

THE ARMY ETHIC

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE
General Studies, Military History, Strategic Studies, Joint Planning Studies, Military
Space Applications, Transformation, Homeland Security Studies, Art of War Scholars

by

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2015

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REPORT DOCUMENTATION PAGE			<i>Form Approved</i> <i>OMB No. 0704-0188</i>		
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1. REPORT DATE (DD-MM-YYYY) 12-06-2015		2. REPORT TYPE Master's Thesis		3. DATES COVERED (From - To) AUG 2014 – JUN 2015	
4. TITLE AND SUBTITLE The Army Ethic			5a. CONTRACT NUMBER		
			5b. GRANT NUMBER		
			5c. PROGRAM ELEMENT NUMBER		
6. AUTHOR(S) Mitchell A Paqyne			5d. PROJECT NUMBER		
			5e. TASK NUMBER		
			5f. WORK UNIT NUMBER		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army Command and General Staff College ATTN: ATZL-SWD-GD Fort Leavenworth, KS 66027-2301			8. PERFORMING ORG REPORT NUMBER		
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)			10. SPONSOR/MONITOR'S ACRONYM(S)		
			11. SPONSOR/MONITOR'S REPORT NUMBER(S)		
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution authorized to U.S. Government agencies and their contractors.					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT This thesis examined the CAPE Army Ethic. It uses a three phased approach, first conducting a survey to determine perceptions of relevancy among CGSS officers. Second, it uses a comparative analysis to determine how the CAPE proposed Army Ethic adheres to principles of ethical codes in other professions and military organizations. Third, it conducts an analysis of the moral principles of the US Constitution to determine the CAPE proposed Army Ethic's adherence to the national values as espoused in the United States' foundational documents. This analysis identified four areas for improvement in the CAPE proposed Army Ethic. First, CAPE's ethic does not clearly articulate a unique professional identity for the profession of arms. Second, the CAPE proposed ethic does not fully adhere to the US values as espoused in the US Constitution. Third, the CAPE ethic does not account for operations in the current complex environment. Finally, the CAPE ethic does not sufficiently account for the necessity of an apolitical military professional. This thesis concludes with recommended adjustments to the proposed ethic to account for these areas for improvement.					
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a. REPORT	b. ABSTRACT	c. THIS PAGE			19b. PHONE NUMBER (include area code)
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Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std. Z39.18

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ACRONYMS

ADP	Army Doctrine Publication
ADRP	Army Doctrine Reference Publication
CAPE	Center for the Army Profession and Ethic
CGSS	Command and General Staff School
DOD	Department of Defense
JER	Joint Ethics Regulation
LTC	Lieutenant Colonel
UCMJ	Uniformed Code of Military Justice
US	United States

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CHAPTER 1

INTRODUCTION

A code of ethics . . . cannot be developed overnight by edict or official pronouncement. It is developed by years of practice and performance of duty according to high ethical standards. It must be self-policing. Without such a code, a professional Soldier or a group soon loses its *identity* and effectiveness.

—SMA Silas L Copland, Third Sergeant Major of the Army¹

Certain things we have to do in war are outside our character.²

—LTC (R) Allen West

A quick note about the colors

Green – Means I need to expand on the ideas here, just putting something down

Yellow – Fix the citation somewhere

In April 2003, LTC Allen West commanded 2nd Battalion, 20th Field Artillery Regiment, 4th Infantry Division. He deployed to Iraq in support of Operation Iraqi Freedom. While deployed, LTC West interrogated Yehiya Kadoori Hamoodi, an Iraqi police officer, whom he believed had actionable knowledge of an impending ambush against the men in LTC West’s battalion. During the course of the interrogation, LTC West took Mr. Hamoodi outside, put him face down on the ground, and discharged his service pistol into a nearby clearing barrel. Fearing for his life, Mr. Hamoodi “confessed” and gave up names, although in later interviews, Mr. Hamoodi claimed that the names

¹SMA Silas L Copland, “The NCO Must Grow with the Army,” in *The Sergeants Major of the Army: On Leadership and the Profession of Arms*, ed. Sandra J. Daugherty (Arlington, VA: Association of the United States Army, 2009), 11 (emphasis added).

²Deborah Sontag, “The Struggle for Iraq: Interrogations,” *New York Times*, 27 May 2004, accessed 12 September 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.

and information were “made up.”³ Follow on investigations corroborated the fallacious nature of Mr. Hamoodi’s “confession.”⁴

When the story broke, LTC West’s chain of command removed him from command pending an Article 32 investigation. That investigation showed that LTC West had illegally interrogated an Iraqi citizen, and violated Articles 128 and 134 of the Uniform Code of Military Justice.⁵ Had he been found guilty, LTC West could have faced up to eleven years in prison. Instead, LTC West’s chain of command decided to pursue non-judicial punishment Article 15 punishment and fined him \$5,000. LTC West pled guilty to the charges, paid the fine, and retired with full benefits after twenty-two years of military service.

Was Allen West wrong? Members of Congress did not think so. Ninety-five members of the United States House of Representatives signed and sent a letter to the Secretary of the Army affirming LTC West’s actions. In the aftermath of his actions, LTC West received over 2,300 letters and emails from a grateful nation, affirming his decision to place the lives of his men above “petty regulations.”⁶ In August 2010,

³Deborah Sontag, “The Struggle for Iraq: Interrogations,” New York Times, 27 May 2004, accessed 12 September 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.

⁴ Deborah Sontag, “The Struggle for Iraq: Interrogations,” New York Times, 27 May 2004, accessed 12 September 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.

⁵U.S. officer fired for harsh interrogation tactics. Published 13 December 2003. <http://web.archive.org/web/20071211102752/http://www.cnn.com/2003/US/12/12/sprj.nirq.west.ruling/index.html>

⁶ Deborah Sontag, “The Struggle for Iraq: Interrogations,” New York Times, May 27, 2004, accessed September 12, 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.

Florida's 22nd District elected Allen West (R) to the United States House of Representatives. Was LTC West wrong to make the welfare of his men his primary mission? Was he wrong to act "outside of his character," as he put it? Do the exigencies of war necessitate a change or abandonment of our personal and professional identities?

Background

Military doctrine and government documents clearly outline the responsibilities of the United States (US) Army. United States Code Title 10 states that the Army "shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war."⁷ ADP-1 "The Army" refines this Title X responsibility and asserts the Army's mission as "to fight and win the nation's wars through prompt and sustained land combat, as part of the joint force."⁸

Within this mission set, two fundamental questions arise: Who are these people who specialize in the application of violence? How does the American public know that it can trust them with their safety? These twin questions of identity and trustworthiness must inform all discussion on military ethics, and especially the formation of a professional code of ethics. This study will show that professional ethical codes promote a professional identity, which subsequently informs acceptable and unacceptable behavior. Without a unifying professional code that clearly identifies what it means to be

⁷ United States Congress, "The Army," *United States Code Title X* (Washington DC: Government Printing Office, 2011), Section 3062.

⁸ U.S. Army, *The Army*, ADP 1 (Washington, DC: Government Printing Office, 2012), 1-8.

a member of the profession of arms, people will use the exigencies of war to continue to act “outside their character,” as LTC West put it. Resultingly, the US Army needs a professional code of ethics.

ADRP-1 “The Army Profession” defines the Army Ethic as “the evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army Profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose.”⁹ While this definition serves as an operative definition throughout the rest of the publication, it does not clarify what it means to be an Army professional or how said professionals are supposed to act in the conduct of the profession of arms. Thus, the current Army definition of the Army Ethic is insufficient as a unified code of ethics for the profession of arms.

Conversely, military legal experts might point to the Joint Ethics Regulation (JER) as the foundation for a codified ethic.¹⁰ While this document does offer a code of ethics and its associated ethical values, this document primarily functions as a legal document similar to the Uniformed Code of Military Justice (UCMJ). The JER does not directly reinforce what it means to be a member of the profession of arms. The resulting juridification of this ethical code does not address the question of how should a military professional should act. Instead, using the JER as an ethical code changes the question to

⁹ U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2012), 1-3.

¹⁰ Department of Defence, *Joint Ethics Regulation*, DoD 5500-7R, (Washington, DC: Government Printing Office, 1996), 155-158.

“what can I get away with?”¹¹ Every time a military commander calls his JAG officer, the primary question is “will this [issue/decision/policy] get me in trouble?” In the words of military ethicist, Anthony Hartle, “to conclude that an action not prohibited under the JER is therefore ethically acceptable is a corruption that member of the military profession should avoid.”¹² Thus, while it provides insight and general guidance to the military professional, the JER is also insufficient to serve as a unified code of ethics for the profession of arms.

These are only a few examples of multi-voiced conversation with regard to the US Army’s unified code of ethics. In June 2014, the Center for the Army Profession and Ethic (CAPE) published a white paper entitled “The Army Ethic” to rectify this problem. The self-expressed goal of the white paper was to produce “an articulated, accessible, commonly understood, and universally applicable Army Ethic, motivating *Honorable Service*, guiding and inspiring right decision and actions.”¹³ The paper then goes on to describe the risks associated with not having a codified Army Ethic, and reviewed previous attempts to identify and codify an Army Ethic.

The final page of this white paper proposed a codified Army Ethic. This Ethic is written in four parts, an assertion of a Soldier’s identity as a “Trustworthy Army Professional,” and a listing of three following principles:

¹¹ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 67.

¹² Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 67.

¹³ CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 1.

1. Honorable Servants of the Nation – Professionals of Character
2. Military Experts – Competent Professionals
3. Stewards of the Army Profession – Committed Professionals¹⁴

The proposed Ethic then discusses each one of those principles, adding depth and breadth to them in an attempt to show how those principles might be useful in attaining their goal of an “articulated, accessible, commonly understood, and universally applicable Army Ethic.” This white paper attempts to solve the problem of a codified Army Ethic, but is it sufficient?

Problem Statement

The lack of a unifying codified Army Ethic stems from a fundamental question of a Soldiers’ identity as a member of the profession of arms. The inability to articulate clearly and concisely, both who we are as professional Soldiers and how professional Soldiers should act, has resulted in an inconsistent understanding among Army Professionals about how to apply our various underlying “oaths, creeds, values, and virtues.”¹⁵ Furthermore, if Army personnel fail to see the CAPE proposed Army Ethic as relevant, then this proposed document will not be effective in guiding and inspiring ethical behavior, as per its stated goal. Additionally, if the CAPE proposed Army Ethic fails to adhere to the fundamental principles of a professional ethic, then it will fail to become the document that we as military professionals need to articulate our identity,

¹⁴ CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 11.

¹⁵ CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 2.

guide our actions, and describe to the world what it means to be a military professional. Finally, without a grounded ethical code, the United States Army loses credibility as a profession. Any one of these potential omissions may result in the CAPE proposed Army Ethic failing to achieve its aforementioned goal.

Primary and Secondary Research Questions

The primary research question this thesis will address, is as follows: Is the CAPE proposed Army Ethic a sufficient guide to produce ethical behavior?

Secondary Questions include:

1. Do Army Majors at CGSC perceive this proposed ethical code as relevant?
2. How does the CAPE proposed Army Ethic compare to other professional ethical codes?
3. Does the CAPE proposed Army Ethic reflect the values of the nation, as espoused in our historical and foundational documents?

Thesis Purpose and Research Outline

This thesis will evaluate the CAPE propose Army Ethic in terms of its perceived relevance among **CGSS** students, and its ability to clearly present a unifying identity for members of the profession of arms, and its adherence to the fundamental principles of a professional codified ethic. Based on that analysis, this thesis will suggest ways to improve the CAPE proposed Army Ethic.

Research will be conducted in three ways. The first way will be to conduct a survey of CGSS officers to determine their attitudes and perceptions of the military service as a profession, whether the US Army even needs a codified ethic, and their view

as to the specific relevance of the CAPE proposed Army Ethic. An analysis of those perceptions of relevance will offer insights into ways to improve the CAPE proposed Army Ethic.

The second part of the research will be to conduct an analysis of the moral principles within the historical and foundational documents of the United States. Every member of the United States Army swears an oath to “support and defend the Constitution of the United States.”¹⁶ Therefore, the Constitution, and its precursor document, the Declaration of Independence, form a basis for an Army-wide foundation. These documents contain moral principles; those principles warrant investigation and will help inform the discussion of a unifying foundational identity upon which to base the development of the codified Army Ethic.

Lastly, a comparative analysis will be conducted of the major several professional ethical codes from both other professions and other militaries. This will determine what the underlying principles of a professional ethical code are. Those ethical principles will be applied to the CAPE proposed Army Ethic to determine if it fits the criteria as identified from the ethical codes. Figure 1 below indicates a graphic representation of this thesis’ research path.

¹⁶ Department of Defence, *The Oath of Enlistment*, DD-4 (Washington, DC: Government Printing Office, 2007), 2, and U.S. Army, *Oath of Office*, DA 71 (Washington, DC: Government Printing Office, 1999), 1.

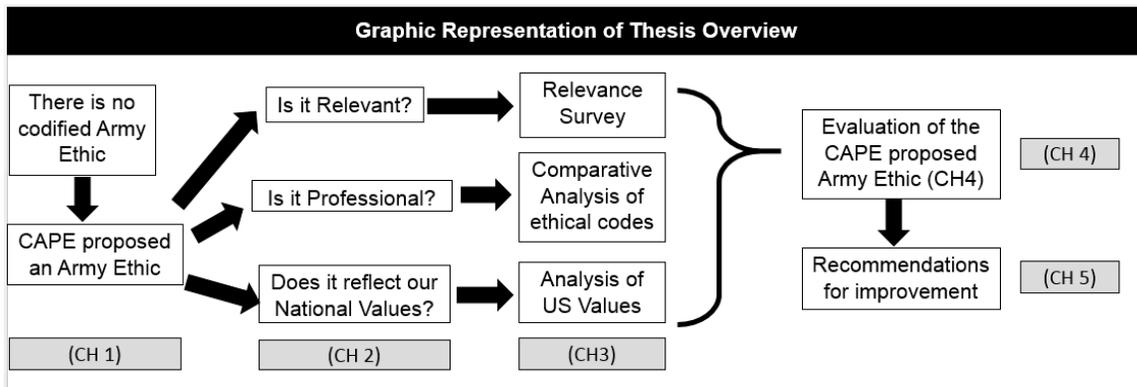


Figure 1. Graphic Representation of Thesis Overview

Source: Created by author.

Definitions and Key Terms

For the purposes of this thesis, the difference between morals, values, virtues, and ethics are distinguished. Noted philosopher Alan Donagan, in his book, *The Theory of Morality*, defines morality in terms of the “generally accepted norms of *individual conduct*.”¹⁷ His definition highlights the individual nature and applicability of morals. Ethicist Stuart Rachels offers his own definition of morality, defining it as “the effort to guide one’s conduct by reason – that is, to do what there are the best reasons for doing – while giving equal weight to the interest of each individual affected by one’s decision.”¹⁸ Individuals develop their moral beliefs based on their upbringing, religious background, and education. These beliefs help shape that individual’s perceptions of right and wrong

¹⁷ Alan Donagan, *The Theory of Morality* (Chicago, IL: University of Chicago Press, 1979), 1 (emphasis added).

¹⁸ Stuart Rachels, *The Elements of Moral Philosophy*, 7th ed. (New York, NY: McGraw-Hill, 2012), 13.

actions. Thus, for the purposes of this thesis, “morals” and “morality” are used in terms of individuals only.

Modern day virtue ethicist, Alasdair MacIntyre, in his foundational work, *After Virtue*, offers a coherent definition of a virtue. He writes, “A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.”¹⁹ Historical Ethical Schools of the Literature Review will discuss this further. For the purposes of this thesis, virtues differentiate from morals in that morals are individual standards of right and wrong behavior for individuals, whereas virtues are desirable traits for individuals to attain.

Values are different from morals. Values represent those specific morals or virtues to which a person or society places emphasis on at a given place and time. Different societies have different values. Values can be individual or corporate, and may change as those individuals or corporate bodies develop over time and incorporate other viewpoints or respond to shifts in morality, religion, economics, and other socio-cultural factors. This thesis will use the term values in specific reference to the Joint Ethical Values²⁰ and the Army Values.²¹ **(Perhaps some of the confusion in this entire conversation stems from our misuse of values vice virtues!)**

¹⁹ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 191.

²⁰ Department of Defence, *Joint Ethics Regulation*, DoD 5500-7R, (Washington, DC: Government Printing Office, 1996), 155-158.

²¹ U.S. Army, *Army Leadership*, ADRP 6-22 (Washington, DC: Government Printing Office, 2012), 3-1 to 3-3.

This thesis will use the term “ethic” from the perspective of a philosophical ethicist, as opposed to a legal or financial sense. The Joint Ethics Regulation discusses ethics from a legal sense, providing “ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training.”²² This regulation deals with ethics from more of a legalistic sense, although it does list ethical principles that apply to all DoD personnel.²³ This will be a topic for further discussion in US Joint and Army Doctrine of the Literature Review, but for the duration of this thesis, the term “ethic” will be used in terms of philosophical ethics or in terms of a written professional code of ethics.

For the duration of this thesis, the phrase “professional ethical code” will refer to the written code of ethics across the various professional fields (medical, journalism, education, legal, and counseling fields). The phrase “Army Ethic” will specifically refer to the doctrinal definition for the Army Ethic as defined in ADRP-1, which states the Army Ethic is “the evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army Profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose.”²⁴ The phrase “codified Army Ethic” will refer to the detailed and codified delineation of the specific moral principles and ethical values for the Army

²² Department of Defence, *Joint Ethics Regulation*, DoD 5500-7R, (Washington, DC: Government Printing Office, 1996), 1.

²³ Department of Defence, *Joint Ethics Regulation*, DoD 5500-7R, (Washington, DC: Government Printing Office, 1996), 155-158.

²⁴ U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2012), 1-3.

as a professional organization expressed in written form. The phrase “CAPE proposed Army Ethic” is a more specific reference to the codified Army Ethic as published in the June 2014 white paper, “The Army Ethic.”

Throughout this paper, *foundational documents* of the United States will refer to the United States Declaration of Independence, and the Constitution of the United States, to include the Bill of Rights and all following amendments. United States foundational documents of the Literature Review will discuss this further.

Assumptions

This thesis assumes fundamentally that the nature of ethics is open to study, and that said study can produce distinguishable and applicable fundamental principles for the evaluation of any professional codified ethic. This assumption is in contrast to some schools thought with regard to philosophical ethics, namely ethical subjectivism and moral skepticism.²⁵

This thesis also assumes that a codified Army Ethic will be effective in guiding and inspiring right action. An investigation of methods to increase the efficacy of ethical training might be a topic for future research, one underlying assumption is that relevance to an individual will help the CAPE proposed Army Ethic achieve its goal of being “universally applicable.”

This thesis assumes the need for a guideline for ethical behavior. There have been numerous ethical violations by high-ranking military leaders. One example is LTC(R)

²⁵ Stuart Rachels, *The Elements of Moral Philosophy*, 7th ed. (New York, NY: McGraw-Hill, 2012), 32-44.

Allen West's unethical interrogation of Abu Masid in 2004²⁶. Another example of a recent ethical violation from a senior leader is LTC Nate Sassman's decision to obstruct an active investigation into the death of an Iraqi detainee in 2005.²⁷ The more recent bevy of senior leader violations involving allegations of sexual misconduct²⁸ offers further evidence that ethical violations exist in the US Army and necessitate some additional guideline for ethical behavior.

Finally, this thesis assumes that the military is a profession and thus warrants an ethical code. A cursory glance at current Army doctrine might lead one to believe that this is not much of an assumption, given the recent publication of ADRP 1 "The Army Profession." Therein, Army doctrine defines the Army Profession as "a unique vocation of experts certified in the design, generation, support, and ethical application of land power, serving under civilian authority and entrusted to defend the Constitution and the rights and interests of the American people."²⁹ That same ADRP goes on, however, to list the certification criteria for Army professionals as competence, character, and commitment. This is somewhat more of a stretch; what is the metric for evaluating competence or commitment? Thus, it is necessary to assume that the Army is an actual profession akin to law or medicine.

²⁶ Deborah Sontag, "The Struggle for Iraq: Interrogations," New York Times, 27 May 2004, accessed 12 September 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.

²⁷ Insert Citation from L207 reading

²⁸ 173rd Colonel, BG Sleeping with His Aide, Petraeus

²⁹ U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2012), 1-3.

Limitations

While religious beliefs influence individual morals and values, the United States Army is not a religious organization. Any unifying or fundamental moral principle cannot be solely religious in nature. Religious beliefs inform the morals and values of individuals within the organization, and the United States Army is composed of many people who have a specific and different religious backgrounds. “The moral tradition associated with the Jewish and Christian religions is incompatible in various respects with other venerable moral traditions, for example that of Hinduism.”³⁰ Any proposed Army Ethic must take into account the great variety of religious backgrounds when considering an underlying and unifying identity as a part of a professional codified Army Ethic.

This is not to say that a codified Army Ethic cannot be formed by the longstanding Judeo-Christian values and morality as a part of the tradition of Western history and thought.³¹ This is especially true given that the American military represents a cross-section of American society. Those societal and religious values will shape and influence both individuals in the military, and collectively as the military reflects those societal values. Despite this reflection, however, given the fact that there is no state sponsored church or religious institution, any military organization in the United States cannot base its ethical code or moral principles in *purely* religious foundations.

³⁰ Alan Donagan, *The Theory of Morality* (Chicago, IL: University of Chicago Press, 1979), xv.

³¹ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 82.

Scope and Delimitations

This thesis will focus the scope of its research into ways to improve the CAPE proposed Army Ethic in terms of its relevance, identity, and its adherence to fundamental principles in ethical codes. As such, research of specific case studies are delimited in ethical violations. This study will not presume to identify reasons why people violate their moral and ethical codes, or abandon their virtues and values.

Furthermore, it would be outside the scope of this study to examine and evaluate the current methods of ethical training within the military, although this may be highlighted as an area for future study. Any study at how professional organizations train their members in their ethical codes (both initially and reinforcing throughout their professional career) presupposes that those professions already have an ethical code to use as a basis for instruction.

Finally, while militaries are a microcosm of society, this paper will not examine the effects of a codified Army Ethic as a reflection of societal values, nor will it discuss the effects of those changing societal values on a codified Army Ethic. Nor will this paper look at what might be the appropriate action in the event that societal values change in such a way as to conflict with professional values, though this to would be an area for future study.

Significance of the Study

The study will attempt to contribute to the ongoing conversation about the nature of the military profession and ethic. If we accept the doctrinal definition of the Army

Ethic as an “*evolving* set of laws, values, and beliefs,”³² then it follows that those sets of laws, values, and beliefs are constantly in need refinement. As there currently is no published codified Army Ethic, this study hopes to offer suggestions on how to make the CAPE proposed Army Ethic more relevant to today’s professional military service member.

In a world that continually grows more and more globalized and interconnected, people have the ability to share information at instantaneous speeds. This flow of information is critical in that it shapes peoples’ perceptions of the world in which they live. The United States Army must have a codified Army Ethic to define for itself what it means to be a professional military service member and to offer guidance in the fog of war. Said ethic can and will have large ramifications on what we say about ourselves and what others say about us as an organization. This document must become relevant to today’s Army professional by presenting a relevant and unifying identity, by adhering to the fundamental principles of professional ethical codes, and by honestly reflecting our national values. If the CAPE proposed ethic does not do these things, then those words will remain lofty ideals that collect dust in a corner.

³² U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2012), 1-3

CHAPTER 2

LITERATURE REVIEW

People have been writing about morals, ethics, and right living for thousands of years. From religious commandments written on stone tablets to Greek philosophers debating the nature of goodness, people have been searching for guidelines on how to live correctly. The field of ethics has a long and broad history, with inputs from religion, philosophy, and the social sciences.

Within the subset of military ethics, ethicists must take this long distinguished history and apply it to the military. This chapter will divide the literature review into five sections: a review of the major philosophical schools; a review of the US Army doctrine with regard to values, character, and leadership; an examination of ethical codes from other disciplines and militaries; a review of ancillary documents that influence the development and implementation of the Army Ethic; and a review of United States historical documents.

Historical Ethical Schools

There are three major schools of ethical theory, Deontological Ethics, Consequentialist Ethics, and Virtue Ethics. Each form of ethical theory informs the United States foundational documents and the subsequent formation of the Army Ethic. As a part of the literature review on historical ethical theories, this thesis will examine the primary documents that served as the foundation for each ethical theory, and offer suggestions on how those ethical schools influence and relate to a codified Army Ethic.

Immanuel Kant's *Critique of Pure Reason* serves as solid foundation for the deontological school of ethics.³³ In this book, Kant argues that right and wrong are immutable and subject to fundamental laws derived from reason. Called the famed "categorical imperative," Kant posits that the fundamental law of pure practical reason is that one should "act so that the maxim of thy will can always at the same time hold good as a principle of universal legislation."³⁴ Expressed later in his book as a function of free-will and the categorical imperative, Kant asserts, "man (and with him every rational being) is an end in himself... he can never be used merely as a means by any (not even by God) without being at the same time an end also himself."³⁵

Under a Kantian deontological ethic framework, these fundamental statements act as universal guidelines to shape the way people think and act. They ascribe free moral agency to each rational being, attributing fundamental and inalienable rights to each individual. Violation of these rights, as expressed in the categorical imperative, is to violate the selfsame rights attending each individual.

Deontological ethics are important to the study of military ethics due to the proclivity of military organizations to stress rules and obedience. The focus of a deontological ethical system is the nature of the maxims (rules) upon which we act, not of the actor or of the consequences of the act.³⁶ Under a deontological lens, the focus of rightness and wrongness lie in the act itself. Much like military law and rules of

³³ Marcia Baron, Philip Pettit, & Michael Slote *Three Methods of Ethics* (Malden, MA: Blackwell Publishers 1997), 34-36.

³⁴ Immanuel Kant, *Critique of Practical Reason*, (New York, NY: Barnes and Nobel Books), 16.

³⁵ Immanuel Kant, *Critique of Practical Reason*, (New York, NY: Barnes and Nobel Books), 124.

³⁶ Marcia Baron, Philip Pettit, & Michael Slote *Three Methods of Ethics* (Malden, MA: Blackwell Publishers 1997), 34-36.

engagement, deontological ethics describes actions in terms of what is wrong, right, permitted, or obligatory.³⁷ Actions, or more appropriately their underlying rules (maxims) which underlie those actions, are universally and unequivocally right or wrong. Torture, for instance, is always wrong regardless of any expedience in specified or actual circumstances.

Consequentialist ethics, contrarily, assert that the outcome of an action determine the rightness and wrongness of said action. Utilitarianism, as a subset of consequentialist ethics, “holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.”³⁸ The chief end of this ethical theory is to bring about an “existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality.”³⁹

As a foundational proponent for consequentialist ethics, John Stuart Mill goes on to differentiate between different forms of happiness, arguing that a qualitative analysis must go hand in hand with a quantitative accounting of overall happiness, arguing that intellectual pleasures are of a higher sort than purely physical pleasures.⁴⁰ Thus, the greater end of utilitarianism is to maximize not only the overall amount of pleasure, but also the right kind of pleasure.

³⁷ Peter Olsthoorn, *Military Ethics and Virtues* (Abingdon, OX: Routledge, 2011), 5.

³⁸ John Stuart Mill, “Utilitarianism.” Project Gutenberg. Accessed 20 December 2014. <http://www.gutenberg.org/ebooks/11224>.

³⁹ John Stuart Mill, “Utilitarianism.” Project Gutenberg. Accessed 20 December 2014. <http://www.gutenberg.org/ebooks/11224>.

⁴⁰ John Stuart Mill, “Utilitarianism.” Project Gutenberg. Accessed 20 December 2014. <http://www.gutenberg.org/ebooks/11224>.

In his book “A Moral Military,” philosopher and educator Sidney Axinn argues that the United States Constitution is in some part a method of utilitarianism. Specifically citing the legislative branch’s ability to pass laws (thus determining right and wrong for a society), Axinn argues that this shows the influence of utilitarianism in the design of the United States, although mitigated by the Bill of Rights.⁴¹ This is an interesting argument, but it is invalidated by the presence of the third branch of the United States Government, the judicial system. The US Supreme Court is the ultimate determining authority on the legality of all legislation passed by the US Congress. The judicial branch of government is not representative of the people, but acts as an impartial arbitrator of legislative Constitutionality, taking up the role of a higher legal power independent of the will of the people.⁴²

It is important to consider the consequentialist, ethical viewpoint, because in the military often choices are presented as a choice between the lesser of two evils. By their very nature, all military operations involve risk and have the potential for collateral damage. Often commanders choose a course of action based on which one present the lowest risk to friendly and civilian forces and still accomplishes the military mission.⁴³ In

⁴¹ Sydney Axinn. *A Moral Military*, (Philadelphia, PA: Temple University Press, 2009), 21.

⁴² INSERT APPROPRIATE CONSTITUTION REFERENCE

⁴³ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 3-6. Hartle presents two case studies (from Vietnam and WWII) on how consequentialist ethical theory can influence ethical decision making in combat. He goes on to argue that consequentialist ethical theories should not form the basis for a military ethic, but he does justice to the entirety of philosophical ethics by at least considering the consequentialist ethical perspective.

that sense, some could argue that the military ethic should be informed (or at least aware) of the consequentialist school of ethical thought.

The final major school of ethical thought centers on virtue ethics. First laid out in the *Nicomachean Ethics* by Aristotle, the idea of virtue ethics is that by continual habituation, individuals can train themselves to be a virtuous person.⁴⁴ If utilitarian and deontological ethics focus on determining the right actions, virtue ethics puts the question of character at the center of the discussion. Aristotle asserts there are two kinds of virtues, intellectual and moral, and whereas intellectual virtues arise due to education, moral virtue “comes about as a result of habit, whence also its name, *ethike*, is one that is formed by a slight variation from the word *ethos* (habit).”⁴⁵ Ethics, under the Aristotelean perspective, is the process of forming those moral virtues through habituation; virtue ethics involves the study of those virtues and the study of how to habituate people to those virtues.⁴⁶

One of the key tenants of Aristotelean virtue ethics is the concept of the golden mean, whereby people define virtues as a reasonable balance between two extremes.⁴⁷ Aristotle goes on to describe the golden mean by using the virtue of courage as an example. Courage is the balance between cowardice and rashness. “The coward, the rash

⁴⁴ Aristotle. “*Nicomachean Ethics*,” in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York, NY: Random House Books, 1941), 935.

⁴⁵ Aristotle. “*Nicomachean Ethics*,” in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York, NY: Random House Books, 1941), 952.

⁴⁶ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 181.

⁴⁷ Aristotle. “*Nicomachean Ethics*,” in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York, NY: Random House Books, 1941), 963.

man, and the brave man, then, are concerned with the same objects but are differently disposed towards them; for the first two exceed and fall short, while the third holds the middle, which is the right position... courage is a mean with respect to things that inspire confidence or fear.”⁴⁸

Another key tenant of Aristotelean virtue ethics is the idea of moral motivation. Not only is it necessary to habituate oneself to the right action, those actions must also stem from the right motivation. In his explanation of the virtue of generosity, Aristotle writes, “virtuous actions are noble and done for the sake of the noble. Therefore the liberal man, like other virtuous men, will give for the sake of the noble, and rightly...”⁴⁹ Put another way, virtuous acts must spring from a noble intention and serve a morally just cause. “Virtue should be its own reward.”⁵⁰

As stated earlier, Alasdair MacIntyre defines a virtue as “an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.”⁵¹ This essentially fits with the Aristotelian understanding of virtues, in that they are an internal attribute that can be acquired. The phrase “internal to

⁴⁸ Aristotle. “Nicomachean Ethics,” in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York, NY: Random House Books, 1941), 976.

⁴⁹ Aristotle. “Nicomachean Ethics,” in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York, NY: Random House Books, 1941), 976.

⁵⁰ Peter Olsthoorn, *Military Ethics and Virtues* (Abingdon, OX: Routledge, 2011), 4.

⁵¹ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 191.

practices” is key to MacIntyre’s understanding of virtue ethics. Earlier in his book,

MacIntyre defines a practice:

By a ‘practice’ I am going to mean any coherent and complex form of socially establish cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended...Planting turnips is not a practice; farming is.⁵²

This is important to the formation of a professional code of ethics, because under this operative definition, military operations qualify as a practice. If we accept the premise that military operations fit into MacIntyre’s definition of a practice, then as per his definition of a virtue, there are associated qualities (virtues) that are essential to the basic form of the military professional.

MacIntyre goes on to discuss the relationship between practices and institutions.⁵³ The United States Army is the institution associated with the practice of military operations. He writes that practices are unsustainable if they do not have institutional support,⁵⁴ but that those institutions, by virtue of producing external goods, are a corrupting influence on practices. Virtues, according to MacIntyre, provide an essential function to resist that corrupting influence.⁵⁵

⁵² Ibid, 187.

⁵³ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 193.

⁵⁴ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 194.

⁵⁵ Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), 194.

This is a very important and fundamental point that is essential for this thesis; namely that the institutionalization of military practice is both corrosive and undesirable, but it is also an inescapable fact. The presence of virtues in a military professional is essential to the formation of their identity as military professional. A professional ethical code must therefore continually reemphasize the fundamental identity of that professional. A codified Army Ethic must clearly articulate who we are as military professionals, and then reemphasize those virtues that will act as guiding principles to inform what acceptable behavior within the profession of arms is. The literature review will further discuss the current Joint and Army doctrine with regard to the Army's espoused virtues and values.

The review of these ethical frameworks is necessary because from certain considerations, the United States Army is an organization that embraces tenants of all three ethical systems. With from a deontological perspective, the United States Army is an organization that is subject to the laws of international warfare and the Uniform Code of Military Justice. All uniformed personnel are subject to these laws, and must conduct themselves in such a way as to hold up the principles behind these laws and regulations.

From a consequentialist perspective, the act of warfare is an inherently violent profession. Military professionals, whenever possible, act in such a way as to minimize collateral damage to civilian infrastructure and populations, to alleviate as much suffering as possible. This is a sense a sort of reverse consequentialism – in the pursuit of our military objectives, professional military leaders seek to prevent the most harm to the most people, while still acting to achieve their military goals.

The study of virtue ethics, conversely, is a necessary part of any examination of the Army Ethic, because the United States Army is fundamentally a virtue ethics' based institution. A popular criticism of deontological ethics from virtue ethicists is that "virtue ethics urges us to do what is good, while duty-based ethics merely asks us to refrain from doing evil."⁵⁶

US Joint and Army Doctrine

This section will focus on what current Joint and Army doctrine have to say with regard to ethics and values. Specifically, this section will examine the DoD 5500-7 – the Joint Ethics Regulation (JER), ADP 1 – The Army, ADRP 1 – The Army Profession, ADRP 6-22 – Army Leadership, and ADP 6 – Mission Command (tied in with 2013 Army Leader Development Strategy (ALDS)).

As mentioned earlier, the Joint Ethics Regulation (JER) does claim to be a "single source of standards of ethical conduct and ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training."⁵⁷ Furthermore, this regulation lists a clearly specified code of conduct,⁵⁸ human goals,⁵⁹ and ten ethical values.⁶⁰ This regulation even gives specified guidance on the number of hours of annual ethics training that each member of the DoD

⁵⁶ Peter Olsthoorn, *Military Ethics and Virtues* (Abingdon, OX: Routledge, 2011), 6.

⁵⁷ Department of Defence, *Joint Ethics Regulation*, DoD 5500-7R, (Washington, DC: Government Printing Office, 1996), 1.

⁵⁸ *Ibid*, 153.

⁵⁹ *Ibid*, 154.

⁶⁰ *Ibid*, 155-157.

is to conduct.⁶¹ As a legal document, the JER does a fine job of teaching not to accept bribes, or gifts in excess of twenty dollars.

Alternatively, the contrasting argument is offered that the JER is not an ethical code suitable for a military professional. Military ethicist Anthony Hartle explains:

In practice, the JER provides a *legal* guide for the conduct of all members of the Department of Defense. . . . Although the JER provides the broad guidance noted and some of the rules to which military officers are committed, it functions as a legal code more similar to the UCMJ than to an ethical guide. When one goes to a legal office with a question about the JER . . . [the issue] concerns what the regulation allows and prohibits, with the emphasis on the latter. The JER provides guidance for legally acceptable actions, but to conclude that an action not prohibited under the JER is therefore ethically acceptable is a corruption that members of the military profession should avoid.⁶²

In his opinion, the legalized nature of the JER makes it unacceptable as a professional code of ethics. If you accept this premise, then it logically follows that the same should hold true regarding the Uniformed Code of Military Justice. Hartle continues to voice his concern in using legal documents as the basis for a professional ethic: “The UCMJ defines honorable conduct in a negative sense by establishing what members of the military will *not* do. The professional military ethic, on the other hand, emphasizes ideas and positive aspects of conduct.”⁶³

⁶¹ Ibid, 143.

⁶² Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 66-67.

⁶³ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 63.

The juridification of an ethical code will incline people to look for loopholes in the code, rather than adhere to its spirit.⁶⁴ Unlike legal rulings, ethical codes are not a line one toes or crosses; they are a direction one faces. While the underlying sense of morality might be similar between legal documents and professional ethical codes, the two sets of documents have very different purposes.⁶⁵ In the words of another military ethicist, Matthew Moten:

There is some concern that a written code would push the profession toward a legalistic sense of itself. If the code were a list of punishable infractions written in legalese, then that concern would be valid. If the Army is to have a written code, it must focus on the moral and ethical, not the legal requirements of the profession. It should be inspirational, an exhortation to better behavior, rather than a list of offenses.⁶⁶

The Army defines its mission in ADP 1, *The Army*, asserting, “The mission of the United States Army is to fight and win the Nation’s wars through prompt and sustained land combat, as part of the joint force.”⁶⁷ While militarily this may serve as an effective mission statement, ethically it is insufficient as a unifying identity or code of ethics. Saying our identity is to fight and win wars is akin to saying a dentist’s mission is to pull

⁶⁴ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 66.

⁶⁵ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 63.

⁶⁶ Matthew Moten, *The Army Officers’ Professional Ethic – Past, Present, and Future* (Carlisle, PA: US Army War College, 2010), 21.

⁶⁷ U.S. Army, *The Army*, ADP 1 (Washington, DC: Government Printing Office, 2012), 1-8.

teeth. This is merely a statement of what they do, not of who they are. This is also unsuitable as an ethical code; it is, simply put, a mission statement.

Elsewhere, this doctrine discusses the importance of military actions to remain within ethical and moral boundaries. ADP 1 lists five reasons to maintain ethical behavior:

- 1) Humane treatment of detainees encourages enemy surrender and thereby reduces friendly losses.
- 2) Humane treatment of noncombatants reduces their antagonism toward U.S. forces and may lead to valuable intelligence.
- 3) Leaders make decisions in action fraught with consequences.
- 4) Leaders who tacitly accept misconduct, or far worse, encourage it, erode discipline within the unit. This destroys unit cohesion and esprit de corps.
- 5) Finally, Soldiers must live with the consequences of their conduct.⁶⁸

The problem with these justifications the maintenance of ethical behavior is that they express the idea that the only reason for ethical behavior are the potential consequences. These statements do not discuss any sense of inherent rightness, nor do they affirm any sense of professional identity. *Am I to believe that it is okay to shoot an unarmed civilian if no one catches me?* In that spirit, is it acceptable to discharge a firearm in the course of an investigation to intimidate a detainee? Additionally, these

⁶⁸ U.S. Army, *The Army*, ADP 1 (Washington, DC: Government Printing Office, 2012), 2-19.

reasons in no way articulate what kind of military professional one should be, nor do they offer guidance as to what actions are permissible, or what virtues are to be valued.

To expand on the earlier discussion with the doctrinal definition of the Army Ethic, let us first look again at the definition. ADRP 1, *The Army Profession*, defines the Army Ethic as

The evolving set of laws, values, and beliefs, deeply embedded within the core of the Army culture and practiced by all members of the Army Profession to motivate and guide the appropriate conduct of individual members bound together in common moral purpose.⁶⁹

Army doctrine goes on to expand on this definition by including both the “intangible motivations of the human spirit (ethos)” as well as “legal and moral components (ethic)”⁷⁰ as a part of the totality of the Army Ethic. Further in the publication, the doctrine goes on to state that Army professionals live “with values and by ethical principles.”⁷¹ While it then goes on to discuss the Army values, never once does it define those pesky ethical principles. If the document never articulates those ethical principles, how then are Army professionals supposed to abide by them?

In that same paragraph, ADRP 1 makes one obscure reference to human dignity, stating, “Army professionals treat each other and all humans with dignity and respect—treating others as they should be treated.”⁷² It is a logical fallacy to equate the two

⁶⁹ U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2012), 1-3

⁷⁰ U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2012), 1-4

⁷¹ Ibid, 2-7.

⁷² Ibid, 2-7.

statements; what if an individual believes that treating someone “as they should be treated” involves torturing them for information? It is not axiomatic to connect the two statements, as they might have diametrically opposed results.

Finally, ADRP 1 posits that “making the right choice... sometimes means standing firm and disagreeing with leadership on ethical grounds.”⁷³ While this might be a true statement, in the absence of codified ethic, what are those ethical grounds? One might argue moral grounds in light of the Army Values, and one can clearly be argue legal grounds in light of the JER and UCMJ. Without a clear understanding of what those ethical grounds are or might be, however, individuals have no basis to voice their ethical disagreement to their leadership.

The Army publication ADRP 6-22, *Army Leadership*, lists seven Army Values.⁷⁴ For those unfamiliar with US Army Doctrine, those values are:

- 1) Loyalty
- 2) Duty
- 3) Respect
- 4) Selfless Service
- 5) Honor
- 6) Integrity
- 7) Personal Courage

⁷³ Ibid, 4-4.

⁷⁴ U.S. Army, *Army Leadership*, ADRP 6-22 (Washington, DC: Government Printing Office, 2012), 3-2 to 3-3.

These are values designed to provide a common basis for personal interaction and a guide individual behavior for all Army personnel. In this way, the Army standardizes acceptable behavior, and provides a common basis for people from different educational, religious, economic, and socio-cultural backgrounds. However, given the previous definition of ethical virtues, a mislabeling has taken place. These seven concepts, which comprise the Army Values, are not in fact values, but virtues as properly understood in the context of philosophical ethics. [Values, by their nature, change with societies over time, but virtues remain apart from societies' changing mores.]

In 2010, COL John Mattox offered a criticism of the various service value statements. In his article, COL Mattox offers several valid criticisms of the “apparent artificialities” contained within the Army Values.⁷⁵ His general criticism focus on the bureaucratic decision to “express the Army’s core values as an acronym (LDRSHIP), no matter what contortions needed to be applied to make it so.”⁷⁶ Within this framework, he analyzes two specific instances: Personal Courage and Honor.

COL Mattox’s criticism of the Army value of Personal Courage centers around the addition of the word, *personal*. He argues that, “courage, by its very nature, is personal... what would it mean to refer to “corporate” courage?”⁷⁷ He goes on to articulate that all moral values gain their meaning through individual experience and at

⁷⁵ John Mattox, “Values Statements and the Profession of Arms: A Re-evaluation,” in *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 65.

⁷⁶John Mattox, “Values Statements and the Profession of Arms: A Re-evaluation,” in *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 68-69.

⁷⁷John Mattox, “Values Statements and the Profession of Arms: A Re-evaluation,” in *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 69.

the individual level. With this understanding of personal moral values, COL Mattox argues that all morals are inherently personal. Thus modifying “courage” with the adjective “personal” to fit an artificial acronym is a redundant artificiality. Secondly, COL Mattox argues that the Army value of Honor is another artificiality. The Army defines Honor as “Live up to all the Army values.”⁷⁸ In his words, “What good is a “value” that merely tells one to “live the values”?”⁷⁹

COL Mattox brings up interesting and valid concerns with regard to the Army values. How important are these values if the organization imposed artificialities for the sake of fitting an acronym? Instead of imposing artificialities to fit an acronym, a values statement should have an inherent logic and unifying sense of purpose. This criticism is also fitting because it deals with the personal nature of morals – morals are important because people are important; individuals retain an inherent sense of worth, a fundamental worth derived from our common humanity,⁸⁰ our values ought to reflect that inherent sense of individual worth, not some arbitrary acronym.

This is a fundamental discrepancy in the application of the military virtue of honor between current US Army doctrine and the historical understanding of military honor. In his book, *The Professional Soldier*, noted sociologist Morris Janowitz highlights the prominence of military honor, positing, “Honor . . . is a most important

⁷⁸ U.S. Army, *Army Leadership*, ADRP 6-22 (Washington, DC: Government Printing Office, 2012), 3-3.

⁷⁹ John Mattox, “Values Statements and the Profession of Arms: A Re-evaluation,” in Fort Leavenworth Ethics Symposium Report, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 69.

⁸⁰ John Mattox, “Values Statements and the Profession of Arms: A Re-evaluation,” in Fort Leavenworth Ethics Symposium Report, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 69.

dimension of self-image among officers in the United States military.”⁸¹ Morris’ sense of honor, however differs from the current doctrinal definition of Honor. He writes,

Military honor is both a means and an end. The code of honor specifies how an officer out to behave, but to be “honorable” is an objective to be achieved for its own right. When military honor is effective, its coercive power is considerable, since it persistently points to a single over-riding directive: The professional soldier always fights.⁸²

This directly applies to the formation of a codified ethic in that his work suggests that the sense of Honor may be a unifying means of identity. This notion, however, must ultimately be rejected for two reasons. First, the current doctrinal definition of Honor precludes using it as a ethical guideline. Second, one cannot posit a virtue as a unifying identity, because virtues by definition are traits to aspire to which transcend all professional definitions and identities. Multiple professions value honesty as a professional virtue, yet they would not define their professional identities in terms of that single trait. If one cannot use a virtue as a professional ethical code,

The utility of a professional ethical code lies in its ability to influence decision making. ADP 6-0, Mission Command, outlines the Army’s philosophy on how leader apply authority and direction to enable subordinate initiative in a complex world.⁸³ Essentially, this piece of Army doctrine details how leaders are to make decisions and allow subordinate leader to do the same.

⁸¹ Morris Janowitz, *The Professional Soldier* (New York, NY: The Free Press, 1960), 225.

⁸² Ibid, 215.

⁸³ U.S. Army, *Mission Command*, ADP 6-0 (Washington, DC: Government Printing Office, 2012), 1.

It is therefore curious that the word “ethic” (or any derivative) does not appear anywhere in ADP 6-0. One would posit that ethical decision making is an underlying yet inherent part of the mission command process, especially with regard to the principles of building cohesive teams through mutual trust, providing a clear commander’s intent, and allowing subordinates the ability to exercise disciplined initiative.⁸⁴ If I as a commander do not have the full confidence that my subordinates will act in an ethical manner, I cannot (and indeed will not) trust them to execute any mission. The costs of unethical decisions in the military are simply too high.

Comparative Ethical Codes

This section outlines comparative ethical principles and codes from various non-military fields, as well as comparative codes from other national military organizations. Specifically, this section will review ethical codes from the following fields: Journalism, Business, Counseling, Law, and Medicine. Finally, this section will examine military ethical codes of the British and Israeli armed forces.

The Society of Professional Journalists (SPJ) lists a Code of Ethics, which contain a preamble and four underlying principles in support of what they assert to be the underlying theme of journalistic ethics. The SPJ Code of ethics states, “ethical journalism strives to ensure the free exchange of information that is accurate, fair, and thorough.”⁸⁵ In their subsequent principles, they emphasis four areas:

⁸⁴ U.S. Army, *Mission Command*, ADP 6-0 (Washington, DC: Government Printing Office, 2012), 2.

⁸⁵ Society for Professional Journalism. *SPJ Code of Ethics* (Nashville, TN: Society for Professional Journalism, 2014). Last modified September 6, 2014. Accessed 3 January, 2015, <http://www.spj.org/ethicscode.asp>.

1. Seek Truth and Report It.
2. Avoid Harm.
3. Act Independently.
4. Be Accountable and Transparent.⁸⁶

Following each of these principles are descriptive and proscriptive examples of how journalists can apply those principles. Of particular interest is the clause introduced at the end of their ethical code. The SPJ Code of Ethics “is *not a set of rules, rather a guide* that encourages all who engage in journalism to take responsibility for the information they provide.”⁸⁷ This disclaimer helps differentiate it from a legalistic list of *dos and don'ts* into a code that reemphasizes who journalists are as members of a profession.

In his book, “The Invention of Journalism Ethics,” Stephen J Ward emphasizes the basis for journalistic ethics. He explains the purpose, the historical roots, and the basis for modern journalistic ethics, arguing that fundamental unifying principle for journalistic ethics is the search for objective truth. His research looks at how changing societal norms have caused his profession to reexamine, and in some ways redefine the concept of journalistic ethics. He defines journalism ethics as “a set of ethical principles, norms and

⁸⁶ Society for Professional Journalism. *SPJ Code of Ethics* (Nashville, TN: Society for Professional Journalism, 2014). Last modified September 6, 2014. Accessed 3 January, 2015, <http://www.spj.org/ethicscode.asp>.

⁸⁷ Society for Professional Journalism. *SPJ Code of Ethics* (Nashville, TN: Society for Professional Journalism, 2014). Last modified September 6, 2014. Accessed 3 January, 2015, <http://www.spj.org/ethicscode.asp> (emphasis added).

standards that guide journalists in their practice . . . norms and principles that journalists espouse to explain and defend their actions and their profession.”⁸⁸

The ethical standard of objectivity is essential to the very foundation of journalism as a profession. “The aim of editor’s ethical rhetoric is to establish, maintain, or enhance their own credibility and that of their publications.”⁸⁹ He goes on to assert that journalism, by its very nature, promotes active dialogue about institutional reform and is “the lifeblood of a deliberating democracy.”⁹⁰ This is critical because without an espoused ethical code, journalism as a profession becomes indefensible. Ward asserts throughout the twentieth century, journalism ethics has, in reaction to manipulative “yellow journalism” has spent itself over-reaching for an ideal “just the facts” objectivism.⁹¹ In their attempt to assuage the public over the veracity of their reporting, the journalism ethic of objectivity was “a rhetorical weapon by which journalists could articulate and defend their belief in impartial, factual journalism.”⁹²

Journalism, then, bases its ethical code on a fundamental principle; namely, the search for and reporting of objective truth. Its ethical code, while providing guidelines for ethical behavior for members of its profession, is not meant as an exhaustive legal list,

⁸⁸ Stephen Ward. *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen’s University Press, 2004), 22-23.

⁸⁹ Stephen Ward. *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen’s University Press, 2004), 3.

⁹⁰ Stephen Ward. *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen’s University Press, 2004), 9-10.

⁹¹ Stephen Ward. *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen’s University Press, 2004), 220

⁹² Stephen Ward. *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen’s University Press, 2004), 257.

but rather as a reinforcement of the underlying identity as professional journalists and the broad principles of professional journalism.

Business ethics offer a different view of professional ethics. While some might contend whether business is an actual professional field, the fact of the matter remains that it has an espoused ethical code that warrants further investigation. In their instruction book on the formation and application of business ethics, educators and businesswomen, Linda Trevino and Katherine Nelson, define ethical behavior in business as “behavior that is consistent with the principles, norms, and standards of business practices that have been agreed upon by society.”⁹³

They go on to posit the idea that poor ethical decisions in a business environment are the result from two causes: the lack of an individual internalization of moral and ethical principles, as well as the result of ill-defined and unsupportive ethical systems that either encourage or allow unethical behavior. To put it another way, ethical problems can result from both bad apples, as well as bad barrels.⁹⁴

Referencing MacIntyre,⁹⁵ the institutionalization of the practice of business has a corrosive effect on the virtues and values of the professionals in the business field. To

⁹³ Linda Trevino, Katherine Nelson. *Managing Business Ethics: Straight Talk About How To Do It Right* (3d. ed.) (Hoboken, NJ: John Wiley & Sons, Inc., 2004), 15.

⁹⁴ Linda Trevino, Katherine Nelson. *Managing Business Ethics: Straight Talk About How To Do It Right* (3d. ed.) (Hoboken, NJ: John Wiley & Sons, Inc., 2004), 14.

⁹⁵ MacIntyre, *After Virtue*, 194.

combat this corrosion, The Caux Round Table Principles for Business⁹⁶ offer seven principles which provide a common basis for business ethics:

1. Respect stakeholders beyond shareholders
2. Contribute to economic, social and environmental development
3. Build trust by going beyond the letter of the law
4. Respect rules and conventions
5. Support responsible globalization
6. Respect the environment
7. Avoid illicit activities

Fundamental to these seven principles are two basic ethical ideals: the Japanese concept of Kyosei (living and working together for the common good), and human dignity (defined as the sacredness or value of each person as an end, not simply as a mean to the fulfillment of others' purposes). The combination of these two ideals enables cooperation and mutual prosperity to coexist with healthy and fair competition.⁹⁷

The American Counseling Association offers another perspective with regard to a professional ethical code.⁹⁸ They establish their unique role as professionals who “[empower] diverse individuals, families, and groups to accomplish mental health.” The

⁹⁶ Frederick Phillips, “Caux Round Table Principles for Business (2015),” Caux Round Table, last modified May 2010, accessed January 28, 2015. <http://www.cauxroundtable.org/index.cfm?menuid=8>.

⁹⁷ Frederick Phillips, “Caux Round Table Principles for Business (2015),” Caux Round Table, last modified May 2010, accessed January 28, 2015. <http://www.cauxroundtable.org/index.cfm?menuid=8>.

⁹⁸ American Counseling Association. *2014 ACA Code of Ethics*, (Alexandria, VA: ACA), 3.

2014 version of their ethical code is twenty-four pages long, and is divided into nine subsections, each of which revolves around a distinct area of the counseling profession.

The nine subsections of the 2014 ACA Code of Ethics are as follows:

- Section A: The Counseling Relationship
- Section B: Confidentiality and Privacy
- Section C: Professional Responsibility
- Section D: Relationships With Other Professionals
- Section E: Evaluation, Assessment, and Interpretation
- Section F: Supervision, Training, and Teaching
- Section G: Research and Publication
- Section H: Distance Counseling, Technology, and Social Media
- Section I: Resolving Ethical Issues⁹⁹

This document goes on to clearly lay out what is acceptable and unacceptable behavior. In its preamble, the ACA Code of Ethics mentions that professional counselors are to adhere both the letter and spirit of these ethical standards. Each subsection serves to reinforce who a counselor is supposed to be, as well as how they are supposed to act in light of their identity.¹⁰⁰ This ethical code is different from the two previous (Journalistic and Business) in that the majority of it focuses on offering detailed guidelines for correct action. The sheer length of this document, when compared to the previous two, makes this document a little inaccessible to the public; though the preamble at the beginning of the document offers a more concise mission and purpose statement.

⁹⁹ American Counseling Association. *2014 ACA Code of Ethics*, (Alexandria, VA: ACA), 3.

¹⁰⁰ American Counseling Association. *2014 ACA Code of Ethics*, (Alexandria, VA: ACA), 4, 6, 8, 10, 11, 12, 15, 1, 18-19. Each subsection of this ethical code contains a brief introduction describing how that section relates to each other and how that section relates their overall professional identity and respects human dignity.

As might be expected, the legal profession has a very extensive legal code of ethics. The American Bar Association maintains the ABA Model Code of Professional Responsibility, which details their ethical codes into three sections: Canons, Ethical Considerations, and Disciplinary Rules. According to the American Bar Association, the primary goal of this ethical code is to ensure the continued existence of a “free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government.”¹⁰¹ From this statement, we clearly see that the principle of justice through rule of law is the primary unifying principle for this profession.

The canons are designed as axioms, the following ethical considerations delineate character objectives (virtues) towards which every legal professional should aspire, and the disciplinary rules represent the prohibitions within the profession.¹⁰² These three sections “define the type of ethical conduct that the public has a right to expect not only of lawyers but also of their non-professional employees and associates in all matters pertaining to professional employment.”¹⁰³ The nine canons of legal ethics articulate that lawyers should:

Canon 1 - Assist in maintaining the integrity and competence of the legal profession

¹⁰¹ American Bar Association. *ABA Model Code Of Professional Responsibility*, (Chicago, IL: ABA, 1980), 6.

¹⁰² American Bar Association. *ABA Model Code Of Professional Responsibility*, (Chicago, IL: ABA, 1980), 6.

¹⁰³ American Bar Association. *ABA Model Code Of Professional Responsibility*, (Chicago, IL: ABA, 1980), 6.

- Canon 2 - Assist the legal profession in fulfilling its duty to make legal counsel available
- Canon 3 - Assist in preventing the unauthorized practice of law
- Canon 4 - Preserve the confidences and secrets of a client
- Canon 5 - Exercise independent professional judgment on behalf of a client
- Canon 6 - Represent a client competently
- Canon 7 - Represent a client zealously within the bounds of the law
- Canon 8 - Assist in improving the legal system
- Canon 9 - Avoid even the appearance of professional impropriety¹⁰⁴

These axioms, and their associated ethical consideration and disciplinary rules clearly reinforce the unifying purpose for this profession, that of justice and rule of law. Of particular note are also the ways in which this profession communicates itself to the greater society. Namely, the legal profession ensures that it serves the greater society by providing a unique service (Canon 2), and ensuring that service is of a high caliber (Canons 1, 3, 8). Also of note is the self-critical nature of this ethical code – lawyers are required to assist in the overall improvement of the legal profession. “Changes in human affairs and imperfections in human institutions make necessary constant efforts to maintain and improve our legal system.”¹⁰⁵ This represents a continuing theme among professional ethical codes, namely that they make provisions for growth and refinement within their profession.

The final professional field that this thesis will examine is that of the medical field. The American Medical Association (AMA) is the root association for the medical field in America. The AMA keeps and revises the AMA Code of Medical Ethics. The

¹⁰⁴ American Bar Association. *ABA Model Code Of Professional Responsibility*, (Chicago, IL: ABA, 1980). Pages 9, 12, 29, 33, 37, 46, 48, 64, & 67 contain each of the canons, along with their associated explanations, ethical considerations and disciplinary rules.

¹⁰⁵ American Bar Association. *ABA Model Code Of Professional Responsibility*, (Chicago, IL: ABA, 1980), 64.

preamble to the code states that a “physician must recognize responsibility to patients first and foremost, as well as to society.”

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a member of this profession, a physician must recognize responsibility to patients, first and foremost, as well as to society, to other health professionals, and to self. The following principles adopted by the American Medical Association are not laws, but standards of conduct that define the essentials of honorable behavior for the physician.

The nine principles of the AMA Code of Medical Ethics are:

- I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
- III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
- IV. A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.
- V. A physician shall continue to study, apply, and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
- VI. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.
- VII. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of

public health.

VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

IX. A physician shall support access to medical care for all people.¹⁰⁶

The study of this ethical code is important because like law, medicine is one of the most widely recognized professions. This code of professional ethics is built from a fundamental premise of the dignity of individual human beings; all of the other tenants flow from that first principle. The single principle of individual human dignity stands at the heart of the medical profession – it informs their primary identities as healers and the associated acceptable and unacceptable actions.

In addition to professional ethical codes, several military forces have published values statements or ethical codes. In 2008, the country of Great Britain revised and published a documents entitled “Values and Standards of the British Army.” This document lists six values for the British Army, and four subsequent standards. The six values of the British Army are:

1. Selfless Commitment
2. Courage
3. Discipline
4. Integrity
5. Loyalty
6. Respect for Others.¹⁰⁷

¹⁰⁶ “AMA Code of Medical Ethics,” American Medical Association, last modified June 2001, accessed 8 February 2015, <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page>.

They follow their six values with a second section entitled “standards,” wherein they discuss how the above values and how they relate to the legal standards, appropriate behavior, and total professionalism.¹⁰⁸ While this document offers guidance for correct living, this document does not claim to be a professional ethical code. This document is much more akin to the US Army Values, as discussed in ADRP 6-22. While this is useful in understanding the roles of virtues in an organization, the utility of this document to this thesis is seen in what it lacks. By omitting a unifying professional identity, this document falls short of a professional code of ethics. This is a predicament that displays gaps not only in British Army doctrine, but also currently in US Army doctrine.

On the other hand, the Israeli Code, entitled Ruach Tzahal, provides an interesting contrast. The Ruach Tzahal begins by listing three core values for the Israeli Defense Forces (IDF), ten secondary values, and thirty-four basic principles.¹⁰⁹ The first core principle that the Ruach Tzahal asserts is “Defense of the State, its Citizens and its Residents.” The Ruach Tzahal goes on to further define this core value by stating, “The IDF's goal is to defend the existence of the State of Israel, its independence and the security of the citizens and residents of the state.” The second core value is logically follows from the first core value to the first, being “Patriotism and Loyalty to the State.”

¹⁰⁷ British Army, *Values and Standards of the British Army*, accessed 19 December, 2014, http://www.army.mod.uk/documents/general/v_s_of_the_british_army.pdf. Pages 9-12.

¹⁰⁸ British Army, *Values and Standards of the British Army*, accessed 19 December, 2014, http://www.army.mod.uk/documents/general/v_s_of_the_british_army.pdf. Pages 16-21.

¹⁰⁹ Israel Defense Forces. “Ruach Tzahal,” Israeli Defense Force, accessed December 12, 2014, http://www.idfinfo.co.il/Ruach_Tzahal.php?cat=a15.

This is extremely important, because this is the first military ethical code that clearly articulates a unifying purpose for their organization. In the case of the IDF, their main organizational purpose is the continued existence as state. This clear articulation provides a unifying basis for all military professionals in the IDF.

Secondarily, their last core values offer another unique insight into the IDF's identity as military professionals. The third core value of the Ruach Tzahal is "human dignity."¹¹⁰ It offers an expanded explanation by stating, "The IDF and its soldiers are obligated to protect human dignity. Every human being is of value regardless of his or her origin, religion, nationality, gender, status or position."¹¹¹ This statement is particularly important in the context of a professional military organization, given very nature of a military organization is inherently violent. In the words of philosopher and military officer COL Celestino Perez,

The soldier realizes that – as a warrior – he is an instrumental actor...whose intent is to shape through physical violence a human reality such that it conforms with the military unit's mission and the commander's intent. Just as the carpenter does violence to a tree and its wood to product a chair, so does the warrior do violence to the earth and enemy flesh and bone to realize the commander's aim.¹¹²

Clearly, then, it behooves the military professional to balance the inherent need to do violence upon your opponent with the recognition of your opponent's inherent worth and dignity as a human being. The inclusion of both of these major points of the IDF core

¹¹⁰ "Ruach Tzahal," Israeli Defense Force, accessed December 12, 2014, http://www.idfinfo.co.il/Ruach_Tzahal.php?cat=a15.

¹¹¹ "Ruach Tzahal," Israeli Defense Force, accessed December 12, 2014, http://www.idfinfo.co.il/Ruach_Tzahal.php?cat=a15.

¹¹²Celestino Perez, "The Army Ethic and the Indigenous Other: A Response to Colonel Matthew Moten's Proposal," in Fort Leavenworth Ethics Symposium Report, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 261.

values (loyal defenders of the homeland and human dignity) has merit in the ongoing discussion of a United States codified Army Ethic.

Ancillary Legal and Ethical Documents

This section will deal with various ethical documents, which, while not foundational to the United States still provide a framework for shaping ethical conduct. This section will specifically examine Just War Theory, the Geneva Conventions, the Hague Conventions, and the UN declaration of human rights, and offer a conclusion that ties the applicability of those documents to the formation and refinement of a codified Army Ethic.

Just War Theory falls into two broad categories: *Jus Ad Bellum* (just cause for initiating war) and *Jus In Bello* (just conduct in war).¹¹³ Just War Theory is rooted in the theological positions of Western Christian thought. St Augustine formulated the foundational thought on Just War theory,¹¹⁴ based on his theological understanding of peace. Augustine asserts, “For it is the wrongdoing of the opposing party which compels the wise man to wage just war.”¹¹⁵ Under this tradition, then, the only legitimate reason for waging war is the defense or restoration of the peace and order of society against serious injury.¹¹⁶ Further theologians such as St. Thomas Aquinas and Vitoria developed the idea, further articulating that war should be a last resort, war should only be waged

¹¹³ Hartle, *Moral Issues*, 96-97.

¹¹⁴ Clifford Kossel. 1964. The just war theory. *Religious Education* 59, (3): 220.

¹¹⁵ St. Augustine. *City of God*. Accessed on 14 January, 2015, from <http://oll.libertyfund.org/titles/2053>. Book XIX, CH7.

¹¹⁶ Kossel, *Just War Theory*, 223.

when there is a reasonable hope of success (to alleviate needless suffering), and that war should be waged with the right intention of furthering the common good.¹¹⁷ Philosophers Nicholas Fotion and Gerard Elfstrom of Emory University suggest that two more categories may ethically allow for a just war: “1) pre-emptive strike against inevitable aggression, and 2) responses to threats to the lives and well-being of citizens of other nations.”¹¹⁸

Secondarily, Just War theory also specifies that the means used in war must be consistent within the greater societal morality. Two distinguishing features characterize just conduct in war: proportionality and discrimination. In war, one should use a proportionate amount of force to achieve the military objective – it would be disproportionate to use a B52 bomber strike to eliminate a single enemy sniper.¹¹⁹ Just conduct in war also encompasses discrimination – military combatants should limit their actions to legitimate military targets, and should not intentionally strike civilian, religious, or cultural targets.¹²⁰

The United States is a signatory member of the Geneva Convention. This document, in conjunction with the Hague Conventions, provides the basis for the Law of Armed Conflict. Furthermore, both documents fully encompass the tenants of the just war tradition; both documents address the just cause of war as well as what constitutes just

¹¹⁷ Kossel, *Just War Theory*, 223-225.

¹¹⁸ Nicholas Fotion and Gerard Elfstrom, *Military Ethics* (Boston, MA: Routledge & Kegan Paul, 1986), 116-117, enumeration added.

¹¹⁹ Hartle, *Moral Issues*, 97.

¹²⁰ Fotion & Elfstrom, *Military Ethics*, 135-137.

conduct in war. Fundamental to the understanding of the Geneva Convention is the moral and ethical basis upon which it grounds itself. “Each of these fundamental international agreements is inspired by *respect for human personality and dignity*; together, they establish the principle of disinterested aid to all victims of war without discrimination.”¹²¹

From this foundational premise, it continues to list explanatory remarks for each of the four conventions, mentioning “the inalienability of the right of protected persons”¹²² and “family honour and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected.”¹²³

Hartle goes on to distill the moral principles of these two documents into two underlying humanitarian principles: Individual persons deserve respect as such; and human suffering ought to be minimized.¹²⁴ Hartle’s analysis and summarization of these documents presents a cogent argument for his underlying humanitarian principles to grant inclusion into the ongoing conversation regarding the development of a codified Army Ethic.

United States Foundational Documents

The two foundational documents to the United States are the Declaration of Independence, and the Constitution of the United States. The Declaration of Independence established our right to exist as a separate nation, and the United States

¹²¹ Geneva Convention, preliminary remarks, 1949. 19. Emphasis added

¹²² Geneva Convention, preliminary remarks, 1949. 22.

¹²³ Geneva Convention, preliminary remarks, 1949. 29.

¹²⁴ Hartle, Military Issues, 118.

Constitution established the framework for how this fledgling nation would govern itself. These two foundational documents contain moral principles that shape and guide both our national identity as well as help to frame our societal values. This section will analyze those documents to ascertain those morals and values in each document.

The Declaration of Independence unanimously ratified by delegates from all thirteen original colonies, is organized into three parts. The first section lists the logic and necessity of declaring independence; the second section lists specific grievances against the King of Britain, and the third section discusses the actions taken by the representative colonies to address those grievances in peaceful ways prior to declaring independence.

In the first section, two statements give insight into the underlying moral principles and values. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”¹²⁵ This statement clearly states four moral principles: equality, life, liberty and the right to pursue happiness. What is also important to note is that these rights are inalienable, endowed upon individuals by their Creator. This document promotes a moral justification for their action of secession based on fundamental principles that apply to all men by virtue of their Creation.

This idea profoundly impacts the formation of a military ethic, because if we logically accept the premise (as this founding document asserts) that our Creator is the responsible agent for our “inalienable” rights, then those selfsame rights apply to all people in all countries to whom this Creator presumably also given these “inalienable”

¹²⁵ “Declaration of Independence,” United States National Archives, accessed February 4, 2015, [http://www. http://www.archives.gov/exhibits/charters/declaration.html](http://www.archives.gov/exhibits/charters/declaration.html).

rights. Thus, it logically follows, that those other people, having also been endowed their Creator, have the same rights to life, liberty, and the pursuit of happiness.

Secondarily, the first section also articulates the belief that governments are human institutions, “deriving their just powers from the consent of the governed.”¹²⁶ This articulates a political positivism in the power democracy, supporting the belief humans as a whole not only *are able to*, but *should* govern themselves.¹²⁷ This belief is further supported in the specific, detailed listing of the grievances to the king. The Declaration of Independence claims a grievance against the king, “For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.”¹²⁸ By denying the colonial Americans’ rights to self-legislation and representation, King George III infringed upon the colonials’ basic, inalienable rights.

This is also important to the formation of a codified Army Ethic, in that it speaks to the heart of our national values – individual self-determination, or freedom. Granted by the Creator, the concept of individual liberty logically and necessarily leads to the concept of individual self-determination. Underlying to both of those ideas, however, is the concept of individual worth and dignity. This concept of individual worth and dignity provides a basis for interaction with each other – by recognizing the worth and dignity in

¹²⁶ “Declaration of Independence,” United States National Archives, accessed February 4, 2015, <http://www.archives.gov/exhibits/charters/declaration.html>.

¹²⁷ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 140.

¹²⁸ “Declaration of Independence,” United States National Archives, accessed February 4, 2015, <http://www.archives.gov/exhibits/charters/declaration.html>.

another person, we therefore act in such a way that is reflective of that worth.¹²⁹ The Founding Fathers applied this logic to both individuals as well as governing bodies, using it to justify the formation of a new nation, as well as weaving this concept throughout the framework of the fledgling country.¹³⁰ Even in instances where, by virtue of social or economic circumstances, the government infringed on this right to individual freedom, the nature of the Constitution provided venues to rectify those infringements.

If the Declaration of Independence afforded the United States the right to become a nation, then the Constitution is the resulting successor in terms of foundational documents. Whereas the Declaration of Independence stated our reasons for becoming a nation, the US Constitution told its citizens and the rest of the world what kind of nation we would be. “As the law, the Constitution profoundly affects our most vital interests and our most important social relations.”¹³¹ Because of its foundational importance to our nation, and because it serves as a statement of values for our nation, the moral principles inherent in this document must necessarily inform the ongoing development of a codified Army Ethic.

The preamble to the Constitution clearly delineates that the purpose of Constitution is to “form a more perfect union, establish justice, insure domestic

¹²⁹ Alan Donagan, *The Theory of Morality* (Chicago, IL: University, of Chicago, 1977), 242.

¹³⁰ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 49.

¹³¹ D. Lyons, “Constitutional Principles,” *Boston University Law Review*, 92 (4), 1237-1243. Retrieved from <http://exprozy.ccu.edu/login?url=http://search.proquest.com/docview/132789051?accountid=10200>.

tranquility, provide for the common defense, promote the general welfare, and ensure the blessing of liberty.”¹³² These principles, in conjunction with the earlier principles of life, liberty, and the pursuit of happiness as outlined in the Declaration of Independence, form the basis of our national identity. These documents attempt to answer the question of who we want to be as a nation.

The US Constitution is a marvel of political compromise and ingenuity. The very design of this document promotes the ideals of self-determination, liberty, and governance, while allowing for political expediencies such as the three-fifth’s compromise.¹³³ While simultaneously promoting a view of political positivism, this document also highlights a wariness about the power of government and its ability to encroach on the rights of the individual.¹³⁴ Nowhere is this more clearly seen than in the “checks-and-balances” system, designed to prevent the concentration of power in any one branch of government.¹³⁵

The US Constitution simultaneously holds two contending views of human nature. To give voice again to military ethicist Anthony Hartle, he asserts that the US Constitution promotes four fundamental American Values: Freedom, Equality, Individualism, and Democracy.¹³⁶ Hartle logically builds an argument starting with the

¹³² U.S. Constitution, preamble.

¹³³ U.S. Constitution, Article 1, Section 2, Clause 3.

¹³⁴ Hartle, *Moral Issues*, 49.

¹³⁵ D. Lyons, “Constitutional Principles,” *Boston University Law Review*, 92 (4), 1237-1243. Retrieved from <http://exprozy.ccu.edu/login?url=http://search.proquest.com/docview/132789051?accountid=10200>.

¹³⁶ Hartle, *Moral Issues*, 132.

presumption of the value of freedom in American society. Accepting that, he postulates that we are equally free. That sense of equality, he argues, leads to a sense of worth and primacy for the individual. Finally, if each individual is equally free, each individual ought to have an equal vote in how they govern themselves, leading to his fourth value, democracy.¹³⁷

This logical progression is evident in the entirety of the US Constitution. From the Preamble throughout Amendment XXVII, this document highlights these values. The value of Freedom, as identified by Hartle, is clearly seen in the First Amendment, which highlights the freedoms of the press, religious exercise, freedom of speech, and freedom of assembly.¹³⁸ These amendments assert the individual freedoms and rights of American citizens, addressing two of Hartle's American values.¹³⁹

Individual rights are a fundamental American value as well. "The Constitution forbids the majority or even the entire House and Senate to pass laws that impair the fundamental rights of individuals."¹⁴⁰ Hartle goes on to claim, "The powers granted the Supreme Court are primarily for the purpose of protecting individual rights."¹⁴¹ The United States, as a representative democracy, does attempt to bring about the greatest

¹³⁷ Hartle, *Moral Issues*, 137-141. Much of Hartle's work in this section is based on sociologist Robin Williams' work, as found in his work, *American Values: a Sociological Perspective*. While his work is now somewhat dated, I feel that the truths of Williams' work still apply to American society – namely the emphasis on individual freedoms and equality.

¹³⁸ US Constitution, Amendment I.

¹³⁹ Hartle, *Moral Issues*, 13, 139.

¹⁴⁰ Hartle, *Moral Issues*, 49.

¹⁴¹ Hartle, *Moral Issues*, 49.

good for the greatest amount of people, but not at the expense of a higher cultural value – individuals and their rights.

On the other hand, the check and balance system along with the severe limits on the executive branch promote a contrastingly pessimistic view of human nature, highlighting our culture’s belief in the frailty and fallibility of humankind. One can see evidence of the perceived frailty of humanity by the numerous checks to prevent the concentration of power;¹⁴² the Founding Fathers understood that humans are susceptible to the lure and abuse of power. Subsequently, the XXII Amendment further limits the power of the Executive branch by imposing the two-term limit on all future Presidents.¹⁴³ Finally, the Constitution also shows a wariness in the existence of a standing Army, and clearly subjugates the military to civilian authority.¹⁴⁴ Recognizing that a standing military offered multiple opportunities for abuses of power, the Constitution establishes the basis of federal service under the authority of America’s elected civilian government.

Interestingly enough, this belief in the frailty of human nature is reflected in the work of military sociologists, who contend that military personnel general have a pessimistic view of human nature (Hartle, Janowski, et al).

Furthermore, the design of the US Constitution shows an inherent belief that humans are imperfect and fallible beings. Article V of the US Constitution describes the

¹⁴² D. Lyons, “Constitutional Principles,” *Boston University Law Review*, 92 (4), 1237-1243. Retrieved from <http://exprozy.ccu.edu/login?url=http://search.proquest.com/docview/132789051?accountid=10200>.

¹⁴³ US Constitution, Amendment XXII.

¹⁴⁴ US Constitution, Article II, Section 2, Clause 1.

process for amending the Constitution. This Article puts the power for amending the Constitution in the hands of the Legislative branch – the representatives of the American People. The citizens of America thus became responsible to correct their own legal shortcomings. Recognizing that people are imperfect, and thus no political system is perfect, the Constitutional framers understood the need to amend this political document so that the people could work out those imperfections. Egregious violations of the value of Equality, as seen in the form of the 3/5's compromise in Article II, Section 2, Clause 3¹⁴⁵ are addressed and corrected later in the XIII and XIV Amendments.¹⁴⁶

As societal norms and values change, the Constitution is designed to change with and reflect that society. Women received the right to vote¹⁴⁷ in 1917, showing a shift in cultural values and the recognition of their long overlooked equality and value as full members of the American society. In that same period, the nation banned the creation and consumption of alcohol,¹⁴⁸ only to change their minds fourteen years later.¹⁴⁹ This process of changing and amending the foundational legal document reflects society's changing values, and underlies the American attitude towards the fallibility of ourselves as a people. Americans realize they are not perfect, and, to paraphrase Dr. King, we have a responsibility to ensure we live out the true meanings of our creeds.¹⁵⁰

¹⁴⁵ Referencing the 3/5's compromise between the Northern and the Southern states with regard to the "personhood" of slaves in the South.

¹⁴⁶ US Constitution, Amendment XIII & XIV.

¹⁴⁷ US Constitution, Amendment XIX.

¹⁴⁸ US Constitution, Amendment XVIII.

¹⁴⁹ US Constitution, Amendment XXI.

¹⁵⁰ Dr. King – I have a dream speech

These somewhat pessimistic (or realistic) views of the frailty and fallibility of humanity are equally present within US Constitution; with due respect to Hartle, must also be included in an analysis of the moral principles of the Constitution. These two contending views, pessimistic and optimistic, are equal in their power to define the values of the American people. If we accept this document as representative of our cultural values, then we are at once embracing a view of who we are, and who we could become.

Conclusion

Both of these viewpoints must inform the “evolving set of laws, values, and beliefs” that comprise the Army Ethic.¹⁵¹ A question of identity is at the heart of the ongoing development of the Army Ethic. The Army is a reflection and microcosm of society; in the interest of internal consistency, and to ameliorate any values-gaps in our organization, any codified Army Ethic needs to represent those selfsame values of our society as embodied by the US Constitution. Freedom, Equality, Individuality, Democracy, Frailty, Fallibility are all a part of the tapestry of American Values as seen in our foundational document.

Finally, the US Constitution not only recognizes the value of human life. This document also recognizes the value of our property.¹⁵² An analysis of the third and fourth amendments within the bill of rights shows that the constitution values the property of individuals as a fundamental right. The Declaration of independence further supports this

¹⁵¹ US Army, ADP-1, 1-3

¹⁵² US Constitution, Amendments II, III, and IV speak to this issue.

belief. That document posits the inalienable right to pursue happiness.¹⁵³ While this pursuit might not be equitable with the acquisition of material goods, there are four specific complaints listed within the second section of the US Declaration of Independence, which speak to the violation of the protection of personal property.¹⁵⁴

The importance of personal property is also seen in the Geneva and Hague conventions, which limit the use of military power on which protect targets within civilian and cultural areas. These legal protections, combined with a cultural value of personal property as espoused in the Declaration of Independence and US Constitution affects the development of a military ethic. By law and in support of our United States' cultural values, US military leaders must also respect and value individual possessions, in as much as it is militarily feasible. Nothing in the current rules of engagement infringes on the right for self-preservation, but military leader must consider the ethical implications of targeting protected cultural sites in the conduct of warfare.

¹⁵³ US DOI

¹⁵⁴ US Declaration of Independence.

CHAPTER 3

METHODOLOGY

Criteria to Evaluate the Cape Proposed Ethic

The research methodology will take place in three sections. First, a survey will be conducted to determine CGSC students' attitudes (and faculty?) at Fort Leavenworth with regard to a codified Army Ethic. This survey will focus on the perception of the Army as a profession, and the subsequent relevance of a codified Army Ethic to junior (and faculty?) field grade officers. This data set will provide the basis for an evaluation as to the purpose of the Army Ethic, and analyze and draw conclusions for both the purpose and relevance of the Army Ethic.

The second section of research methodology follows from the research from the literature review. In this section, the contending criteria for a unifying identity upon which to base a codified Army Ethic is listed and evaluated.

The third part this research includes an analysis of the literature review. This information provides a basis to develop logical premises with regard to the formation and purpose of a codified professional ethic. This provides the basis for an evaluation of the CAPE proposed Army Ethic, its foundation, and internal consistency in light of this logical framework.

Survey Methodology

Methodology Overview

This section will provide background information to the survey methodology. The survey purpose, survey design, sampling data rationale, survey validity, and how the survey relates to my evaluation of the Army Ethic are explained. The survey methodology was chosen over other methodologies (case studies, experiments, correlational studies) because of the ability to easily collect significant amounts of data.¹⁵⁵ Surveys, and their interpretations allow researchers to identify trends and patterns. Admittedly, one of the limiting factors of survey research methodologies is that there is no way to determine the truthfulness of participant responses, This was controlled by ensuring anonymity of all survey participants.

Survey Purpose

The purpose of this survey is to determine the attitudes of junior field grade officers at CGSC (and faculty?) with regard to the Army Ethic, its relevance to those students as individuals, and its relevance to the Army as a profession. Understanding these perceptions is a key factor in developing a codified ethic that people will actually use. Barring that, understanding those perceptions will provide a relevant basis for an evaluation of the proposed Army Ethic, as well as offer insight into perception trends that might affect future revisions of the proposed Army Ethic.

¹⁵⁵ Bernard Berns, *Research Methods: A Tool for Life*, (Boston, MA: Pearson Education, 2009), 104.

Survey Design

The survey was designed as an online survey to elicit the greatest number of responses from the survey participants. Additionally, the specific delimitations of this survey keep it small as another means of increasing the response rate.¹⁵⁶ Furthermore, online surveys are inexpensive, and provide the ability to collect massive amounts of data quickly and accurately, given that the nature of online surveys eliminates the laborious requirement to enter data.¹⁵⁷ One of the major limitations of online surveys is the access of the recipients to the appropriate technology.¹⁵⁸ The fact that all CGSC students (and faculty?) have access to the appropriate technology and online resources mitigates this limitation.

Survey Sampling Data Rationale

This rationale for the sampling data was carefully delimited by combining two sampling factors: Stratified – Random Sampling, and Purposive Sampling.¹⁵⁹ Stratified – Random Sampling is where “groups of interest are identified, [and] then participants are selected at random from [said] groups.”¹⁶⁰ This survey gathered all Active Duty and

¹⁵⁶ Arlene Fink, *How to Conduct Surveys: A Step-By-Step Guide, 4th ed.*, (Thousand Oaks, CA: Sage Publications, 2009), 6.

¹⁵⁷ Lois Ritter & Valerie Sue, “Using Online Surveys in Evaluation,” in *New Directions for Evaluation*, no. 115, Sandra Mathison, Ed., (Danvers MA: Wiley Periodicals, 2007), 8.

¹⁵⁸ Lois Ritter & Valerie Sue, “Using Online Surveys in Evaluation,” in *New Directions for Evaluation*, no. 115, Sandra Mathison, Ed., (Danvers MA: Wiley Periodicals, 2007), 7.

¹⁵⁹ Bernard Berns, *Research Methods: A Tool for Life*, (Boston, MA: Pearson Education, 2009), 127-130.

¹⁶⁰ Bernard Berns, *Research Methods: A Tool for Life*, (Boston, MA: Pearson Education, 2009), 127.

Reserve/National Guard officers (and faculty?) in collective list and randomly assigned them numbers 1-4. Based on this random sampling selection,¹⁶¹ this survey effectively sampled 25% of the US Army Active Duty and Reserve/National Guard officers (and faculty?) in the 2015 CGSS class.

Berns defines purposive sampling as “a nonrandom sampling technique in which participants are selected for a study because of some desirable characteristics, like expertise in some area.”¹⁶² This sampling incorporated elements of purposive sampling to account for the specific population of CGSS students. The survey sampling population was limited to US Army officers because this research topic deals with a military branch specific ethic, the Army Ethic.

US Army Reserve and National Guard officers were included in this survey sample because presumably any doctrine or ethical guidelines published Army-wide will include them. Additionally, there is a question whether there is a statistically significant difference in perceptions of the Army as a profession and its associated ethic between active duty and US Army Reserve/National Guard officers.

Finally, this sample population is also purposive in that the nature of the population (junior field grade officers) represents a core body of individuals who have chosen to make a career of their military service. Their rank, time in service, and future responsibilities as organizational leaders should provide a richer perspective on the military service as a profession. Officers in this sampling set will be the future battalion

¹⁶¹ Bernard Berns, *Research Methods: A Tool for Life*, (Boston, MA: Pearson Education, 2009), 128.

¹⁶² Bernard Berns, *Research Methods: A Tool for Life*, (Boston, MA: Pearson Education, 2009), 130.

commanders and senior leaders of Army; their views on the viability and relevance of a codified Army Ethic therefore bear a greater weight due to the potential positional authority in any future leader.

Survey Question Validity

Four factors are used in the evaluation of online survey questions: Clarity, Brevity, Biases, and Relevance.¹⁶³ These factors were applied throughout the development of the survey questions. Given the somewhat ethereal nature of philosophical ethics, clarity and relevance to the survey questions were added by providing a concise background summarization prior to each section, and using “yes/no” and multiple response questions.¹⁶⁴ In order to allow for the maximum flexibility in the responses, all of the multiple response questions included an open-ended response option. The inclusion of the open-ended response options mitigated any anchoring limitations within the individual survey questions.¹⁶⁵

¹⁶³ Lois Ritter & Valerie Sue, “Using Online Surveys in Evaluation,” in *New Directions for Evaluation*, no. 115, Sandra Mathison, Ed., (Danvers MA: Wiley Periodicals, 2007), 29-31.

¹⁶⁴ Lois Ritter & Valerie Sue, “Using Online Surveys in Evaluation,” in *New Directions for Evaluation*, no. 115, Sandra Mathison, Ed., (Danvers MA: Wiley Periodicals, 2007), 33.

¹⁶⁵ Lois Ritter & Valerie Sue, “Using Online Surveys in Evaluation,” in *New Directions for Evaluation*, no. 115, Sandra Mathison, Ed., (Danvers MA: Wiley Periodicals, 2007), 36.

branch. If the answer that the proposed Ethic is not relevant, they were asked to select the reasons why it is irrelevant [Q4a, multiple selection & short answer]. If they find it relevant, they were asked to describe why it is relevant [Q4b, short answer]. Either answer leads to the next question, where the survey asks the participant whether or not there is anything that can be done to improve the relevance of *any written ethic*, including but not limited to the aforementioned proposed Army Ethic [Q5, yes/no]. If the participant answers no, this concludes the survey. If the participant answers yes, the survey will ask the participant to list what might help make it more relevant [Q6, short answer]. Once answering this question, this concludes the survey.

Survey Relevance

This survey is relevant to this thesis because it will add depth to the analysis of the CAPE propose Army Ethic. In the military, (as perhaps likely in other professions) the relevance of a standard has a positive correlation to the amount effort one must expend to meet that standard. If the ethical standards are irrelevant, or conversely so broad as to make them ineffective, then behavior will not change. An ethical code that remains irrelevant to individuals will ultimately be ineffective. This survey, then, supports the primary research question in that it will offer a basis for analysis and suggest ways to improve the CAPE proposed Army Ethic in terms of relevance to the military professional.

Analysis of Constitutional Principles to Identify a Unifying Identity

In this section, the moral principles in the US foundational documents is analyzed with the express purpose of articulating a unifying identity. Before conducting that

analysis, however, the criteria used to evaluate those principles is first listed. Based on my comparative analysis of the other ethical codes, the essential and limiting criteria for a professional unifying identity are identified.

Any of the virtues cannot be a basis for a unified identity. As defined earlier, virtues are individual human traits to be attained. Certain virtues, like integrity, apply across the entire spectrum of professions. For a profession to define itself in terms of a single virtue is a misnomer. Certainly, physicians are expected to employ the same amount of personal integrity as journalists, counselors, educators, or even lawyers. Simply put, if the virtues apply across all professions, then they cannot provide a basis for a unique professional identity.

Conversely, a unifying identity must be broad enough to apply universally to all the members of that profession. Different people within that profession might have different specialties, like lawyers who specialize in Taxes versus Criminal Prosecution or doctors who specialize in internal medicine versus cardio-thoracic surgery. Despite those differing specializations, however, their unifying professional identity must still apply to their specific subset within their chosen profession. This is especially pertinent to the military, where various branches with varying purposes exist – a unifying identity must be applicable whether you are an infantryman, a logistician, or a signal officer.

Thirdly, a unifying identity must be feasible. Professions cannot set such a high standard for their members that no one is able to achieve those standards. Furthermore, the nature of their specific professional training must support and reinforce their professional identity. Counselors, for example, receive specific training in empathy and attending skills, which supports and reinforces their professional identity.

Finally, a unifying identity must be clearly articulated and understandable. Their identity must be understandable for both the seasoned professional as well as the new initiates into the profession. Furthermore, this criteria supports the promotion of that profession throughout society – an important aspect of all professions. The average citizen within a given society should be able to understand what that profession is, how it is different from the other professions, and how that profession supports society as a whole.

To summarize, the four criteria this thesis will use to evaluate the CAPE proposed professional unifying identity:

- 1) Distinguishability – how does the proposed identity distinguish the profession of arms from other professions?
- 2) Applicability – Does the proposed identity apply to all members of the profession?
- 3) Feasibility – Is the identity achievable and supportable through professional training?
- 4) Clarity – Is the proposed identity clearly articulated and easy to communicate?

Distillation of Ethical Principles:

In this section, a comparative analysis of the five professional codes from the various fields of Business, Law, Medicine, Counseling, and Journalism will be conducted. The results of this analysis will allow distillation of fundamental principles of professional ethical codes. These distilled principles, in conjunction with specific insights from military ethicists, will allow evaluation of the CAPE proposed Army Ethic as it relates to other professional codes.

According to philosophers Fotion and Elfstrom, “All the kinds of codes [medicine, law, education, and business] we are comparing express a concern for the integrity of their respective fields or professions, and all take the high road in speaking of service, honor, honesty, and loyalty.”¹⁶⁶ This is important because it shows a similarity across the spectrum of ethical codes, in that they all have values they try to espouse. The selection of those values is inextricably tied to their professional identity. (i.e., all professions value truth, but not to the same extent that journalism does).

Additionally, COL Matthew Moten, a professor of History at West Point, suggests a comparison of the ethical codes from the legal and medical professions. In his monograph, “The Army Officers’ Professional Ethic—Past, Present, and Future,” Moten suggests that the ethical codes in these two professions “codify the standards of professional... behavior.”¹⁶⁷ Moten relies on Hartle’s assessments and contributions, but does imply that a comparative analysis of the professional codes, across history and the professions, is necessary to better understand and produce an Army Ethic.¹⁶⁸

Military ethicist Anthony Hartle offers three purposes of a professional code of ethics:

Codes of professional ethics . . . serve at least three distinct purposes: (1) they protect other members of society against abuse of the professional monopoly of expertise, (2) they “define the professional as a responsible and trustworthy expert in the service of his client,” and (3) in some professions they delineate the moral authority for actions necessary to the professional function but generally impermissible in moral terms. The first and third purposes are accomplished

¹⁶⁶ Fotion and Elfstrom, *Military Ethics*, 68.

¹⁶⁷ Matthew Moten, *The Army Officers’ Professional Ethic – Past, Present, and Future* (Carlisle, PA: US Army War College, 2010), 1-2.

¹⁶⁸ Moten, vi – viii.

primarily through defining the rights and obligations of the professional in relation to clients, colleagues, and the public.¹⁶⁹

As discussed earlier in the literature review, Alasdair MacIntyre's understanding of virtue ethics provides insight into the first fundamental principle of a professional code of ethics. Based on the nature or practices and institutions,¹⁷⁰ ethical codes and their associated virtues must inform and reemphasize the fundamental identity of the members of those professions. Additionally, this is clearly seen from the comparative analysis of the professional codes of ethics from the fields of journalism, medicine, law, education, and counseling. Each of those ethical codes, in their preamble, reemphasizes their fundamental identity.

In light of MacIntyre's views on virtue ethics, and given that Hartle already draws a connection between two of his purposes of an ethical code, a synthesis of these two thinkers provides four principles that are foundational to any professional code of ethics:

1. A professional code of ethics must reemphasize the identity of the individuals within that professional field. This principle asks the question, "Who am I as a professional?"
2. A professional code of ethics must espouse virtues to which those professionals are to develop within themselves and thus attain. This principle asks the question, "Who am I trying to become as a member of this profession?"

¹⁶⁹ Hartle, 31.

¹⁷⁰ Hartle, 194.

3. A professional code of ethics must offer guidelines for right action within the context of that profession, as well as what is unacceptable behavior for that profession.¹⁷¹ This principle asks the questions “What should I be striving to do, in light of who I am?”¹⁷² It also asks the question, “How do I protect society from the abuses of our power and expertise?”
4. A professional code of ethics must establish the relationship between society and that profession in terms of informing society about said profession, as well as articulating how that profession serves the greater society as a whole.
5. A comparative analysis of the various professional ethical codes shows that those four principles are present in each ethical code. (See below.)

¹⁷¹ Hartle, 194. This is based on MacIntyre’s own combination of his first and third purposes for an professional code of ethics.

¹⁷² With reference to my earlier discussion in chapters 1 & 2 about Hartle’s views on the juridification of a code of ethics (Hartle 2007, 66-67), professionals do not ask “What does my ethical code let me get away with?”

Table 1. Comparative Analysis of the Principles of Various Professional Ethical Codes					
Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues* - Who are we trying to be?	Principle 3a: Professional Behavior* - Based on who we are, how do we act?	Principle 3b: Unprofessional Behavior* - Based on who we are, how do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
Journalism (1)	Public Enlightenment	- Accuracy - Independence - Integrity - Humility - Compassion	- Verify all reporting, take responsibility - Report with honesty, update information as it changes, print corrections - Courageously hold the powerful accountable - Maintains source confidentiality	- Deliberately inflammatory reporting - Out of context reporting - Selective reporting to promote an agenda - Conflicts of Interest (favored interest) - Combining news and advertising	- Respond quickly to accusations of inaccuracy - Promote trust through faultless integrity - Expose unethical conduct in journalism
Business (2)	Promote harmony and mutual prosperity	- Responsible - Trustworthy - Transparency / Integrity - Global Connection	- Respect the clients, business partners, and the environment - Contribute to society instead of just making a profit	- Illicit Activities (Terrorism, bribery, money laundering, etc.) - Avoids wasteful use of resources	- Goes beyond letter of legal minimum, fulfills spirit of the law, reports illegal activities - Contributes to the economic, social and environmental development of communities
Counseling (3)	Respect the dignity and promote the welfare of clients by empowering individuals to achieve mental health goals	- Respectful of human dignity - Empathy - Transparency - Informed consent	- Maintains client confidentiality & privacy - Maintains professional education	- Avoids abuse of therapeutic relationship - Avoids imposing own values on clients - Counselors won't abandon or neglect clients - Gatekeeper profession	- Seeks consultation with other professionals - Publishes findings to contribute to greater body of professional and public knowledge - Maintains appropriate records and logs

Law (4)	Promote justice and rule of law	<ul style="list-style-type: none"> - Respect for human dignity - Authority of Reason - Competence - Zealous defense of client 	<ul style="list-style-type: none"> - Maintains privileged information - Maintains competent practice - Acts in best interest of client within bounds of the law and principles of justice 	<ul style="list-style-type: none"> - Avoid even the appearance of impropriety - Gatekeeper profession 	<ul style="list-style-type: none"> - Assists in improving the legal system - Prevents the unauthorized practice of law - Avoid conflicts of interest
Medicine (5)	Bring physical and mental healing to the benefit of patient	<ul style="list-style-type: none"> - Respectful of human dignity - Professional growth & learning - Competent - Places patients' needs as paramount 	<ul style="list-style-type: none"> - Maintains Doctor-Patient confidentiality - Maintains professional education - Balances the legal requirements with potential benefits to their patient - Work with other health professionals 	<ul style="list-style-type: none"> - Must not use their medical knowledge to knowingly bring harm to their patient (non-maleficence) - Avoid the appearance of impropriety 	<ul style="list-style-type: none"> - Publishes findings to contribute to greater body of professional and public knowledge - Obligated to report unethical and incompetent behavior - Work to improve the community health

* These lists are not an exhaustive list of all the virtues and behaviors; they were selected to highlight each profession's unique practices. Many of these professions share similar traits, virtues, and behavioral guidelines.

Source: 1) Society for Professional Journalism, "SPJ Code of Ethics," *Society for Professional Journalism* (6 September 2014), <http://www.spj.org/ethicscode.asp>; 2) Frederick Phillips, "Caux Round Table Principles for Business," Caux Round Table, May, 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>; 3) Erin Martz, ed., *2014 ACA Code of Ethics* (Alexandria, VA: ACA, 2014); 4) American Bar Association, *ABA Model Code of Professional Responsibility*, (Chicago, IL: ABA, 1981); 5) American Medical Association, "AMA'S Code of Medical Ethics," American Medical Association, June, 2001, www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page; 6) Center for the Army Profession and Ethic. *The Army Ethic White Paper* (West Point, NY: CAPE, 2014).

This chart represents a comparative analysis¹⁷³ of the various ethical principles at work in the aforementioned professions. This chart is not an exhaustive list, given that many of the professions promote many similar professional virtues, and acceptable and unacceptable behavior. Two areas of note include the differentiation in the second column (Principle 1: Professional Identity). Whenever possible, this column represents the actual words that define those professions. If not, the words and phrases represent a summarization of the preambles of their respective professional code of ethics.

Conclusion

This chapter focused on the selection and development of the evaluation criteria that this thesis will use to evaluate the CAPE proposed Army Ethic. In the subsequent chapter, the this thesis will evaluate the CAPE Proposed Army Ethic in terms of its relevance and its adherence to the fundamental principles of a professional ethical code as identified above (see Table 1.) This analysis will incorporate the criteria for establishing a unique professional identity as a subset of the first principle of a professional ethical code. This analysis will incorporate the national values as espoused in the US Constitution and foundational documents as a subset of the third, forth, and fifth columns.

¹⁷³ Harry Wolcott, *Transforming Qualitative Data* (Thousand Oaks, CA: Sage Publications, 1994), 179.

CHAPTER 4

FINDINGS

Does the CAPE Proposed Ethic Meet the Criteria Set Forth in Chapter 3?

This chapter presents and analyses the data based on the criteria established in the previous chapter. This presentation and analysis will take place in two sections. The first section will present and analyze the data from the relevance survey, in the hopes of identifying trends throughout the CGSS population. The second section will evaluate the CAPE proposed Army Ethic in terms of its adherence to the four fundamental principles of a professional code of ethics, as set forth in the previous chapter. As the first subsection of this evaluation, an analysis of the CAPE proposed Army Ethic is offered in light of its ability to identify and articulate a unifying professional identity based on universal principles derived from the United States foundational documents.

Presentation and Analysis of the Survey

Obviously I won't be able to do this until I get the results of my survey. But my unscientific straw poll of my peers indicates that they won't find it very useful. What does that mean?

Analysis of the CAPE Proposed Army Ethic

This section will evaluate the CAPE proposed Army Ethic in three sections by applying the evaluation criteria described in the previous chapter. As outlined in the previous chapter,¹⁷⁴ there are four fundamental principles that a professional code of

¹⁷⁴ Thesis Chapter III, Section III.

ethics must address: (1) A professions' Unifying Identity, (2) its Espoused Values, (3) Professional and Unprofessional Behavior, and (4) the Professional Relationship to Society. As a subset to the first fundamental principle of an professional ethical code, I will evaluate the CAPE proposed Army Ethic's unifying identity by view of four qualities: 1) distinguishability, 2) feasibility, 3) applicability, and 4) clarity. As a sub-set to the second and fourth principles, this section will also evaluate the CAPE proposed Army Ethic in its ability to incorporate, address, or adhere to underlying moral principles and societal values as expressed through the United States' foundational documents.¹⁷⁵

Principle 1: Unique Identity

The CAPE proposed Army Ethic asserts that Army professionals aspire to attain the identity of "**Trustworthy Army Professionals**."¹⁷⁶ Earlier this thesis discussed the artificiality of Honor as an Army Value as it is currently defined in doctrine. Quoting COL Mattox, "What good is a "value" that merely tells one to "live the values"?"¹⁷⁷ This offers a similar question with regard to CAPE's proposed identity, namely, "what good is a professional ethic that tells us to be professional?" Are doctors to be identified as "professional doctors?" Similarly, the artificiality of the adjective "trustworthy" at the beginning of the identity seemingly serves no purpose in telling us what that identity *actually is*. Instead, the presence of the word "trustworthy" simply adds another virtue to

¹⁷⁵ Thesis Chapter II, Section V.

¹⁷⁶ CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 11.

¹⁷⁷ John Mattox, "Values Statements and the Profession of Arms: A Re-evaluation," in *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011), 69.

the already existing Army values, one that already corresponds with the Army value of integrity.

The simple fact that one can superimpose any professional occupation into that identity indicates that the proposed identity of “Trustworthy Army Professionals” is inadequate. One would not consider doctors as “trustworthy medical professionals,” journalists as “trustworthy news professionals,” or educators as “trustworthy teaching professionals.” Similarly, one should not consider members of the profession of arms as “trustworthy Army professionals.”

Conversely, one can immediately see what it means to have an actual distinguishable unifying identity when you compare the unifying identities of other professions with other professions. It makes no sense for a doctor to be an agent that promotes harmony and mutual prosperity, as per the model of business ethics – they are first and foremost healers. Alternatively, consider the ridiculousness of imposing a legal identity on a psychotherapist. It makes no sense to tell a professional mental health counselor that they are to “promote justice and rule of law.” This is not to say that doctors do not promote harmony and mutual prosperity, nor that counselors should be ignorant of legal niceties, simply that their primary professional identities have a uniqueness that distinguishes it from other professions.

Without achieving the first quality, distinguishability, it may seem like a moot point to address the rest of the evaluation criteria. Still, a further evaluation across the other evaluation criteria show further weaknesses. If we accept the CAPE proposed professional identity as **Trustworthy Army Professionals**, it prompts the question of how do we develop professional training in support of this identity? Do our current

professional schools focus on developing trustworthiness? How exactly does one train trustworthiness? These questions indicate that this proposed identity also fails to meet the criteria of feasibility. The other two criteria, applicability and clarity, do fit the model in the CAPE proposed Army Ethic. One can apply the phrase “Trustworthy Army Professionals” to every member of the profession, and it clearly communicates the proposed idea to the profession and the society that it serves. Still, the indistinguishability and unfeasibility of this statement raise some troubling concerns.

Table 2. Comparison of Professional Identities				
Profession	Distinguishable from other Professions	Applicable to all specialized members of the profession	Feasible and supported through professional training	Clearly articulated and easily accessible to the public
Journalism (1)	Yes	Yes	Yes	Yes
Business (2)	Yes	Yes	Yes	Yes
Counseling (3)	Yes	Yes	Yes	Yes
Law (4)	Yes	Yes	Yes	Yes
Medicine (5)	Yes	Yes	Yes	Yes
CAPE Proposed Army Ethic (6)	No	Yes	No	Yes

Source: 1) Society for Professional Journalism, “SPJ Code of Ethics,” *Society for Professional Journalism* (6 September 2014), <http://www.spj.org/ethicscode.asp>; 2) Frederick Phillips, “Caux Round Table Principles for Business,” Caux Round Table, May, 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>; 3) Erin Martz, ed., *2014 ACA Code of Ethics* (Alexandria, VA: ACA, 2014); 4) American Bar Association, *ABA Model Code of Professional Responsibility*, (Chicago, IL: ABA, 1981); 5) American Medical Association, “AMA’S Code of Medical Ethics,” American Medical Association, June, 2001, www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page; 6) Center for the Army Profession and Ethic. *The Army Ethic White Paper* (West Point, NY: CAPE, 2014).

The identity in the CAPE proposed Army Ethic is insufficient. Their proposed identity does not actually provide any guidance for action or a shared understanding of what it means to be a member of the profession of arms. While it does meet some of the

evaluation criteria, as annotated in the chart above it fails in two criteria – the proposed identity is indistinguishable from other professions. Secondly, the this identity is unfeasible because is it unsupported through professional training. Thus, it is in need of revision; the following chapter of this thesis will offer recommendations to improve this aspect of the CAPE proposed Army Ethic.

Principle 2: Espoused Values

Each profession has virtues that it values. No person denies the need for integrity and character across the venue of professions, but integrity is more highly valued in the professions of journalism and law. No one denies that doctors and journalists should be empathetic, but this virtue is more highly valued by professional counselors. Multiple professions value human dignity, but none place so high of a value on it as the medical field. With regard to the profession of arms, then, how does the CAPE proposed Army Ethic address those virtues and values?

The CAPE proposed Army Ethic has three subordinate tenants:

1. Honorable Servants of the Nation – Professionals of Character
2. Military Experts – Competent Professionals
3. Stewards of the Army Profession – Committed Professionals¹⁷⁸

Regarding the CAPE proposed Army Ethic, the choice of the words Character, Competent, and Committed reflect an effort to build a code of professional ethics based on currently existing doctrine as opposed to applying a logical framework based on foundational moral principles and cultural values. ADRP 1 lists those three words as the

¹⁷⁸ CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 11.

basis for Army Professionalism.¹⁷⁹ Similar to our previous discussion of the artificialities of the Army Values acronym, the act of trying to match our ethical code with our existing doctrine results in unnecessary artificialities. Are we developing our professional ethical code to match our current (and changing) Army Doctrine, or are we developing our professional ethical code in a logical manner that maintain consistency with our national and cultural values and underlying moral principles?

These questions bring to light more artificialities in the CAPE proposed Army Ethic. By needlessly attempting to streamline this document with current (and changing) Army Doctrine, the CAPE proposed Army Ethic fails to capitalize on an opportunity to reemphasize to member of the profession of arms what professionalism actually means. This is due in part to the untenable identity as discussed in the previous section. After all, if the military profession does not have a unique identity, then any virtue could reasonably be valued. The artificial selection of these values, Character, Competence, and Commitment, have no inherent logic, nor do they maintain a consistent connection to our cultural values as espoused in the US Constitution. Instead, the three arbitrary values reflect the arbitrary nature of the self-professed identity. One could ask same questions of other professions: are not doctors or lawyers supposed to be persons of character, competence, and commitment? If so, then how are these values unique to the profession of arms?

Furthermore, the CAPE proposed Army Ethic only addresses the national and societal values as expressed in the US Constitution in an ancillary fashion. The CAPE proposed Army Ethic fails to apply a logical method that ties the proposed values

¹⁷⁹ ADRPI.

together into one purpose, let alone address the values of equality, freedom, individual rights, though it does address the concepts of frailty and fallibility.¹⁸⁰ One could argue that the constitutional value of human frailty are addressed through the reaffirmation of subordination to civilian authority. Additionally, one sees the fallible nature of humanity in the constant need to study and improve within the profession of arms.

Principle 3: Professional Behavior

The profession of arms, at its most basic sense, is the studied application of combat power to achieve a military objective. This is a partially differentiated role in society, wherein professional considerations are given additional weight in determining the morality of actions.¹⁸¹ As an example, it is generally morally impermissible for one person to shoot a tank at another person. Within the tightly controlled context of the military profession, however, this is a legal and authorized act. On the one hand, the military legal code acts as a backstop to prevent war atrocities and to ensure compliance with the laws of armed conflict. On the other hand, a professional code of ethics acts as a guide for professional behavior. Given the inherently violent nature of the profession of arms, the military professional must clearly delimit themselves and reinforce acceptable and unacceptable behavior in their code of ethics.

The CAPE proposed Army Ethic does clearly lay out terms of acceptable behavior.¹⁸² From the beginning, it clearly articulates that the US Army professional must

¹⁸⁰ CAPE, The Army Ethic, 11.

¹⁸¹ Hartle, Moral Issues, 35-36.

¹⁸² CAPE, The Army Ethic, 11.

first and foremost support and defend the US Constitution. From there, it articulates that all people have intrinsic worth and dignity. When militarily necessary, the proposed Ethic states that Army missions “may justly require taking the lives of others while courageously placing our own at risk.”¹⁸³ It goes on to discuss the responsibility of Army professionals to the people of the United States to effectively steward the resources given. It expresses those resources both in terms of people as well as financial and military equipment. These sentiments to effectively encapsulate acceptable behavior for the profession of arms.

This proposed ethic, however, is a little vague on unacceptable behavior in the profession of arms. The one prohibitive statement is that military professionals are to “reject and report illegal or immoral orders or actions.” While every profession is obligated to adhere to the legalities within society, this is particularly applicable in the military institution, where orders carry both moral and legal ramifications.

Other military ethicists and professionals have proposed additional prohibitions. Both Moten and Hartle, who have both proposed Army ethical codes suggest that a professional Army officer should withdraw from partisan politics¹⁸⁴ as a function of the constitutional principle of military subordination to civilian authority. This is one reason why military officers do not endorse political parties or political candidates – military professionals, in their role as a professional, remain apolitical and serve all political parties equally to the best of their abilities.

¹⁸³ CAPE, The Army Ethic, 11.

¹⁸⁴ Moten, 22.

Principle 4: Relationship to Society

The United States Army has a unique mission set across the various physical domains and sister services. The US Army, as the primary force behind land operations, must master the intricacies of the intangible human terrain, because that is the physical domain where other cultures live.¹⁸⁵ This means that the US Army has a unique responsibility to represent American society to the rest of the world; the US Soldier might represent the only interaction that some foreigners might have with any Americans. This necessarily means that Army Professionals, by virtue of being a land warfighters, must prioritize cultural training to gain a better understanding about the operating environment. This is something that the CAPE Proposed Army Ethic fails to address. With a lack of cultural training, the “strategic corporal” with can inadvertently throw Korans in an incinerator, inciting nation-wide riots with strategic consequences.¹⁸⁶

Additionally, the Army rarely acts alone. Current doctrine emphasizes the essential team fight across the services, US Governmental agencies, and our multi-national partners. The CAPE proposed Army Ethic mentions that the Army will “accomplish the mission as a team.”¹⁸⁷ However, nowhere in the document does it mention the need to interact with our joint, interagency, intergovernmental and multi-national (JIIM) partners. If the Army truly believes that it is a necessary member of a

¹⁸⁵ U.S. Army, *Unified Land Operations*, ADRP 3 (Washington, DC: Government Printing Office, 2012), 1-2.

¹⁸⁶ Aleem Agha, “Koran Burning at U.S. Base Sparks Afghan Protests.” ABC News, February 21, 2012, accessed March 1, 2015, <http://abcnews.go.com/International/quran-burning-us-base-draws-afghan-protests/story?id=15756570>.

¹⁸⁷ CAPE, *The Army Ethic*, 11.

JIIM team, then it is something that their professional ethic addresses, as evidenced in the Medical, Business, and Counseling ethical codes.

Finally, the US Army as a profession has a unique role in our society. As a subset of the overall military power of the United States, “America’s overwhelming military power in this new century makes ethical consideration and ethical constraint even more significant....With such dominance comes great responsibility.”¹⁸⁸ This is a unique responsibility also follows from the Fotion and Elfstrom’s concepts of ethics of scale.¹⁸⁹ Physicians may have to make ethical decisions that primarily affect the life of a single individual, whereas military professionals routinely make decisions that “affect the lives of scores, hundreds, or even thousands of people during war.”¹⁹⁰ Furthermore, the exigencies of war may require that both professionals and non-professionals in the military do many things that have major ethical implications.¹⁹¹ The statements have vast implications – improperly applied, United States Army can literally destroy cities, nations, and cultures. The scout platoon leader, with radio in hand, has the combat power to literally destroy entire Afghan villages. This overwhelming combat power, and its associated responsibility, require a strong sense of ethical guidance.

¹⁸⁸ Hartle, Moral Issues, 230.

¹⁸⁹ Fotion and Elfstrom, Military Ethics, 68.

¹⁹⁰ Fotion and Elfstrom, Military Ethics, 68.

¹⁹¹ Fotion and Elfstrom, Military Ethics, 69.

Conclusion:

This thesis’ analysis shows weaknesses in the CAPE proposed Army Ethic. Most glaring is the lack of a unifying identity. That lack of a unifying identity leads to the next criticism of the professional virtues. After all, if the profession does not know who they are, then how can they properly articulate who they want to become, and what virtues they must cultivate? Lastly, this thesis has posited that any military ethic should avoid juridification. Multiple military ethicists agree that if the US Army turns its ethical code into another set of rules, then it will miss the point of the professional ethic. Still, one of the tenants of an ethical code is that it proscribes acceptable and unacceptable behavior within the profession, and the CAPE proposed Army Ethic has room for improvement. Table 2, below, indicates a summarization of the issues with the CAPE proposed Army Ethic in light of the foundational principles of other professions’ ethical codes. The next chapter in this thesis will offer suggestions on ways to improve the ethical code in light of this analysis by comparing other suggested ethical codes.

Table 3. Comparative Analysis of the Principles of Various Professional Ethical Codes					
Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues* - Who are we trying to be?	Principle 3a: Professional Behavior* - Based on who we are, how do we act?	Principle 3b: Unprofessional Behavior* - Based on who we are, how do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?

Journalism (1)	Public Enlightenment	<ul style="list-style-type: none"> - Accuracy - Independence - Integrity - Humility - Compassion 	<ul style="list-style-type: none"> - Verify all reporting, take responsibility - Report with honesty, update information as it changes, print corrections - Courageously hold the powerful accountable - Maintains source confidentiality 	<ul style="list-style-type: none"> - Deliberately inflammatory reporting - Out of context reporting - Selective reporting to promote an agenda - Conflicts of Interest (favored interest) - Avoid combining news and advertising 	<ul style="list-style-type: none"> - Respond quickly to accusations of inaccuracy - Promote trust through faultless integrity - Expose unethical conduct in journalism
Business (2)	Promote harmony and mutual prosperity	<ul style="list-style-type: none"> - Responsible - Trustworthy - Transparency / Integrity - Global Connection 	<ul style="list-style-type: none"> - Respect the clients, business partners, and the environment - Contribute to society instead of just making a profit 	<ul style="list-style-type: none"> - Illicit Activities (Terrorism, bribery, money laundering, etc.) - Avoids wasteful use of resources 	<ul style="list-style-type: none"> - Goes beyond letter of legal minimum, fulfills spirit of the law, reports illegal activities - contributes to the economic, social and environmental development of communities
Counseling (3)	Respect the dignity and promote the welfare of clients by empowering individuals to achieve mental health goals	<ul style="list-style-type: none"> - Respectful of human dignity - Empathy - Transparency - Informed consent 	<ul style="list-style-type: none"> - Maintains client confidentiality & privacy - Maintains professional education 	<ul style="list-style-type: none"> - Abuses therapeutic relationship - Imposes own values on clients - Counselors won't abandon or neglect clients - Gatekeeper profession 	<ul style="list-style-type: none"> - Seeks consultation with other professionals - Publishes findings to contribute to greater body of professional and public knowledge - Maintains appropriate records and logs
Law (4)	Promote justice and rule of law	<ul style="list-style-type: none"> - Respect for human dignity - Authority of Reason - Competence - Zealous defense of client 	<ul style="list-style-type: none"> - Maintains privileged information - Maintains competent practice - Acts in best interest of client within bounds of the law and principles of justice 	<ul style="list-style-type: none"> - Avoid even the appearance of impropriety - Gatekeeper profession 	<ul style="list-style-type: none"> - Assists in improving the legal system - Prevents the unauthorized practice of law - Avoid conflicts of interest

Medicine (5)	Bring physical and mental healing to the benefit of patient	<ul style="list-style-type: none"> - Respectful of human dignity - Professional growth & learning - Competent - Places patients' needs as paramount 	<ul style="list-style-type: none"> - Maintains Doctor-Patient confidentiality - Maintains professional education - Balances the legal requirements with potential benefits to their patient - Work with other health professionals 	<ul style="list-style-type: none"> - Must not use their medical knowledge to knowingly bring harm to their patient (non-maleficence) - Avoid the appearance of impropriety 	<ul style="list-style-type: none"> - Publishes findings to contribute to greater body of professional and public knowledge - Obligated to report unethical and incompetent behavior - Work to improve the community health
CAPE Proposed Ethic (6)	Trustworthy Army Professionals	<ul style="list-style-type: none"> - Character - Competence - Commitment 	<ul style="list-style-type: none"> - Support & defend the US Constitution - Recognize intrinsic dignity of all people - Stewards of resources (people, things) - Just taking of opponent's lives 	<ul style="list-style-type: none"> - Reject & report illegal actions 	<ul style="list-style-type: none"> - Subordinate to civilian authority - Offer candid professional judgment in the application of military power to subordinates, peers, and superiors

* These lists are not an exhaustive list of all the virtues and behaviors; they were selected to highlight each profession's unique practices. Many of these professions share similar traits, virtues, and behavioral guidelines.

Source: 1) Society for Professional Journalism, "SPJ Code of Ethics," *Society for Professional Journalism* (6 September 2014), <http://www.spj.org/ethicscode.asp>; 2) Frederick Phillips, "Caux Round Table Principles for Business," Caux Round Table, May, 2010, accessed 28 January 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>; 3) Erin Martz, ed., *2014 ACA Code of Ethics* (Alexandria, VA: ACA, 2014); 4) American Bar Association, *ABA Model Code of Professional Responsibility*, (Chicago, IL: ABA, 1981); 5) American Medical Association, "AMA'S Code of Medical Ethics," American Medical Association, June, 2001, www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page; 6) Center for the Army Profession and Ethic. *The Army Ethic White Paper* (West Point, NY: CAPE, 2014).

CHAPTER 5

CONCLUSION & RECOMMENDATIONS FOR FUTURE STUDY

The analysis of the previous chapter indicated weaknesses in the CAPE proposed Army Ethic. This chapter will offer suggested revisions in light of foundational principles and other proposed Army Ethical codes. In light of this analysis, I would propose four areas to revise to the CAPE proposed Army Ethic.

First, the CAPE proposed Army Ethic must present a clear and distinguishable unifying identity. I would propose that US Army professionals are “Guardians of Freedom and Defenders of the American Way of Life.” The phrase “American way of life” encapsulates the ideas and values espoused by the US Constitution, tying the military’s identity to its Constitutional basis.

Furthermore, the idea that member of the profession of arms are “defenders of freedom” highlights the unique nature of the profession of arms. Most people would hesitate to let someone cut them open and remove a body part, unless that person was a medical professional. Similarly, most people would find it unacceptable to have anyone outside of the profession of arms operate a M1 Abrams Main Battle Tank. As a guardian of freedom, Army Professionals have the authority and ability to apply massive combat power to achieve an objective, a distinguishing characteristic from other professions.

The choice of the words guardian, defender, and freedom are not arbitrary either. They reemphasize the inherent posture for application of combat power in keeping with the just war tradition. As guardians, members of the profession of arms have a responsibility to keep themselves and their arms ready to so battle when necessary. This also requires the ability to train and prepare for war, physically, mentally, and morally.

Indeed, when Army professionals forego their responsibility to stand ready for war, they do their nation a disservice. Additionally, the choice of the word “freedom” intentionally implies a connection to our greatest national value. This leads to my next proposal to improve the CAPE proposed Army Ethic.

Second, the CAPE proposed Army Ethic must accurately reflect the values of the United States, as expressed through our historical documents. In order to prevent a values-gap between our internal and expressed beliefs and values, the US Army must ensure that any proposed code of ethics accurately reflects those national values. Our society is built on the underlying premise of individual dignity and worth – this applies not only to our society, but to every person who laces up their boots each morning. An ethical code that fails to account for individual Soldiers’ worth and dignity makes a significant omission.

Additionally, this principle of individual dignity and worth logically applies to each person in the world – even the ones who take up arms against our nation. A professional code of ethics for the military must account for universal individual human dignity, to do otherwise is to open the door to violations of those values. Our Soldiers, as well as our enemies, need to understand that we will act in a way that respects that individual dignity. Combat might require that a Soldier takes another person’s life. We as leaders and professionals have a responsibility to prepare their Soldiers beforehand; to train them and display ethical leadership so that our subordinates can trust that their actions are just. To do otherwise is to bring to question their personal morals and serves to erode their emotional and spiritual resiliency.

Third, the CAPE proposed Army Ethic makes no mention of operations in a JIIM environment. The Army is a team oriented organization – the various branches of the Army are interdependent. We must rely on each other to accomplish the mission within the Army, and the same goes true for our JIIM partners. A simple phrase stating that “we accomplish the mission as a team” is insufficient to relay the importance of our JIIM partners, as well as the complexity of the problems in a modern operating environment. This is a glaring omission within CAPE’s proposed ethic, one that betrays an arrogant proclivity for unilateral action.

Today’s operating environment is so complex that it requires the application of all partners in unified action. Members of the profession of arms must first acknowledge the necessity of operating as a part of a larger JIIM team, and then embrace the idea that all players on the JIIM team can contribute to mission accomplishment. Just as the tank commander must incorporate dismounts, indirect fires, and logistical support to reach maximum effectiveness, so too must the US Army recognize and incorporate the capabilities of its JIIM teammates to fight and win America’s wars.

Fourthly, two previous military ethicists Hartle and Moten argue that an apolitical nature is necessary to maintain the boundaries of military professionalism. While all the professional ethics mention a candid expression of our military judgment, in order to fully embrace the Constitutional principle of military subordination to civilian authorities, Army Professionals must remain apolitical. To do otherwise is to risk the confidence in our national political leaders.

This is not to say that military personnel cannot or should not vote. As citizens of this nation, members of the profession of arms must maintain the professional bearing to

divorce their personal political opinions from their professional military advice. Our civilian leaders must unequivocally understand that we as military professionals will candidly offer our best military judgment, and then willingly execute national policy and strategy to the best of our abilities. One only needs to look at the Rolling Stone magazine to see the effects of partisan political opinions on military operations.¹⁹²

Table 4. Recommendations to Improve the CAPE Proposed Ethic					
Profession	Principle 1: Professional Identity - What is the underlying purpose of our profession?	Principle 2: Professional Virtues* - Who are we trying to be?	Principle 3a: Professional Behavior* - Based on who we are, how do we act?	Principle 3b: Unprofessional Behavior* - Based on who we are, how do we protect society from abuses of our power and expertise?	Principle 4: Professional Societal Relationship - How do we inform about and serve society with our profession?
Israeli Code “Ruach Tzahal”	Continued Existence of the State / Defenders of the State of Israel	<ul style="list-style-type: none"> - Human Dignity - Patriotism & loyalty - Purity of Arms - Comradeship - Perseverance in Mission 	<ul style="list-style-type: none"> - Responsible for lives surrounding him and consequences (intended or otherwise) - Act as an example for others around him - Act with transparency 	<ul style="list-style-type: none"> - Limit injury to life to the extent required for mission accomplishment - Prevent unnecessary harm to life and property - Won't use his military status for benefits 	<ul style="list-style-type: none"> - Circumscribed use of military status (active, veteran, retired) - Media expressions must reflect the IDF policies and decisions, and must instill public confidence in the IDF
Hartle “Seven Principles”	Support and defend the US Constitution	<ul style="list-style-type: none"> - Servants of the Nation - Integrity, loyalty, honor, & Courage - Militarily Competent 	<ul style="list-style-type: none"> - Responsible for all actions and orders - Subordinate personal interests to professional military requirements - Obligated to train and serve subordinates - Safeguards welfare of subordinates as persons 	<ul style="list-style-type: none"> - Adhere to laws of war and service regulations in performing military functions 	<ul style="list-style-type: none"> - Conform Strictly to the principle that subordinates military to civilian authority - Apolitical

¹⁹² Michael Hastings, “The Runaway General.” Rolling Stone, June 22, 2010, accessed March 1, 2015 <http://www.rollingstone.com/politics/news/the-runaway-general-20100622>.

Moten	Servant of the Nation	<ul style="list-style-type: none"> - Adaptable - Character / Integrity - Accountable - Servant / Faithful - Team Player (JIIM) 	<ul style="list-style-type: none"> - Subordinate my personal interest to professional requirements - Obey all lawful orders, execute to the best of my abilities - Share dangers with my Soldiers, prepare them for war 	<ul style="list-style-type: none"> - Avoid Partisan Politics - Adhere to laws of war, laws of the US, and Army Regulations 	<ul style="list-style-type: none"> - Render candid professional advice, faithfully execute the policies of the US - Adhere to constitutional principle of subordination to civilian authority
CAPE Proposed Army Ethic	Trustworthy Army Professionals	<ul style="list-style-type: none"> - Character - Competence - Commitment 	<ul style="list-style-type: none"> - Support & defend the US Constitution - Recognize intrinsic dignity of all people - Stewards of resources (people, things) - Just taking of opponent's lives 	<ul style="list-style-type: none"> - Reject & report illegal actions 	<ul style="list-style-type: none"> - Subordinate to Civilian Authority - Offer candid professional judgment in the application of military power to subordinates, peers, and superiors
Proposed Revision	Guardian of freedom & protector of the American way of life	<ul style="list-style-type: none"> - Human Dignity - Freedom & Equality - Individual Rights / Individuality - Seek to Improve (Fallible) - Character / Integrity - Team Player (JIIM) 	<ul style="list-style-type: none"> - Support & defend the US Constitution - Recognize intrinsic dignity of all people - Stewards of resources (people, things) - Respect all people, including enemies - Tenaciously achieves the military objective 	<ul style="list-style-type: none"> - Reject & report illegal actions - Adhere to laws of war, laws of the US - Avoid Partisan Politics - Act to bring honor to self, unit, and US 	<ul style="list-style-type: none"> - Ambassador to other cultures for US national values - Render candid professional advice, faithfully execute the policies of the US

Source: Author

Table 3 shows a comparison between the CAPE Proposed ethic and other military ethical codes. This chart comparatively analyzes the CAPE proposed Army Ethic in light of the of foundational principles of all ethical codes and in light of other recently proposed Army Ethical codes from military ethicist Anthony Hartle and Michal Moten. This chart also compares the ethical code of the Israeli Defense Forces, as a foreign counterpoint.

In light of these recommendations, and after a careful comparative analysis of other proposed professional ethics, this thesis would offer the following statement as a revised ethical code. This revision represents a distillation of the salient portions of Hartle's Proposed Ethic, Moten's proposed Ethic, the CAPE proposed Ethic, as well as my own analysis based on the work in this thesis. As much as possible, this proposed revision synthesizes the best parts of the aforementioned proposed Army ethics, as indicated by the chart in Figure 4. It is as follows:

The Army Ethic (Revised)

As a member of the Profession of Arms, I have sworn to support and defend the Constitution of the United States. This makes me a guardian of freedom and a protector of the American way of life. I stand firmly to protect our nation from those who reject our national values and oppress freedom, equality, democracy, and individual rights.

I acknowledge that all people have intrinsic worth and dignity. While my chosen profession may require me to justly take the lives of others, I do so in a manner that reflects their fundamental worth and dignity. If my enemies choose to surrender, I will treat them with respect. If they choose to fight, I will meet them on the field of battle. I uniformly reject illegal order and actions, and will conform to the Army Values, the laws of war, UCMJ, and the laws of the United States. I will never bring dishonor on myself, my unit, and the United States of America. I am a professional of integrity and character.

I am a trained professional in the application of military power to achieve tactical, operational, and strategic goals. This means I must continually strive to master the knowledge, skills, and abilities of my chosen profession. This also means that when called upon, I will offer candid professional advice to the appropriate civilian authorities on how to best apply military power. I will offer this professional judgment without regard to partisan domestic politics. I am a servant of the entire nation and professional expert at the application of combat power to achieve victory.

As an member of the Profession of Arms, I am responsible for all that happens and fails to happen under my watch. I am responsible to the represent our national values to the rest of the world, understanding that my actions and the actions of my Soldiers can have strategic implications. I am responsible respect to each Soldier under my care as individual persons, and to ensure they are fully trained, equipped, and prepared to meet the enemies of this nation in combat. I work as a part of a larger joint, interagency, intergovernmental, and multi-national team to overcome adversity so that we can achieve victory. I will never accept defeat, and I will never quit. I am a committed professional.

Figure 3. The Army Ethic (Revised)

Source: Author

This revised ethical code is shorter than both CAPE's and Moten's proposed ethical codes. This proposed revision discusses the Army values and the Warrior Ethos, as well as the Character, Competence, and Commitment framework as outlined in ADRP-1.¹⁹³ Contrastingly, rather than fit an ethical code into an existing doctrinal framework,

¹⁹³ US Army, ADRP 1, 3-3 to 3-4.

this revision seeks to logically incorporate current Army doctrine into a framework built upon a unique professional identity, and maintains consistency with the United States' cultural values as expressed in the US Constitution.

Topics for Future Research

Who qualifies as a military professional (and is therefore subject to a military professional ethic)? Do junior enlisted Soldiers count as military professionals? What about indefinite or senior Non-Commissioned officers? Warrant Officers? DA Civilians?

Codified Ethic and recruiting – if we do a better job of messaging who we are as a professional military organization, how will this effect recruiting? Why do groups like ISIS and the US Marines, who both have a strong unifying identity, have no problem recruiting members? What would a recruiting campaign based on a “Guardian of Freedom and Defender of the American Way of Life” identity look like?

The efficacy of a codified ethic – Do people do bad things because they are ignorant of the moral and ethical standards, or are moral failings indicative of a deeper failure of moral character? Thesis: people violate their moral and ethical codes not out of ignorance, but out of a mis-prioritization of other ethical demands (i.e. adultery is the prioritization of romantic love over integrity). What are the methods to improve ethical instruction for professionals (cadet, basic, NCOES, and OES)? Would a codified Army Ethic help?

If the military is a microcosm of society, how do changing societal norms and values affect the codification of a military ethic? Can an Ethic remain codified in a pluralistic and post-modern society? How often should one review a codified ethic in a constantly changing society?

How does ethical behavior relate to Comprehensive Soldier Resilience? (Thesis – the more ethical you are as a person, the more mentally and spiritually resilient you become – if you have a clean kill in combat, it doesn't keep you up at night, it's the questionable ones that weigh on you).

If we accept the premise that the military (and its professional military ethic) is subject to just war theory, what does that say about indiscriminate bombing? What do you do as a military professional if you feel the war that your country is involved in is an unjust war, or being carried out in an unjust manner? What is the relationship between conscientious objector and military professional?

Conclusion

This thesis explored the relationship between the ethical codes of various professions, and conducted a comparative analysis between those ethical codes to examine the CAPE proposed Army Ethic. Simultaneously, this thesis also examined the moral principles inherent to the foundational documents of the United States, namely the US Constitution and the United States Declaration of Independence. Lastly, this thesis evaluated the CAPE proposed Army Ethic in light of the distilled foundational principles of ethical codes as well as in light of those national values espoused in the aforementioned historical documents. Said analysis revealed gaps in CAPE's proposed Army Ethic, specifically pertaining to the identification of a unifying professional identity and its incorporation of the national values and moral principles and team ethic. Finally, this thesis proposed recommendations to address those gaps within the CAPE proposed Army Ethic.

Why is this important? Everything we do as military professionals should be in support of that 18-year-old private climbing the hills of some third world country. I remember as a platoon leader the look of my Soldiers as they had to deal with the personal ramifications of close combat. I explicitly remember their far off stares as I sat and talked with them on many a midnight guard shift at the OP. Whereas last summer they were chasing girls and speeding through the Wisconsin byways, ten months later they were driving up-armored HMMWVs and dodging RPGs in southern Afghanistan. They had trouble sleeping because of their nightmares. I might not have had the right words to say to them then, but as I reflect on what it means to be a member of the profession of arms, I write these words for them.

What we do as military professionals is an outgrowth of who we are as people. I do not do what I do for the money – I serve because I believe in America and because I believe in the US Army. I believe in what we do, and I believe in what it means to be a Soldier. I stand on the wall and protect the American people from those who would do them harm. I support and defend the US Constitution, and I fight to win America's wars.

The responsibilities of leadership and command should not weigh lightly on the back of any military professional. The responsibility for ethical leadership and ethical conduct in war directly correspond to instilling the trust of the American people. We as military professionals owe it to that 18-year-old private on that unknown hilltop in a dusty, third-world country. We must prepare them as much as possible beforehand to resolve any potential ethical dilemmas that combat might present. That private needs to know that their actions are just, and that they can trust their professional military leaders to make the right ethical decision when it comes time to pull the trigger.

ILLUSTRATIONS

All figures may be grouped into a collection of illustrations and placed at the end of thesis if there are no appendixes to the thesis. If there are appendixes then the figures are numbered and placed in a lettered appendix with title of ILLUSTRATIONS.

APPENDIX A

CAPE Proposed Army Ethic

CAPE Proposed Army Ethic¹⁹⁴

The Army Ethic

The Heart of the Army

Introduction

The Army Ethic defines the moral principles that guide us in the conduct of our missions, performance of duty, and all aspects of life. Our ethic is reflected in law, Army Values, creeds, oaths, ethos, and shared beliefs embedded within Army culture. It inspires and motivates all of us to make right decisions and to take right actions at all times.

The Army Ethic is the heart of our shared professional identity, our sense of who we are, our purpose in life, and *why* and *how* we serve the American people. To violate the Army Ethic is to break our sacred bond of trust with each other and with those whom we serve. Failure to live by and uphold the Army Ethic brings dishonor on us all and may have strategic implications for the mission.

Army Professionals fulfill distinctive roles as honorable servants, military experts, and stewards of our profession. By our solemn oath, we voluntarily incur an extraordinary moral obligation inherent in the identity to which we aspire: **Trustworthy Army Professionals.**

¹⁹⁴ CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014), 11.

Honorable Servants of the Nation – Professionals of Character:

By oath, we support and defend the Constitution, subordinate to civilian authority, and obey the laws of the Nation and the orders of those appointed over us; we reject and report illegal or immoral orders or actions.

We take pride in honorably serving the Nation with integrity and demonstrating character in all aspects of our lives.

We recognize the intrinsic dignity and worth of all people, treating them with respect and compassion.

We demonstrate courage by setting the example for right conduct despite risk, uncertainty, and fear; and we candidly express our professional judgment to subordinates, peers, and superiors.

Military Experts – Competent Professionals:

We commit ourselves to do our duty, with discipline and to standard, putting the needs of others above our own, and accomplish the mission as a team.

We understand the mission may justly require taking the lives of others while courageously placing our own lives at risk.

We continuously advance our expertise in the knowledge, skills, and abilities of our chosen profession, seeking the truth, and striving for excellence through life-long learning and professional development.

Stewards of the Army Profession – Committed Professionals:

We uphold the standards of the profession and adhere to its values; we lead by example and hold ourselves and others accountable for decisions and actions.

We apply discipline in our use of the resources entrusted to us by the American people; we ensure our Army is well-equipped, well-trained, and well-led; and we care for and develop Soldiers, Army Civilians, and Families.

We develop and sustain *Esprit de Corps* and persevere, adapt, and overcome adversity, challenges, and setbacks.

APPENDIX B

MOTEN'S PROPOSED ARMY ETHIC

The Army Officer's Professional Ethic¹⁹⁵

I am a Soldier, a leader of character, a servant of the nation, and a member of the profession of arms. Nominated by the President of the United States and confirmed by the United States Senate, I am an officer in the United States Army. I hold a commission through which the President has reposed special trust and confidence in my patriotism, valor, fidelity, and abilities. My oath of loyalty and service is to the Constitution of the United States.

As a Soldier, Army Values and the Soldier's Creed are my touchstones. I . . .

- place my duty first;
- subordinate personal interests to my professional requirements;
- and I develop and maintain the highest level of professional expertise in order to accomplish the broad range of missions that I may be ordered to perform.

As a leader of character, living an honorable life is my dedication. My word is my bond. I . . .

- set a worthy example in everything I do;
- obey all lawful orders and give orders in my own name;
- take full responsibility for the manner in which my orders are carried out;
- accept total accountability for my decisions and unlimited liability for the accomplishment of my assigned missions;

¹⁹⁵ Matthew Moten, *The Army Officers' Professional Ethic – Past, Present, and Future* (Carlisle, PA: US Army War College, 2010), 21.

- place my Soldiers before myself;
- promote and safeguard, within the context of mission accomplishment, their welfare as persons and as Soldiers;
- share their dangers and their hardships;
- develop my Soldiers to accomplish their missions and to grow through positions of increasing responsibility;
- I am a leader—a teacher, a trainer, and a coach.

As a servant of the nation, service is my watchword and defense of the Constitution is my calling. I . . .

- adhere to and enforce the laws of war, the laws of the United States, and Army regulations in performing my professional duty;
- conform strictly to the constitutional principle of military subordination to civilian authority;
- render candid professional advice when appropriate, and I faithfully execute the policies of the United States Government to the best of my ability;
- and I am non-partisan—I do not involve myself or my subordinates in domestic politics.

As a member of the profession of arms, I . . .

- am a life-long learner, seeking continually to enhance my professional education;
- employ my education, training, and experience in the daily conduct of my professional duties—the continual exercise of discretionary judgment;

- respect the laws, institutions, and people of the United States without reservation or qualification.

- respect our allies, all combatants and non-combatants according to the laws of war;

- know that the accomplishment of my mission will happen only in combination and cooperation with professionals in other branches, services, and agencies;

- respect the capabilities and professionalism of fellow members of the Armed Forces and officers of the Government, regardless of rank, position, or branch of service;

- and I conduct myself at all times as a member of the profession of arms, whose traditions of loyalty, duty, respect, selfless service, honor, integrity, and moral and physical courage are exemplary.

I am a commissioned officer in the United States Army—a Soldier, a leader of character, a servant of the nation, and a member of the profession arms.

APPENDIX C

HARTLE'S PROPOSED ARMY ETHIC

Military Professionals:¹⁹⁶

1. Accept service to country at their primary duty and defense of the Constitution of the United States as their calling. *They subordinate their personal interests to the requirements of their professional functions.*
2. Conduct themselves at all times as persons of honor whose integrity, loyalty, and courage are exemplary. *Such qualities are essential on the battlefield if a military organization is to function effectively.*
3. Develop and maintain the highest possible level of professional knowledge and skill. *To do less is to fail to meet their obligation to the men and women with whom they serve, to the profession, and to the country.*
4. Take full responsibility for their actions and orders.
5. Promote and safeguard, within the context of mission accomplishment, the welfare of their subordinates as persons, not merely as soldiers, sailors, or airmen.
6. Conform strictly to the principle that subordinates the military to civilian authority. *They do not involve themselves or their subordinates in domestic politics extend the exercise of basic civil rights.*
7. Adhere to the laws of war and the regulations of their service in performing their professional functions.

¹⁹⁶ Anthony Hartle, *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004), 73.

REFERENCE LIST

- Agha, Aleem. "Koran Burning at U.S. Base Sparks Afghan Protests." ABC News, 21 February 2012, accessed 1 March 2015, <http://abcnews.go.com/International/quran-burning-us-base-draws-afghan-protests/story?id=15756570>.
- American Bar Association. *ABA Model Code Of Professional Responsibility*, (Chicago, IL: ABA, 1980).
- American Counseling Association. *2014 ACA Code of Ethics*, (Alexandria, VA: ACA).
- American Medical Association. "AMA Code of Medical Ethics," last modified June 2001, accessed 8 February 2015, <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics.page>.
- Aristotle. "Nicheomachean Ethics," in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York, NY: Random House Books, 1941).
- Axinn, Sidney. *A Moral Military* (Philadelphia, PA: Temple University Press, 2009).
- Baron, Marcia, Pettit, Philip & Slote, Michael. *Three Methods of Ethics* (Malden, MA: Blackwell Publishers 1997).
- Berns, Bernard. *Research Methods: A Tool for Life*, (Boston, MA: Pearson Education, 2009).
- British Army, *Values and Standards of the British Army*, accessed 19 December 2014, http://www.army.mod.uk/documents/general/v_s_of_the_british_army.pdf.
- CAPE, *The Army Ethic White Paper* (West Point, NY: Center for the Army Profession and Ethic, 2014).
- CGSC, *Fort Leavenworth Ethics Symposium Report*, ed. Mark H. Higgins & Chaplain (MAJ) Larry Dabeck, (Leavenworth, KS: CGSC Foundation Press, 2011).
- Copeland, Silas. "The NCO Must Grow with the Army," in *The Sergeants Major of the Army: On Leadership and the Profession of Arms*, ed. Sandra J. Daugherty (Arlington, VA: Association of the United States Army, 2009).
- Department of Defense, *Joint Ethics Regulation*, DoD 5500-7R, (Washington, DC: Government Printing Office, 1996).
- Donagan, Alan. *The Theory of Morality* (Chicago, IL: University of Chicago Press, 1979).

- Fink, Arlene. *How to Conduct Surveys: A Step-By-Step Guide*, 4th ed., (Thousand Oaks, CA: Sage Publications, 2009).
- Fisher, John, and Ravizza, Mark. *Perspectives on Moral Responsibility*. (Ithica, NY: Cornell University Press, 1993).
- Fotion, Nicholas, and Elfstrom, Gerard. *Military Ethics* (Boston, MA: Routledge & Kegan Paul, 1986).
- Hartle, Anthony. *Moral Issues in Military Decision Making*, 2nd ed. (Lawrence, KS: University of Kansas Press, 2004).
- Hastings, Michael. "The Runaway General." *Rolling Stone*, 22 June 2010, accessed 1 March 2015 <http://www.rollingstone.com/politics/news/the-runaway-general-20100622>.
- Israel Defence Forces. "Ruach Tzahal," Israeli Defense Force, accessed 12 December 2014, http://www.idfinfo.co.il/Ruach_Tzahal.php?cat=a15.
- Janowitz, Morris. *The Professional Soldier* (New York, NY: The Free Press, 1960).
- Kant, Immanuel. *Critique of Practical Reason* (New York, NY: Barnes and Nobel Books).
- Keith-Spiegel, Patricia and Koocher, Gerald. *Ethics in Psychology*. (Hillsdale, NJ: Randomhouse, 1985).
- Kossel, Clifford. "The Just War Theory." *Religious Education* 59, (3), 1964.
- Lyons, D. "Constitutional Principles," *Boston University Law Review*, 92 (4). Retrieved from <http://exprozy.ccu.edu/login?url=http://search.proquest.com/docview/132789051?accountid=10200>.
- MacIntyre, Alasdair. *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984).
- Mill, John. "Utilitarianism." *Project Gutenberg*. Accessed December 20, 2014, <http://www.gutenberg.org/ebooks/11224>.
- Matthew Moten, *The Army Officers' Professional Ethic – Past, Present, and Future* (Carlisle, PA: US Army War College, 2010).
- Nielson, Kai. *Why Be Moral?* (Buffalo, NY: Prometheus Books, 1989).
- Olsthoorn, Peter. *Military Ethics and Virtues* (Abingdon, OX: Routledge, 2011).

- Phillips, Frederick. "Caux Round Table Principles for Business (2015)," Caux Round Table, last modified May 2010, accessed January 28, 2015, <http://www.cauxroundtable.org/index.cfm?menuid=8>.
- Rachels, Stuart. *The Elements of Moral Philosophy*, 7th ed. (New York, NY: McGraw-Hill, 2012).
- Rest, James & Naraez, Darcia. *Moral Development in the Profession*. (Hillsdale, NJ: Lawrence Erlbaum Associates, 1994).
- Ritter, Lois & Sue, Valerie. "Using Online Surveys in Evaluation," in *New Directions for Evaluation*, no. 115, Sandra Mathison, Ed., (Danvers MA: Wiley Periodicals, 2007).
- Robinson, Paul, De Lee, Nigel; Carrick, Don. *Ethics Education in the Military* (Cornwall, Great Britain: TJ International, 1988).
- Russell, Bertrand. *A History of Western Philosophy*. (New York, NY: Touchstone, 1972).
- Sandel, Michael. *Justice: What's the Right Thing to Do?* (New York, NY: Farrar, Straus and Giroux, 2009).
- Society for Professional Journalism. *SPJ Code of Ethics* (Nashville, TN: Society for Professional Journalism, 2014). Last modified 6 September 2014. Accessed 3 January, 2015, <http://www.spj.org/ethicscode.asp>.
- Sontag, Deborah. "The Struggle for Iraq: Interrogations," New York Times, 27 May 2004, accessed 12 September 2015, <http://www.nytimes.com/2004/05/27/world/struggle-for-iraq-interrogations-colonel-risked-his-career-menacing-detainee.html>.
- St. Augustine. *City of God*. Accessed on 14 January 2015, from <http://oll.libertyfund.org/titles/2053>.
- Trevino, Linda and Nelson, Katherine. *Managing Business Ethics: Straight Talk About How To Do It Right* (3d. ed.) (Hoboken, NJ: John Wiley & Sons, Inc., 2004).
- U.S. Army, *Army Leadership*, ADRP 6-22 (Washington, DC: Government Printing Office, 2012).
- U.S. Army, *Mission Command*, ADP 6-0 (Washington, DC: Government Printing Office, 2012).
- U.S. Army, *The Army Profession*, ADRP 1 (Washington, DC: Government Printing Office, 2014).
- U.S. Army, *The Army*, ADP 1 (Washington, DC: Government Printing Office, 2012).

U.S. Army, *Unified Land Operations*, ADRP 3 (Washington, DC: Government Printing Office, 2012).

U.S. Congress, "The Army," *United States Code Title X* (Washington DC: Government Printing Office, 2011).

U.S. Government. "Declaration of Independence," United States National Archives, accessed February 4, 2015,
<http://www.archives.gov/exhibits/charters/declaration.html>.

Ward, Stephen. *The Invention of Journalism Ethics* (Quebec, CA: McGill-Queen's University Press, 2004).

Wolcott, Harry. *Transforming Qualitative Data*. (Thousand Oaks, CA: Sage Publishing, 1994).

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