blackhearts), and Maywand (5/2 Stryker) are distressing symptoms of an even bigger, and potentially devastating, cultural shortcoming. The U.S. Army profession lacks an institutional ethical framework and a means of peer-to-peer self-governance. The frameworks the Army has may imply, but they do not explicitly dictate, an Army ethic. Other English-speaking nations' ethical constructs can inform the development of an Army Ethic which serves to protect our organizational and individual honor from moral and ethical lapses which do great harm to the institution, undermine the American public trust, and hinder mission accomplishment. This Paper describes the problem, provides a review of literature, including current Army artifacts, reviews partner nation military ethics, and sketches the necessary philosophical underpinnings. The Paper also addresses the importance of promulgation, nontoleration, and the necessity for the Army to act as a learning organization. Finally, the Paper supplies and justifies a proposed institutional and individual Army Ethic and means of promulgation, ethical decisionmaking, and governance. The proposed Ethic would replace and integrates a number of disjointed and disconnected Army ethical prescriptions.





## FINDING “THE RIGHT WAY”: TOWARD AN ARMY INSTITUTIONAL ETHIC

Those skilled in war cultivate the *Tao* and preserve the laws and are therefore able to formulate victorious policies. *Tu Mu*: The *Tao* is the way of humanity and justice; ‘laws’ are regulations and institutions. Those who excel in war first cultivate their own humanity and justice and maintain their laws and institutions. By these means they make their government invincible.<sup>1</sup>

Sun Tzu

Around 500 BC, Sun Tzu wrote the opening epigraph, and around 800 AD, Tu Mu interpreted Sun Tzu’s words. The critical word *Tao*, literally “the right way,” translates variously, but the pertinent translation is “moral influence.” Sun Tzu recognized the importance of morality in warfare and placed moral influence first in order of war priorities.<sup>2</sup> Since Sun Tzu’s *The Art of War* focused on the strategy of war, one can infer that “those skilled in war” refers to generals and strategic leaders charged with “cultivat[ing] their own humanity and justice and maintain[ing] their laws and institutions.” Sun Tzu notes, “By these means, they make their government invincible.”<sup>3</sup>

So how does it happen that 2,500 years later, though aware of these ideas and their importance, the U.S. Army lacks the proper moral foundations upon which to operate? Despite the high profile blunders of Abu Ghraib, Mahmudiyah (Blackhearts), and Maywand (5/2 Stryker BDE), the Army still has not properly focused its efforts to prevent such crimes.<sup>4</sup> I believe these crimes are merely distressing symptoms of an even bigger and potentially devastating cultural shortcoming. The U.S. Army profession lacks a formal, comprehensive institutional ethical framework and a means of peer-to-peer self-governance. The Army’s total ethical canon, enormous in its scope and diversity, only implies and does not explicitly dictate an Army ethic. A true Army ethic may take the form of a single codified document, but ideally it would encompass and recognize the *implicit* norms, values, and underlying assumptions of the total organization.<sup>5</sup> The ethics of other professional armies can inform the development of a U.S. Army ethic, which would help to protect the organizational and individual honor from ethical lapses which do great harm to the institution and hinder mission accomplishment. Ultimately, the Army’s strategic leadership must champion and promulgate such an ethic.

This Paper defines the relevance of ethics in support of military ends and the Army profession, describes current Army culture and needs, compares allied nations’ responses to this problem, and ultimately offers a draft institutional Army ethic and methods for promulgation and self-governance for consideration and further discussion.

### REVIEW OF RECENT U.S. ARMY ETHICAL FAILURES

Most people in the military are well aware of the most gratuitous examples of war crimes perpetrated by American Soldiers during the Global War on Terror in Iraq and Afghanistan. Nevertheless, a review of certain incidents, circumstances, and behavioral trends provides valuable insight. Sadly, U.S. forces committed other atrocities; these are simply the most infamous.

## **Abu Ghraib, Iraq.**

The U.S. Army removed 17 Soldiers from duty, and charged 11 of those Soldiers with dereliction of duty, maltreatment, and aggravated assault and battery for participation in abuse of prisoners at Abu Ghraib from late 2003 through early 2004.<sup>6</sup> Between May 2004 and March 2006, the Army convicted, imprisoned, and dishonorably discharged 11 enlisted Soldiers. The Army reprimanded and demoted the detention facility's commander, Brigadier General Janis Karpinski.<sup>7</sup> Specialist Charles Graner, the group's ringleader, and his former fiancée, Specialist Lynndie England, received the longest sentences of 10 years and 3 years, respectively. After the perpetrators provided disks of incriminating photos and videos to Specialist Joseph Darby, he exposed the abuse and requested assistance from the Criminal Investigation Division.<sup>8</sup> When Darby initially questioned Graner about the photos, Graner stated, "The Christian in me knows it's wrong, but the corrections officer in me says, 'I love to make a grown man piss himself.'"<sup>9</sup>

## **Mahmudiyah, Iraq.**

On March 12, 2006, four Soldiers from the 101st Airborne Division gang-raped and murdered a 14-year-old Iraqi girl, after killing her mother, 34; her father, 45; and her sister, 5. In revenge for the crime, Iraqi insurgents kidnapped, tortured, and beheaded two innocent Soldiers—**Private First Class Thomas Tucker** and **Private First Class Kristian Menchaca**—from the same unit. In August 2007, Private First Class Jesse Spielman, 23, was sentenced to 110 years in prison. Jurors convicted Spielman of rape, conspiracy to commit rape, housebreaking with intent to rape, and four counts of felony murder. Spielman pleaded guilty to lesser charges. In September 2009, Private First Class Steven Green, the instigator, received life in prison with no parole. The other Soldiers involved were also jailed. Private First Class Justin Watt reported the rape-murders after hearing from another Soldier what had occurred.

## **Maywand, Afghanistan.**

In early 2010, a "kill team" from 5th Brigade, 2nd Infantry Division, murdered at least three Afghan civilians in the Maywand district. The Army charged five Soldiers who were allegedly involved in the killings. Seven other Soldiers were charged with crimes such as drug use, impeding an investigation, and attacking a whistleblower. The ringleader was Staff Sergeant Calvin Gibbs. On March 24, 2011, Specialist Jeremy Morlock pleaded guilty to three counts of premeditated murder. He testified that he had helped to kill unarmed Afghans in faked combat situations. Under a plea deal, Morlock received 24 years in prison and a dishonorable discharge for the crimes, in return for testimony against other Soldiers.<sup>10</sup> On November 10, 2011, jurors found Gibbs guilty of all charges, including three counts of murder.<sup>11</sup> Gibbs received a sentence of life without parole. Specialist Justin Stoner alerted military police to drug use by members of the unit.

## Conclusion.

Three common elements are particularly noteworthy about these case studies. First, each was a clear war crime, which the Army would eventually punish by legal means. Second, each case had a charismatic ringleader, or moral pirate, who led other Soldiers astray.<sup>12</sup> Finally, in each case, a whistle-blower junior Soldier ultimately stood up for what was right and reported the crimes.

Most Americans believe that while these crimes are repulsive and horrific, they do not represent the conduct of most Soldiers in combat zones. This is largely true. However, William Deresiewicz noted that only Abu Ghraib was widely discussed, and he asked the question, “How many more of these have there been?”<sup>13</sup> Unfortunately, other information suggests the answer: immoral, illegal, and unethical conduct in theater is far more common than one might suspect.

The 2007 report from the Military Health Advisory Team (MHAT) IV in Iraq described just how pervasive the problem had become.<sup>14</sup> The report revealed many disturbing facts, including the following:

- 41 percent of Soldiers and 44 percent of Marines believe torture is acceptable to save the life of a fellow warrior.
- 36 percent of Soldiers and 39 percent of Marines believe that torture is acceptable to gain intelligence on the insurgents.
- Less than 50 percent of Soldiers and Marines felt that noncombatants should be treated with dignity and respect.
- More than 30 percent of personnel admitted insulting and swearing at Iraqis.
- 4 percent of Soldiers and 7 percent of Marines confessed to hitting or kicking noncombatants.
- Nearly one-third said their officers had not made it clear that maltreatment is unacceptable.<sup>15</sup>

The results of this study prompted General David Petraeus to send out a theater-wide memo calling for increased professionalism and enhanced moral behavior in 2007.<sup>16</sup> Notably, the results – referring to ethical questions – in that year’s follow-up study, MHAT V, were worse than the year before. MHAT VI (2008) eliminated “items that could be potentially incriminating,” which was essentially the ethical section of the survey.<sup>17</sup>

Finally, there is the debacle of enhanced interrogation techniques and detainee policy as implemented by the Bush administration. Much has been written on the matter, and arguments have been made in favor of the practice.<sup>18</sup> Opponents argue that enhanced interrogation techniques were tantamount to torture and did not reflect American values.<sup>19</sup> Top government officials and lawyers approved abusive techniques for use on Guantanamo prisoners. When these techniques were approved for use at Abu Ghraib, they led to even graver abuses.<sup>20</sup> The interrogation issue has been heavily reported and studied and though not truly within the scope of this Paper, does suggest at least one relevant question: “Why did not more service members refuse to follow the orders to employ harsh interrogation techniques?”<sup>21</sup> Even if the program was legal, was it also ethical or moral? Many military interrogators, most notoriously at Guantanamo and Abu Ghraib, did not seriously question such policies, though the post-World War II Nuremberg trials clearly established that “just following orders” is not a viable defense.<sup>22</sup>

These examples serve as “weak signals” or indicators of an Army whose long-term ethical health remains uncertain.<sup>23</sup> Some might argue that “these things happen sometimes in wartime.” Stjepan Mestrovic, a specialist on the subject of war crimes, condemned the Army’s *de facto* notion that such crimes are characteristic of a few “bad apples” or “rogue platoons.”<sup>24</sup> Such responses are as inappropriate as the dismissive clichés used to convey it. Indeed, the Army must studiously avoid even the air of impropriety that surrounds atrocity or near atrocity. In such cases, a zero-defects mentality becomes appropriate.

The opportunity for transgression and the severity of the after-effects mean that the United States can ill-afford for its troops to commit even one atrocity. These activities have done irreparable harm. News of these crimes blazes through our information-age internet and television networks, handing motivational and recruitment tools to our enemies. The war efforts in Iraq and Afghanistan grow longer and more difficult as a result.<sup>25</sup> The national character is besmirched, and the ability of the United States to exert diplomatic (moral) influence in the world is diminished. Finally, one cannot help wondering what the psychological impact has been on the Soldiers themselves.<sup>26</sup> The strategic repercussions of atrocities demand hyper-vigilance and prior preparation, beyond what the Army currently requires.

The military has a robust legal system to deal with crimes and atrocities after the fact. The three case studies show that justice can be done, albeit in *post hoc* fashion. However, these case studies also demonstrate the need for stronger deterrence and for preparing the fighting force for moral and ethical challenges. The Army requires an Army institutional ethic aligned with the national character. The Army needs to revise the way it trains and sustains Soldiers’ moral awareness, their justification for killing the enemy, and their responsibility to ensure that atrocities do not occur.

## DEFINITIONS

Because many terms in this study have multiple meanings, I have established below the working definitions to avoid confusion. These delineations are especially important with two terms—which the Merriam-Webster dictionary uses in circular reference to one another.

1. moral(s): “of or relating to principles of right and wrong in behavior : ethical <*moral* judgments>.”<sup>27</sup> For the purposes of this Paper, “moral behavior” or “morals” denote an individual or personal characteristic.

2. ethic(s)/ethical: “a set of moral principles : a theory or system of moral values.”<sup>28</sup> For the purposes of this Paper, “ethical behavior” or “ethics” refers to an institutional, organizational, professional, or group characteristic.<sup>29</sup> An ethic can be informal or implied (e.g., Army ethic or ethos), but an Ethic (proper noun) will refer to an explicit code of Ethics (e.g., Army Ethic or Institutional Army Ethic).

3. moral/ethical: using both terms together implies that the person’s individual and institutional principles align, or should.

To understand the need for an Army institutional ethic, one must first understand the role moral behavior plays during war. Immoral or unethical conduct can negate

efforts to win the war, as well as erode the American people's trust in the organization. Inappropriate behavior can also call the integrity of the Army profession itself into question. In the end, to achieve our war aims we must act in accordance with a set of principles, while maintaining public expectations and trust.<sup>30</sup>

## THE RELEVANCE OF ETHICS TO MILITARY ENDS

The ultimate goal of war is to achieve a better peace.<sup>31</sup> Unfortunately, war waged in an immoral manner rarely ends well. Victims of injustice often refuse to seek a peaceful accord with their enemy. The rationale becomes, "better to die on the field of battle than to suffer injustice off the field." Philosophers and politicians formulated theories of just war and rules of war in order to avoid unending war and chaos perpetuated by immoral conduct.

The just war tradition, as we know it in the West, is primarily a Roman and Christian construct with Cicero, St. Augustine, and St. Thomas Aquinas among the earliest contributors to the formal theories.<sup>32</sup> During the medieval period, the code of chivalry – from the Middle English *chivalrie*, Anglo-French *chevalerie*, and *chevalier* knight – grew from a simple set of rules for mounted knights to a code of ethical conduct for employment in and out of combat.<sup>33</sup> In 1625, Hugo Grotius' *De Jure Belli Ac Pacis* laid out humanitarian reasons for protecting prisoners. Later during the English Civil War of the 1640s, Grotius' treatise influenced the establishment of "Lawes of Armes" and codes of conduct to prohibit prisoner abuse. By the mid 1700s, most Western professional armies found such abuse inappropriate. In 1785, a treaty between Prussia and the United States further codified rules of war and prisoner treatment. In 1863, the Lieber Code became the Union Army's official guide for conduct on Civil War battlefields, and later provided the basis for the 1899 Hague Convention.<sup>34</sup>

These few landmarks map the development of just war theory. The theories vary in their content, but as Professors Joseph Nye and David Welch note, "The just war tradition combines a concern for the intentions, means, and consequences of actions."<sup>35</sup> Generally, just war theory consists of two component parts, the justice of reasons for declaring war and the justice in how the war is waged.

1. *Jus ad bellum* (literally, the justice of war) is the responsibility of national leaders who determine the interests and ends and assess whether the use of force is morally permissible. As such, *jus ad bellum* falls outside the scope of this Paper.<sup>36</sup>

2. *Jus in bello* (literally, justice in war) pertains primarily to the military whose ways and means must achieve the political ends. According to Nye and David Welch, "The principles of *jus in bello* are (1) observe the laws of war, (2) maintain proportionality, and (3) observe the principle of noncombatant immunity."<sup>37</sup>

As noted, the Lieber Code served as a template for both the Geneva and Hague Conventions, signed by the United States. As such, the U.S. Army trains Soldiers on these conventions, expects compliance with them, and punishes those who violate them. Furthermore, we expect Soldiers to disobey orders that would violate these laws and conventions. One Department of Defense (DoD) document, *Armed Forces Officer*, cautions officers on this point: "You, in turn, must follow superior direction or rules unless faced

with a clear operational, legal, or moral reason to refuse or deviate.”<sup>38</sup> For highly trained and loyal Soldiers, disobeying even an illegal, immoral, or unethical order is sometimes difficult, but such disobedience remains absolutely necessary.<sup>39</sup>

After all, as wise strategists and savvy leaders know, atrocities only perpetuate war. In his landmark treatise *On War*, Clausewitz noted:

It had ceased to be in harmony with the spirit of the times to plunder and lay waste the enemy’s land, which had played such an important role in antiquity. . . . It was rightly held to be unnecessarily barbarous, an invitation to reprisals, and a practice that hurt the enemy’s subjects rather than their government—one therefore that was ineffective and only served permanently to impede the advance of general civilization.<sup>40</sup>

B. H. Liddell Hart made a similar appeal, noting that:

The more brutal your methods the more bitter you will make your opponents, with the natural result of hardening the resistance you are trying to overcome. . . . [it is wise] to avoid extremes of violence which tend to consolidate the enemy’s troops and people behind their leaders.<sup>41</sup>

Even today, the incidents at Abu Ghraib and Guantanamo provide motivation to America’s foes to continue to fight.<sup>42</sup> Our nation’s enemies remember offenses against their culture, people, or ideology in the same way Americans remember “the Maine, [the Alamo], Pearl Harbor, and 9-11 [September 11, 2001].”<sup>43</sup> The 9-11 Commission stated the case quite clearly in their report:

[The U.S. Government] should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors. America and Muslim friends can agree on respect for human dignity and opportunity.<sup>44</sup>

Moral/ethical battlefield conduct is necessary for achieving the ends of war. Such conduct also keeps faith with the American public and positively represents their best interests.

## **THE RELEVANCE OF ETHICS TO THE AMERICAN PUBLIC**

The U.S. Army operates on behalf of the American people, and the public typically has high confidence in their military. Polls reveal that service members often command extremely high levels of respect.<sup>45</sup>

The American people also have a relatively high tolerance for military missteps. Mestrovic suggests that even a gross failure like Vietnam’s My Lai massacre was largely tolerated and viewed as a collective American failure, rather than the failure of just Captain Ernest Medina, Lieutenant William Calley, and the platoon.<sup>46</sup> In the past, Americans felt a collective responsibility when they knew of their service members’ wartime atrocities, but, as Mestrovic explains, recent war crimes are less accepted today because they are attributed to “aberrations perpetrated by a derelict few [bad apples], rather than the inevitable results of institutional failures.”<sup>47</sup> Nevertheless, public support of the military

depends on the military's good faith efforts to maintain that trust. Former U.S. Army War College (USAWC) instructor Colonel Lee Deremer, notes:

Public trust can fade much more quickly than it is accumulated. It can wane for a variety of reasons, whether from tactical mistakes that have strategic consequences, or from failing to build and maintain a culture of competence, accountability and integrity.<sup>48</sup>

War crimes damage the faith Americans have in their Soldiers and in the wars their Soldiers are fighting. Minimizing this damage must be a top priority for the U.S. military if it is to achieve a lasting workable peace following its conflicts abroad.<sup>49</sup>

## THE RELEVANCE OF ETHICS TO THE ARMY PROFESSION

Beyond the external ends of wartime efficacy and retention of the trust of the American public, the Army needs an institutional ethic to safeguard the Army profession. Definitions of what constitutes a profession vary widely. The dictionary version is perhaps too simplistic—"a calling requiring specialized knowledge and often long and intensive academic preparation."<sup>50</sup> Sociology Professor Magali Larson suggests that a profession requires the following characteristics: "professional association, cognitive base, institutionalized training, licensing, work autonomy, colleague control . . . and a code of ethics."<sup>51</sup> The common characteristics of a profession often include group association, specialized knowledge and training, and a certain level of autonomy granted in exchange for self-regulation and codes of behavior.<sup>52</sup> The expert knowledge of a profession is applicable within a "significant field of human endeavor," with high stakes for the client—the recipient of the professionals' services—such as life, justice, and self-determination.<sup>53</sup> The classic professions of medicine, law, and clergy clearly fall into this category. The military seems well-suited to the title of "profession" as well.

According to historian Barbara Tuchman, the U.S. Army's professional relationship with its client "is, first and foremost, [as] the nation's obedient and loyal military servant. It takes pride in being the keeper of the essential skills of war that must be infused into the citizenry when they are called upon to fight."<sup>54</sup> Samuel Huntington, Morris Janowitz, and Charles Moskos are among the many academics who have labored to define and understand the military as a profession. This effort continues today.

This Paper assumes the Army is a profession and must hold to the basic tenets of a profession as described by Larson. The key characteristic of professions (using Larson's terms) is the idea of work autonomy based on colleague control and a code of ethics.<sup>55</sup> Simplified, the Army profession is "granted autonomy" by the client, in exchange for maintaining "a self-policing ethic."<sup>56</sup> This *quid pro quo* relationship remains in constant tension. The autonomy the American political leadership and public grants depends on the Army having an explicit Ethic, living by it, and enforcing it by means of self-policing. What then does it mean if the Army does not have those things? Such a situation would constitute both an institutional and individual crisis for the profession.

In 2010, Chief of Staff of the Army General George Casey and his successor, General Martin Dempsey, raised concerns with the state of the Army as a profession. As a re-



sult, they set the conditions for a rigorous study titled the Army Profession Campaign. This campaign, initiated on January 1, 2011, aimed to reevaluate the state of the Army profession after 10 years of war. The team's work continues, but the significance of the effort demands recognition. That the institution has engaged in this self-reflective effort is commendable. The Army recognizes that embodying the characteristics of a profession—especially when most Americans demand such characteristics—becomes absolutely critical if the organization intends to maintain moral legitimacy, public trust, and support for its conflicts abroad.

Early on the campaign team members defined the tenets of the Army Profession: Trust, Trustworthiness, Honorable Service, Esprit de Corps, Military Expertise, and Stewardship. The concept of Stewardship may encompass the notion of self-policing, but only if there is a clear and coherent ethic to do such policing and a method by which to police it. Currently, neither exists.

## OTHER PROFESSIONS AND THEIR ETHICS

As noted before, the other classic professions have codes of ethics of their own. In contrast to the Army, these codes are explicit and easily understood. Indeed, many professions take their codes as an oath. The best known is the medical profession's Hippocratic Oath.

In approximately 400 BC, Hippocrates created one of the oldest binding codes in history, best known by its often-misattributed summation of "First Do No Harm." Modern medical practitioners rarely use the classical form of the oath; they more frequently use Dr. Louis Lasagna's 1964 version.<sup>57</sup> Another form of this medical oath has its roots in World War II. Physicians at the time, horrified by the illegal, immoral, and unethical prison experiments conducted by Nazi doctors, put into place the Nuremberg Code in 1947 and the Declaration of Geneva in 1948.<sup>58</sup>

Nevertheless, the Hippocratic Oath, whether in its classical or modern form, speaks to the specialized knowledge physicians have, their critical relationship with their clients, and the self-governing actions of the medical community. While some question the usefulness and relevancy of the ancient oath, the medical profession has made continued efforts to ensure that they adhere to an updated version of the code, viz., the American Medical Association's *Principles of Medical Ethics*.<sup>59</sup>

The medical profession also has an almost universal method of apprenticeship, whereby aspiring professionals—medical school graduates—become fully certified members of the profession through residency programs within hospitals and the medical community. Attending physicians often supervise these apprentices under the tutelage of a "teaching hospital."

This pattern repeats in many ways within the other classic professions of law and divinity.<sup>60</sup> Many other occupations which aspire to be professions have these codes of ethics, self-government, and means of integrating new professionals into their community.<sup>61</sup> The Army might examine these other professions as possible models in order to improve their own. Although this Paper does not go into detail with regard to other professions, it does explore later how five other countries utilize such codes.

## VIEWS OPPOSED TO AN ETHIC

While it may seem obvious that a code of ethics would benefit any organization, there are reasons not to adopt an institutional ethic.<sup>62</sup> Some writers suggest that these sorts of professional codes are “pointless, unnecessary, and possibly pernicious.”<sup>63</sup> One argument takes the view that there need not be any special delineation for professionals because all people have the same rights and duties as moral persons.<sup>64</sup> Another argues that codes are so infrequently referred to, or so poorly constructed, that they become a detriment rather than an aid.<sup>65</sup>

In *The Warrior's Way*, soldier-scholar Richard Gabriel provides a litany of commonly stated objections to a professional code of ethics. His list, briefly encapsulated, is as follows:

- Ethics cannot be taught.
- Ethics cannot be enforced externally.
- A code might substitute for ethical judgment.
- An idealized code is unattainable.
- A truly comprehensive code would be unwieldy and impossibly large.
- Codes can encompass concepts which are in conflict.
- Codes can be misapplied.
- Codes can endanger a user who blindly follows such a code.
- Codes imply that soldiers are inherently bad.<sup>66</sup>

Gabriel provides additional details on each of these claims and provides a superb counterargument for each of them. He remains a supporter of a code of ethics for the members of the military profession, and later in his book Gabriel provides an example of such a code.<sup>67</sup>

As Andrew Olson of the Center for the Study of Ethics in the Professions has noted, formulating a proper code of ethics is inherently difficult. The author must create a philosophically sufficient and comprehensive ethic, while leaving it open-ended enough to account for unforeseen situations. The ethic must also be appropriate and understandable for its target audience.<sup>68</sup>

## HISTORY OF THE ARMY ETHIC

Assuming that a code of ethics provides value despite potential drawbacks, it becomes beneficial to review some past leadership guidance the U.S. Army issued that referred, or failed to refer, to ethics. Historically, the Army has used leadership manuals as the means to communicate guidance and intent regarding ethical issues.

The Army issued its first Army leadership manual, a pamphlet titled *Leadership*, in 1948.<sup>69</sup> In 1973, the Army issued *Military Leadership*. The July 1990 issue of *Military Leadership (Field Manual [FM] 22-100)* contains the first reference in Army doctrine to an explicit professional ethic. FM 22-100 (1990) refers to FM 100-1 (presumably the 1981 release), *The Army*, as the source of “the doctrinal statement of the professional Army

ethic.”<sup>70</sup> FM 22-100 (1990) goes further, by defining the “Four Elements of The Professional Army Ethics”: loyalty, duty, selfless service, and integrity.<sup>71</sup> These Four Elements are the obvious precursor to today’s seven Army Values. This edition of FM 22-100 continues with “Ethical Responsibilities,” including “Be a Role Model, Develop Your Subordinates Ethically, and Avoid Creating Ethical Dilemmas for Your Subordinates.” Finally, FM 22-100 (1990) includes an Ethical Decisionmaking Process to assist leaders in dealing with ethical dilemmas.<sup>72</sup> Although only six pages long, it provides the most coherent description of a U.S. military ethic in recent doctrine.<sup>73</sup>

FM 22-100, *Army Leadership: Be, Know, Do*, was updated and released in August 1999 and included today’s seven Army Values (covered in greater detail later).<sup>74</sup> One reviewer, Major Jonathan Smidt, suggested that the 1999 release was an improvement on 1990’s “loosely connected principles, factors, ethics, competencies, and styles.” Smidt noted that the Army Values “capture the professional military ethos, an ethos that was implied but not codified.”<sup>75</sup> Similarly, the warrior ethos is described in narrative form, but it is not codified in the 1999 edition.<sup>76</sup> This manual pays more attention to the idea of character than its predecessor, but its multiple references to ethics are somewhat disjointed and dispersed throughout the manual. In 2002, USAWC students Lieutenant Colonels Mark Patterson and Janet Phipps found the doctrine ethically insufficient, “leav[ing] the readers unsure about how ethics fits into leadership.”<sup>77</sup> The August 1999 edition does not provide the same level of emphasis that the 1990 version did. Tellingly, one article claimed that the release of the new manual was in no way a response to the high-profile problems of sexual misconduct in the 1990s such as the incident at Aberdeen Proving Grounds.<sup>78</sup> To be sure, this claim was ill-founded. Unfortunately, the periodic interests in emphasis that the Army places on ethics have tended to coincide with emergent moral crises.

The current edition of *Army Leadership: Competent, Confident, and Agile* (FM 6-22) describes the Army Values in detail, and codifies the Soldier’s Creed and Warrior Ethos.<sup>79</sup> The manual places renewed emphasis on character and ethics, with some exposition on ethical reasoning and ethical orders, but, like all its predecessors, it fails to lay down an explicit code of ethics.

The other manual which routinely refers to the professional military ethos and the *raison d’être* of the U.S. Army is appropriately titled *The Army* (initially known as FM 100-1). In 1984, USAWC student Lieutenant Colonel Hugh Kelley analyzed the ethic provided in the 1981 edition of *The Army* (FM 100-1) and found it “omissive and too general for the inexperienced soldier.”<sup>80</sup> Kelley proposed a new comprehensive and detailed Army Ethic. His proposal was appropriate but apparently found no traction in the organization as a whole.

The Army published FM 100-1 editions in 1978, 1981, 1986, 1992, and 1994. The 2001 edition was renumbered FM 1. Most recently, the Army released the 2005 edition—reviewed in the next section of this Paper. These multiple generations of documents created some confusion. In 1996, another USAWC student, Lieutenant Colonel James Schroeder, evaluated the materials—specifically FM 100-1, from 1978 to 1996—and found each generation substantially changed. Schroeder suggested that the changes in individual values and the Army Ethic resulted in “soldiers who do not know what the

Army ethic is.”<sup>81</sup> He confirmed this claim by surveying his USAWC classmates, only 27 percent of whom correctly identified the explicit Ethic of the time (duty, integrity, and selfless service).<sup>82</sup>

In summary, the Army has frequently addressed issues in the moral/ethical domain, most often implicitly. As Colonel Matthew Moten, Professor of Military History at the United States Military Academy (USMA), notes, “it is hard to get one’s arms around it.”<sup>83</sup> The Army has even applied the term “Army Ethic” to a four-word construct which preceded the Army Values. Historically, the Army has used these field manuals, *The Army* and *Army Leadership*, as the primary medium for promulgating moral/ethical prescriptions. These manuals require supplementing to deliver an explicit Army Ethic. As Schroeder stated, the challenge will be to create a lasting code which can remain essentially unchanged and thereby bond generations of Soldiers in a shared ethic.

## **ETHICS IN THE CURRENT U.S. ARMY ENVIRONMENT**

### **Culture.**

Culture plays a significant role in the success of any organizational endeavor. Louis Gerstner, a former IBM chief executive officer (CEO), observed, “Culture isn’t just one aspect of the game—it is the game.” He also noted that “successful institutions almost always develop strong cultures that reinforce those elements that make the institution great.”<sup>84</sup> When culture undermines institutional integrity, Gerstner continues, “management invites the workforce itself to change the culture.”<sup>85</sup>

Within the Army, senior leaders are responsible for providing vision, shaping the culture, and leading change. In particular, these leaders communicate declarative values and the strategic vision throughout the organization and ensure that members internalize them.<sup>86</sup> For example, on December 8, 2008, President-elect Barack Obama signaled a bellwether change in vision and moral/ethical culture when he broke with his predecessor and announced he would rescind the use of enhanced interrogation techniques, despite the best efforts of the Central Intelligence Agency (CIA) to maintain them.<sup>87</sup> Army leaders could learn from that example and place similar emphasis on re-laying the Army’s moral and ethical foundations.

### **The Army’s Patchwork of Ethical Cues.**

In the inaugural issue of the *Professional Military Ethic Monograph Series*, then Chief of Staff of the Army General George Casey spoke glowingly of an Army ethic. He stated unequivocally, “Our ethic is as old as the Army itself. Forged throughout our history, it remains relevant—even indispensable—in today’s era of persistent conflict.”<sup>88</sup> However, General Casey did not state what this Ethic is, nor is it possible to find any explicit description of this Ethic in Army doctrine.<sup>89</sup>

Either the Army’s current doctrinal materials do not say enough on the matter of moral/ethical issues, or they provide confusing mixed signals.<sup>90</sup> Lieutenant Colonel Celestino Perez notes that “the Army’s institutional approach to ethics hinges on lists and models.”<sup>91</sup> The following are among the most prominent elements in the Army’s huge smorgasbord of ethical tidbits: *The Army*, Oaths of Office, Officer’s Commission, Officer

Evaluation Report, Uniform Code of Military Justice (Articles 133 and 134), the Joint Ethics Regulation, the Code of Conduct, the Soldier's Creed/Warrior Ethos, the Army Values, the Soldiers Rules, Laws of War, Standards of Conduct, Service Customs and Traditions, the Values of American Society, and the Constitution of the United States. Unfortunately, these numerous and diverse dictums often confound efforts to infer a coherent ethic. Another Army Profession campaign product, the *Army: Profession of Arms* pamphlet, validates the importance of an Army Ethic, but admits that such an ethic "has not been fully codified."<sup>92</sup> The pamphlet further highlights this proliferation of disparate guidance, filling much of eight pages with competing and overlapping dictums.<sup>93</sup>

The recent 2005 edition of *The Army* (FM 1) places the Army in historical context, describes the Army as a profession, and sets forth a mission and vision for the organization.<sup>94</sup> In doing so, the manual emphasizes three ethical tools – the Army Values, the Soldier's Creed, and the Creed's embedded Warrior Ethos. There is value in referencing these ethical sources, but as individual learning tools, they require nesting within an overarching institutional ethic. The following quotation from the manual reveals its inadequacy as an ethical guide, "The profession holds common standards and a code of ethics derived from common moral obligations undertaken in its members' oaths of office."<sup>95</sup> Although the officer and enlisted oaths do describe obligations, these obligations relate to service and loyalty to the President, the Constitution, or other officers. No moral/ethical prescription in the Oaths of Office exists beyond the charge to "well and faithfully discharge [their] duties."<sup>96</sup> Clearly, blind obedience to military authority is a poor substitute for a true professional ethic.

*The Army* does reference various other sources such as the Constitution, the Declaration of Independence, the Law of Land Warfare, Uniform Code of Military Justice, and the Code of Conduct.<sup>97</sup> However, adding more reference material without distilling this material into a coherent ethic only muddies the issue.

The Joint Ethics Regulation (JER) actually does supply meticulous details on proper standards of ethical conduct. Shockingly, the JER stands as the only doctrinal document with an explicit "Code of Ethics for Government Service."<sup>98</sup> It also provides a list of ethical values, and describes a means of ethical decisionmaking.<sup>99</sup> Despite these strengths, the JER fails as a document that can help service members conduct themselves well in combat. Key topics in the JER range from fraud to political activity to conflicts of interest. Rules regarding such ordinary subjects are best suited for bureaucracies or businesses at home, not for small units in wars abroad.

The Code of Conduct is a by-product of the Korean War, during which many captive U.S. Soldiers made statements against the U.S. Government.<sup>100</sup> The first and last articles of the Code speak well to unlimited liability ("I am prepared to give my life in their defense") and the clients' expectation ("... an American, fighting for freedom"). Unfortunately, the remaining four articles exclusively focus on conduct as a prisoner of war. The Code of Conduct is incompletely titled, sufficient for its explicit purpose but insufficient as a singular code of conduct in situations outside of the prisoner-of-war context.

Air Force Captain Michael Kearns, a Master Instructor for the military's Survival, Evasion, Resistance, and Escape (SERE) program, also points out that the code without training is insufficient.<sup>101</sup> Additionally, he notes that when society binds a service member to a code, it incurs an obligation to that service member.<sup>102</sup> Should there be a *quid pro*

quo “covenant” between service members and the society they serve?<sup>103</sup> Perhaps a contractual element in an Army Ethic would build understanding and agreement between Soldiers and the American public. The concept of an overarching Code of Conduct, applicable in any circumstance, bears further consideration.

Within its 13 lines, the Soldier’s Creed includes the four lines of the Warrior Ethos. According to doctrine, this credo captures “the essence of what it means to be a soldier.”<sup>104</sup> In combination, the Creed and Ethos speak to service to the nation, teamwork, expertise, and professionalism, but the Creed makes few statements about moral/ethical conduct. The Army authored the Soldier’s Creed/Warrior Ethos to create and reinvigorate the “every Soldier is an infantryman” ideal.<sup>105</sup> Unfortunately, the Creed over-emphasizes Cold War era battle and is ill-suited, perhaps even counterproductive, in the current operational environment of insurgency cum nation-building.<sup>106</sup>

The Army Values, another set of individual character traits as opposed to ethical injunctions, also offer some utility. The Army Values take the form of an acronym, LDRSHIP, referring to such values as loyalty, duty, respect, selfless service, honor, integrity, and personal courage.<sup>107</sup> These ideals have short-form descriptions, usually found on wallet cards and ID tags, and longer expositions, including sections 4-5 – 4-41 in *Army Leadership* (FM 6-22).<sup>108</sup> The short-form descriptions are perhaps too cryptic to be useful, and the longer expositions are confusing and overlapping.<sup>109</sup> The acronym LDRSHIP, an abbreviation for leadership, where for example the “H – honor is described as meaning, “Live up to all the Army Values” – an unappealing and redundant construct.<sup>110</sup> Patterson and Phipps correctly claim, “The Army Values are too general and do not provide soldiers with the framework for making tough decisions.”<sup>111</sup> Furthermore, the stories and examples of FM 6-22 focus exclusively on Soldier-to-Soldier interactions.<sup>112</sup> With the exception of a brief vignette regarding My Lai, the manual provides no examples of Soldiers interacting with noncombatants, which is a critical shortcoming, considering the nature of the last 10 years of America’s conflicts.<sup>113</sup>

The current issue of FM 6-22 offers no mention of ethics in its description of the Army Values paradigm. FM 6-22 provides a compelling section about character and ethics, which refers back to the Army Values, but the Army Values do not reference morality or ethics themselves.<sup>114</sup> Ultimately, the Army must nest the individually focused Army Values within a higher institutionally focused ethical framework if we hope to create a consistent moral/ethical foundation for Army implementation.

Finally, the Abu Ghraib incident compelled the development of the Soldier’s Rules in 2007-08.<sup>115</sup> As such, they are the most up-to-date and best formulation of simplified rules for conduct with respect to enemy combatants and noncombatants. *The Soldier’s Blue Book*, published for all Soldiers beginning Initial Entry Training (IET), includes the Soldier Rules. This material, along with the Soldiers Creed, Army Values, and other ethical guidance, is among the many instructions new Soldiers learn during basic training.

## **Training.**

Dick Couch, a retired Navy Captain and author of *The Tactical Ethic*, states that Army basic training spends “somewhere between 35 and 45 hours on formal” Army core values training.<sup>116</sup> Prior to the Global War on Terror, specialists like judge advocate generals

(JAG) or chaplains often administered this training. However, high operational tempo and lack of personnel at basic training sites has now forced drill sergeants to administer nearly all of this training.<sup>117</sup> In the absence of JAGs and chaplains, commanders would be a better, more authoritative choice to provide this kind of training.

One key block of IET training that focuses on Operational Law deserves evaluation. This block of instruction covers many of the standard precepts of the Law of Land Warfare, Geneva and Hague Conventions, and Detainee Operations. A 3.5-hour block, it also covers Rules of Engagement and the Code of Conduct.<sup>118</sup> Some unstructured discussions and practical exercises offer the opportunity for class participation and checks on learning. Interestingly, the Training Support Package for this block conveys the Soldier's Rules in different language than the version of the Rules in the Soldier Blue Book and other Army documents. This discrepancy could create confusion among new Soldiers. Otherwise, the training appears adequate, but highly depends on each instructor's knowledge, teaching proficiency, and degree of authority.

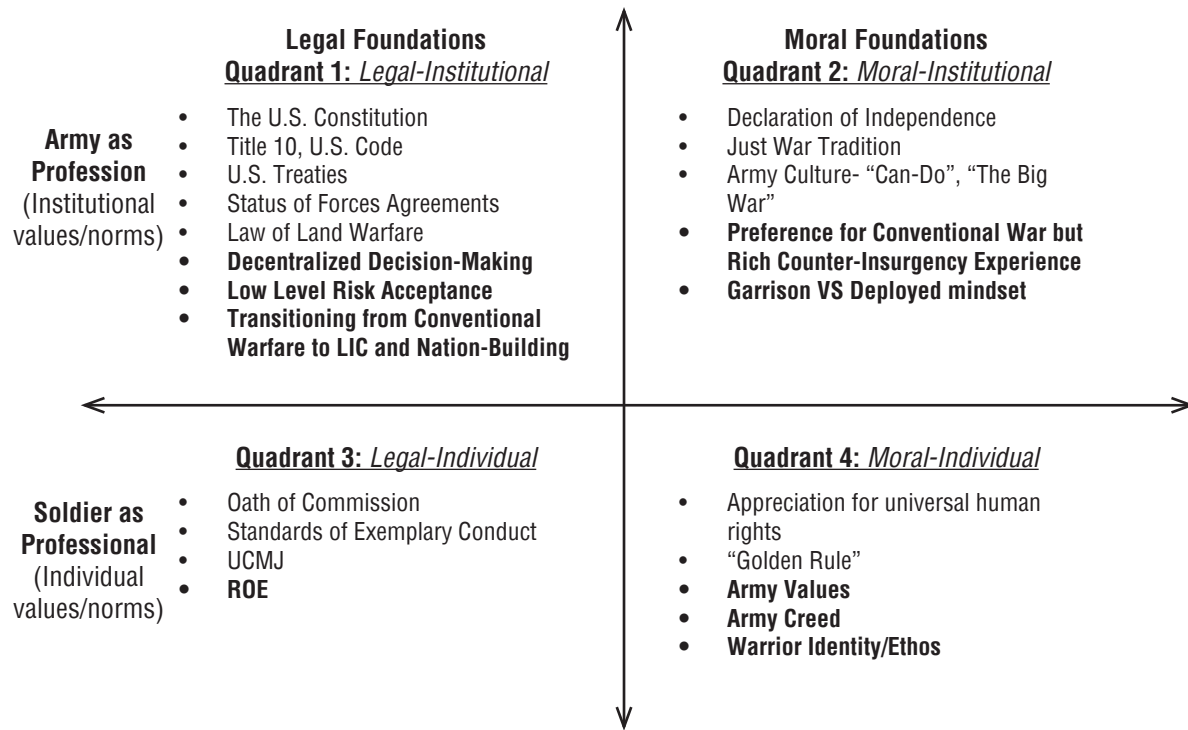
Once Soldiers reach their follow-on units, they receive little in the way of moral/ethical training beyond a small block of annual training on the Army Values and, if they are to deploy, short blocks of instruction on the Law of Land Warfare and Rules of Engagement. Considering the paramount importance today of ethical conduct in the current war, this shortfall should set off alarms.

### **Limited Progress.**

Recent Army-wide efforts provide encouraging signs of progress in the area of training. The Center for the Army Profession and Ethic (CAPE), founded in November 2007, now acts as the proponent on matters related to the profession and military ethics. CAPE also leads the aforementioned effort for the Army-wide Army Profession Campaign.

One result of the campaign, a recent Army White Paper titled *The Profession of Arms*, uses a methodology cribbed from British doctrine to begin resolving the cognitive dissonance between the Army's moral and ethical domains.<sup>119</sup> This non-doctrinal document describes the idea of an Army Ethic better than any current doctrinal guide does. However, the White Paper still falls short of creating a concise, digestible, explicit code of ethics that would meet the needs of the Army community while gaining the support of the U.S. public. The Army Profession of Arms Campaign remains a work in progress, so time remains to continue building on these incremental successes.

Another useful product of this campaign is the Army Professional Military Ethic Framework (Figure 1).<sup>120</sup> Campaign team members created this two-variable coordinate system to highlight the tensions between the legal/moral and institutional/individual dimensions of an Army ethic. This diagram serves as a common "framework for [future] dialogue," and may be useful as work toward an Army ethic progresses.<sup>121</sup> The doctrinal gaps in the framework highlight the need to develop the moralistic-institutional (upper-right) section of the quadrant.



**Figure 1. Army Professional Military Ethic Framework.**

CAPE also continues to develop curriculum and materials for Army Profession and Ethic Trainers (APET) and Master Army Profession and Ethic Trainers (MAPET).<sup>122</sup> Additionally, CAPE is producing training products designed to increase awareness of moral/ethical issues in the force. One novel example is a "first person shooter" computer game, titled *Moral Combat*, which locates Soldiers in ethically challenging situations. The game perhaps succeeds in superseding "traditional, case-study [and lecture] based instruction" with a more exciting and interactive learning format.<sup>123</sup> Unfortunately, while CAPE generates plenty of thought-provoking material, it remains a somewhat small and tertiary effort for the Army.

Another encouraging sign is the creation and installation of the first ethics chair at the U.S. Army Command and General Staff College (CGSC), Fort Leavenworth, Kansas. Retired Colonel Dr. John Mark Mattox, a specialist in just war theory, assumed this visiting professorship at the beginning of the CGSC Third Annual Ethics Symposium in November 2011.<sup>124</sup> Every level of professional military education should receive similar emphasis on education and training in moral and ethical issues.

The rise of CAPE, the CGSC chair selection, and the establishment of the symposium are all small but favorable signs that moral/ethical issues are increasing in importance. However, without additional high-level emphasis, the CAPE and CGSC efforts will have little impact on the rest of the Army.



## A Failure of Vision.

A number of authors (including some who work at CAPE) argue that a palpable moral/ethical tension exists within the Army institution today. This tension results, these authors believe, from an Army that wants to wage conventional war but is stuck in counterinsurgency conflicts fraught with moral/ethical pitfalls because of the proximity of Soldiers to host-country civilians.<sup>125</sup> As ethicist Dieter Baumann states, “A simplified warrior ethos is no longer enough to cover the demands of today’s battlefields.”<sup>126</sup> Therefore, these authors argue, any future Army ethic must be applicable to the full spectrum of operations. These authors are almost certainly right. Unfortunately, the Army’s “future” documents appear no more focused on ethical matters than those of the past.

In 2009, the Army completed the Army Capstone Concept, a significant futuring exercise designed to determine capabilities the Army will need in the “era of persistent conflict” – specifically the years 2016–28. *U.S. Training and Doctrine Command (TRADOC) Pamphlet 525-3-0* summarizes the exercise.<sup>127</sup> Regrettably, the pamphlet makes almost no comment on the importance of morality and ethics. Strategic Studies Institute (SSI) analyst Dr. Don Snider noted that the Capstone Concept is “essentially amoral.”<sup>128</sup> The concept lacks any uniquely American ethical coloring; it might apply to any nation. Snider called for an amendment to correct these deficiencies, but no such change occurred.<sup>129</sup>

Joint future documents share the same essential amorality. *The Capstone Concept for Joint Operations*, authored by the Chairman of the Joint Chiefs of Staff office, also envisions a future force for the years 2016-28. The Capstone Concept offers many recommendations to improve the force for future conflicts, but not one of these recommendations targets the morality or ethics of the force.<sup>130</sup> For example, the authors suggest a need to provide leaders with “training and education that facilitate flexible and creative problem-solving,” but they fail to say that this problem-solving should address moral/ethical issues as well as operational.<sup>131</sup>

Similarly, the *National Military Strategy* (NMS) of 2011 makes no mention of moral/ethical behavior other than a reference to our nation’s “respecting universal values,” and conducting wars “in a precise and principled manner.”<sup>132</sup> The NMS does stipulate that service members must “reinforce U.S. values, maintain the trust and confidence of . . . the public, provide frank and professional military advice, remain good stewards and vigorously execute lawful orders.”<sup>133</sup>

The Capstone Concepts and the NMS all missed an opportunity. The guidance these documents intend to provide does not align with the needs of the force in the critical realm of moral/ethical action. These military futuring documents place little to no emphasis on the important human dimension of conflict, even as the tales of lapses in Iraq and Afghanistan continue to make headlines and subvert the objectives of U.S. national strategy.

## REVIEW OF PARTNER MILITARY ETHICS

In Dr. Snider’s critique of the Army Capstone Concept, he noted that British moral/ethical doctrine surpasses our own in ethical context.<sup>134</sup> Indeed, many international allies explore and document their institutional ethics in far greater depth than does the U.S. Army. This section provides a comparative analysis of the ethical guidance provided

by five professional armies: Canada, Great Britain, Australia, New Zealand, and Israel. I have limited my investigation to those nations first for the simplicity, clarity, and understanding, and second because these are allies and partners with whom, in many ways, the United States shares values and moral approaches to warfare.<sup>135</sup>

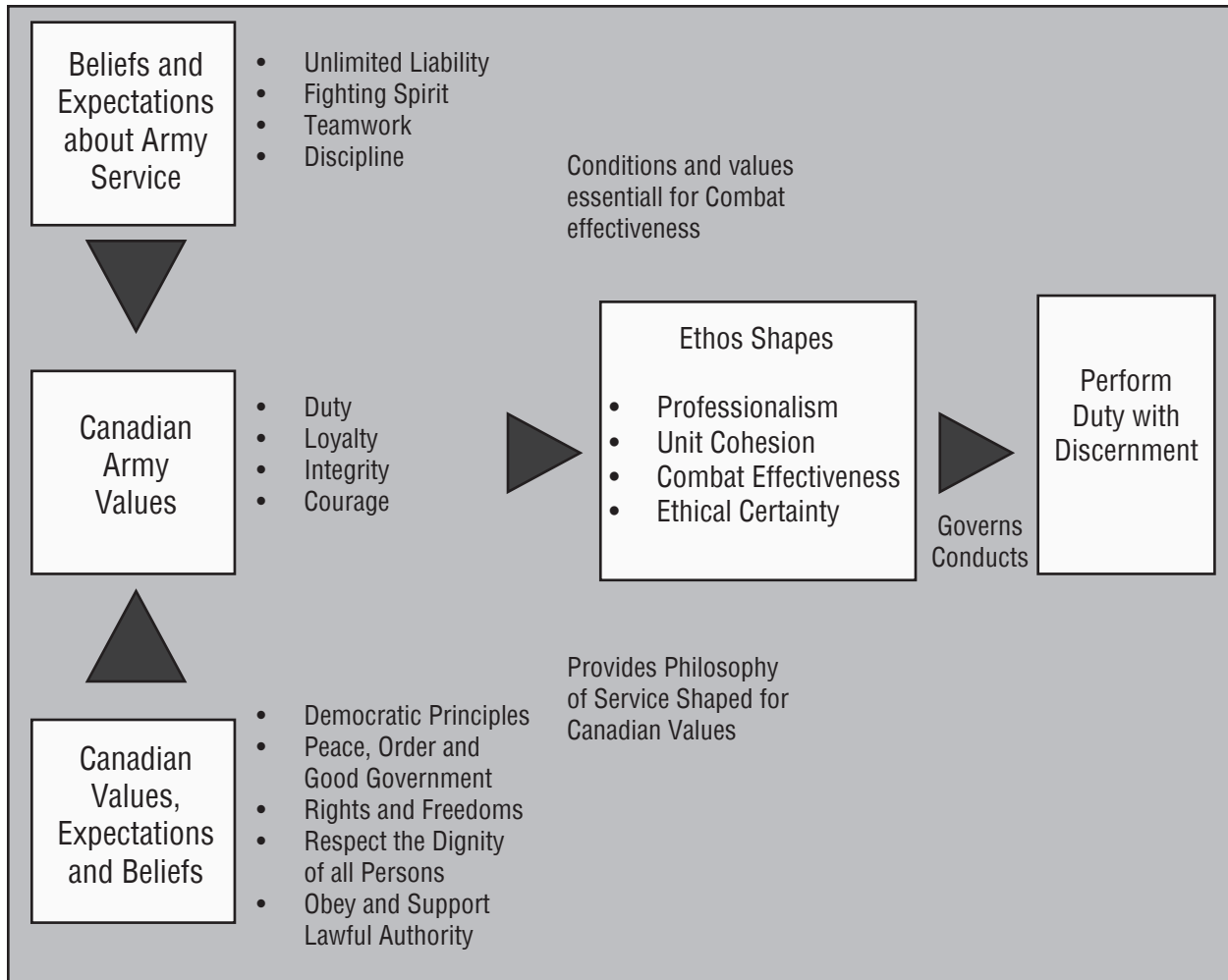
At least some of these nations' investigations and emphasis on morality and ethics appear driven by their own earlier moral lapses. For instance, the Canadian Army's leadership disbanded the Canadian Airborne Regiment and made strong efforts to prevent any future such atrocities after learning that their soldiers had tortured and murdered a Somali teen in 1992.<sup>136</sup> Similarly, the British Army engaged in war crimes and torture in the area around Basra, Iraq, in 2003, including noncombatant beatings and the drowning of a teen.<sup>137</sup> One defendant in that case claimed—in violation of the lessons learned at Nuremberg—“We were told to put looters in the canal. I was the lowest rank, and we were told we weren't paid to think. Just follow orders. I don't know why the army went ahead with the prosecution . . . . We were scapegoats.”<sup>138</sup> These tragedies highlight the problems every military encounters in war; however, these armies have each reacted in a manner befitting those committed to learning and to preventing future errors. Their efforts merit further study.

## **Canada.**

Canada seems committed to ethical performance on and away from the battlefield. The Canadian Defence Forces (CF) have a robust website presence dedicated to educating the force on ethical issues within the Defence Ethics Programme.<sup>139</sup> Their organizational chart demonstrates the emphasis placed on ethics, with members at the highest levels of the organization serving on the Ethics Advisory Board.<sup>140</sup> The website also features training materials, tools, surveys, rules for ethical decisionmaking, and a bibliography. A frequently updated “What Would You Do?” section offers interesting case studies and scenarios for discussion.<sup>141</sup>

Canada also has a robust academic research program as demonstrated by a series of military ethics books released by the Canadian Defence Academy Press.<sup>142</sup> These texts focus predominately on professionalism, leadership, and ethics. Among those books are two multinational anthologies describing the profession and ethics: *Professional Ideology & Development: International Perspectives* and *Military Ethics*, respectively.<sup>143</sup> Both are excellent resources. Finally, Dr. Richard Gabriel's *The Warrior's Way: A Treatise on Military Ethics*, also published by the Canadian Defence Academy Press, is a summation of the Canadians' Strategic Leadership Writing Project and a superior and timely addition to the body of knowledge in military ethics.

Finally, the CF have researched, created, and promulgated a simple and consistent military ethos. The CF describe their ethos in terms of its purpose; Canadian national values; and military beliefs, expectations, and values.<sup>144</sup> Their ethos is remarkable in both its scope and conciseness. (See Figure 2.)



**Figure 2. The Canadian Defence Forces Military Ethos.**<sup>145</sup>

Canadian Army Forces train this Ethos in a pyramid construct of “ethical awareness, ethical decisionmaking, obligation to act, and ethical leadership.”<sup>146</sup> In addition, the Army’s Lamplighter program and the use of Unit Ethics Coordinators afford military service members the opportunity to “cast a light” and highlight discrepancies in ethical behavior. The Lamplighter program features a reporting system to foster nontolerance of immoral and unethical behavior. The Canadians use Diogenes – a Greek philosopher who reputedly roamed the land with a lantern by the light of day searching for an honest man – as a symbol for the need to offer a philosophical background and avoid dumbing down material for the military audience.<sup>147</sup>

The CF prioritized the moral component of warfare and created a system of implementation in support of their goals. Overall, the CF ethical work and descriptive ethos should be an exemplar for the construction of a similar U.S. Army program.

## Great Britain.

Great Britain—specifically the British Army—does not have the website presence that Canada does with respect to moral/ethical issues and materials. However, it does a superior job of nesting its values and standards within a moral justification for war and the context of employment of land combat forces. Indeed the *Army Doctrine Publication Land Operations* (AC 71819) divides “Fighting Power” into three components: conceptual, physical, and moral.<sup>148</sup> AC 71819 dedicates 12 pages to the description of the moral component of fighting power as it relates to the British land forces. This well-written material, which encompasses ethics, motivation, and moral cohesion, should be adopted in some form by the U.S. Army in order to flesh out the upper right quadrant of the Army Professional Military Ethic Framework (Figure 1). In the U.S. context, this institutional aspect would lie between the national values and Army individual values.

The British also describes the “Values and Standards of the British Army” in a publication by that name.<sup>149</sup> The brief introduction summarizes some of the ideas fleshed out in AC 71819 regarding the moral use of fighting power. The document, however, is largely dedicated to describing the six British Army values, which are similar to the U.S. Army Values: Selfless Commitment, Courage, Discipline, Integrity, Loyalty, and Respect for Others. Authorities also expect soldier compliance with the standards, “Lawful, Appropriate Behaviour, and Total Professionalism.” The *Values and Standards* document also conveys the importance of continual emphasis on these values and standards, which “pervade all training activity, career development, and leader focus—not just a short block of annual instruction.”<sup>150</sup> Finally, the document calls for strict enforcement of the values and standards and provides a service test allowing soldiers to determine whether a questionable act constitutes misconduct.<sup>151</sup> In general, this readable publication provides more guidance to British soldiers regarding their Army’s core values and standards than is provided by any comparable American publication.

The final British doctrinal document of note is the Military Covenant. AC 71819 describes this “agreement,” showing that the British people are willing to make certain concessions in support of their British military.<sup>152</sup> In exchange for service member loyalty and unlimited liability, the British people willingly agree to “value, respect, sustain, and reward them and their families with appropriate terms and conditions of service.”<sup>153</sup> Americans may hold to the same ideals, but, once again, ours is merely an implicit obligation, whereas the British model is explicit and codified. This concept, previously described by Kearns, merits additional research and investigation.

## Australia.

Australians also have demonstrated a deep interest in improving their ethical doctrinal material. Their internet presence exceeds Britain’s, but does not rise to the level of Canada’s. Nevertheless, the Australian Centre for Defence Leadership and Ethics, established in 2002, has a wealth of resources.<sup>154</sup> The website describes their research efforts, recommends reading materials, and provides information about ethics symposiums. For example, the 2009 Symposium on Ethical Leadership included presentations on both Canada’s ethical failures in Somalia and Britain’s failures in Basra. The symposium also

included a case study review of the ethical lapses which resulted in the Royal Australian Navy's loss of nine sailors in an April 2005 helicopter crash due to poor maintenance efforts.<sup>155</sup>

Australia covers the gamut with its formal doctrine. Defense-level documents address basic business ethics and are similar in nature to the U.S. Joint Ethics Regulation.<sup>156</sup> The Defence Leadership Framework makes frequent mention of the need to "behave professionally and ethically," to act upon "organizational values and codes of conduct," and to "display high ethical and professional standards in all aspects of work."<sup>157</sup> Notably, this framework includes officers, enlisted soldiers, and civilians.

Additional Australian material is even more enlightening. The *Executive Series Leadership in the Australian Defence Force* (ADDP 00.6) manual describes the moral component of war in the same manner as the British doctrine, but the Australian construct substitutes the term "intellectual" for "conceptual" when referring to the three components of war.<sup>158</sup> Their guide also references Sun Tzu's concept of the "Tao" as the critical moral component of war. The Australian authors believe that the moral component is the most important of the three, because military service should be a "force for good."<sup>159</sup> The authors also note that a leader's responsibility includes assisting others in moving from an early moral development stage to a "more internally controlled state."<sup>160</sup>

While the Australian Army publishes some excellent material, the Navy products are genuinely novel and uniquely useful. The Australian Navy Ethic provides the best example for development and understanding of ethics and the notion of a military profession.<sup>161</sup> While its booklet is nominally described as a Leadership Ethic, it is in fact a treatise on moral conduct in war. This gem of a guide meticulously describes in an ethically consistent manner key aspects of leadership. The authors address, in sequence, the issues of Conscience, Profession, Values, Followership, Command, and Power. They continue with relevant case studies and a section on Ethical Decision Making. The manual's Ethical Decision-Making Model includes three simple tests that service members can use when facing moral dilemmas.<sup>162</sup> A "Key Points" page beautifully summarizes the booklet.<sup>163</sup> U.S. Army authorities will recognize that this manual uses the same "Be, Know, Do" model as the U.S. Army. The Australians also use a list of principles similar to the U.S. Army "Leadership Principles" – which we no longer use.

For simplicity, the creators of the Australian Navy Ethic subdivided three key sections into stand-alone two-page documents titled "Definition of Leadership," "Leadership and Followership," and "The Profession of Arms." In total, these Navy products are superior in content and detail to almost any other modern guides currently in use. U.S. doctrine developers would benefit greatly from a detailed review of this Australian work.

The services of the Australian Defence Forces promote slightly differing core values. The overarching Australian Defence Forces espouse the values of "honour, duty, selfless commitment, courage, discipline, and loyalty."<sup>164</sup> The Australian Army's choices are "courage, initiative, and teamwork," while the Australian Navy's are "honour, integrity, courage, honesty, and loyalty."<sup>165</sup> The Australian Air Force uses a different construct; they describe their values as what "the Air Force stands for, what they aim to accomplish, and what they expect of their people."<sup>166</sup>

## **New Zealand.**

New Zealand's doctrinal material relies heavily on Australian and, to a lesser extent, British documents. Given its colonial and cultural heritage, proximity, and close working relationship with the others, this comes as no surprise. *Foundations of New Zealand Military Doctrine* (NZDDP-D), the baseline document for New Zealand Forces (Kiwis), briefly describes a Warfighting Ethos.<sup>167</sup> The Kiwis also break "Fighting Power" into the same three components (conceptual, physical, and moral) as their British brethren.<sup>168</sup> When defining these components, the Kiwis clearly state their national interests and military needs. The New Zealand and British documents vary only in fine delineations.

The only area of substantial difference is values. The New Zealand Defence Ministry and Army's shared values are Courage, Comradeship, Commitment, and Integrity. The New Zealand Navy replicates most of the list, excluding Integrity. The New Zealand Air Force diverges, relying upon its own construction, Service and Allegiance, Professionalism, Integrity, Teamwork, Traditions and History, and Discipline.<sup>169</sup> One author notes that New Zealand's efforts to develop *Ethos and Values* started in 1995 and continues today.<sup>170</sup> The New Zealand corpus is not substantially different from Canada's and Great Britain's, but it does provide another useful data point for construction of a U.S. Army Ethic.

## **Israel.**

The Israeli Defense Force (IDF) takes a minimalist approach to its ethical doctrine.<sup>171</sup> Its single doctrinal webpage includes an IDF Mission statement, an Ethics sub-section, and a Main Doctrine sub-section. Within the Ethics sub-section, the authors include additional sections called "The IDF Spirit," "Spirit of the IDF – Definition and Origins," "Basic Values," and "The Values."<sup>172</sup> "The IDF Spirit" is a role statement referencing subordination to the state, while the "Spirit of the IDF" depicts traditions and sources of IDF strength. The Basic Values of the IDF are "Defense of the State, its Citizens and its Residents, Love of the Homeland and Loyalty to the Country, and Human Dignity." The Values of the IDF are listed as "Tenacity of Purpose in Performing Missions and Drive to Victory, Responsibility, Credibility, Personal Example, Human Life, Purity of Arms, Professionalism, Discipline, Comradeship, and Sense of Mission."<sup>173</sup>

Overall, the IDF description of their national and military objectives and values is concise and complete. They present the material in a manner similar to the simplified construct of the Canadian Defence Forces. Despite some confusion in how the sub-sections relate to one another as well as some redundancy in terminology, clearly much effort went into this elegant exposition of core values.<sup>174</sup>

## **Ally Survey: Conclusion.**

Reviewing these partner nations' materials is enlightening. Each nation has made a solid effort to construct ethical guidelines for its service members. Many use the three-component model to describe the significance of land combat in service to the nation. Those who do use this three-component model stress the importance of the moral com-

ponent, recognizing that warfare is, at its heart, a human endeavor fraught with issues of right and wrong. All discuss the importance of soldiers' unlimited liability, and the institutional subordination of the military to the state. Most properly nest their military values within their national interests and values. All espouse important values, and many share similar values. Great Britain, Canada, and New Zealand share their ideas among themselves and capitalize on American references as well. The U.S. military would be wise to reciprocate such open receptivity.

In-depth study beyond this brief review of literature would be valuable. The U.S. Army should analyze materials generated by Canada, Great Britain, Australia, New Zealand, and Israel and cherry-pick from the most promising and applicable ideas. CAPE is the right proponent to lead this effort, but the Army's strategic leadership must also better champion and resource the work.

## PHILOSOPHICAL UNDERPINNINGS OF A U.S. ARMY ETHIC

As mentioned previously, U.S. Army trainees receive a single 3.5-hour Operational Law class. During this class, only one of the 90 slides covers "Why Do You Need to Follow the Law of Warfare?" The reasons cited for such followership are "maintaining discipline, sustaining public support, facilitating an early end to hostilities, upholding reciprocity, doing the right thing, avoiding legal and international consequences, and averting the condemnation that comes with a crime or violation."<sup>175</sup> Unfortunately, the classroom training support package provides little further detail beyond these eight bullets. The Operational Law training package exemplifies the problem as a whole. Instructors often teach the *what* of proper battlefield conduct, but not the *why*. Soldiers must understand *why* it is a bad idea to maltreat enemies and noncombatants. Only thus will they buy in. In order to buy in, they need to have at least a basic understanding of the philosophical underpinnings of the right and wrong of combat.

### Philosophy.

Soldiers need not receive a semester's worth of philosophy, but they should receive some basic formulations. Two main philosophical approaches for this education are worth considering: the outcome-based (teleological), and the act-based (deontological) approaches.

Outcome-based theories are "those which consider only the consequences of alternative actions in determining whether those actions are morally right or wrong."<sup>176</sup> Because this approach measures the consequences or the utility of certain choices, ethicists often call this consequentialism or utilitarianism. In simplified terms, utilitarianism holds that moral rules should remain unbroken, but when moral dilemmas arise, (two or more moral rules are in direct conflict), one should select the action which produces the "greatest happiness to the greatest number of people" or the consequence which avoids the greatest harm.<sup>177</sup>

One of the problems with the utilitarian approach is that the question must still be asked, "Greatest happiness or least harm exactly to whom?" A Soldier in combat can easily take the stance that his happiness (or safety) is significantly more important than

a noncombatant's happiness (or safety). When people take utilitarianism to the extreme, the ends will likely justify any means.<sup>178</sup>

Another key problem with utilitarianism is that it often relies upon false dichotomies. A person may perceive an either/or choice even when an entire spectrum of options may actually exist. In television's 24 action-drama, the character Jack Bauer was sometimes presented with a moral dilemma in which he was "forced" either to torture an enemy agent or to permit a mass casualty event—the classic "ticking time bomb" scenario.<sup>179</sup> The George W. Bush administration employed just such scenarios to help justify the employment of enhanced interrogation techniques.<sup>180</sup>

Alternatively, Soldiers could apply the act-based or principle-based theories. These deontological theories presume that "certain principles are worth upholding because of their inherent rightness and regardless of their outcome."<sup>181</sup> This notion suggests that there are absolutes of right and wrong and that people should strive to do that which is right, come what may.

Using this notion of absolutes, Immanuel Kant formulated the best known of the act-based theories, known as Kantian absolutism. This theory argues that one should choose an action, not because it serves any best consequence or one's rational self-interest, but because it is morally the "right" thing to do.<sup>182</sup> This theory describes a powerful sense of duty. Indeed, because this adherence to the absolutist ideal supersedes rational self-interest, service members accept their higher duty to the state even at the risk of their lives. We call this "unlimited liability."

At the heart of Kantian absolutism is the categorical imperative. Kant generated numerous variations of this imperative, but the most relevant to this Paper are the "universal law" and "respect for persons" rules. The "universal law" imperative demands that one should "act on that maxim through which you can at the same time will that it should become a universal law."<sup>183</sup> At least on the surface, this is reminiscent of the "Golden Rule," which holds that one should "do unto others as you would have them do unto you."<sup>184</sup> If everyone is acting in accordance with this ideal, no one should be harming others. The "respect for persons" imperative demands that one should "act in such a way that you always treat humanity never simply as a means but always at the same time as an end."<sup>185</sup> Therefore, people should not use or manipulate others toward the achievement of an otherwise desired or permissible outcome. This ideal directly contradicts the Machiavellian method and also precludes the consequentialist formulation of preferring the needs of the many over the needs of the few or the one.

Historically, American ideals have often been absolutist ideals. The Declaration of Independence, with its reference to "unalienable rights," provides the most obvious example of such ideals.<sup>186</sup> Another more modern example is *National Security Council Report 68* (NSC-68), which served as a guide to U.S. strategic foreign policy for the latter half of the 20th century. NSC-68 spoke directly to principle-based ethics:

The free society values the individual as an end in himself, requiring of him only that measure of self-discipline and self-restraint which make the rights of each individual compatible with the rights of every other individual. The freedom of the individual has as its counterpart, therefore, the negative responsibility of the individual not to exercise his freedom in ways inconsistent with the freedom of other individuals and the positive responsibility to make constructive use of his freedom in the building of a just society.<sup>187</sup>



While the absolutist solution to a given ethical problem is normally clearer and less-debatable than the utilitarian solution—and this simplicity makes the entire approach appear more desirable at first look—neither act-based nor outcome-based formulations will work in every situation. As David Perry writes:

The strengths of the utilitarian theory lie in its consideration of the well-being of all sentient beings potentially affected by proposed actions and its goals of ameliorating suffering and enhancing happiness. The chief virtue of Kantian ethics is its respect for individual human autonomy, dignity, and worth. Unfortunately, utilitarianism often undermines justice and basic rights, while absolutism undercuts the significance of compassion.<sup>188</sup>

Efforts to adhere to an absolute while attempting to fulfill utilitarian needs can result in some compelling but worrisome mind games. Air Force Lieutenant Colonel Galipeau reiterated the ideas of Oren Gross, a law professor, who suggested that it was possible to have an absolute ban on torture while allowing for the possibility of justification of using torture techniques in the extreme case of the “ticking time bomb” scenario. Gross noted that “resorting to torture may be defensible (pragmatic absolutism) and that government officials may find it necessary to violate that legal ban (official disobedience) in those instances.”<sup>189</sup> Charitably, this is a tortured argument—pun fully intended. The notion of a “pragmatic absolutism” is, by definition, oxymoronic. The same could be said for the idea of “official disobedience.”<sup>190</sup> Finally, the ticking time bomb scenario on a world-cataclysm scale remains theoretical, a contingency that has no precedent in historical events. However, this is evidence of the moral quandary our military must face, and ultimately act upon.

Accounting for these inadequacies, the Army must still provide Soldiers with the basic knowledge of these ethical theories, and teach them how to apply logic. Soldiers would then be better equipped to understand what makes an action right or good, and how to avoid those actions that are wrong or bad. One moral quandary that particularly requires education and understanding, and which is in conflict with the absolutist ideal, is the moral justification for killing.

### **Moral Justification for Killing.**

Regardless of where one stands on the teaching of ethical theory to Soldiers, it is deeply disappointing that they do not receive even rudimentary training on the moral justifications for their lawful actions in war. The fact that we avoid teaching moral justifications is not due to the complexity (and expense) of what must be taught. As Major Peter Jennings and Colonel Sean Hannah note, it is difficult “to make the preeminent military task—killing and dying—morally redeeming both for those who must undertake the task and the society they serve.”<sup>191</sup> However, we must make the effort, especially since studies show a strong correlation between the infliction of death in combat and subsequent Post-Traumatic Stress Disorder.<sup>192</sup>

Lieutenant Colonel Peter Kilner, an ethicist and West Point professor, does a superior job of describing the obligation to teach Soldiers about killing and its moral justification:

The Army should include the moral justification for killing in combat in training not only because it would enhance the Army's effectiveness but also because it is the right thing to do . . . . [Military leaders] devote their lives to preparing soldiers mentally, physically, and materially for the rigors of combat . . . . Unfortunately, they fail to prepare them morally, and in doing so, they fail [their Soldiers]. They leave soldiers unprepared to deal with their post combat consciences and unprepared to make morally right decisions about who to kill in morally ambiguous circumstances.<sup>193</sup>

Couch makes a strong case that the U.S. military should strive to return its service members to society "better than when [they entered] battle. Implicit in [this mandate] is to bring them home having done nothing of which or which may cause psychological damage."<sup>194</sup> Indeed, it would be tragic if they "all came home physically well, but mentally broken, because they did something [with which they could not live]."<sup>195</sup>

From a teleological viewpoint, self-care may be the most convincing moral justification for treating enemies and noncombatants well – to best pursue their own self-interest, Soldiers should treat others well, because by doing so, they avoid moral dissonance and preserve their conscience and psychological health. This approach may also provide the means to solve the problem with the absolutist imperative of not inflicting "unnecessary" harm on others: this imperative cannot describe what battlefield behavior it actually condoned, only what might be condemned. Such a compromise may not be ideal, but it may very well be the most useful solution.

### **Philosophical Goals.**

In comparing the *desirable* with the *desired*, behavioralists Geert and Gert Hofstede suggested that "in the case of the *desirable*, the norm is absolute, pertaining to what is ethically right. In the case of the *desired*, the norm is statistical: it indicates the choice made by the majority."<sup>196</sup> The Army must strive for the desirable, and minimize the statistical. While the goal might be to achieve an absolutist ideal, there is merit in considering both the absolutist and utilitarian arguments. According to Deremer, the goal of this education and training is to produce

The moral or ethical person [who] understands that there is a defensible notion of right and wrong, of truth and falsehood, and of fairness, justice and accountability. He also recognizes that these notions are not just proper for their own sake, but that they also work. They are in fact practical guides for living in community with others.<sup>197</sup>

There are other notable, competing philosophical visions. For example, Gabriel notes that there is an ethics of duty, and an ethics of virtue.<sup>198</sup> Alternatively, these ethics of duty and ethics of virtue have been described by CAPE authors Jennings and Hannah as the morals of obligation and morals of aspiration. They consider the morals of obligation a "moral floor" or a baseline expectation, while the moral of aspiration is a "moral ceiling."<sup>199</sup> Perhaps the utilitarian notion is at or near the "floor," and the absolute ideal

is at the “ceiling.” Jennings and Hannah suggest that the floor must never descend, and, while the field between the floor and the ceiling can expand, the goal of a military ethic should be to elevate both the floor and the ceiling toward a level of “supererogatory behavior above and beyond the call of duty.”<sup>200</sup> Whether or not this goal is the real ultimate goal of the U.S. military ethic – or even an achievable goal – remains debatable. In any case, any practical, sustainable Ethic must unify competing philosophical visions via a dialectic approach.<sup>201</sup>

Lawrence Kohlberg’s moral stages of development allow for just such an approach. Kohlberg’s model describes a progression of moral development largely dependent on personal maturation and experience. One developmental stage sets the conditions for subsequent stages. (See Figure 3.)

Level	Stage	Dominant Theme
1. Preconventional (Children, some adults)	1	Fear of punishment
	2	Opportunistic— “what’s in it for me?”
2. Conventional (Most adults)	3	Good boy—nice girl— “will people think well of me?”
	4	Law and order— “can’t break the rules.”
3. Post-conventional (A few highly developed adults)	5	Social contract— “the greatest good for the greatest number.” Laws should generally be followed, but there are exceptions.
	6	Universal ethical principles—a few basic principles always apply—life liberty, human rights, and respect for the dignity of man—irrespective of specific laws, rules, or orders.

**Figure 3. Kohlberg’s Stages of Moral Development.**<sup>202</sup>

The Kohlberg model allows for various forms of argument and questioning at different stages. Will a Soldier do the right thing because of duty or obligation, or do it because of an aspiration or virtue? Will a Soldier do something to avoid punishment, or is his motive based on the belief that the action is the right thing to do? Most likely, the answer will be some of both and vary in accordance with the Soldier’s level of moral maturity. Regardless of the level of individual moral development, the institution should always strive to guide Soldiers along the path toward higher moral attainment.<sup>203</sup> At a

minimum, the Army must teach and train its Soldiers to achieve Stage 4 of moral development, and military leaders and educators should be expected to attain Stage 5, if not Stage 6.

A few critics argue that any kind of ethical norming is impossible to achieve among Soldiers. The Army draws recruits from the population at large, they argue, and new recruits may not share the values of the organization upon entry. But the mere fact that the Army’s recruiting pool is ethically varied and that ethical training is difficult does not mean that such training is unachievable. In any event, we must try. In an age in which the evidence of gruesome war crimes is transmitted across the world in vivid color at the speed of light, it is just as important to develop Soldiers morally as to develop their skill with their assigned weapons.

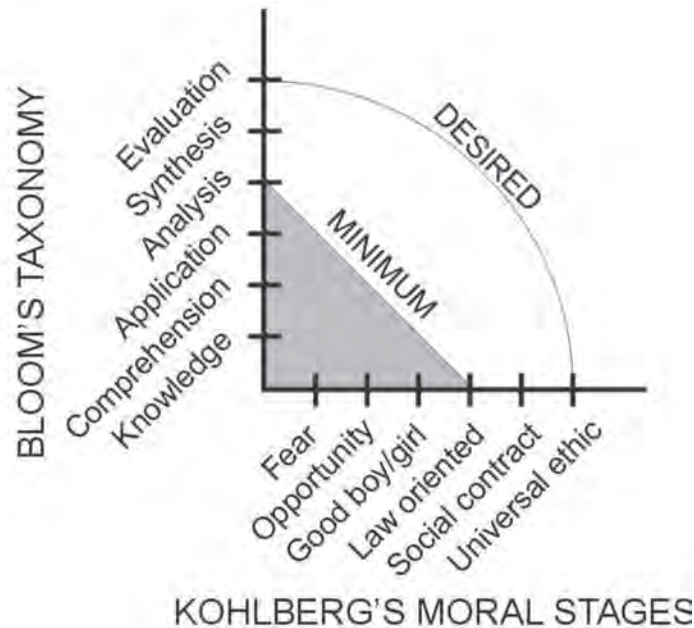
While Kohlberg’s model might serve to describe a Soldier’s stage of moral development, Benjamin Bloom’s Taxonomy of Cognitive Outcomes could serve as a means of measuring that development. The Army uses Bloom’s taxonomy only at the upper educational levels (e.g., CGSC, USAWC). This taxonomy demarcates learning in six stages of increasing difficulty and scope: knowledge, comprehension, application, analysis, synthesis, and evaluation. Figure 4 describes each learning level.

<b>Level</b>	<b>Stage</b>	<b>Dominant Theme</b>
Knowledge	1	Remembering previously learned material, facts, vocabulary, concepts, principles
Comprehension	2	Grasping the meaning of material
Application	3	Using abstractions, rules, principles, ideas, and other information in concrete situations
Analysis	4	Breaking down material into its constituent elements or parts
Synthesis	5	Combining elements, pieces, or parts to form a whole or constitute a new pattern or structure
Evaluation	6	Making judgments about the extent to which methods or materials satisfy extant criteria

**Figure 4. Bloom’s Taxonomy of Cognitive Outcomes.**<sup>204</sup>

Most entry-level training focuses on tasks that require learning no more advanced than Stages 1 and 2. Soldiers understand *what* they are supposed to do, but may not learn *why*. This level of learning is clearly not sufficient for tasks involving moral reasoning skills. For the most rudimentary of such tasks, Soldiers must achieve at least Stage 3 of learning; reaching a Stage 6 would be most desirable.

This combination of Bloom's Taxonomy and Kohlberg's stages of moral development offers both floor and ceiling guidelines for the ethical training of Soldiers, and also describes the minimum versus desired levels of understanding. (See Figure 5.)



**Figure 5. Bloom's Taxonomy and Kohlberg's Moral Stages.**

## PROMULGATION OF A U.S. ARMY ETHIC

Chaplain (Colonel) John Brinsfield has commented that old Soldiers traditionally “bemoan the fact that new recruits do not seem to subscribe to the old values.”<sup>205</sup> The purpose of Combat Basic Training is in part to indoctrinate new recruits and train them in those values. But that training has proven insufficient. Cycles of emphasis are too often tied to cycles of crisis.

For example, in the review of the Vietnam My Lai massacre, investigating officer Lieutenant General William Peers identified nine factors which contributed to the war crimes there. All of Peers' recommendations are worthy of review, but the real interest lies in what the institutional military can do to prevent such crimes. Peers' recommendations regarding “Lack of proper training” and “Attitude toward the [combatants and noncombatants]” apply. Robert Reilly argues that “lack of training in today's Army is

not a problem because all units receive training on Law of War, safeguarding of non-combatants, and rules of engagement prior to deployment."<sup>206</sup> This efforts covers the legal side of the ethic framework (Figure 1) but neglects the moral side.<sup>207</sup> Reilly also equivocates by saying that personnel and battlefield turbulence attenuate the training's usefulness over time, and that quality and quantity of the training must be sufficient to compensate.<sup>208</sup> The counterargument would be that there is very little quality or quantity of training, and recent high profile examples like the 5/2 Stryker "kill teams" demonstrate that the training and/or attitudes toward our foes remain unsatisfactory.

As USAWC instructor Stephen Gerras has noted, most of the training—beyond the paltry schoolhouse introduction—regarding these kinds of war crimes is a direct "knee-jerk" reaction to recent cases.<sup>209</sup> The Army is vulnerable to the charge of forcing expedited, reactive, case-specific remediation on units, which more often than not addresses only the superficial symptoms of the most recent problem rather than the proximate cause.

The Joint Operating Environment (JOE) analysis for 2010 stressed that Professional Military Education was the critical key to the future health of the Army. It listed a myriad of useful disciplines upon which service members of the future will need to capitalize, among them "history, anthropology, economics, geopolitics, cultural studies, the 'hard' sciences, law, and strategic communication."<sup>210</sup> But what of the knowledge of philosophy, morality, and ethics, so that service members may apply that important knowledge in a moral/ethical manner? These topics receive no attention in the JOE analysis.

In 2002, USAWC students Mark Patterson and Janet Phipps performed a study, "Ethics: Re-directing the Army's Moral Compass," which set forth the need to propagate better forms of ethical training within the service.<sup>211</sup> They identified a number of shortfalls in the current programs of instruction, and presented recommendations for an overhaul of the Professional Military Education system in order to fulfill that promise. Much of their commentary remains relevant and usable.

Nathaniel Fick, a former Marine and CEO of the Center for a New American Security, argues that the military should not separate ethical training from operational—the two must be taught concurrently and in direct relation to each other.<sup>212</sup> Couch offers a number of interesting methods of melding the two worlds, but the key issues remain the same—Soldiers must learn the means to discern "what is right?" and "how do I choose?"<sup>213</sup> Soldiers will also benefit from understanding *why* a given action is right or wrong, even if the sole reason is that it does not fit within the profession's Ethic. Usually, there is a better answer than that, but relying on the Ethic alone can and should suffice for those whose level of maturity is low.

The goal of promulgating ethical doctrine is to ensure that the force understands the guidance and expectations, takes ownership, and can apply lessons in a manner consistent with Army expectations as set forth in Figure 3. In the future, there can be no bifurcations between garrison and deployed, school and field armies. Soldiers must employ the lessons learned at the schoolhouse while operating in garrison *and* the field.

Finally, there must be a wholesale effort to train as we fight. Couch offers some ideas to incorporate ethical training into operational training, but in any event, we cannot allow unethical behavior within our training environment.<sup>214</sup> For example, Lieutenant Colonel Douglas Pryer, a U.S. Army human intelligence officer, and the previously

mentioned SERE instructor Michael Kearns, have both suggested that the benefits of the SERE course—which teaches, among other things, resistance-to-torture/interrogation techniques—come at too great a cost.<sup>215</sup> Specifically, trainers must reconsider the mock torture events at the school so that our military does not tacitly endorse the use of methods in the schoolhouse which one would find abhorrent outside it. Ultimately, the well-meaning tactics approved for training of service members at SERE migrated to Guantanamo, Iraq, and Afghanistan and did great harm to the military institution.<sup>216</sup>

The Army must promulgate, train, and explain an Army Ethic. However, an Ethic alone is insufficient without a means of self-policing.

## THE IMPORTANCE OF PEER-TO-PEER SELF-GOVERNANCE

Even if the Army had a comprehensive Army Ethic, and the Army fully promulgated that Ethic and ensured every Soldier in the ranks understood it, there would still be transgressions. Even if the Army established a best-in-class training program, which fully trained Soldiers on the philosophy of ethical behavior to high levels of understanding and moral development, there would still be bad actors in the ranks. In *The Tactical Ethic*, Couch describes exactly this problem. He notes that Soldiers and Marines inculcated at the basic training schoolhouse remain susceptible to the effects of the moral pirates in their garrison organizations.<sup>217</sup> These charismatic but unethical actors often subvert the “better angels of our nature” by their proximity and power.

The investigation into the 5-2 Stryker Brigade atrocities in Afghanistan’s Maymund district cited “weak leaders, who [lacked] confidence, [and acted in a] self-serving manner, . . . failed to enforce standards, and [were] not engaged in the platoon’s daily activities” for the inability to police the platoon.<sup>218</sup> The chain of command failed, but what about the Soldiers? Some platoon members disapproved. Early on, a few Soldiers unsuccessfully tried to report wrongdoing, but some of them perpetrated similar crimes later.<sup>219</sup> Why did none of the Soldiers prevent the atrocities, or report them when it became clear they could not stop them?

An all-encompassing moral/ethical framework and provision for a self-policing force are required. Without those elements, one should not be surprised when ethical failures are overlooked. The elements of stewardship, self-policing, and a robust spirit of nontolerance for behavior outside the accepted norms must exist if the organization is to move forward with its honor intact.

According to a recent Army Public Affairs video, “Stewardship [is] policing the profession every day to maintain its ethic.” In the same video, Vice Chief of Staff Peter Chiarelli adds, “That is absolutely the foundation of our profession; ethics, leadership, moral courage, a soldier that does right even when no one is looking.” Then, as the video continues, Lieutenant Peter Yorck offers, “Our trust, that we have established with the American people, is maintained through a moral ethical standard that has to be upheld, especially in combat.”<sup>220</sup> Does the reality match the publicity?

The self-policing character of the organization is critical to the Army’s status as a profession.<sup>221</sup> The institution would benefit from a code of ethics that capitalizes on the principle of self-policing; indeed this concept of self-governance could become a defining characteristic of not just the code but the institution as a whole. This ideal would be

similar to that embodied in the Honor Code at the USMA. Its history sheds light on this topic and the efficacy of such a code.

## USMA HONOR CODE ORIGINS

The USMA Motto, “Duty, Honor, Country,” reflects the great emphasis the institution places on personal honor. This emphasis is further reinforced by the USMA’s famous Honor Code, “A Cadet will not lie, cheat, or steal, or tolerate those who do,” which is a defining imperative of the academy.<sup>222</sup>

Lewis Sorley wrote *Honor Bright*, an excellent history of the West Point Honor Code and Honor System. Sorley describes five specific ideas that underpin the creation and propagation of the Honor Code. First, the Honor Code was always a work in progress, whose “practices of implementation became established, and only later were those practices to be codified in officially written form.”<sup>223</sup> In many ways, the Academy cadets themselves created and codified the system. On at least one occasion, in 1933, a cadet leader conceived, constructed, published, and promulgated a significant code document without the knowledge or approval of the faculty administration.<sup>224</sup> Even more remarkable, given those unusual circumstances, the cadet’s clandestine effort survived and thrived.

Second, the code applies to all cadets from the moment they enter the system. The Academy recognizes that cadets come from many different backgrounds, just as the Army’s Soldiers come from different backgrounds.<sup>225</sup> The organization recognizes that though they are young adults, new cadets—like young basic trainees—are still young enough to learn a system and internalize a sense of honor.<sup>226</sup> These new cadets receive training on the code and when there are missteps, the Honor enforcement committee takes into account a cadet’s time and experience under the Honor System.<sup>227</sup> However, the overarching theme holds that there exists only one standard; faculty and upperclass cadets expect new cadets to meet that standard from the day they receive their introduction to the system.

Third, cadets are guardians of the code, a system in effect every day of their cadet experience.<sup>228</sup> Cadets have the opportunity to learn and grow within the system; they frequently experience the difficulties of ethical decisionmaking with regard to moral dilemmas. In short, they get practical experience when the stakes are lower so that they are better prepared later when lives may be on the line. Cadets construct, teach, administer, and enforce the code.

Fourth, the nontoleration clause, “or tolerate those who do,” often presents the most difficult challenge for cadets. The Code compels cadets not just to maintain their personal honor, but to enforce it among peers and police the organization as a whole. There is a constant tension between loyalty to one another and loyalty to important principles greater than oneself. “In keeping with this impartial outlook, any cadet will report any other cadet, or even himself, for a violation of honor.”<sup>229</sup> Cadets seek not just to meet the letter of the code, but its spirit. Likewise, Sorley notes that professions demand high standards:



Every pursuit worthy of being considered a profession understands the necessity for its members to establish admirable standards of conduct . . . and to uphold those standards, both as individuals and corporately. With such aspirations come obligations, very demanding ones.<sup>230</sup>

The nontoleration clause is the demand on that aspiration; the clause remains “integral to the spirit of the Code and essential to its viability.”<sup>231</sup>

The fifth and final lesson from the USMA Honor Code is simple; cadets who violate the code most often face separation. Honor committees normally recommend expulsion of cadets found guilty of an honor violation. There is little sympathy for misconduct. “It is no part of the function of West Point to become a reformatory of morals.”<sup>232</sup>

Even though the USMA code is exemplary in many ways, it focuses too much on issues arising from the academic environment and not enough on those from the field Army milieu. Lieutenant Colonel (Retired) Peter Fromm, an ethicist and former USMA philosophy professor, argues that the code focuses too narrowly on lying, cheating, and stealing, and not for other important derelictions (e.g., cruelty), even for the environment for which it was intended.<sup>233</sup> Sorley recognizes that the USMA code, while necessary, is “not sufficient in and of itself as a complete guide to an honorable life.”<sup>234</sup> Any simplified code faces this problem.

Many argue that the code exemplifies the USMA experience, and the nontoleration clause differentiates the code from other academic codes. The USMA Honor System, Honor Code, and the nontoleration clause serve as valuable exemplars for the promulgation and enforcement of the Army Institutional Ethic.

## THE IMPORTANCE OF NONTOLERATION

Couch suggests that a “passionate intolerance” is necessary, that ignoring immoral conduct is a *de facto* moral dereliction, no different from a physical abandonment of the Soldier on the battlefield – and just as unpalatable.<sup>235</sup> To implement such a “passionate intolerance” in the Army force at large, we need a variation of the USMA Honor Code with the merit and strength of its nontoleration clause.

Couch suggests 10 rules for combat, which he calls Battlefield Rules of Ethics (ROE) a play on the Army’s Rules of Engagement. All 10 are worth investigation, but the last one, the Righteous Rule, is the most powerful of the rules. Couch’s Righteous Rule, similar to the USMA nontoleration clause, states that service members who “deviate from the standards of moral conduct will be summarily removed from the unit” – reassigned in garrison, or sent home from the battlefield – *in shame* [his emphasis].<sup>236</sup> Jennings and Hannah, in a similar vein, note, “The morality of obligation is thus based on the potential condemnation from one’s social group.”<sup>237</sup> Make no mistake; this is an absolutist response to an absolutist problem.

If an Army Ethic is to have teeth, it must have the backing of an organization vested in a spirit of nontoleration for actions that violate it. Soldiers must self-police and govern the Ethic. Such nontoleration demands efforts beyond chain-of-command enforcement. Nontoleration requires an omni-directional means of governance. Akin to the USMA Honor system, the Army Ethic system would not supplant regulations or the Uniform

Code of Military Justice (UCMJ). Instead, the Army Ethic system must validate and support the UCMJ.

Such an Army Ethic would be one vehicle for the organization to self-police, but an Ethic would require supportive enablers. Day-to-day rituals must assist in inculcation, reminding the Soldiers of their duty to give effect to honor. For this purpose, we may again look to the USMA Honor Code history and the concept of the “All Right.”

The “All Right” was once used at USMA. The utterance of “All Right” was a cadet’s response to a fellow cadet—usually during an inspection of sorts—that all was well and that the cadet being queried was operating in accordance with the Honor Code. The query “All Right?” was answered with the respondent’s statement “All Right” if all was in order.<sup>238</sup> If the respondent was in the wrong on some matter, the respondent could take the opportunity to correct the wrong, or admit to the failure, rather than provide a false response of “All Right.” To the outsider looking in, this seems foreign, but among the USMA Corps of Cadets, it became easily understood and routine.

The problem with the “All Right” was that its use was often co-opted—by the Academy’s administration—as a means of legalistically checking on adherence to regulations.<sup>239</sup> The Academy leadership finally deemed the constant tension generated by the “All Right” tool—between self-policing honor on one hand, and legalistic compliance with rules on the other—unacceptable and abandoned the practice in the early 1990s. However, our modern Army could use something similar to the “All Right” principle in conjunction with the proposed Army Ethic.

Adoption of the “All Right” device would not only be reflective of an organization honor-bound to an explicit Army Ethic, it would also represent a team working together toward a single goal. The dual meaning of the term “All Right” would indicate not only adherence to the moral code, but a readiness to get the job done. This would fit well with the “can do/just do it” attitude, which has permeated the Army culture from the beginning. “All Right” has the power to go “hooah” one better.

Some would greet this program with skepticism, calling it an anachronism. However, many would relish the idea of working in an organization with clear-cut and well-aligned ethical guidelines. USMA, under the Honor Code, continues as something of an ethical oasis. Authorities accept a cadet’s word without question.

Envision a circumstance in which Soldiers, angered by death and destruction on the battlefield and tempted toward immoral conduct, check themselves when one wise Soldier asks the timely question, “All Right?” It may appear Pollyannaish, but this method worked for many decades at USMA. As long as the use of “All Right” is not abused, it could provide the outward daily symbol to remind Soldiers of their code and honor, and provide some small check on improper behavior.

## **ETHICAL DECISIONMAKING**

The Army Ethic proposed at the conclusion of this Paper is a code of ethics, a directive for honorable conduct as a member of the Army Profession. The Ethic intends to guide moral/ethical behavior. Nevertheless, it needs support in the form of a model for ethical decisionmaking or assisting tools. Recall that an earlier version of *Military Leadership* (FM 22-100) included such a model. However, that model was still rather abstract.

The Joint Ethics Regulation also provides an Ethical-Decisionmaking Plan, but that plan is too mechanical, and more akin to the Military-Decisionmaking Process – requiring substantial time, energy, and information to move through the steps.<sup>240</sup>

At USMA, cadets facilitate the Honor Code with three rules of thumb. Unlike the complicated model in the JER, cadets can easily memorize and quickly implement these three rules. A cadet who is questioning his/her or another's decision uses these rules of thumb in order to evaluate whether the action is honorable or not:

- Does this action attempt to deceive anyone or allow anyone to be deceived?
- Does this action gain or allow the gain of privilege or advantage to which I or someone else would not otherwise be entitled?
- Would I be satisfied by the outcome if I were on the receiving end of this action?<sup>241</sup>

However, as discussed earlier, the Cadet Honor Code is narrow in scope, dealing only with lying, cheating, stealing, and tolerating that behavior.<sup>242</sup> There are many other threats to honorable conduct. The Air Force Academy uses an expanded schema to assist its cadets in determining whether an action is honorable:

- Is it clearly right or wrong?
- Is it a situation that includes conflict between two or more moral values, principles, or rules?
- Did I get all the facts and have I explored all possible courses of action?
- Is my decision a selfish decision?
- Would I go public with my decision?
- How would others perceive my decision?
- Did I apply ethical principles and values to my decision?
- Am I treating others as I would want to be treated?<sup>243</sup>

The Air Force method would be a useful means to educate the Army about the new code of ethics and the means of implementation of that code. Soldiers deserve a litmus test, a rule of thumb.<sup>244</sup> Such self-questioning should be required of any knowledgeable member of the Army Profession, one who is endeavoring to live by the code and rise to the upper levels of ethical awareness and discrimination (in accordance with Figure 5).

## **THE U.S. ARMY AS A LEARNING ORGANIZATION**

In 2002, Patterson and Phipps recommended that the Army inaugurate an ethics instructor course.<sup>245</sup> The good news is that such a course now exists, although it likely does not garner sufficient attention. CAPE has established courses for Army Profession and Ethics Trainers (APET) and Master Army Profession and Ethics Trainers (MAPET). APET appears to be open to most Soldiers; MAPET eligibility is restricted to Staff Sergeants, Chief Warrant Officer 2, or Captain and above. These trainees should be the banner carriers of a new code of ethics for the U.S. Army as a whole, serving a role equivalent to that of Canadian Lamplighters and Unit Ethics Coordinators.<sup>246</sup>

APET and MAPET graduates should greatly aid the establishment of a coherent, effective Army Ethic. However, to further the effectiveness of the Army Ethic means improving the Army as a learning organization. We can accomplish this by employing Learning officers within the battalion and brigade structure. This major or senior captain

would focus on the training of entry-level supervisors and serve as the chief adviser to the unit commander in the areas of learning, counseling, mentoring, and moral/ethical development.<sup>247</sup>

This mid-grade officer position would equate to the medical Chief of Residents (or Attending Physician) – the chief learning officer in a hospital teaching environment.<sup>248</sup> In the medical profession, interns and residents get on-the-job training under the watchful eye of attending physicians. In the Army case, first-line leaders *and* the Chief Learning Officer would supervise the development of lieutenants and junior noncommissioned officers (NCOs). The Chief Learning Officer would ensure fulfillment of professional military education and ethical developmental gates as Soldiers move from “aspiring professionals” to certified “acting professionals.”<sup>249</sup> The Chief Learning Officer would also act as the Lead Unit Ethics Coordinator. Soldiers would address matters of concern through the chain of command or the Ethics Coordinators, but ultimately the Ethics Coordinators would exist to supplement the chain of command, not supersede it.

The U.S. Army takes great pride in its reputation as a learning organization, but it is surprisingly bereft of the organizational trappings of such an entity.<sup>250</sup> The creation of the learning officer position at various staff levels would advance the goal of creating organizations dedicated to learning from both successes and failures.

## ARTICULATING THE U.S. ARMY INSTITUTIONAL ETHIC

When speaking of disconnects within the 5-2 Stryker Brigade, Stjepan Mestrovic stated, “For a society to be functional, the beliefs and norms must have synchronicity.”<sup>251</sup> Mestrovic could have been speaking of the organization as a whole. The Army’s individual ethical dictums are not nested within an institutional ethic, and synchronicity is therefore lost. The framework as recalled in Figure 1 highlights the unfilled gap.

Accordingly, the first goal of the Army Ethic should be to bridge this gap by aggregating the scattered snippets of ethical import within a coherent master code. To cite national documents like the U.S. Constitution and Declaration of Independence, without providing complementary guidance, is futile. I have described how the formal elements of the U.S. Ethic as currently promulgated are woefully deficient. I have also described how this new Ethic should accommodate the competing philosophical approaches. Dr. Snider suggests that such a code must answer the following significant questions:

- What is the moral content of war and therefore of land combat power? What is Landpower’s purpose? What good does it provide?
- Why do we as a nation need land combat power? What uniquely American purpose should it serve?
- How do Americans apply Landpower effectively while maintaining institutional integrity and staying true to our nation’s regard for basic human rights?
- How do we as Soldiers maintain unit and individual integrity? Just how violent should American Soldiers become in war?<sup>252</sup>

British officer Lieutenant Colonel Bowyer notes that “codes of conduct define not simply how to fight but how to fight *our* [his emphasis] way.”<sup>253</sup> Ideally, the new text of the Army Ethic and Code of Conduct would address all Soldier behavior – not just

behavior in captivity. To avoid excessive legalism, I suggest that the Code of Conduct be presented as a normative statement of desirable principles.<sup>254</sup> These principles would be open to some interpretation and judgment. Such a statement of the Army Professional Ethic would encapsulate and improve upon the Soldier's Rules and the Army Values. The statement must address behavior toward other Soldiers and behavior directed at the enemy, noncombatants, and our civilian constituency. The Code would integrate all the other important ethical dictums.

Administratively, the Code must be operative in any environment—schoolhouse, garrison, field, and combat. The statement should take a “big tent” approach and address all members of the Army Profession—officers, enlisted, government service and contract employees, and, where applicable, retirees. Finally, and perhaps most dauntingly, this statement must be as short, simple, and understandable as possible.<sup>255</sup>

All members of the profession must achieve an adult, analytical understanding of the Code. Ideally, however, members of the profession will transcend that level and achieve wholly autonomous mastery. The Code would supply “moral direction—to know what is right—and inspire moral commitment—in order to motivate members to act in accordance with their knowledge.”<sup>256</sup>

## RECOMMENDATIONS

With the foregoing review of the historical background, ethical approaches by allies, philosophical underpinnings, and precedents of promulgation, ethical decisionmaking, and nontoleration, we can now examine a notional Army Ethic that attempts to fulfill the needs of the Army Profession. This recommended Army Ethic will be accompanied by recommended means of promulgation and enforcement of that ethic.

### **The Army Ethic.**<sup>257</sup>

Note: The following proposed Ethic is based on and adapted from multiple sources, many of which I have excerpted verbatim. Quotation marks have been omitted for the sake of simplicity and clarity. Endnotes will reflect verbatim quotes or excerpts. Any exception to this convention is clearly indicated in the endnotes.

*Article 1: Purpose.* The purpose of the Army Ethic is to codify the moral and ethical context in which the U.S. Army defines its mission and derives its motivation. The Army Ethic sets the institution of the Army and its purpose in context—that of service to the larger institution of the nation, and fully responsive to the needs of the people.<sup>258</sup>

*Article 2: Membership.*<sup>259</sup> The membership of the Army Profession subject to this Ethic consists of officers, enlisted Soldiers, government service and contract employees, and, to the extent possible, retired nonacting professionals. The Army Profession is composed of Soldier and civilian experts skilled in the ethical design, generation, support, and application of land combat power, serving under civilian authority, entrusted to defend the Constitution and the rights and interests of the American people.<sup>260</sup>

*Article 3: Narrative of the National Values – Who We Are.*<sup>261</sup> The Founding Fathers of the United States of America forged the nation on July 4, 1776, with the signing of the Declaration of Independence. The authors of the Declaration rooted the fledgling nation in the ideals of life, liberty, and the pursuit of happiness as unalienable rights. These three ideals became the moral foundation of the Nation and its principles, laws, and institutions.

The U.S. Constitution supplanted the Articles of Confederation on September 17, 1787. The Constitution repeats liberty and justice as values in its preamble, these being prerequisites to securing domestic welfare, tranquility, and the common defense.<sup>262</sup> The national purpose necessitates our determination to maintain the essential elements of individual freedom, as set forth in the Constitution and the Bill of Rights; our determination to create conditions under which our free and democratic system can survive and prosper; and our determination to fight if necessary to defend our way of life.<sup>263</sup>

The people of the United States expect their country to serve as an exemplar of freedom, fairness, equality, and dignity in the world.<sup>264</sup> This national expectation requires that our security emanate from the justness of our cause, the force of our example, and the tempering qualities of humility and restraint.<sup>265</sup> The U.S. military must operate within this moral context.

*Article 4: Narrative of the Army Institutional Ethic – Why We Fight.*<sup>266</sup> The origins of the U.S. Army predate the United States. Citizen-Soldiers established the militia in 1636 to defend the colonial settlements in case of attack.<sup>267</sup> The nation assumed command of the Troops of the United Provinces of North America on June 14, 1775.<sup>268</sup>

The national character and expectations create and drive the normative Army Institutional Ethic. The Constitution contains the moral and legal justification for our profession – to provide for the Common Defense. We defend American society. We defend our territory, our values systems, our way of life, and our basic institutions.<sup>269</sup>

For us, the role of military power is to serve the national purpose by deterring an attack upon us while we seek by other means to create an environment in which our free society can flourish.<sup>270</sup> When deterrence fails, we must win a lasting, sustainable peace from any war that is forced upon us without destroying the institutions of our civilization in the process.<sup>271</sup> We fight, when necessary, to defend the integrity and vitality of our free society and to defeat any aggressor.<sup>272</sup> Ours is an honorable profession with an ethical purpose entirely consistent with our basic view that whatever protects and enhances life is good.<sup>273</sup>

Landpower plays a critical role in fulfilling the national interests. Air, maritime, and special forces rarely achieve decisive results on their own.<sup>274</sup> Landpower is uniquely capable of comprehensively defeating other land forces, seizing or securing terrain, influencing civilian populations, and enabling other agencies to function in their proper role. Landpower also represents the strongest evidence of political commitment and the greatest and most credible deterrent force.<sup>275</sup> The U.S. Army is the primary Landpower arm of our Nation's Armed Forces.<sup>276</sup> You may fly over a land forever; you may bomb it, atomize it, pulverize it, and wipe it clean of life – but if you desire to defend it, protect it, and keep it for civilizations, you must do this on the ground, the way the Roman legions did, by putting your young Soldiers in the mud.<sup>277</sup>

The Army should be organized, trained, and equipped to achieve, through war, a peace that leaves our nation better protected than it was before the war. Ultimately, the members of the Army Profession are specialists in the management and application of violence. Therefore, the Army must maintain flexible, adaptable, well-trained, well-equipped, deployable, and sustainable expeditionary forces that are culturally attuned and able to impose a peace that is politically and morally acceptable to locals on the battlefield, to Americans at home, and to the international community.<sup>278</sup>

Upon the institution of the Continental Army in 1776, George Washington wrote that “it is Subordination and Discipline (the life and Soul of an Army) which next under providence, is to make us formidable to our enemies, honorable in ourselves, and respected in the world.”<sup>279</sup> The U.S. Army is, first and foremost, the nation’s obedient and loyal military servant. It takes pride in being the keeper of the essential skills of war that must be infused into the citizenry when they are called upon to fight. The Army is at its core an institution committed to discipline and order, strictly governed by the laws of war.<sup>280</sup>

*Article 5: Statement of Army Professionals’ Ethics – How We Fight.*<sup>281</sup> The American way of war is distinctive.<sup>282</sup> When necessary, we have not shied from ferocious combat, driven by a conviction in the justness of our cause and a love of country that is second to none. However, we have also prosecuted war in a way that is typically more humane than the way of our enemies. Indeed, our history has also demonstrated a willingness to show kindness, humane conduct, and acts of chivalry in even the most bitter struggles.<sup>283</sup> Our Founding Fathers, for example, were determined not only to win the war, but also to do so in a way consistent with their moral principles and their core belief in human rights.<sup>284</sup> General George Washington led from the front in such matters. In written orders, he directed that enemy captives be treated with humanity and be given no reason to complain of brutal treatment.<sup>285</sup>

In 1863, lawyer Francis Lieber drafted the Union Army’s *Instructions for the Government of Armies of the United States in the Field* as the first codified law of warfare for the U.S. Army. The Lieber Code became the foundational document for the 1899 Hague Convention. Critically, Lieber noted:

As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity – virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.<sup>286</sup>

More recently, a retired U.S. colonel and military ethicist rightly concluded:

Without moral purpose war is simply the exercise of destructive power against other human beings in the pursuit of self-interest. From the American perspective, war without moral purpose is always wrong. [Therefore,] the strength of our military forces lies in our commitment to a coherent and stable military ethic.<sup>287</sup>

The present Statement of Ethics intends to fulfill that goal.

## Statement of Army Professionals' Ethics.

I am an Army professional. I promise to live by, to the best of my ability and judgment, this Army Ethic.<sup>288</sup> On or off duty, I adhere to the virtues of honor, duty, courage, commitment, and respect.<sup>289</sup>

### *Principles of Honor.*

- I always render *honorable* service to the United States and the Army. I do everything to uphold them and nothing to dishonor them.<sup>290</sup> I will obey and support lawful and moral authority, and reject and report illegal or immoral orders.<sup>291</sup>
- I recognize that *honor* requires ethical conduct, moral behavior, honesty, integrity, and trust. I understand that ends, no matter how worthy, never justify unethical means.<sup>292</sup> I do not bring shame to my country and Army through unethical or illegal actions.
- I do not lie, cheat, or steal, nor tolerate those who do. I pursue *honor* and truth regardless of personal consequences. I am dedicated to fairness and justice.<sup>293</sup>
- I accept full responsibility for my actions and the actions of those in my charge.<sup>294</sup> I train them and expect them to be *honorable*.
- I always remember and *honor* the brave men and women who have served before and who have paid the ultimate price for our freedom and the honor and integrity of our Army."<sup>295</sup>

### *Principles of Duty.*

- I always place *duty*, service, and allegiance to nation before self.
- I am *duty*-bound to support and defend the Constitution; I uphold the laws and regulations of the United States.<sup>296</sup> I always adhere to the principle that subordinates the military to civilian authority.<sup>297</sup> I am nonpartisan and avoid conflicts of interest in my professional life.<sup>298</sup>
- I am prepared to do my *duty* and, if necessary, to make sacrifices or to risk my life to protect the security and people of the United States.<sup>299</sup>
- I am a steward of the Army profession. I display dedication, initiative, and discipline while fulfilling my mission.<sup>300</sup> I develop and maintain my professional knowledge and skill. I do my utmost to ensure that my fellow Soldiers and I are trained and equipped to carry out our duties.<sup>301</sup> I am a zealous steward of U.S. resources.
- I am a defender of those who cannot defend themselves. I am committed to putting the lives of my fellow Americans and all noncombatants on the battlefield before my own.

### *Principles of Courage.*

- I always demonstrate physical, mental, and moral *courage* in the face of adversity.<sup>302</sup>
- I am *courageous*, but not reckless.<sup>303</sup> I endanger myself and my comrades only to the extent required to carry out the mission.<sup>304</sup> I share risk, endure hardships, and face danger with my comrades.<sup>305</sup>
- I show *courage* in restraint, even when doing so involves personal danger.<sup>306</sup>



- I persevere with *courage*, determination, and strength of character.<sup>307</sup> I condition myself to act correctly in the presence of danger and fear.<sup>308</sup> I do not quit.
- I demonstrate moral *courage*, even at the risk of ridicule or danger. I insist on maintaining the highest standards of decency and behavior at all times.<sup>309</sup>

*Principles of Commitment.*

- I am *committed* to defending the United States of America. I serve whenever and wherever I am needed, whatever the difficulties or dangers may be.<sup>310</sup>
- I am *committed* to the U.S. military. I understand that loyalty is a commitment not only to a cause but also to those who share that cause. I recognize that loyalty is reciprocal, based on mutual trust and respect.
- I am *committed* to my unit. I take pride in our unit, our discipline, our military expertise, and our training.<sup>311</sup>
- I am *committed* to the welfare of my fellow Soldiers, based on common purpose, equality, trust, tolerance, and friendship.<sup>312</sup> I will never leave a fallen comrade. I will not fail those with whom I serve.<sup>313</sup>
- I recognize that when loyalty and honor are in competition, wrongdoing cannot be condoned or covered up. I am *committed* to honor as my highest military principle.<sup>314</sup>

*Principles of Respect.*

- I always *respect* the dignity of all persons.<sup>315</sup> I treat others with respect for their core human rights and according to the laws of war.
- I recognize the supreme value of human beings regardless of their origin, religion, nationality, gender, status, or position.<sup>316</sup> I demonstrate tolerance and esprit de corps and, by my conduct, win the *respect* of others.<sup>317</sup>
- I uphold the international laws, conventions, and regulations of armed conflict.<sup>318</sup> I use force only to the extent necessary and only in a way that will maintain my humanity.<sup>319</sup> Even in the midst of mortal combat, I will treat my honored foe with dignity and *respect*. I avoid the use of force motivated by hate, revenge, or pleasure. I use force only under duress or when it is necessary to defend a community on the basis of the rule of law.<sup>320</sup>
- I do not harm human beings who are noncombatants or detainees, and I do all in my power to avoid causing harm to their lives, dignity, and property.
- I do not tolerate unethical or illegal conduct. I do my best to prevent violations of either the Law of War or the Army Ethic and report all violations to the appropriate authority.<sup>321</sup>
- I always remember that I am an American, a defender of the republic, a member of a time-honored profession, responsible for my actions, and dedicated to the virtues of honor, duty, courage, commitment, and respect.<sup>322</sup>

*Article 6: Promulgation – How We Train.* A code of military ethics goes hand-in-hand with education and training in the development of military virtues in producing an ethical Soldier.<sup>323</sup> The manual that describes and details the Army Ethic and the Army's ethical training program is FM 1-1, *The Army Ethic*. This manual complements FM 1, *The*

*Army*, and FM 6-22, *Army Leadership*, and it is the Army's third capstone manual.<sup>324</sup> At the heart of this manual is the principle that the Army incorporates ethics into all training as a primary, rather than a secondary, concern.

*Article 7: Ethical Decisionmaking – How We Decide.*<sup>325</sup> If we expect a moral military, we must have a thinking military. The following ethical decisionmaking tool is designed to help Soldiers think through ethical problems to arrive at the best possible course of action.

How to choose the harder right:

1. What are the relevant facts of the situation?
2. What are the alternative(s) available?
3. Who will be affected?
4. What moral (and ethical) principles of the Army Ethic are involved?
5. How would these principles be advanced or violated by each alternative action?<sup>326</sup>
6. How would I feel if I, or someone I cared about, were on the receiving end of this action?<sup>327</sup>

*Article 8: Nontoleration – How We Maintain.* Ethical violations of standards of conduct impair the trust and confidence placed in officers by superiors and subordinates, and undermine the public's respect for the Army.<sup>328</sup> As demanded by the Statement of the Army Professionals' Ethics, all violations of the laws of war and the Army Ethic must be reported to the appropriate authorities. No one should be allowed to remain in the profession who cannot support the Army Ethic or who cannot comprehend the reasons for it.<sup>329</sup>

*Article 9. The Covenant.* General Creighton Abrams declared, "There must be, within our Army, a sense of purpose and a dedication to that purpose. There must be a willingness to march a little farther, to carry a heavier load, to step out into the darkness and the unknown for the safety and well-being of others."<sup>330</sup> There is a special relationship of loyalty and trust between the U.S. Army and the nation. In this context, the self-conception of the members of the U.S. Army is based on their commitment to loyally serve the nation and steadfastly defend the rights and freedom of the American people.<sup>331</sup> The American people desire and expect this level of dedication from the members of the U.S. Armed Forces.

Members of the Army Profession are often called upon to make personal sacrifices—including the ultimate sacrifice—in the service of the nation. In putting the needs of the nation and the Army before their own, they forego some of their rights enjoyed by those outside the Armed Forces. In return, U.S. Soldiers must always be able to expect fair treatment, respect as individuals, as well as sustainment and reward for their families to a degree commensurate with the Soldier's terms and conditions of service.<sup>332</sup>

Serving honorably, the Soldier will be sustained by the nation, cared for through illness or injury and shielded through life if disabled in service. Toward no other profession does the nation express its obligation more fully. Most Americans view this special status of the military with pride rather than envy—agreeing with the principle that exceptional advantage should attend exceptional and unremitting obligation.<sup>333</sup>

This mutual obligation forms the military covenant between the nation, the Army, and each individual Soldier, an unbreakable common bond of identity, loyalty, and re-

sponsibility which has sustained the Army throughout its history.<sup>334</sup> The covenant is the basis of a code that determines what society expects of its military professionals. If an Army Professional meets those expectations, he will be valued and honored by the society he serves.<sup>335</sup>

## CONCLUSIONS

The Army responded to the 5-2 Stryker crimes and photos by declaring that such actions were “repugnant to us as human beings.”<sup>336</sup> Certainly, this was true, but it was not enough to condemn those actions. Now it is necessary to prevent future similar events by providing the right tools and establishing the right processes.

This Paper has taken a hard look at the current institutional framework, individual instructions, and training related to the Army’s Ethic, and found them wanting. To correct this problem, the U.S. Army should start by surveying the Ethics of other professional militaries, and incorporating their best practices. Likewise, exemplars also reside in the medical and legal professions.

In 1984, Lieutenant Colonel Hugh Kelley, a USAWC student, offered an idea for an Army Ethic and a means of promulgation. One lonely copy in the USAWC Library is the only evidence of his effort. No one heeded his message. Perhaps Kelley’s paper came out at the wrong time when there was no pressing need.<sup>337</sup> Given the events of the last 10 years, the current need is clear.

Iraq provides a final example of the lasting impact of moral/ethical indiscretions. After the combat force withdrawal, the United States still had a national interest in maintaining forces in Iraq in an “advise and assist” role. On October 4, 2011, Iraqi leaders “agreed on the need to keep American [troops in Iraq into 2012], but they declared that [those] troops should not be granted immunity from Iraqi law.”<sup>338</sup> Without the immunity provision, U.S. service members in Iraq might have faced trial under Iraqi jurisdiction. This was politically unacceptable for the United States, and the Iraqi decision necessitated an unplanned full departure from Iraq in 2011. So what caused this change? The Iraqi government cited dissatisfaction with U.S. military adjudication in war crimes cases, specifically Abu Ghraib and Haditha. These tactical crimes, some of which had occurred over 7 years earlier, still rippled and created complications.

Instead of being “invincible” in the fashion of Sun Tzu, our nation is vulnerable. Strategic efforts, such as remaining in Iraq to maintain the costly and tentative peace and protect against undue Iranian meddling, have been derailed because of moral/ethical failures like Abu Ghraib. Moral influence, as Sun Tzu saw it, is absolutely required to ensure victory.

As a junior officer, George C. Marshall noted that “once an army is involved in war, there is a beast in every fighting man which begins tugging at its chains. And a good officer must learn early on how to keep the beast under control, both in his men and himself.”<sup>339</sup> Marshall’s statement conveys a fundamental truth, but officers no longer monopolize that role. All Soldiers must participate in the self-governance of the profession.

As stewards of the profession, strategic leaders develop the culture of the organization, provide a vision, and ensure the fulfillment of the organizational purpose. The U.S.

Army's strategic leaders must recognize the danger of a directionless and amoral organization and prioritize efforts to balance the force from a moral/ethical perspective.<sup>340</sup> One Soldier spoke of the 2006 rape-murders at Mahmudiyah:

If people continue to treat this like a mysterious event that came out of nowhere, and we don't change how we lead soldiers and we don't honestly look at what caused this to happen, it's going to happen again. I mean, this isn't the only time. It's just the most notorious time.<sup>341</sup>

Sadly, that Soldier's prediction has already proved true; the Maywand killings in Afghanistan followed the Mahmudiyah murders in Iraq. In January 2012, a video of U.S. Marines (including an officer Platoon Commander) urinating on dead Afghans hit the news.<sup>342</sup> Almost simultaneously, Afghan President Hamid Karzai demanded the immediate turnover of detention facilities in Afghanistan, citing possible U.S. abuse of prisoners.<sup>343</sup> The cycle continues.

Until the Army dramatically changes course, U.S. forces will continue to risk winning the battle but losing the war. There can be no "better peace" from our grand strategy if friends, foes, and noncombatants, embittered by our war crimes, later, recall our actions to our detriment. The American people lose faith with the Army when military actions are not in line with American expectations for moral/ethical behavior. Collectively, we need to do some hard reflection and internal soul-searching. As General Jacob Devers asked in 1945, "How is the Army going to progress unless its mistakes are seen and studied?"<sup>344</sup> More optimistically, General Creighton Abrams declared:

The Army is and always will be people. Our people are really good. It is a rare man who wants to be bad, but a lot of men are not strong enough to be good all by themselves, and a little help is enough. It does not make a difference where they come from . . . . If we have faith in them and encourage them and keep standing for the right ourselves, the Army will [be] what the country needs and has to have.<sup>345</sup>

Our people are truly good. Nevertheless, we must arm them with strength of character. Dr. Mattox, the newly installed CGSC ethics chair, suggests, "We must make active reflection upon ethics and virtue a fundamental part of our professional lifeblood."<sup>346</sup> Soldiers must "know what is right, and have the courage to do what is right."<sup>347</sup>

A new Army Ethic is not a panacea for correcting the Army's problems. In fact, an Army Ethic alone offers little potential beyond the ill-founded bumper sticker neologisms we currently use. But an explicit set of ethics, in conjunction with appropriate training and education, renewed focus on proper ethical conduct, a high spirit of non-toleration, and genuine enforcement would create real potential for moral progress in the organization. Ultimately, the Army must collectively realize that the moral/ethical component of combat is the primary, not secondary or tertiary, focus of the fight. As military ethicists Peter Fromm, Douglas Pryer, and Kevin Cutright observed, "War is a moral force."<sup>348</sup> The Army Ethic can provide the source of our motivation to fight, and the means to fight morally, in accordance with our country's core values.

Matthew Moten declared, "The Army tends to reform at the end of wars that have accentuated its shortcomings of one kind or another."<sup>349</sup> For example, due to the Korean War prisoner-of-war (POW) problem, the DoD took the initiative to create the Code of

Conduct.<sup>350</sup> However, the long war in which the United States is currently engaged has not afforded the opportunity for reflection and change.<sup>351</sup> Ethical shortcomings highlighted during the Global War on Terror should provide the impetus for the creation of another broader code of ethics for the Army, if not the DoD as a whole. A splendid opportunity exists to forge a new ethic and, in an age of scarce resources and persistent conflict, the means to cull the ranks of marginal moral/ethical performers. Politicians often say, "Never waste a good crisis."<sup>352</sup> As the U.S. military faces downsizing due to budget pressures, we may capitalize on a new Army Ethic to ensure we keep the right people in the force.

The Army, perhaps the entire DoD, should adopt this proposed Ethic or develop one similar to it. The American people deserve an Army trained under an overarching moral institutional framework which best serves the people's interests. Our American fighting forces deserve the knowledge and moral influence to "cultivate their own humanity and justice and maintain their laws and institutions [and] make their government invincible."<sup>353</sup> Sun Tzu's lessons remain as true as they are timeless. Hopefully, the U.S. Army will learn the lesson, and find "the right way." The stakes for the profession and those who serve it are high. We dare not fail.

## ENDNOTES

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89. Don Snider, interview by author, Carlisle, PA, September 13, 2011. Dr. Snider concurred that there is no explicit ethic, though the monograph makes frequent mention of the idea.

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97. *Field Manual 1 (FM 1), The Army*, pp. 1-14.

98. *Joint Ethics Regulation 1-6, 5500.7*, Washington, DC: U.S. Department of Defense, p. 153.

99. *Ibid.*, pp. 155-158.

100. Michael S. Kearns, Master Survival, Evasion, Resistance and Escape (SERE) instructor (specializing in Escape and Evasion and Resistance to Interrogation) and retired U.S. Air Force Captain made these comments in his Master of Organizational Leadership thesis in Michael S. Kearns, "Code of Conduct," Spokane, WA: Gonzaga University, 1991, p. 7.

101. *Ibid.*, p. 9.

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104. *Pamphlet 600-4, The Soldier's Blue Book*, Fort Monroe, VA: Headquarters U.S. Army Training and Doctrine Command, U.S. Department of the Army, October 1, 2010, p. 15.

105. Some believe that the Soldier's Creed was created in direct response to the 507th Maintenance Company's failure to defend itself in Nasiriyah, Iraq, on March 23, 2003. This is the ambush where Private First Class Jessica Lynch was injured and captured. The unit's poor response to the attack on their convoy

was largely attributed to a lack of basic Soldier's skills. The work on the Soldier's Creed began in May 2003, and the final product was released November 13, 2003.

106. Debusk suggests that the Ethos be modified to include the statement "I am an expert and a professional and I adhere to the highest ethical standards." This is an improvement, but only if those "highest ethical standards" are detailed elsewhere. See Steven S. Debusk, "The Warrior Ethos Revisited: Implications for the Future," Carlisle, PA: U.S. Army War College, 2011, pp. 17-18.

107. *Army: Profession of Arms 2011*, p. 37.

108. *Army Leadership: Competent, Confident, and Agile*, pp. 4-2 - 4-9.

109. A DoD document uses slightly different terminology and expands the seven Army Values to nine with the addition of "Excellence" and "Commitment." Technically, this is not a doctrinal source, but it is highly relevant. Notably the definition of "Integrity" calls for "holding oneself to a strict moral code in word and deed, a code that forms the foundation for all interaction with subordinates, peers, and superiors alike." Again, the code is implied but not explained, and the reference is internal rather than both internal and external. See Department of Defense, "Character: Nobility of Life and Action," *Armed Forces Officer*, Washington, DC: National Defense University Press and Potomac Press, 2007, pp. 43-49, in *Strategic Thinking: Selected Readings Core Curriculum*, Carlisle, PA: U.S. Army War College, pp. 284-286.

110. I made this assessment prior to discovering that Colonel John Mark Mattox used similar logic and almost the same language in John Mark Mattox, "Values Statements and the Profession of Arms: A Re-evaluation," Paper presented at the Command and General Staff College Ethics Symposium, 2010, p. 9, available from [www.leavenworthethicssymposium.org/resource/resmgr/2010\\_General\\_Papers/Mattox.pdf](http://www.leavenworthethicssymposium.org/resource/resmgr/2010_General_Papers/Mattox.pdf). Lieutenant Colonel (Retired) Timothy Challans describes how this mnemonic came to be. See Timothy Challans, *Awakening Warrior: Revolution in the Ethics of Warfare*, Albany, NY: State University of New York Press, pp. 102-103.

111. Patterson and Phipps, "Ethics," p. 18.

112. I came to this conclusion prior to reading Lieutenant Colonel Tim Challans' article. Challans, the principal author of the 1999 edition of FM 6-22, notes with chagrin that his efforts to include "respect [to] our enemies" in the manual were dismissed in committee. See Tim Challans, "Leading Our Leaders," *Military Review*, Vol. 89, No. 5, September-October, 2009, p. 123.

113. The My Lai incident is discussed in many generations of the *Leadership* manuals, but each generation seems to place less emphasis on the material. A case study, which consumed a page or two previously, now only warrants three paragraphs in the current manual. See *Army Leadership: Competent, Confident, and Agile*, pp. 4-14.

114. *Ibid.*, pp. 4-14- 4-16.

115. *The Soldier's Blue Book*, pp. 16-17. *Army: Profession of Arms 2011* cites the source of the Soldier's Rules as *Army Regulation (AR) 350-1*, para. 4-14B. An International Red Cross webpage references a set of Soldier's Rules which are very similar to the U.S. Army version, available from [www.icrc.org/eng/resources/documents/misc/57jmeh.htm](http://www.icrc.org/eng/resources/documents/misc/57jmeh.htm). Scott Heintzelman, e-mail message to the author, September 14, 2011. Lieutenant Colonel Heintzelman, who previously commanded a Combat Basic Training unit, described the origins of *The Soldier's Blue Book*. TRADOC constructed the *Blue Book* to support Initial Entry Training (aka Combat Basic Training). Heintzelman cited Lieutenant General Benjamin C. Freakley as the champion of the Soldier's Rules. Craig Curry, e-mail message to the author, October 17, 2011. Colonel Curry noted that both Lieutenant General Freakley and Lieutenant General Mark P. Hertling made additions to the Soldier's Rules, but the Army G1 office likely created the original version. This might explain the multiple variations.

116. Couch, *A Tactical Ethic*, p. 46.
117. Scott Heintzelman, e-mail message to the author, September 12, 2011.
118. U.S. Department of the Army, *Overview of Operational Law for Basic Combat Training*, Training Support Package and Slides 805-B-0067, Charlottesville, VA: The Judge Advocate General's Legal Center and School, March 1, 2010.
119. Don Snider, interview by author, Carlisle, PA, August 29, 2011. Dr. Snider referenced Department of the Army, *Army White Paper: The Profession of Arms*, Fort Monroe, VA: Headquarters U.S. Army Training and Doctrine Command, December 2, 2010, pp. 11-16. Dr. Snider said that this document purposely relied heavily upon the British document, Directorate General Development and Doctrine, AC71819 *Army Doctrine Publication 'Land Operations'*, London: UK: Ministry of Defense, May 2005. He repeated the concept in Don M. Snider, "The Army's New Capstone Concept: Something is Missing!" Remarks to Army Center for the Professional Military Ethic (ACPME) on April 28, 2010, p. 2.
120. Snider, Oh, and Toner, *The Army's Professional Military Ethic*, p. 11.
121. *Ibid.*, p. 10.
122. Center for the Army Profession and Ethic, available from [cape.army.mil/index.html](http://cape.army.mil/index.html).
123. U.S. Department of the Army, Center for the Army Profession and Ethic, *Moral Combat Computer Game*, Fort Monroe, VA: Headquarters U.S. Army Training and Doctrine Command, October 2010.
124. Melissa Bower, "Mattox Installed as CGSC's First Ethics Chair," November 10, 2011, available from [www.ftleavenworthlamp.com/community/x1691079272/Mattox-installed-as-CGSC-s-first-ethics-chair](http://www.ftleavenworthlamp.com/community/x1691079272/Mattox-installed-as-CGSC-s-first-ethics-chair).
125. A number of authors reflect this thinking. Among them, Dick Couch bases his entire premise on this notion in Couch, *A Tactical Ethic*, p. 46. CAPE summarizes the importance of an exemplary ethic as relevant to the COIN battlefield, in Peter L. Jennings and Sean T. Hannah, "The Moralities of Obligation and Aspiration: Towards a Concept of Exemplary Military Ethics and Leadership," *Military Psychology*, Vol. 23, No. 5, pp. 18-19. Another COIN example is found in Perez, "The Embedded Morality," pp. 24-31. Matthew Moten also notes the difficulty in identifying the enemy and contending with an enemy who does not follow the law of warfare in Moten, "The Army Officers' Professional Ethic," p. 15.
126. Dieter Baumann, "Military Ethics: A Task for Armies," *Military Medicine*, Vol. 172, No. 1, December 2007, p. 37.
127. Pamphlet 525-3-0, *The Army Capstone Concept 2016-2028*, Washington DC: TRADOC, U.S. Department of the Army, December 21, 2009.
128. Snider, "The Army's New Capstone Concept: Something is Missing!" p. 1.
129. *Ibid.*
130. Chairman, Joint Chiefs of Staff, *Capstone Concept for Joint Operations*, Vol. 3, January 2009, pp. 28-35.
131. *Ibid.*, p. 34.
132. Chairman, Joint Chiefs of Staff, *The National Military Strategy of the United States of America*, February 2011, pp. 4, 7.
133. *Ibid.*, p. 16.

134. Snider, "The Army's New Capstone Concept: Something is Missing!" p. 2.
135. Bowyer notes the similarities in the British, Canadian, and U.S. values documents in Bowyer, "Challenges to the Military Code of Ethics."
136. Liz Williams describes the murder and the problems with hazing which the Canadian Airborne Regiment experienced. See Liz Williams, "Soldiers Like Rules: An Examination of the Necessity and Desirability of ROE to Soldiers in the Field" (unpublished manuscript), Royal United Services Institute of Vancouver Island, available from [www.rusviccda.org/oralhistory/essays/williams\\_essay.htm](http://www.rusviccda.org/oralhistory/essays/williams_essay.htm). Paul Watson describes the significance of lessons learned after Somalia as Canadian Forces operated in Afghanistan, and avoided the same mistakes. See Paul Watson, "My 9/11: After Somalia, A Reporter Finds Pride with Canadian Troops in Afghanistan," September 10, 2011, available from [www.thestar.com/news/world/article/1051103--my-9-11-after-somalia-a-reporter-finds-pride-with-canadian-troops-in-afghanistan](http://www.thestar.com/news/world/article/1051103--my-9-11-after-somalia-a-reporter-finds-pride-with-canadian-troops-in-afghanistan).
137. Like so many of these modern crimes, the onlookers documented the beatings on video. See Thomas Harding, "Army fears backlash over video showing soldiers beating Iraqis," February 13, 2006, available from [www.telegraph.co.uk/news/worldnews/middleeast/iraq/1510386/Army-fears-backlash-over-video-showing-soldiers-beating-Iraqis.html](http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1510386/Army-fears-backlash-over-video-showing-soldiers-beating-Iraqis.html).
138. The torture and drowning are described in alarmist terms in Felicity Arbuthnot, "The British Military in Iraq: A Legacy of War Crimes and Atrocities," available from [globalresearch.ca/index.php?context=va&aid=20878](http://globalresearch.ca/index.php?context=va&aid=20878).
139. Canadian Defence Forces, "Defence Ethics Programme," available from [www.dep-ped.forces.gc.ca/dep-ped/index-eng.aspx](http://www.dep-ped.forces.gc.ca/dep-ped/index-eng.aspx).
140. Canadian Defence Forces, "Organization Chart," available from [www.dep-ped.forces.gc.ca/dep-ped/about-ausujet/org-eng.aspx](http://www.dep-ped.forces.gc.ca/dep-ped/about-ausujet/org-eng.aspx).
141. Canadian Defence Forces, "What Would You Do?," available from [www.dep-ped.forces.gc.ca/scenarios/index-eng.aspx](http://www.dep-ped.forces.gc.ca/scenarios/index-eng.aspx).
142. Canadian Defence Academy Press, "Current Titles," available from [www.cda.forces.gc.ca/cfli-ilfc/CurrentTitles-eng.asp](http://www.cda.forces.gc.ca/cfli-ilfc/CurrentTitles-eng.asp).
143. Jeff Stouffer and Justin C. Wright, eds., *Professional Ideology & Development: International Perspectives*, Kingston, Ontario, Canada: Canadian Defence Academy Press, 2008. Also see Jeff Stouffer and Stefan Seiler, eds., *Military Ethics*, Kingston, Ontario, Canada: Canadian Defence Academy Press, 2008.
144. For a brief summary, see Bill Bentley, "Professional Ideology in the Canadian Forces," in Stouffer and Wright, *Professional Ideology & Development*, pp. 4-5. For details see Chief of Defence Staff, *Duty with Honour: The Profession of Arms in Canada 2009*, Kingston, Ontario, Canada: Canadian Defence Academy Press, 2009, pp. 24-35.
145. Chief of Defence Staff, *Duty with Honour*, p. 35.
146. Canadian Defence Forces, "Army Ethics Program Workshop," available from [www.army.forces.gc.ca/land-terre/aep-peat/courseware-telechargements-eng.asp](http://www.army.forces.gc.ca/land-terre/aep-peat/courseware-telechargements-eng.asp).
147. Canadian Defence Forces, "Appendix 2: A Soldier's Primer on Military Ethics," available from [www.army.forces.gc.ca/land-terre/aep-peat/duty-servrir/appendix\\_2-appendice\\_2/primer-introduction-eng.asp](http://www.army.forces.gc.ca/land-terre/aep-peat/duty-servrir/appendix_2-appendice_2/primer-introduction-eng.asp). Diogenes is described as an originator of Cynicism and Stoicism in Encyclopaedia Britannica, "Diogenes," available from [www.britannica.com/EBchecked/topic/164151/Diogenes](http://www.britannica.com/EBchecked/topic/164151/Diogenes).

148. Directorate General Development and Doctrine, *Land Operations*, p. 143.
149. British Army, *Values and Standards of the British Army*, Ministry of Defence, January 2008.
150. *Ibid.*, p. 29.
151. *Ibid.*, pp. 31-33.
152. Directorate General Development and Doctrine, *Land Operations*, p. 146. Also see Ministry of Defence, "The Armed Forces Covenant," available from [www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/Personnel/Welfare/ArmedForcesCovenant/](http://www.mod.uk/DefenceInternet/AboutDefence/WhatWeDo/Personnel/Welfare/ArmedForcesCovenant/).
153. *Ibid.*, p. 146.
154. Centre for Defence Leadership and Ethics, "Home," available from [www.defence.gov.au/adc/centres/cdle/cdle.html](http://www.defence.gov.au/adc/centres/cdle/cdle.html).
155. Joint Education, Training and Warfare Command, Proceedings of the Chief of Defence Force 2009 Warrant Officer and Non-commissioned Officer Leadership Forum - Ethical Leadership," Weston Creek, New Zealand: Joint Education, Training and Warfare Command, October 2009, available from [www.defence.gov.au/adc/docs/cdle2010/CDLE\\_WOandNCOforumproceedings2009.pdf](http://www.defence.gov.au/adc/docs/cdle2010/CDLE_WOandNCOforumproceedings2009.pdf).
156. Defence Fraud Control Policy and Ethics Directorate, *Ethics Matters: in Defence Resource Management*, July 2002.
157. *The Defence Leadership Framework: Growing Leaders at all Levels*, Canberra, Australia: Government, Department of Defence.
158. Director Centre for Defence Leadership Studies, *ADDP 00.6, Executive Series Leadership in the Australian Defence Force Australian Defence Doctrine Publication*, Canberra, Australia: Defence Publishing Service, March 22, 2007, pp. 2-6.
159. *Ibid.*, pp. 2-6.
160. *Ibid.*, pp. 2-15.
161. Sea Power Centre, *The Royal Australian Navy Leadership Ethic*, Canberra, Australia: Commonwealth of Australia, Defence Publishing Service, 2010.
162. *Ibid.*, pp. 87-91.
163. *Ibid.*, p. 73.
164. Director Centre for Defence Leadership Studies, *Executive Series Leadership*, pp. 2-13.
165. The Royal Australian Army Core Values are found at Royal Australian Army, "Traditions and Values," available from [www.defencejobs.gov.au/army/LifeStyle/traditionsAndValues.aspx](http://www.defencejobs.gov.au/army/LifeStyle/traditionsAndValues.aspx). The Navy Values are found in Sea Power Centre, *The Royal Australian Navy Leadership Ethic*, pp. 37-40.
166. The Royal Australian Air Force Values are found at Royal Australian Air Force, "Traditions and Values," available from [www.defencejobs.gov.au/airforce/Lifestyle/traditionsAndValues.aspx](http://www.defencejobs.gov.au/airforce/Lifestyle/traditionsAndValues.aspx).
167. NZDDP-D, *Foundations of New Zealand Military Doctrine*, Wellington, New Zealand: Headquarters New Zealand Defence Force, November 2008, pp. 6-3 - 6-4.

168. *Ibid.*, pp. 7-5 - 7-8.

169. Murray Simons, "Professional Ideology in the New Zealand Defence Force," in Stouffer and Wright, *Professional Ideology & Development*, pp. 78-79. The Royal New Zealand Air Force Values can be found at Royal New Zealand Air Force, "RNZAF Mission Statement," available from [www.airforce.mil.nz/about-us/rnzaf-mission-statement.htm](http://www.airforce.mil.nz/about-us/rnzaf-mission-statement.htm).

170. Don Parker and Peter Greener, "Ethics Research: Moral Psychology and its Promise of Benefits for Moral Reasoning in the Military," in *Military Ethics*, Jeff Stouffer and Stefan Seiler, eds., Kingston, Ontario, Canada: Canadian Defence Academy Press, 2008, p. 25.

171. Israeli Defense Forces, "Doctrine," available from [www.idf.il/1497-en/Dover.aspx](http://www.idf.il/1497-en/Dover.aspx).

172. *Ibid.*

173. *Ibid.*

174. Although not within the scope of this analysis, it is worth noting that the German Bundeswehr also uses a one-page construct to convey the origins of its service, its relationship to the state, the characteristics of the Army, and its guiding principles. It is quite similar to the Canadian and Israeli descriptions in content and arrangement. The Bundeswehr ethic can be found at the CAPE website at German Bundeswehr, "Self Conception," available from [cape.army.mil/repository/ProArms/2010-12-08%20Self%20Conception%20German%20Army.pdf](http://cape.army.mil/repository/ProArms/2010-12-08%20Self%20Conception%20German%20Army.pdf).

175. TRADOC Pamphlet 525-3-0, slide 4.

176. David L. Perry, *Partly Cloudy: Ethics in War, Espionage, Covert Action, and Interrogation*, Lanham, MD: Scarecrow Press, 2009, p. 4.

177. John Stuart Mill refined Utilitarianism. Peter Kreeft, *What Would Socrates Do? The History of Moral Thought and Ethics*, New York: Barnes and Noble Audio, 2004, p. 65.

178. Machiavelli "taught that, in politics, whether an action is evil or not can only be decided in the light of what it is meant to achieve and whether it successfully achieves it." Niccolò Machiavelli, *The Prince*, George Bull, trans., New York: Penguin Books, 1981, p. 24.

179. In many ways "24," a television show developed prior to the attacks on September 11, 2001, became a morality play and revenge fantasy for viewers when it aired. These ideas are explored in detail in a five part web-series in Aaron Aradillas and Matt Zoller Seitz, "5 on 24, Pt. 1: Ticking Clock," May 18, 2010, available from [www.movingimagesource.us/articles/5-on-24-pt-1-ticking-20100518](http://www.movingimagesource.us/articles/5-on-24-pt-1-ticking-20100518). The time bomb scenario is described as a moral cheat or trick designed to influence an absolutist to accept a consequentialist argument in David Luban, "Liberalism, Torture, and the Ticking Time Bomb," *Virginia Law Review*, Vol. 91, September 15, 2005, pp. 1440-1445.

180. George W. Bush, *Decision Points*, New York: Crown Publishing, 2010, pp. 168-170. Also see Dick Cheney, *In My Time: A Personal and Political Memoir*, New York: Threshold Editions, 2011, pp. 358-362.

181. Lee Deremer, "Cultivating Ethical Habits of Mind for Strategic Decision Making" in *Strategic Thinking: Selected Readings Core Curriculum*, Carlisle, PA: U.S. Army War College, 2011, p. 273.

182. Garrett Thomson, *On Kant*, Belmont, CA: Wadsworth, 2000, p. 63.

183. *Ibid.*, p. 66.



184. Deremer, "Cultivating Ethical Habits of Mind," p. 274. I reference the "Golden Rule" with some apprehension. Critics note that the "Golden Rule" falls short of its potential; it is not as universal as some might hope. See Alan Donagan, *The Theory of Morality*, Chicago, IL: University of Chicago Press, 1975, pp. 57-66, in Timothy Challans, *Awakening Warrior*, pp. 103, 203. It is often remarked that every major faith has a variation of the Golden Rule; some are better constructed. For example, the Wiccan Rede "An ye harm none, including yourself; do what ye will" avoids the problems presented by the Golden Rule. Other examples of the "ethic of reciprocity" are available from [thesynthesizer.org/golden.html](http://thesynthesizer.org/golden.html).

185. Thomson, *On Kant*, p. 67.

186. Deremer, "Cultivating Ethical Habits of Mind," p. 274.

187. National Security Council, A Report to the President Pursuant to the President's Directive of January 31, 1950, NSC 68, April 7, 1950, p. 7.

188. Perry, *Partly Cloudy*, p. 17.

189. Oren Gross, "The Prohibition on Torture and the Limits of the Law," in *Torture: A Collection*, Sanford Levinson, ed., New York: Oxford University Press, 2004, p. 232, referenced in Douglas A. Galipeau, "Torture and the War on Terrorism: Time to Think the Unthinkable?" Carlisle, PA: U.S. Army War College, 2005, pp. 8-9.

190. Harvard Law Professor Alan Dershowitz also proposes splitting the difference between absolutist prohibition against abuse and consequentialist acceptance by suggesting the use of "torture warrants" in extreme cases. Alan Dershowitz, *Why Terrorism Works: Understanding the Threat: Responding to the Challenge*, New Haven, CT: Yale University Press, 2003, found in David P. Forsythe, *The Politics of Prisoner Abuse*, New York: Cambridge University Press, 2011, p. 9.

191. Jennings and Hannah, "The Moralities of Obligation and Aspiration," p. 3.

192. Peter Kilner, "A Moral Justification for Killing in War," *Army*, Vol. 60, No. 2, February, 2010, pp. 55-58.

193. Kilner, "Military Leaders' Obligation to Justify Killing in War," p. 31.

194. Couch, *A Tactical Ethic*, p. 96. British Lieutenant Colonel Bowyer also remarks that "professional militaries must act with restraint—as individuals—if they are not to be irreparably damaged as human beings by the need to do violence on behalf of their fellow citizens." See Bowyer, "Challenges to the Military Code of Ethics."

195. Clark Barrett, "Unarmed and Dangerous: The Holistic Preparation of Soldiers for Combat," *Ethical Human Psychology and Psychiatry*, Vol. 13, No. 2, 2011, p. 106.

196. Geert Hofstede and Gert Jan Hofstede, "Introduction: The Rules of the Social Game," in *Culture and Organizations: Software of the Mind*, Danvers, MA: Copyright Clearance Center: 2005, pp. 1-36, reprinted in *Strategic Leadership: Selected Readings Core Curriculum*, Carlisle, PA: U.S. Army War College, 2011, p. 185.

197. Deremer, "Cultivating Ethical Habits of Mind," p. 270.

198. Richard A. Gabriel, *To Serve With Honor*, New York: Prager, 1987, quoted in Michael S. Kearns, "Code of Conduct," p. 3.

199. Jennings and Hannah, "The Moralities of Obligation and Aspiration," pp. 6-7.

200. *Ibid.*, p. 1.
201. *Ibid.*, p. 8.
202. Department of Behavioral Sciences and Leadership, USMA, *Leadership in Organizations*, Garden City Park, NY: Avery Publishing, 1988, p. 422.
203. Patterson and Phipps also identify Kohlberg's stages as critical to ethical education. Patterson and Phipps, "Ethics," pp. 5-6.
204. Marcy P. Driscoll, *Psychology of Learning for Instruction*, 2nd Ed., Needham Heights, MA: Allyn and Bacon, 2000, p. 348.
205. Brinsfield, "Army Values and Ethics," p. 75.
206. Robert Reilly, "The Inclination for War Crimes," *Military Review*, Vol. 89, No. 3, May-June 2009, p. 19.
207. Couch notes that training is mostly focused on rules of engagement, as opposed to what he calls warriorship or warrior ethics. Couch, *A Tactical Ethic*, p. 82.
208. Reilly, p. 19.
209. Stephen J. Gerras, "Thinking Critically About Critical Thinking: A Fundamental Guide for Strategic Leaders," August 2008, in *Strategic Thinking: Selected Readings Core Curriculum*, Carlisle, PA: U.S. Army War College, 2011, p. 64.
210. Joint Futures Group, "The Joint Operating Environment 2010," Suffolk, VA: U.S. Joint Forces Command, 2010, pp. 69-70.
211. Patterson and Phipps, "Ethics," pp. 34-37.
212. Nathaniel Fick in the foreword to Couch, *A Tactical Ethic*, p. xi.
213. Couch, *A Tactical Ethic*, p. 16.
214. *Ibid.*, Appendix V.
215. The Bush administration principals have all conceded that enhanced interrogation techniques were co-opted from SERE. Former President Bush notes that the CIA developed the list of techniques in Bush, *Decision Points*, p. 169; Former Vice President Cheney establishes the link between the CIA list and the SERE training in Cheney, *In My Time*, p. 358. I had numerous personal communications with both USAF Captain (Ret.) Michael S. Kearns, a former SERE instructor, and Lieutenant Colonel Douglas A. Pryer, a former SERE facilitator and Human Intelligence Officer. Both noted that SERE instructors could train students without using torture-like circumstances. Kearns is interviewed in Jason Leopold and Jeffrey Kaye, "CIA Psychologist's Notes Reveal True Purpose Behind Bush's Torture Program," March 22, 2011, available from [www.truth-out.org/cia-psychologists-notes-reveal-bushs-torture-program68542](http://www.truth-out.org/cia-psychologists-notes-reveal-bushs-torture-program68542). Pryer describes SERE in Pryer, *The Fight for the High Ground*, pp. xxi-xxiv.
216. Pryer, *The Fight for the High Ground*, pp. 22-28.
217. Couch, *A Tactical Ethic*, p. 54.
218. Mogelson, "A Beast in the Heart of Every Fighting Man."

219. *Ibid.*
220. *America's Army: The Strength of the Nation: The Army Profession*, DVD, Washington, DC: U.S. Army Office of the Chief of Public Affairs, 2011.
221. Don Snider, interview by author, Carlisle, PA, September 13, 2011.
222. Lewis Sorley, *Honor Bright: History and Origins of the West Point Honor Code and System*, New York: McGraw-Hill, 2009, p. 12.
223. *Ibid.*, p. 23.
224. *Ibid.*, p. 46.
225. *Ibid.*, p. 19.
226. *Ibid.*, p. 12.
227. *Ibid.*, pp. 121-122.
228. *Ibid.*, pp. 51, 138.
229. *Ibid.*, p. 48.
230. *Ibid.*, p. 76.
231. *Ibid.*, p. 79.
232. *Ibid.*, p. 35.
233. Peter Fromm, "Cool on Honor: Sadism, Cruelty, and Character Development at West Point," 2011, available from [www.foreignpolicy.com/files/jfp\\_uploaded\\_documents/111202\\_WestPointPersonalEssay.pdf](http://www.foreignpolicy.com/files/jfp_uploaded_documents/111202_WestPointPersonalEssay.pdf).
234. Sorley, *Honor Bright*, p. 156.
235. Couch, *A Tactical Ethic*, p. 8.
236. *Ibid.*, pp. 102-109.
237. T. M. Jones and L.V. Ryan, "The Link Between Ethical Judgment and Action in Organizations: A Moral Approbation Approach," *Organization Science*, Vol. 8, pp. 663-680, quoted in Jennings and Hannah, "The Moralities of Obligation and Aspiration," p. 7.
238. Sorley, *Honor Bright*, p. 28.
239. Chapter 1, *The Cadet Honor Code*, available from [www.west-point.org/publications/honorsys/chap1.html#106](http://www.west-point.org/publications/honorsys/chap1.html#106).
240. *Joint Ethics Regulation 1-6*, 5500.7, pp. 157-158.
241. Chapter 1, *The Cadet Honor Code*.
242. Richard Gabriel highlights shortcomings of the USMA Honor Code, and the USMA implementation of ethical training. See Gabriel, *To Serve With Honor*, pp. 131-136.

243. United States Air Force Academy Character Development Manual, December 1994, in Patterson and Phipps, "Ethics," p. 21. Colonel (Ret.) Larry Donnithorne, former USMA Assistant Dean, proposed a model similar to this Air Force model. See Larry R. Donnithorne, *The West Point Way of Leadership: From Learning Principled Leadership to Practicing It*, New York: Currency, 1993, pp. 65-67. The model is 1) What are the relevant facts of the situation? 2) What are the alternative actions available? 3) Who will be affected? 4) What moral principles are involved? and 5) How would these principles be advanced or violated by each alternative action?

244. *The Royal Australian Navy Leadership Ethic*, p. 91.

245. Patterson and Phipps, "Ethics," p. 36.

246. J. Romaniec and Associates, UEC\_CTP\_2010\_Sep Course Training Plan, Instructor's Manual for Unit Ethics Coordinator Qualification Course, Her Majesty the Queen in Right of Canada, 2010.

247. This proposed position would focus on junior supervisors, including lieutenants, corporals, sergeants, and staff sergeants. Opponents might suggest this is another "gradeplate" burden which the Army could ill-afford. However, as the Army faces a drawdown, these veterans (who as majors and senior captains have likely served their entire careers during the Global War on Terror) are people the Army will want to retain.

248. To entice the best candidates for such a job, this position must be categorized as a "Key Developmental" position that would satisfy a Major's branch qualification requirements.

249. This Chief Learning Officer position would include the duties related to "schools" currently managed by Operations Officers. The "aspiring professional" vs "acting professional" dichotomy is from the Army Profession campaign as explained in Don M. Snider, "Strategic Leadership of a Military Profession," lecture, U.S. Army War College, Carlisle, PA, October 2011, cited with permission of Dr. Snider, slides 16-18.

250. Strategic Studies Institute researcher Steven Metz recommends improving professional development in an environment with too much to do and not enough time to do it. See Steven Metz, "Junior Leader Development: Who Has the Time?" April 2011, available from [www.strategicstudiesinstitute.army.mil/pdf\\_files/PUB1060.pdf](http://www.strategicstudiesinstitute.army.mil/pdf_files/PUB1060.pdf).

251. Mogelson, "A Beast in the Heart of Every Fighting Man."

252. Dr. Don Snider suggested these four formative questions. Don Snider, interview by author, Carlisle, PA, September 13, 2011.

253. Bowyer, "Challenges to the Military Code of Ethics."

254. USMA philosophy professor Major John Cazier avoids the term "code" in favor of "expression/articulation of the professional military ethic." See John Cazier, "The Basic Nature of Ethics," unpublished manuscript, July 10, 2011, p. 13, received from author on December 6, 2011.

255. Brinsfield notes the tension between philosophical consistency and "no-kidding" relevancy, and the danger of creating a hodge-podge of disconnected ethical principles in Brinsfield, "Army Values and Ethics," p. 78.

256. Cazier, "The Basic Nature of Ethics," p. 2.

257. Structured similarly to the U.S. Charter, United Nations, Charter of the United Nations and Statute of the International Court of Justice, San Francisco, CA: United Nations, 1945.

258. *Field Manual 100-1, The Army*, Washington, DC: U.S. Department of the Army, August 14, 1981, p. 24. See Carl H. Builder, *The Masks of War: American Military Styles in Strategy and Analysis*, Baltimore, MD: Johns Hopkins University Press, 1989, p. 20.

259. Membership section answers the question "Who are the person or groups of persons affected by your organization or the members of your organization, and how are they prioritized?" Each section is designed to answer the questions posed by Andrew Olson in Olson, "Authoring a Code of Ethics."

260. *America's Army*, DVD.

261. Ethics professor and author Dr. Martin L. Cook suggests the need for this historical review, noting that "few modern 18-22 year old Americans have been educated well if at all on the distinctive Constitutional and historical aspects of the United States." See Martin L. Cook, "Professional Military Ethics Across the Career Spectrum," *Fort Leavenworth Ethics Symposium: Exploring the Professional Military Ethic Symposium Report November 15-17, 2010*, Fort Leavenworth, KS: CGSC Foundation Press, 2010, p. 8.

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266. Institutional ethic section answers the question "What are your organization's main areas of action?" in narrative form. Each section is designed to answer the questions posed by Andrew Olson in Olson, "Authoring a Code of Ethics." Lieutenant Colonel Celestino Perez notes that "a narrative is an organizational scheme which represents an identity in story form" in Perez, "The Embedded Morality," p. 27.

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military is such an organization. I would suggest that such an organization would ensure that its moral/ethical boundaries are well known and adhered to. Resourcing and communicating those norms, values, and underlying assumptions and ensuring compliance would be a priority rather than a secondary or tertiary concern.

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