

The Evolution of Military Ethics in the United States Army

Ethics and morale leadership are topics with which all Soldiers and especially officers should be familiar. After all, ADP 6-22, Army Leadership, specifies that officer will use ethical reasoning in decision making and commanders will establish an ethical climate in their organization. Nevertheless, officers must also understand that they are not alone in maintaining the ethical standards and climates of the military. A number of organizations and branches support ethics in the military, and it is beneficial for Soldiers to be aware of those organizations and what they do. This article will assist in that endeavor."

From 1775 to about 1970 ethics education in the United States Army took the form of moral leadership or moral conduct training for enlisted Soldiers and cadets. These moral leadership classes consisted of instruction in the principles of the Judeo-Christian faiths, values, citizenship,¹ and leadership.² The subject of the training reflected American values of the time. Much of this education was mandated by commanders. For example, the United States Military Academy had compulsory attendance at chapel until 1973³. Officers, being gentlemen, were understood to be morally formed as a result of both their upbringing and education and therefore excused from moral leadership training.⁴

Two events happened at the end of the 1960s and the beginning of the 1970s to change this paradigm. The first was the My Lai massacre and subsequent trial in which 30 officers were implicated in the massacre and subsequent cover up of the atrocities in the Vietnamese village. The second was a study done in 1971 at the direction of General Westmoreland and completed by the War College focusing on officers perceptions of senior leaders and the officer corps. It found that many officers saw senior leadership and the system of the officer corps as ethically bankrupt with a structure that rewarded selfish ambition and covered up incompetence. These two events shocked the leadership of the Army. At the same time, the Army was combating additional pressures brought about by the social revolution and post modern deconstructionalism which questioned current norms, authority, and traditions.⁵

From the pressure of such events and changes, leadership within the Army decided that ethics should be a part of the continuing educational process of both Soldiers and officers, and was essential to a professional Army. Army chaplains with advanced degrees in ethics were selected as faculty at the Army Service Schools and institutions of higher education. In addition, the Chaplain Corps was pressured to become the proponent for ethics education within the US Army. While remaining the proponent for moral leadership training, they steadfastly refused to be the proponent for ethics education stating it should be led by commanders. Chaplains would support and implement such programs for the commander as they had always done.⁶

Contemporary Ethics Education

¹ Roger Venzke, *Confidence in Battle, Inspiring in Peace: The United States Army Chaplaincy, 1945 -1975* (Office of the Chief of Chaplains: Washington, D.C., 1977) 39 -41.

² John W. Brinsfield, *Encouraging Faith, Serving Soldiers: A History of the U.S. Army Chaplaincy, 1975-1995* (Office of the Chief of Chaplains: Washington, D.C., 1997) 34.

³ *Ibid*, 133

⁴ *Ibid*, 41.

⁵ *Ibid*, 41- 43

⁶ *Ibid*, 66.

Today, there is some confusion as to who is the proponent for ethics in the Army. There are a number of commands and organization who are producing ethics materiel. For example, the G-1 of the United States Army is the proponent for Army Values. The Army's Training and Doctrine Command (TRADOC) is proponent over a number of organizations who all espoused ethics instruction. These include the Center of Army Leadership, responsible for ADRP 6-22, *Army Leadership*; the Center for the Army Professional and Ethic (CAPE), which produces ADRP 1, *The Army Profession*; Human Dimension Concept, which looks at ethics concepts in future operation as espoused in TRADOC PAM 525-3-7 (DRAFT); and Comprehensive Soldier Fitness, which produces a survey of character strengths.⁷ In addition, senior service colleges and service schools produce lessons in ethics target to specific needs and responsibilities at the tactical, operational, and strategic level. Of all these organizations, CAPE is petitioning for a leadership role to harness all the ethics programs across the Army to provide a unified vision and direction.

There are three players involved in the application of ethical programs in units: commanders, who are directly responsible for the ethical climate of their unit⁸; the staff judge advocates, who support commander's prosecution of violations of ethical conduct as stated in the uniform code of military Justice (UCMJ); and chaplains, who, through moral leadership, provide spiritual direction and are the primary ethics instructors and subject matter experts across the Army in support of commander's programs.

Thus, no one organization or person is responsible for ethics in the Army. All organizations, commands, and individuals are responsible for right and wrong decisions. Almost all decisions by their very nature have an ethical component.⁹ We cannot look at the Chaplain Corps independently of the Army as a whole. While we have a unique perspective, the responsibility for ethics is not ours alone. With that said, it is true that the above-mentioned parties do have a particular emphasis and role to play in the ethical formation and environment in the Army.

Command and Ethics

First, let us consider command. Ultimately, the mission of the United States Army is to fight and win the Nation's wars through prompt and sustained land combat. From a command perspective, ethics should support this role.¹⁰ This is understood in two ways.

One, ethical principles must underpin the professional nature of the Army: to use deadly force in accordance with the law and expectations of our civilian populous.¹¹ This includes an understanding of our identity as Americans through values espoused in documents like the Constitution, the distinct functional necessities of military service, and the international laws of war.¹²

Two, commanders should insure an ethical climate that will support a unit's success in carrying its mission. This is accomplished through the character of the leader. The leader's example and presence

⁷ Note: All of these programs are based on Aristotelian ethics.

⁸ ADP 6-22, *Leadership*, section 11 (Headquarters, Department of the Army; 1 August 2012) 3.

⁹ C.I. Lewis, *The Ground and Nature of Right* (Columbia University Press: New York, 1955) 3.

¹⁰ ADP 1, *The Army*, Chapter 2 (Headquarters, Department of the Army; 17 SEP 2012) 2-1 to 2-7.

¹¹ ADP 1, *The Army*, Section 2-9 (Headquarters, Department of the Army; 17 SEP 2012) 2-4.

¹² Anthony E. Hartle, *Moral Issues in Military Decision Making* (University Press of Kansas: Lawrence, 1989) 8.

influences and becomes the core of a unit's behavior.¹³ This can have a positive or negative effect on a unit depending on the character of the commander. Units may also reflect the complexity of leaders who more than often carry a combination of both good and bad traits. When the bad outweighs the good, the leader becomes toxic to the success of the unit.¹⁴ This is the primary interest in ethics that drives the command structure of the Army.

In the Army, the understanding of ethics, principles and character become a means to an end, victory in war. But this is not victory at any cost. This is a victory deep set within the identity of the professional Soldier. Therefore, victory comes within the parameters of who we, representing the American people, purport to be. To be victorious outside of our own ethic and identity is to be defeated from within. This is easily seen through the occasional wartime atrocities our forces commit.

The temptation for the Army as a whole is to drop the ethical pretext of the profession. This can be a movement away from what we believe to be right in exchange for total war that ends up destroying any gains made through the use of force. Another temptation is the substitution of the professional ethic in favor of political ideology. As we witnessed in WW II, this can lead down a dark path. Political manipulation of both the Japanese warrior codes¹⁵ and the addition of German blood rites transformed the armed forces of those nations into machines of atrocity and genocide.¹⁶

The Judge Advocate General Corps and Ethics

Both the JAG and Chaplain Corps are professions in their own right, with separate chains of authority that go outside and provide a check on internal Army norms and command entities. Although they are under the authority of commanders, they also have a separate technical chain that insures attention to moral and ethical interests. In addition, chaplains report to and serve at the will of their religious institutions who endorse their service to the government as a form of ecclesiastical ministry. This ensures religious freedom and supports moral conscious during military service. These are an added check and balance on command authority, ensuring adherence to American norms.

The JAG Corps enforces honorable conduct and compliance by the use of negative sanctions.¹⁷ The Army's legal advisors are the last defense against violations of stated military conduct, and by its very nature the JAG Corps is deontological, focusing on rules and statutes. Much of its activity is in the application and enforcement of ethical and moral codes of behavior.¹⁸ They have a key role in understanding the laws of war and applying them in the development of rules of engagement for different theatres of military action. An Army lawyer will ensure a Soldier's conformity to the law, but most staff judge advocates often do not explain the theory behind the law and simply focus on compliance.¹⁹

The military legal system struggles with some institutional friction points that leave a gap which a Chaplain's unique role can fill. One friction point is the JAG officer's relation to commanders, who often

¹³ ADP 6-22, *Leadership*, section 23-28 (Headquarters, Department of the Army; 1 August 2012) 5-6.

¹⁴ ADP 6-22, *Leadership*, section 11 (Headquarters, Department of the Army; 1 August 2012) 3.

¹⁵ Ernest Gordon, *To End All Wars* (Grand Rapids Michigan: Zondervan, 2002) 48-49.

¹⁶ Barbara Ehrenreich, *Blood Rites: Origin and History of the Passions of War* (New York: Henry Holt and Company, LLC, 1997) 218.

¹⁷ Anthony E. Hartle, *Moral Issues in Military Decision Making* (University Press of Kansas: Lawrence, 1989) 52.

¹⁸ Mari Eder, "Military Ethics and the Judge Advocate General's Corps: Legal Guardians of the Profession of Arms" *Landpower Essay* No. 13-1, April 2013, 4-5.

¹⁹ Gabriel Bradley, "Not Law" *Marine Corps*, March 2012, 17-18.

act as judge and jury in the implementation of the Uniform Code of Military Justice (UCMJ). The structure of military command sets justice decidedly in favor of those in power.²⁰ This is a necessity within the context of war fighting.²¹ Nonetheless, it leads to more leniencies for higher rank as opposed to those of lower rank that violate the UCMJ.²² Another friction is legalism can be problematic where adherence to the rules sometimes loses the very heart of the morality the law was supposed to enhance. Thus, commanders become more concerned about what is legal over what is right.²³ A last friction is that laws are sometimes immoral as can be seen by the segregation of troops by race until 1950s. What is legal is not always moral. Law and ethics each have their own approach to morality. There are times when they conflict.²⁴ Thus, chaplains can help mitigate these problems in both commanders and staff judge advocates by stressing the intent and theory of such laws and their effect on the individual.

The Chaplain Corps and Ethics

Finally, we come to the role of the Chaplain Corps in Army ethics. The Chaplain Corps replies to the needs of both the Army institution and the individual Soldier, being proponents for moral leadership training within the Army while under a commander's authority to conduct such training.²⁵ Therefore, chaplains may put a program together, but only implement the program at a commander's request or assent. There is no official military definition of "moral leadership." One approach combines both the military definition of *leadership* and Stanford's definition of *morality* which relates the following, "the process of influencing people by providing purpose, direction, and motivation to accomplish a mission, and improve an individual or organization²⁶ by a religious or ethical code of practice."²⁷

Chaplains approach the professional ethics of the Army, the support of character, and its development from a decidedly religious orientation. This makes chaplains unique within the military. For instance, chaplains have different ends in mind in the support and exposition of morality. The Chaplain Corps' focus on character development is not limited to the span of military victory. Instead, chaplains advocate moral behavior based on identity which is a virtue based approach to morality and character development. What this means is that religions like Judaism and Christianity focus on the identity of the individual in God. Therefore, moral behavior is an affect of the transformation of character by God. In contrast, the JAG Corps focus is on the action or behavior in relation to rules, and the command emphasizes mission completion which is a focus on ethics as it supports a goal or outcome.

This religious approach does not usually conflict with the states' political objectives to win the nations wars, but works in tandem to support good character. For most Soldiers, the chaplains' approach as

²⁰ Major Christopher Behan, "Don't Tug on Superman's Cape: In Defense of Convening Authority Selection and Appointment of Court-Martial Panel Members" *Military Law Review* Vol. 176, 2003, 193-196.

²¹ Daniel Maurer, "The Unrepresentative Military Jury: Deliberate Inclusion of Combat Veterans in the Military's Venire for Combat-Incidental Crimes" *Ohio State Journal of Criminal Law* Vol 6:803, 2009, 804.

²² Edward Pound, Gary Cohen, Nancy Bentrup, Monica Ekman, and Ann Wakefield, "Unequal Justice" *U.S. News & World Report* Vol. 133 Issues 23, December 2002, 18.

²³ Garbriel Schoenfeld, "Legalism in Wartime" *National Affairs* Issue 7, Spring, 2007.
<http://www.nationalaffairs.com/publications/detail/legalism-in-wartime>

²⁴ John Howard Yoder, *When War is Unjust: Being Honest in Just-War Thinking* (Eugene, Oregon: Wip & Stack Publishers, 1996) xviii.

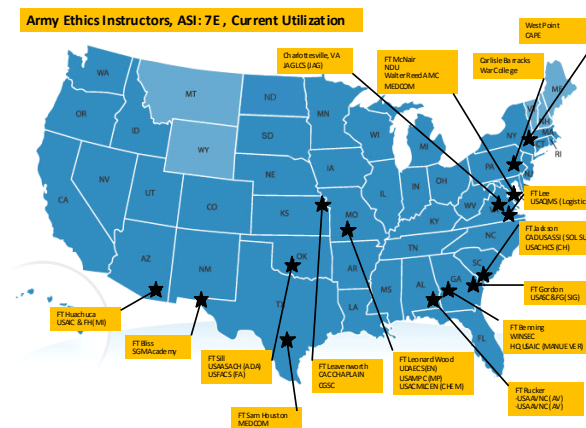
²⁵ *Chaplain Activities in the United States Army*, Army Regulation 165-1 (Washington, DC: U.S. Government Printing Office, 3 December 2009) 31-32.

²⁶ *ADRP 6-22, Leadership*, Section 1-1 (Headquarters, Department of the Army; 1 August 2012) 1-1.

²⁷ Bernard Gert. "The Definition of Morality". *The Stanford Encyclopedia of Philosophy* Edward N. Zalta (ed.) (Fall 2012 Edition) URL = <<http://plato.stanford.edu/archives/fall2012/entries/morality-definition/>>.

opposed to Command's gives them more validity; it is not focused on the institutional mission, but on the individuals who make up that mission. In this way, chaplains sustain both the individual and the profession.

Besides moral leadership practiced within the unit, chaplains fill the formal ethics teaching positions across the Army. There are twenty-two ethics subject matter experts across the Army, located at key TRADOC facilities. These chaplain-instructors impact training and education at the tactical, operational, and strategic levels. Key positions of influence are the senior service colleges of the military such as the Command and General Staff College, the Army War College, and the National Defense University.



Why use chaplains to fill these ethics positions?

After all, other officers could be trained to teach ethics. The practical answer is about money, experience, and education. All chaplains must have a master's degree before entering military service. Most chaplains have graduate degrees in theology, where ethics is a key component of study. Due to this higher level of education, chaplains selected for the Army's advanced civil schooling program can often complete a master's of ethics in only one year instead of the two or three years such a degree normally requires. Chaplains are also practitioners of ethics and moral direction, which provides a lot of practical experience.

Finally, any study of ethics followed to its logical end must consider God. Whether one believes or not, the existence or absence of a Supreme Being or God is essential to any theory and study of ethics. The study of ethics grew out of theology, and most of the world's greatest thinkers in ethics and morality were and are theologians. Almost all chaplains have degrees in theology, which perfectly positions them for such a discussion. Many, if not most, of the world's greatest ethicists have been theologians, and all philosophers have some understanding or have studied theology.

Summation

Therefore, when it comes to teaching ethics theory, chaplains are uniquely equipped to study and guide discussions in this area. Nevertheless, they are only part of a larger team focused on morality and ethics. Both chaplains and legal officers practice ethical deliberations. Each brings their own mode of application. For the staff judge advocate, the imposition of sanctions based law is their method. Chaplains practice a type of spiritual direction, giving advice to senior and junior officers and soldiers. Commanders concern themselves with both character development and ethics, as they relate to the military profession. The ultimate goal is to make a better individual who is morally grounded and can serve the state and its mission to win wars and secure an honorable peace. To be sure, every soldier is involved in moral dilemmas and is responsible for ethics in the Army.

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