MILITARY MEDICAL ETHICS

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SECTION II: MILITARY ETHICS

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Frank Thomas *Desert Storm, Iraq* 1991

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Chapter 5

THE PROFESSION OF ARMS AND THE OFFICER CORPS

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H. Charles McBarron *Follow Me* Leyte, 1944

When General MacArthur's Sixth Army landed on Leyte in October, 1944, the Japanese resisted furiously. Soldiers supported by Navy bombardments, trained and led by members of the Army profession, regained control of the Philippines after bitter fighting. The principles and values that laid the foundation for victory in World War II continue to shape the Army in the 21st century. Those principles and values are the subject of this chapter. Image available at: http://www.army.mil/cmh-pg/art/a&i/AVOP-0599.htm.

Art: Courtesy of Army Art Collection, US Army Center of Military History, Washington, DC.

INTRODUCTION

For participants, brutality dominates memories of war. War coerces, inexorably eroding humanity the longer it grinds. Professionalism, with its emphasis on competence and discipline, provides one of the defenses against brutalization, though professional conduct has other, more obvious purposes. The case study that follows suggests the coercion of warfare and the difficulty of reading the moral compass in the light of battle. The subsequent discussion will consider how the features of the moral compass for military professionals have come into being and what guidance that compass provides today.

Lieutenant Stone's Dilemma: Case Study

Lieutenant (LT) Stone's infantry platoon has received orders to withdraw from an isolated forward position and move to another location quite some distance away as his brigade makes a major adjustment in the forward line of defense. He is waiting for two foot reconnaissance patrols to return from earlier missions forward into enemy territory.

One of the three-man teams returns—escorting a prisoner. The patrol leader, Staff Sergeant (SSG) Trask, tensely explains that perhaps 20 minutes ago his team, in hiding, observed an enemy squad moving away from the front with the platoon's other reconnaissance patrol marching along, hands bound, obviously prisoners. Trask's men had seized the trailing enemy soldier after the others had gone around a rock outcropping and had then raced back to the platoon for reinforcements. Trask emotionally requests the chance to take a squad out to rescue the captive platoon members. The enemy has become notorious for the barbaric murder of POWs (prisoners of war). Trask reports that the enemy prisoner has already stated that the enemy squad was taking the American POWs to a collection point.

Trask says, "If I leave now, I can catch them if I know where that collection point is. We can't abandon those people, Lieutenant! The one we captured refuses to tell where the collection point is, but give him to me for 15 minutes and I'll find out! We owe it to these guys to do everything we can. Once we pull out, we'll never see them again!"

LT Stone decides that if he can determine the location of the enemy collection point, they do have time for a quick foray to find the POWs before the platoon must move to the rear. Unless he can move directly to the collection point, however, he will not have time. He cannot undertake a dangerous and time-consuming search. Rapid attempts to reach his company headquarters fail; he is temporarily out of communication. Stone intensely feels the pressure to act. He fully recognizes the compelling obligation to rescue his soldiers in the short time available. His chain of command has long preached that "we take care of our own," repeatedly emphasizing that "we don't leave men behind, alive or dead—we bring them home." He debates whether he should turn the prisoner over to SSG Trask for interrogation, which he knows will involve physical abuse because the prisoner has already refused to talk.

What factors should he consider in deciding what to do? No matter what choice he makes, he will have to override some of his moral concerns.

Professional Ethics as a Moral Compass

How military professionals should answer such questions is the concern in the discussion that follows. Under stress, the kind of stress portrayed in the prisoner scenario, individuals often do not react logically; they tend to make snap decisions based on their emotions, experiences, and training rather than on rational analysis. Because military decisions so often have serious consequences, the military institution emphasizes the training of individual leaders, the criteria for making difficult decisions, and the professional values that should provide the structure for decision making.

In the historical development of the profession of arms that follows, those aspects that have led to the current institutional expectations concerning the conduct and character of military professionals receive particular emphasis. The content and application of the professional military ethic that today guides the actions of leaders in the American military services then undergoes scrutiny. At its conclusion, the discussion will return to Lieutenant Stone and his dilemma.

ROOTED IN HISTORY

In his discussion of war, Dyer claims that "[o]ur gravest error in the late twentieth century is to overestimate our distance and difference from the past."[1(p4)] He observes, as many have, that the individual soldier "has changed remarkably little over the ten thousand years or so that armies have existed,"[1(p4)] but he goes on to emphasize a critical point: The consequences of war have changed dramatically.[1] War has always resulted in suffering and death; today militaries are much more efficient at

destruction than ever before. In addition, the institution within which the soldier bearing arms lives and fights has changed in ways that have importance for citizens and soldiers alike. Because so much of human experience in war is the same, however, despite how much has changed, to understand today's military establishment, one must know something of its history.

In part because the consequences of war have assumed such critical importance for the larger, more highly structured societies of the modern world, the last two centuries have seen the development of *professional* military forces. Professional armies are not a development peculiar to the modern world. In all probability, ancient Egypt in certain periods maintained well-trained, highly experienced armies of men who made careers of fighting wars, but in the period that military historians know well, from AD 900 to the present, professional armies came into being only during the last two centuries. At the same time that the role of the soldier in society has been formalized, the incredible carnage of war in this century has led to observations such as Gelven's: "The spectacle of countless youths bent on mutual destruction seems to qualify as something unintelligible. What could possibly justify the immeasurable suffering of a battlefield? Surely war, among all human activities, deserves the ultimate censure."[2(p4)] Although it may not be possible to answer Gelven's penetrating question adequately, militaries can look carefully at the profession of arms, past and present, in order to understand how reasonable persons can pursue a military career as a calling and how military professionals can look upon their contributions as an exceptional service to the country. In the process, the professional framework for decision making in situations like that faced by Lieutenant Stone will be explored.

To provide a deeper understanding of the profession of arms in the context of society today, it is helpful to briefly trace the development of the warriors of ancient societies into contemporary military professionals. Military institutions have evolved into complex organizations bound by custom and law in the pursuit of politically mandated objectives. Thus, a military culture has developed with distinctive features. In particular, to further understanding of the function of the military in American society, the following discussion examines the professional and moral guidelines that limit permissible action by those who exercise military force in the name of the state. That examination will provide some insight into the role and perspectives of those who choose a career of defending the United States by force of arms. An adequate analysis must also consider the problem of conflicting values that results when members of a culturally diverse society join America's armed forces, which promulgate a demanding professional ethic.

Warriors and Soldiers

To begin, one must step far back in time. Archeological evidence makes clear that armed men played a central role in the life of societies long before written records appeared. Besides to hunt more effectively, men have taken up arms to defend themselves, their families, and their communities from a variety of external threats that often included other people. In primitive societies, however, combat between tribes and communities frequently displayed the characteristics of ritual rather than the familiar modern ones of high-intensity warfare and high political stakes. Primitive war can be characterized as "organized armed conflict"[3(p48)] between members of "relatively small, stateless societies."[3(p48)] Although such fighting could be particularly merciless and brutal, cultural controls regulated and limited combat. The historian Keegan relates Divale's report of contemporary tribal conflict among the Maring of New Guinea, which is also considered typical of primitive warfare in prehistoric times.[4(p98)] Fighting took place

> in a pre-defined area of no man's land along the borders of the warring groups. Each army was composed of warriors, usually related by marriage, from several allied villages. Even though large numbers of warriors were involved, there was little or no organized military effort; instead, dozens of individual duels were engaged in. Each warrior shouted insults at his opponent and hurled spears or fired arrows. Agility in dodging arrows was highly praised and young warriors pranced about.... In spite of the huge array of warriors involved in these pitched battles, little killing took place. Because of the great distance between warriors and the relative inefficiency of primitive weapons, combined with a young warrior's agility to dodge arrows, direct hits rarely occurred.[5(ppxxi–xxii)]

A set of conditions after 10,000 BC triggered a momentous change that altered the nature of conflict described above. More structured governing organizations, population pressures, agricultural development that made land highly prized, and other factors in combination led to the widespread establishment of armies. Expanding societies turned

from ritualized combat between warriors to the pursuit of conquest by large, organized military forces. In disciplined, trained military formations, the warriors became soldiers, and over the centuries between 9000 and 3000 BC, civilization and politics introduced systematic warfare.[4(pp124–126)] Indeed, the change was so marked that some commentators go so far as to observe that "by the time we begin to have a clear picture of the civilized world as a whole, around three thousand years ago, armed force dominates everything."[1(p33)] Keegan observes that "[t]he written history of the world is largely a history of warfare, because the states within which we live came into existence largely through conquest, civil strife or struggles for independence."[4(p386)] While his observation may suggest an overemphasis on conflict at the expense of technology as a factor shaping human history, wars do provide the great benchmarks in the record of civilization.

The State

Progression of social organization from the family to the village to the region to the "state" reflects response to human needs. Whether the need for organized armed forces provided the impetus for organizing the state, or whether the emergence of the state brought the genesis of armies, it is clear that the developments were intertwined. Only the state could create and support a large, standing military force. At the same time, the army was essential to the existence of the state. The Sumerian Empire in Mesopotamia provides a striking example of the state–army symbiosis. Following the consolidation by conquest of Mesopotamia into a large state called Sumer around 2350 BC, the Sumerian kings established a military organization with aspects startlingly similar to those of modern military forces: standing armies housed in permanent barracks, standardized weapons, logistical planning on a large scale, the architecture of fortification, and systematically developed methods of siegecraft. In short, they pursued the activity of warfare with as insightful a grasp of efficiency and functional requirements as the American military employs today. Sargon of Agade, one of the strongest Sumerian rulers in the area now known as Iraq, fought at least 34 wars during his reign according to historical records, an observation that certainly supports the claim that war and armed force came to dominate human affairs.[4(p135)] Military force made the developed state possible; the state made military efficiency on a large scale possible.

In the view of national leaders for more than four millennia, military forces have been *necessary*. Even the most casual perusal of history indicates that conflict between and within societies appears inevitable. Living in large groups has given human beings the opportunity to increase technology and knowledge in ways not otherwise possible, and most members of those groups have benefited, but alongside those developments war has emerged as a looming threat to both society and progress. In a world of limited resources and competing interests, states unable to defend themselves frequently suffer at the hands of states with greater power. Despite the pacifist's argument that nonresistance would minimize human suffering no matter what the nature of the predator state might be, most nations are prepared to defend with force the property, persons, and primary interests of their citizens. Many argue that such activities constitute the *raison d'être* of the state. In addition to facing external threats, viable states must enforce cooperation among and maintain control of their citizens; in the modern world, doing so has frequently required the use of military assets.

One result of the evolution of the modern nation-state, combined with ever-advancing weapons technology, has been the inauguration of an extremely dangerous period in human history, a claim with few dissenters among those who experienced the culmination of that development in the Cold War and the chilling threat of nuclear annihilation. Today's threats of international instability and nuclear proliferation provide little relief.

Returning to the ancient period, the preeminent state and most dominant army emerged in Rome. Historians consider Rome the "mother house of modern armies."[4(pp263–281)] Beginning in the fifth century BC, the Roman Empire began to expand, subsequently using the fierce discipline and merciless efficiency of the legions in an ever-widening circle of conquest. In the view of Keegan, "[t]he Roman centurions, long-service unit-leaders drawn from the best of the enlisted ranks, formed the first body of professional fighting officers known to history."[4(p268)]

At its height during the second century AD, the Roman Empire through the legions controlled provinces stretching from Gibraltar to Hadrian's Wall on the Scottish border, encompassing most of modern Europe and the Middle East, and then extending across all of northern Africa to Morocco. Contemporary military forces whose members take pride in their traditions and successes pale in achievement when the record of the legions of Rome over nearly six centuries is considered. The pur-

poses to which Rome put her professional soldiers may well be questioned, but few question the dedication and the sacrifices of the legions. The centurionate, the professional core of the legions, provided the great strength of an army that dominated the known world for century after century. The higher ranking leadership came from the upper levels of Roman society and came steadily because service as a tribune was a prerequisite for political service leading to the ruling consulate and imperial power.[4(p268)]

Notable also is the role the military played in the evolution of Roman society. The following comment by a noted historian suggests its centrality:

> Rome, unlike classical Greece, was a civilisation of law and of physical achievement, not of speculative ideas and artistic creativity. The imposition of its laws and the relentless extension of its extraordinary physical infrastructure demanded not so much intellectual effort as unstinted energy and moral discipline. It was of these qualities that the army was the ultimate source…[4(p283)]

Even though no one makes so strong a claim for the military services in America today, the military remains a repository of some of the primary values that have formed American society and its institutions. Further emphasizing the historical importance of the Roman tradition, one can observe that the professional soldier of the Empire lived in a context of values that would certainly seem familiar to members of today's military. That observation suggests the influence of the Roman tradition, to some extent, but even more it reveals the functional demands of the profession of arms. As one military historian notes of the legionnaire, "His values were those by which his fellows in the modern age continue to live: pride in a distinctive (and distinctively masculine) way of life, concern to enjoy the good opinion of comrades, satisfaction in the largely symbolic tokens of professional success, hope of promotion, expectation of a comfortable and honourable retirement."[4(p270)] And throughout, of course, the life of the legionnaire required iron discipline and demanded extraordinary loyalty.

Legendary names from the Roman era continue to echo through the annals of military history: Cornelius Scipio, Scipio Africanus, Julius Caesar, Caesar Augustus, Vespasian, Trajan, Hadrian, Antoninus Pius, Marcus Aurelius. The legions went far in establishing the historical context from which modern military organizations emerged in the Western world.

From Roman Legionnaires to Modern Military Professionals

Feudalism

Five centuries after the Visigoths sacked Rome in AD 410, men still fought in the same manner, though not nearly as efficiently as had the legions. The swarming horse cavalry of the steppes and the Arab world were ferociously successful, but their contributions to military development were tactical rather than formative. After the disciplined Roman armies disappeared, well-organized and enduring military organizations serving the state did not reappear until the 16th century AD.

During the interim period, and especially after the advent of the Crusades in the 11th century, chivalry became a dominating feature of European military culture. Overlaying the brutality of the Crusades with the development of chivalry appears incongruous at first glance, but the influence of the Catholic Church and the founding of knightly orders led to refinements in the outlook and conduct of fighting men. Enemies in battle (other than heretics, unbelievers, and peasants who failed to adhere to their appropriate class roles) were to be accorded respect and treated in accordance with an elaborate code of honor.

Throughout the medieval centuries, the feudal system, in which the mounted man-at-arms was the central figure, dominated Europe. As General Hackett notes, the feudal knight "followed his calling primarily for the maintenance or improvement of the economic and social position of his family as a land-holding unit. Military service was one of only two ways that were in practice open to him (the other being holy orders) for the acquisition of further wealth and prestige."[6(p25)]

In the highly regulated feudal system, the feudal man-at-arms had an obligation to serve a specific person under a specific contract in which "[a] benefit was conferred (tenancy of land was by far the most common form of it) in return for which military service was required."[6(p25)] In addition to the knights, foot soldiers served, "also discharging a personal obligation to give military service. Such interruptions to normal life were unwelcome but of short duration. The forces thus produced were usually cumbrous, ill-armed, and of low military value"[6(p28)] in the opinion of Hackett. *Loyalty*, however, became firmly embedded in the concept of military character as a result of the patterns established during the period of feudal society. During

this period, loyalty was the indispensable virtue.

To the courtesies owed to fellow members of the knightly class, the religious knightly orders such as the Templars and the Hospitallers added the characteristics of discipline in personal affairs as well as in battle, unwavering loyalty to the order, and service to a higher cause. The latter two characteristics also became lasting features of the European military culture, though the example of the mercenary soldier obscured that picture for some time. Before the professional in the service of the state returned to the military scene in Europe, mercenaries played a necessary but troublesome role.

Mercenaries and Militia

Conflict among the city states of Italy in the 14th century led to the employment of contracted mercenary soldiers who fought for pay and transferred their loyalty accordingly. For a century, landless soldiers of fortune formed companies in Germany, England, the Swiss cantons, and elsewhere, selling their services to political leaders, most prominently in Italy. Contracted to provide security, the mercenaries in fact created a continuous threat to the stability of governments. As Hackett notes:

> Machiavelli … saw that the Italian cities had made a serious error, an error which was in fact to prove fatal. He realized the intimate connection between military techniques and political methods, between military organizations and political institutions. He saw that the cities, whose competitive development was bound to lead to conflict, had completely failed to evolve military forms appropriate to their political structure.…Machiavelli dreamed of an Italy united under Florence, and in looking for a suitable military form it was almost inevitable that he should turn to Rome.…He saw war as total and all embracing. The whole resources of the state should be applied to it and the only criterion of warlike methods should be their effectiveness.[6(pp52–56)]

The Roman tradition had relied upon the idea of a citizen army, an arm of the state, and that concept gradually reentered Western institutions, coming to full flower under Gustavus Adolphus of Sweden in the 1600s in the midst of European powers who still relied upon mercenary forces. "Gustavus Adolphus … successfully developed and applied [the Roman model] on the battlefield, and the system he evolved persisted in its essentials well into the twentieth century."[6(p58)] That system involved conscripted soldiers, generally linear formations, smaller units (though larger armies), and more junior leaders who had to exercise some initiative. Adolphus' commanders endlessly drilled infantry units in precise formations, prepared them for specific tactical maneuvers, and used cavalry elements for shock action.

Sweden's great success with its citizen army was a factor leading to the development of standing armies. The militia, a military force consisting of citizens who retained their status as citizens only by accepting their responsibility to train for war and perform military duties in time of danger, returned to dominate military affairs. Sovereigns raised and paid for the militias that subsequently evolved into standing military forces. As Hackett notes, "It had become common in the mid-seventeenth century to keep 160–200,000 men under arms even in peace—twelve times as many as at the end of the sixteenth century."[6(p61)]

In a related development, Charles VII of France, attempting to organize and control mercenary companies that pursued their own interests to a degree that threatened sovereignty, initiated the regimental system. He appointed major landholders in the realm as regimental colonels, paid them out of the royal treasury, and required them to raise and maintain a force of about a thousand soldiers. Regiments became a permanent feature of the newly emerging European states and developed highly individualized cultures of their own. Military historians are most familiar with the British regiments, some of whom trace their lineage back several centuries.

Professional Beginnings

The turn to a militia organization and the regimental system completed the reorientation that led to national military establishments. In Europe of the 17th and 18th centuries, in the midst of the Enlightenment and the flourishing of science and human progress, each state believed that it could ensure its survival only by developing military forces sufficient to defend against other states pursuing their interests at the expense of their neighbors. Under the two Fredericks, Prussia successfully joined a system of harsh discipline and conscript service supplemented by mercenaries with an aristocratic and largely amateur officer corps.

The Prussian example led to European armies that marched and countermarched, participated in few decisive battles, and served particular but limited state interests. War was the sport of kings, with causes and ideologies playing no significant roles. The period brought better firearms, fewer bloody

battles, and less prestige for the military. Nonetheless, that period presaged a great sea change in the development of military organization. The features of the professional military, as that term is understood today, can be found in the European armies of the mid-1700s, even though the professional officer corps came into its own only after the Napoleonic wars. The officer ranks had begun to develop the characteristics described by Huntington in his penetrating study of military sociology: corporate unity, career structure, and specialized training.[7(pp37–39)] Army and navy officers were about to become not just masters of their trade, as many undoubtedly had been over the centuries, but members of a profession, a distinction that requires some explanation.

To begin, it must be noted that the French Revolution and Napoleon's subsequent rise to power changed the face of warfare. The notion of freedom took hold and infused the citizenry of France with a national zeal and enthusiasm that changed the character of war and the military institution. The *levée en masse*, the idea of an entire nation taking up arms, led initially to huge armies of hastily trained soldiers, the mobilization of national industry, and the need for professional leadership. The precision and the ceremony of European warfare came abruptly to an end, and, in the words of Hackett, "The age of limited war was over."[6(p87)] The European states came to recognize that a full-time, professional officer corps was essential to the successful conduct of modern warfare.

The Germans, facing Napoleon's mass armies, had to find new means and resources. Frederick the Great's small formations of well-drilled conscripts and mercenaries provided no answer to Napoleon's challenge. Instead, the Germans turned to universal conscription and (eventually) an officer corps selected on the basis of merit rather than social class. The Prussian military identified merit both in terms of performance and through the systematic training and preparation of members of the officer corps. In fairly short order, other nations followed suit, thus providing the basis for the following observation: "Before 1800 there was virtually no such thing as a professional officer corps anywhere. After 1900 no sovereign power of any significance … was without one."[6(p99)]

Many developments revealed the need for professional skills, but the enormous increase in logistical requirements in the 19th century provides an obvious one. Large, technologically advanced armies called for professional military logisticians. Amateur soldiers could not meet the demands of the campaigns that followed the Napoleonic era, as the following description illustrates:

> Napoleon's artillery at Waterloo [1815] … numbered 246 guns which fired about a hundred rounds each during the battle; in 1870 at Sedan, one of the most noted battles of the nineteenth century, the Prussian army fired 33,134 rounds; in the week before the opening of the battle of the Somme [in World War I], British artillery fired 1,000,000 rounds, a total weight of some 20,000 tons of metal and explosive.[8(p309)]

As a result of these and other requirements in other aspects of combat operations, the military evolved into a profession, if by profession one means

> an occupation with a distinguishable corpus of specific technical knowledge and doctrine, a more or less exclusive group coherence, a complex of institutions peculiar to itself, an educational pattern adapted to its own specific needs, a career structure of its own and a distinct place in the society which has brought it forth.[6(p9)]

Intended to develop a well-rounded picture of the profession of arms today, the material that follows presents other concepts of military professionalism. Although the discussion adds characteristics such as self-regulation and commitment to society, the definition above certainly conveys some of the most essential aspects of the professional military establishment.

The Prussians led the way toward professionalization by lowering class barriers for officer appointments, establishing entry standards that candidates had to meet, and beginning an educational system for career officers that General von Scharnhorst completed in 1810 by establishing the famous *Kriegsakademie* in Berlin. He also required comprehensive examinations for officers seeking promotion.[6(p103)]

Although it is true that the French officer corps moved toward professional status more slowly than the Prussians in terms of competency requirements and the quality of their military educational system, they did establish a school for staff officers in 1818 and the *Ecole Militaire Supérieure* in 1878.[6(p121)] The British Army, however, while it opened the Royal Military College in 1802, clung to its class-based standards for officer commissioning much longer, abolishing the practice of members of the aristocracy purchasing their commissions only in 1871.[6(p104)] The result was an army officer corps noted throughout most of the 19th century for its bravery but marked by amateur performance. Britain's strength was her navy, which, even though social status remained a

prominent aspect of gaining opportunities, placed great emphasis on competence and long experience. Dominating the seas, the key to the British Empire, required highly capable leadership.

The United States began with an abiding distrust of standing armies and "men on horseback," largely as a result of experience with the British and the background of European history, with its Caesars, Cromwells, and Napoleons. That attitude can be traced as late as World War II. Not too surprisingly, military professionalism developed slowly in America. In between foreign crises requiring the commitment of armed forces, the nation's military invariably declined in strength and readiness, with a corresponding decrease in the prestige and attention accorded the officer corps. From the beginning, the United States applied a militia concept that continues in modified form today (the Reserves and National Guard) as a vital complement to the regular forces.

Despite the Revolutionary War, the American military largely adopted the traditions of the British officer corps: An officer is a gentleman, a man of courage and unquestioned integrity. Those who led American forces, after all, had grown up as British citizens. Janowitz claims that the American military inherited four central elements from the British military tradition: (1) gentlemanly conduct, (2) personal fealty, (3) self-evaluating brotherhood, and (4) the pursuit of glory. If by glory one understands an esteem for patriotism, for leadership in combat, and for public service, and if one accepts that 200 years have removed the aristocratic tenor of honor from American officership, Janowitz's observation appears accurate.[9(pp217–218)] For the century that followed the establishment of the United States, however, the characteristics of a profession emerged slowly. During much of the 19th century, America's best-educated Army officers, graduates of the United States Military Academy at West Point, which was established in 1802, were better known as engineers than as battlefield leaders. Although the Civil War (1861–1865) changed that, after the war the US Army became little more than a constabulary in the West, fighting and policing the Native American tribes.

Not until the turn of the century did the military profession as it exists today in the United States begin to take shape. During that period the US Army and US Navy established permanent schools for advanced military education and began to develop systematic processes of educating and training career professionals.

THE MILITARY TODAY

Characteristics of the Profession

As Janowitz notes, "In broadest terms, the professional soldier can be defined as a person who has made the military establishment the locus of his [or her] career."[9(p54)] The military professional's expert knowledge and skills center on the systematic application of violence, the specialized service the professional provides the parent society. That unique expertise sets him apart from other professional groups. The knowledge and skills necessary to support a large, modern military force, however, extend far beyond combat-related activity. In the military today, there are physicians, veterinarians, labor relations specialists, television announcers, and innumerable other specialists associated with distinctly civilian pursuits.

Who qualifies as a *military* professional in the highly complex, heterogeneous American military services? Soldiers, sailors, and airmen who serve for 3 to 5 years and return to the civilian world (the majority of the members of the military services) serve in a professional organization but do not qualify as military professionals under the parameters established in the preceding discussion. They do not possess the mastery of disciplinary knowledge and the degree of participation in self-direction and self-regulation that distinguish professional activity. Senior noncommissioned officers, however, demonstrate strong attributes of professionalism, and the commissioned officer corps generally appears to fit precisely into the professional category. But many military officers, nonetheless, are exceptions, as a pediatrician in a military hospital so appears. At the ends of the spectrum, one can identify the purely military professional and the supporting cast that provides services not at all peculiar to the military. In practice, however, it is not easy to draw the line between military professionals and others in the military. Thus professionalism and membership in the military profession are probably best described as matters of degree. The reference to degree appears in other contexts, as the following quotation reveals:

> There is no absolute difference between professional and other kinds of occupational behavior, but only relative differences with respect to certain attributes common to all occupational behavior.... [On this view] the medical profession is more professional than the nursing profession, and the medi-

> cal doctor who does university research is more professional than the medical doctor who provides minor medical services in a steel plant. Professionalism is a matter of degree.[10(p18)]

Complicating the issue of membership in the profession, in addition to the idea of a spectrum of degree noted above, is the fact that "the military profession consists of a mixture of heroic leaders, military managers, and technical specialists, and *one officer can come to embody various mixtures of these elements*"[9(pxiii)] (emphasis added). Such complications notwithstanding, most American officers and career noncommissioned officers today clearly qualify as military professionals, and many other service members qualify to some degree.

To understand the role of the American military professional today, it is necessary to explore the relationship between the military and the society it serves. It is also necessary to recognize the influences that have shaped the military culture that has evolved. Within that culture corporateness dominates, partly as a result of the specialized training and education that all members of the military receive.

Relationship to the Parent Society

One indelible characteristic of the American military that emerged from its first century of development remains foundational: The military is entirely subordinate to and responsive to the civilian leadership of the nation. (See Chapter 7, The Military and its Relationship to the Society It Serves, for a further discussion of this relationship.) That feature receives little attention when American military forces are considered because it is so deeply ingrained in American consciousness. In Latin America, however, and in many countries in the Middle East, Asia, and elsewhere, such subordination is decidedly not the case, and to note that military cultures differ markedly from one society to another raises no questions because the statement is so obviously true. In a number of countries that can be mentioned, the military *is* the government. Until recently, the military dominated life in Haiti, Brazil, and Argentina, as it still does in Myanmar and a number of African countries. If one is to understand the military profession, it is necessary to understand why military establishments differ in these obvious ways—and why they nonetheless share so many features. When the major formative influences on military organizations are recognized, both the differences and the similarities can be more readily explained.

The nature and structure of any military organization result in part, and in large part, from the basic exigencies of warfare. Both leaders and subordinates must possess competence in the use of weapons, the application of effective tactics, and the provision of support necessary to sustain combat if the military organization is to be effective. Such skills represent one of the essential characteristics of any profession: a set of abilities acquired as a result of prolonged training and education that enable the professional to render a specialized service.[9(p5)] The weapons, the tactics, and the organizational structures of military establishments may differ radically as a result of different circumstances, but certain requirements will always exist. Those requirements will shape the nature of any professional military group. In particular, those requirements will shape the ethos that provides direction, purpose, and guidelines for the conduct of military affairs.

Shaping Influences

There are three shaping influences—the functional requirements imposed by the nature of military operations, the proscriptions of the international laws of war and the principles that underlie those laws, and the dominant values of the society in whose interests the military serves. Each of the major shaping influences merits careful consideration.

Functional Requirements. Three primary factors shape the professional military ethic (PME) of every country's armed forces today.[11(pp24–35)] They include the functional requirements of effective combat operations noted above. Though functional necessities vary greatly in detail over time and in differing circumstances, the general nature of such requirements remains constant. In broad terms, any consistently successful military organization must have members who possess physical courage; soldiers who flee the battlefield will not win. Soldiers and sailors must be courageous and physically strong if they are to prevail. Military organizations must also be sufficiently disciplined, with a recognized hierarchy of authority, to ensure that orders are carried out consistently and reliably. Individual soldiers must possess the skills necessary to employ weapons and equipment in the accomplishment of tactical missions, and commanders must possess both traits of character and tactical skills required to pursue military objectives successfully without excessive losses. These broadly described functional requirements involved in the systematic application of force will be essentially constant from one society to another. Huntington observed of the military profession—with emphasis on profession—that it

> exists to serve the state. To render the highest possible service the entire profession and the military force which it leads must be constituted as an effective instrument of state policy. Since political direction only comes from the top, this means that the profession has to be organized into a hierarchy of obedience. For the profession to perform its function, each level within it must be able to command the instantaneous and loyal obedience of subordinate levels. Without those relationships, military professionalism is impossible. Consequently, loyalty and obedience are the highest military virtues.[7(p73)]

Without disciplined organization, military units cannot maintain obedience. Huntington and others have shown that the requirements of the military profession demand loyalty, obedience, and discipline no matter what particular nation or society may be involved. As has been noted, the values of technical competence and physical courage also arise directly from the nature of military activity. In some form, over time, such functional requirements will become institutionalized as standards of conduct for members of the armed forces. Functional requirements thus emerge as one of the major factors shaping the PME of any military organization.

The Laws of War. A second factor that shapes a PME, the international laws of war, has become progressively more prominent in this century. Chapter 8, Just War Doctrine and the International Law of War, will address this subject in detail. With essentially all countries now being signatories to the most important international treaties and conventions governing the conduct of war, all military organizations are affected by the existing laws. The degree to which a specific military ethic has incorporated the principles manifested in the laws of war may vary considerably, but those existing laws exert a persistent influence that cannot be ignored. Moral principles ground the international laws of warfare as they now exist. To the extent that a PME recognizes and incorporates the provisions of the laws of war, it incorporates the following two underlying humanitarian principles: (1) Individual persons deserve respect as such, and (2) Human suffering ought to be minimized.[11(pp55–84)]

Values of Society. The third and most complex factor that influences the content of a PME, one that further circumscribes and limits the other two, emerges from the dominant values of the society that create and sustain the military institution. None of the institutions or practices of society are born in isolation or unchanging over time. The purposes, concerns, and interests of the people involved in an institution give it life and mold its nature. Overall, its members are products of their society. The structures of all social institutions reflect basic cultural values, patterns of value that change very gradually. Military institutions accordingly reflect the influence of those same patterns. Because societies differ in these features, the military cultures that develop within them will differ as well, despite the common professional exigencies. One can thus understand why subordination to civilian authority, such a dominant feature of the American military, does not characterize the military forces of some other nations.

Specialized Education and Training

Despite some skeptical views of the military's professional status, which include concerns about "a trade devoted to slaughter" and the view that a career soldier is a "paid jack-of-all-trades,"[12(p16)] the profession of arms exemplifies the general pattern of specialized education and training that leads to a profession-peculiar body of knowledge and expertise. Following a diversified basic education, career members of the American military undergo a systematic program of education that extends over a period of 20 years. The officer corps of the services, which provides the senior military leadership, presents the most obvious example of this aspect of the American military profession.

Junior officers in the US Army, following a pattern found in all services, attend a basic course for their branch (such as infantry, field artillery, or signal corps) where they learn fundamental skills, leadership techniques, and small unit tactics. Following several years of service, each officer attends a roughly 6-month course in preparation for command and more senior responsibilities.

Following further professional experience, at about the 10- to 12-year point, selected field grade officers spend a year at the Army Command and General Staff College or its equivalent in one of the other services. When they complete that level of education, they have mastered to varying degrees a highly specialized knowledge of military tactics, support and sustainment operations, planning procedures, and operational requirements involving the equipping and training of armed forces that will enable them to function efficiently.

The last formal step in the education system of all the services is attendance at a senior service college. After 16 to 20 years, officers selected on the basis of merit in a highly competitive process spend a year at the Army, Naval, Air Force, or National

War College (or, for some, the Industrial College of the Armed Forces), where they concentrate on strategy and international relations. From the ranks of war college attendees come the generals and admirals, the senior leadership of the American military.

In addition, under military programs, most officers receive a graduate degree from a civilian school in a discipline related to the officer's individual career pattern. The end product of the military's educational system is a highly trained, well-educated officer who has developed a special expertise and body of knowledge peculiar to his or her career in precisely the sense that the status of being a professional requires. The objectives[13(p31)] of the educational process just described are identified as follows in one analysis of command responsibilities:

1. Knowledge. Information, data, facts, theories, concepts [includes military tactics, weapons capabilities, and logistical requirements].
2. Skills. Abilities that can be developed and manifested in performance, not merely in potential.…Includes technical, communications, information-retrieval, and some analytical skills.
3. Insights. Ideas and thoughts derived internally from an ability to see and understand clearly the nature of things. Necessary part of making judgments, of deciding, of "putting it all together," of "being aware" of wisdom, farsightedness.…Cannot be taught directly, but can be induced by qualified teachers. Generally a product of education [and long experience] rather than training.
4. Values. Convictions, fundamental beliefs, standards governing the behavior of people. Includes attitudes towards professional standards such as duty, integrity, loyalty, patriotism, public service, and phrases such as "take care of your people" and "accomplish your missions."…Values, like insights, must be derived by the individual, if they are to have meaning.

Thus a senior professional military officer is one in whom the nation has made a major investment. This officer has an expert knowledge of a complex intellectual discipline that results only from extensive training and education, wide experience, and long application. The commander of an aircraft carrier group or a similar naval command must understand the relationships between tactical alternatives and organizational capabilities, the technological abilities and limitations established by highly complex equipment, and the variety of interpersonal skills necessary to motivate and command others. The mastery of complex staff procedures and the competent command of large military formations require capabilities normally achieved only after progression through years of professional preparation and experience.

Senior members of the military, if they are adequately prepared for command, will be proficient in many areas. Nye believes that Miles captures this requirement when he says that a capable military strategist must be prepared to do each of the five following tasks[13(p136)]:

1. Understand and support political goals, to insure effective coordination of policy and strategy.
2. Select military objectives that will lead logically to the achievement of political aims.
3. Allocate military resources and establish correct priorities.
4. Conduct war in a way that sustains support on the home front.
5. Maintain a proportional balance between the applications of violence and the value of the political goals.

The American people continue to have a strong interest in the nature of the professional officer corps. Occasional failures in conduct and character of military leaders causes great concern, if not alarm, and public demands for corrective measures invariably follow. Two considerations obviously at work are the military's role as the ultimate defenders of freedom and rights and the military's responsibility for the lives and welfare of the sons and daughters of America who serve in military organizations. Those considerations alone establish competence in military duties as a moral imperative.[14] Incompetence can result in disaster for serving members of the military and danger to national security. In view of such possibilities, the military's continuous concern about individual skills and performance and professional competence in general follows logically. The military services' extensive systems of schooling and focus on professional development reflect such concern.

Corporateness

> The functional imperatives give rise to complex vocational institutions which mold the officer corps into an autonomous social unit. Entrance into this unit is restricted to those with the requisite education and training and is usually permitted only at the lowest level of professional competence. The corporate structure of the officer corps includes not just the official bureaucracy but also societies, associations, schools, journals, customs, and traditions.[7(p16)]

Corporateness involves characteristics that make a group providing a specialized service to society a distinctive and relatively autonomous entity. By "autonomous" it is meant that the group establishes its own criteria for entrance for candidates for membership, evaluates and judges the conduct and competence of those members, and imposes its own sanctions for failures to meet the professional standards set by the group. Members of the group are the only ones competent ultimately to judge the professional abilities of individual officers. Officers can be judged in terms of the results they achieve, just as medical doctors can be judged by the success of their treatment of patients, but only other doctors can judge the technical skill of a member of the medical profession. The officer corps is also a self-regulating body that determines the standards of competence and conduct for its members. Such internal standards constitute an important aspect of corporateness.

Another facet of corporateness emerges from the individual's sense of identity with the institution and its values, which will be discussed in more detail shortly, and from the feeling of obligation to further the institution's purposes. Individual members thus share responsibility for maintaining the standards of the corporate group with respect to the performance of other members, and a variety of institutional procedures and mechanisms, as Huntington notes above, help safeguard and perpetuate the standards.

In addition to structural indications of corporateness, the military exhibits a strong sense of group identity through the value of loyalty in the professional code. One sociologist describes military loyalty in these terms:

> Loyalty is the quintessential military virtue: loyalty to the country, the Constitution, and the president as commander-in-chief … to the [military] itself and its standards and traditions; to the unit in which a soldier serves, and to peers, superiors, and subordinates. In theory the most important of these loyalties is to the United States Constitution; in practice the most important—to a soldier's morale and to his or her willingness to obey orders and assume responsibility—is to comrades.[15(p54)]

Loyalty strengthens the sense of identity with the professional calling and the willingness to subordinate one's own interests to the interests of the institution and the client the institution serves. Both developments enhance the corporate nature of the activity.

The American Professional Military Ethic

The preceding discussion of loyalty leads directly to the American PME, the core of professionalism for members of the Army, the Air Force, the Navy, the Marine Corps, and the Coast Guard. In discussing the PME, it is first necessary to recognize that there is no formally published code of ethics as such for the American military or the individual services (what is formally common to all is *The Uniform Code of Military Justice* that establishes military law, which admittedly governs behavior but in an exclusively proscriptive legal fashion). The military services nonetheless do have a set of standards of conduct passed on through the education systems previously described and the process of professional socialization. In the view of one outside observer, it appears that "loyalty to this code and to the people with whom it is shared is the essential military quality."[15(p43)]

In considering loyalty to one's superiors, many turn to the classic statement in Shakespeare's *Henry V*. On the eve of the historic battle of Agincourt, where the English under King Henry won an improbable victory, the disguised monarch walks among his soldiers to assess their temper. Henry prompts a supportive response by declaring, "Methinks I could not die anywhere so contented as in the king's company, his cause being just and his quarrel honorable." When one soldier rejects that view by replying, "That's more than we know," another describes the view long held to both justify and excuse the actions of soldiers necessary in war: "Ay, or more than we should seek after, for we know enough if we know we are the king's subjects. If his cause be wrong, our obedience to the king wipes the crime of it out of us."[16(ll123–126)] Because the information available to common soldiers has always been so limited, the principle of superior orders holds that so long as one is obeying the orders of one's superiors in the military chain of command, one cannot be held accountable for those actions.

Recent history in the form of the Nuremberg Trials after World War II has developed this tenet further, as Chapter 8, Just War Doctrine and the International Law of War, will consider in some detail. Published guidance today frequently repeats in emphatic terms the requirement for members of the military to refuse to obey illegal orders. The US Army's *The Law of Land Warfare* presents an uncompromising position on this point: "The fact that the law of war has been violated pursuant to an order of a superior authority, whether military or civil, does not deprive the act in question of its character

as a war crime, nor does it constitute a defense in the trial of an accused…."[17(¶182)]

As I noted previously, the guidance—ethical guidance as well as legal—for conduct of members of the military has clearly been influenced by the international laws of war. This point should be kept in focus despite infamous events such as the March 16, 1968, My Lai massacre in Vietnam and the legal aftermath that so vividly raised the issue of hypocrisy. Second Lieutenant Calley was in command of an infantry platoon and, acting upon ambiguous orders, ordered his men to kill every "man, woman, and child" in the village of My Lai. Initially sentenced to life imprisonment in 1970 by a military court martial for the murder of 33 Vietnamese civilians, Calley was released on parole in 1974. Despite his early release, it should be remembered that his defense of following orders did not save him from conviction. Furthermore, those found not guilty of charges stemming from the massacre were not acquitted on the basis of the "superior orders" defense. (See Chapter 6, Honor, Combat Ethics, and Military Culture, and Chapter 9, The Soldier and Autonomy, for additional discussion of My Lai.)

The central place of loyalty in military values suggested by the passage in Shakespeare nonetheless holds today. Each military service has published what its leadership considers the most important professional values:

- US Army Professional Values[18–20]
  - Loyalty
  - Duty
  - Respect
  - Selfless service
  - Honor
  - Integrity
  - Personal courage
- US Navy Core Values[21]
  - Honor
  - Commitment
  - Courage
- US Air Force Values[22]
  - Integrity
  - Service
  - Excellence

The Army values (LDRSHIP) have been depicted in poster form (Figure 5-1) and are prominently displayed on Army installations worldwide. Loyalty, which appears at the top of the US Army list, plays a large part in the US Navy's statement of commitment and the US Air Force's statement of service and patriotism. Honor (Figure 5-2) and integrity

Fig. 5-1. The "LDRSHIP" acronym devised by Army leaders helps soldiers remember the Army values, especially in combat where they are most likely to be tested. These are not listed in order of importance but rather as a way to remember the component parts of leadership.

play prominent roles in all the service standards. For the Army, an honorable soldier is one who lives up to all the other Army values.

The elements of the code that guides the conduct of all members of the American military can be clarified by reconsidering the formative influences that were discussed earlier. The first and most ubiquitous of these is that set of functional requirements arising directly from the nature of the activity. Courage, competence, and discipline (obedience) were the foremost requirements identified in this category. Physical courage has of course been and will remain the quintessential warrior virtue, but today it is clearly recognized that men and women in uniform must also possess moral courage if they are to meet the challenges of their profession. Today's military, deployed on peacekeeping operations and short-notice missions with more powerful weapons than ever before in the hands of more junior people than ever before, faces stern demands on judgment and character. Physical courage must be matched by moral courage (Figure 5-3). After these functional

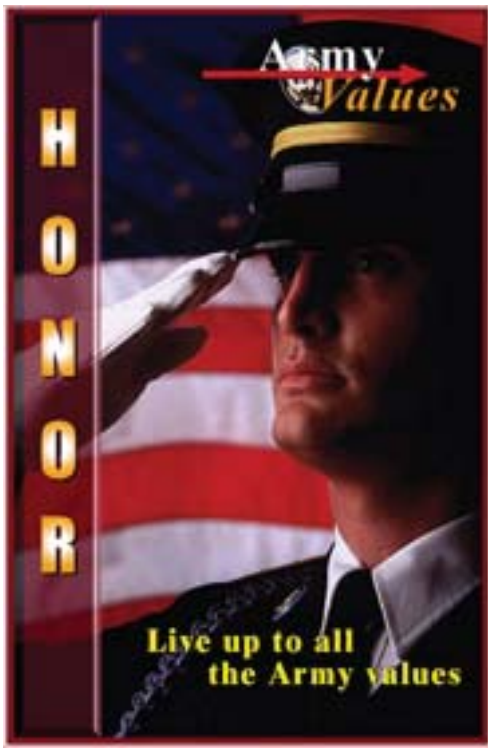


Fig. 5-2. The concept of "honor" as it is depicted in the Army poster series on leadership. Although "honor" is actually the summation of the other Army values, as indicated in the subtext of this poster, its inclusion in the list helps emphasize its importance.

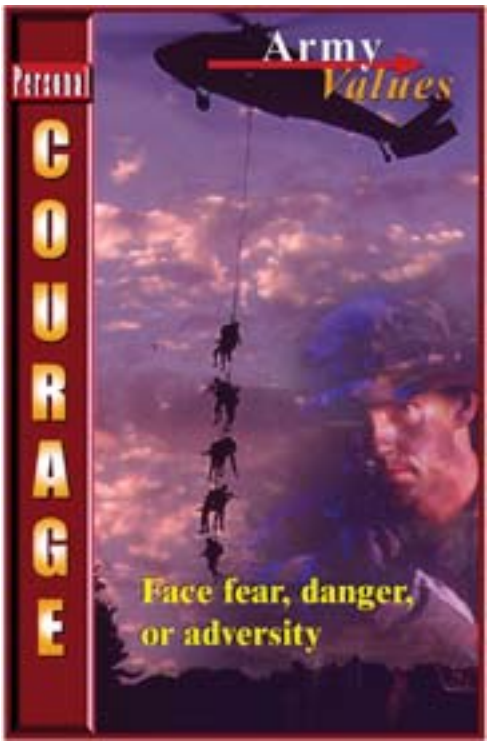


Fig. 5-3. "Personal courage" is a combination of physical courage and moral courage, usually in the most difficult of situations. This illustration clearly gives the sense of the danger of the unknown about to be discovered by these soldiers and their leader. There is no doubt that it has taken courage to get them into this position, and it will take courage to carry them through it as well.

requirements, one must consider the legal requirements. Because military personnel are sworn to uphold and defend the US Constitution, they are constrained by Article 6, Clause 2 of that document, which states that international treaties signed by the United States become the law of the land. As *The Commander's Handbook on the Law of Naval Operations* states, "Pursuant to the Constitution of the United States, treaties to which the United States is a party constitute a part of the supreme law of the land with a force equal to that of laws enacted by Congress."[23] Among the treaties are the Hague Conventions, the Geneva Conventions, and the rest of the international laws of war.

When an American serviceman or servicewoman swears to uphold and defend the US Constitution, he or she swears to uphold the international laws of war. This second set of constraints on permissible conduct further delineates the ramifications of commitment to the PME. The commitment to uphold the laws of war logically entails commitment to the two previously cited humanitarian principles underlying those laws of war (those principles being that individual persons deserve respect as such, and that human suffering ought to be minimized).

As noted previously, the fundamental values of American society provide the third major formative influence on standards of military conduct. Tension may arise at times between the requirements of military activity and fundamental social values. When such conflicts occur in the American system and society, in the American military culture, the fundamental values of society in the end take precedence. They establish the final moral constraints on acceptable behavior by members of the American military.

These three major influences that shape the contents of the PME provide no simple equation for identifying permissible actions, even after the content of the PME has been specified. Recognizing the nature and relationship of the influencing factors merely provides a framework for considered judgment. The identification of such factors allows a more convincing summary of the central tenets of

the American PME that have emerged from the interaction of these formative influences.

The effect of those ethical guidelines in practice, however, cannot be captured completely in a listing. In his *Philosophical Investigations*, Wittgenstein proposed a form of ordinary language analysis that essentially claimed that the meaning of any sentence or utterance could best be understood in terms of the context in which it appeared rather than in terms of syntactical analysis.[24] A parallel sense applies to the values that constitute the American PME. They are best understood in the context of military experience rather than in terms of logical analysis and explanation. That may be one reason the process of professional socialization, relying heavily on example and role modeling, remains by far the most important means for perpetuating the military ethic. Classroom and academic discussions may assist the process of education and acculturation, but they cannot replace the experience of military practice as a means of inculcating values. That stipulation should be kept in mind regarding the description that follows.

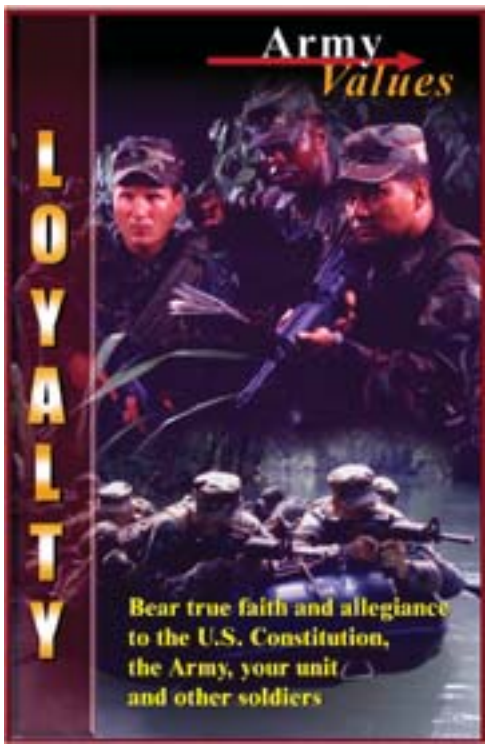


Fig. 5-4. "Loyalty" as it is depicted in the Army leadership poster series. Loyalty is a concept that has evoked considerable discussion over the centuries in militaries around the world. This poster stresses the official US Army view that soldiers need to be loyal to the US Constitution, their service, and their fellow soldiers.

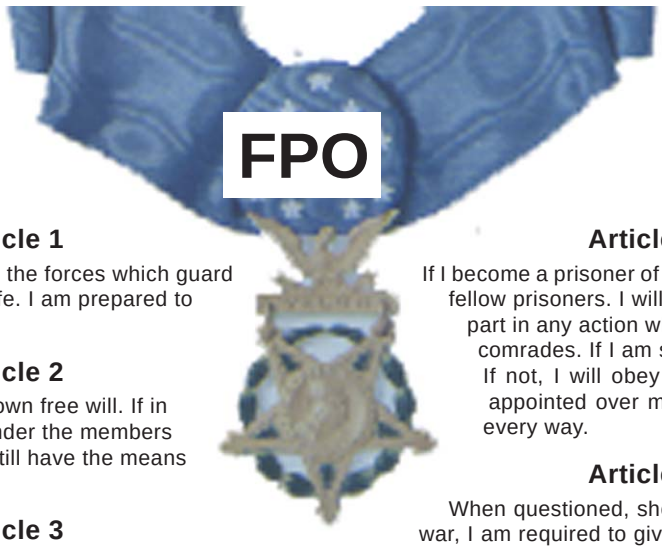
The fundamental concepts that constitute the core of the PME are those that have emerged in this discussion. First and foremost, military officers are expected to be loyal to their organization and their country (Figure 5-4). During the Korean Conflict, under brutal duress, numerous American POWs collaborated with the enemy or performed actions demanded of them that were impermissible under military regulations. American dismay at such conduct by captured soldiers and determination to minimize future recurrences led President Eisenhower to promulgate The Code of Conduct (Figure 5-5) for Members of the Armed Forces of the United States in Executive Order 10631, 17 August 1955.[25] Standards established in that document grow out of the value of loyalty.

Another fundamental concept in the PME, selfless service (Figure 5-6), implicit in *The Code of Conduct*, follows necessarily from the ultimate liability of combat: loss of life. The same principle applies in many contexts in which the military institution expects the individual to subordinate personal interests to the requirements of military duty. In paying tribute to the heroes of D day in World War II, General Sullivan, then the Army Chief of Staff, emphasized selfless service:

> I think these soldiers—the Eisenhowers, the Summers, and the Pinders and all the rest whose names are known only to buddies, loved ones, or God alone—did their duties and made their sacrifices for each other and for us. They epitomized the ethics of *selfless service*, the core value of American soldiers and, indeed, everyone in the country's armed forces.[26(p26)] [Emphasis added.]

Obedience that results from fear cannot be relied upon in crisis situations when immediate dangers overwhelm the threat of sanctions. The value of obedience in the military context must follow from commitment to the institution. Obedience in all circumstances relates directly to loyalty, selfless service, and the overarching emphasis on mission accomplishment (duty) (Figure 5-7). All three of those values result from the functional requirements of military service, just as do courage and integrity. Courage needs no further elaboration. Unless subordinates can rely on the honesty and sincerity of their leaders, components of integrity, trust will be elusive. Without trust in the unit's leadership, no combat organization will be nearly as effective as consistently successful performance in combat requires. Without accuracy in reports from subordinate headquarters, no commander can make

THE CODE OF CONDUCT



Article 1

I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

Article 2

I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.

Article 3

If I am captured, I will continue to resist by all means available. I will make every effort to escape and to aid others to escape. I will accept neither parole nor special favors from the enemy.

Article 4

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

Article 5

When questioned, should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. I will evade answering questions to the utmost of my ability. I will make no oral or written statements disloyal to my country or its allies or harmful to their cause.

Article 6

I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

Fig. 5-5. Code of Conduct for Members of the Armed Forces of the United States. The original code was issued through Executive Order 10631 on 17 August 1955 by President Dwight D. Eisenhower, after it was realized that coercive "brainwashing" could cause even the most patriotic soldiers to be induced to make statements against their will. The code was amended through Executive Order 12017 on 3 November 1977 by President Jimmy Carter as a response to the *USS Pueblo* incident (in which a naval vessel was captured and held by the North Koreans), as well as the overall Vietnam experience. The change removed the suggestion of absolutes from Article 5, replacing "I am bound to give only …." with "I am required to give…." The code was amended again through Executive Order 12633 on 28 March 1988 by President Ronald Reagan, to make the articles gender neutral. 53 *Federal Register* 10355 (1988).

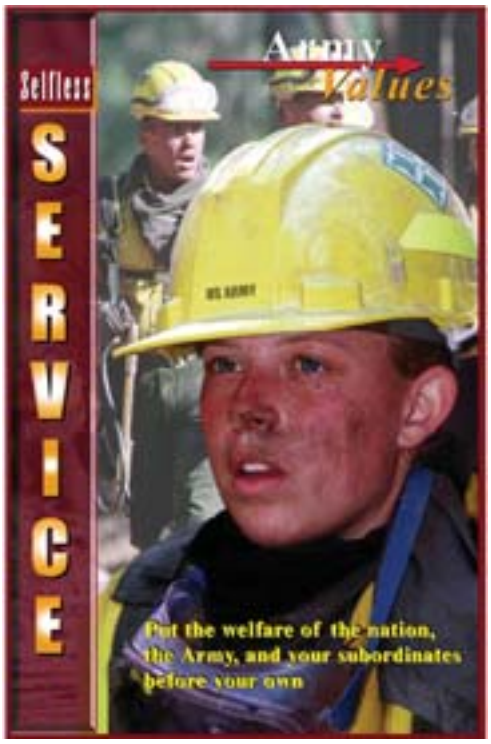


Fig. 5-6. "Selfless service" is a vital part of US Army leadership values. All soldiers know that at some time they may be called on to sacrifice themselves for the sake of others or the sake of the mission. The inclusion of selfless service on this list of leadership values not only emphasizes its importance but also reaffirms the acknowledgment of the sacrifice that soldiers may have to make.

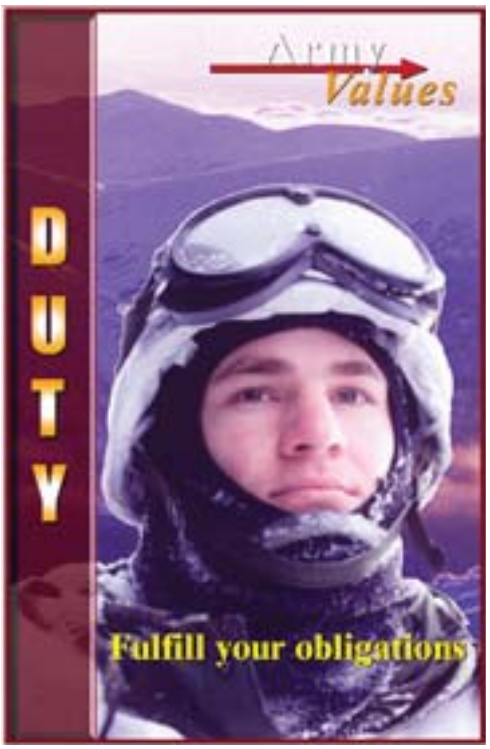


Fig. 5-7. "Duty" as depicted in the US Army poster series on leadership applies to every soldier equally. The concept is straightforward: fulfill obligations. There is no need for further explanation. Soldiers must do their duties, just as they must be willing to sacrifice themselves, as necessary, for mission accomplishment.

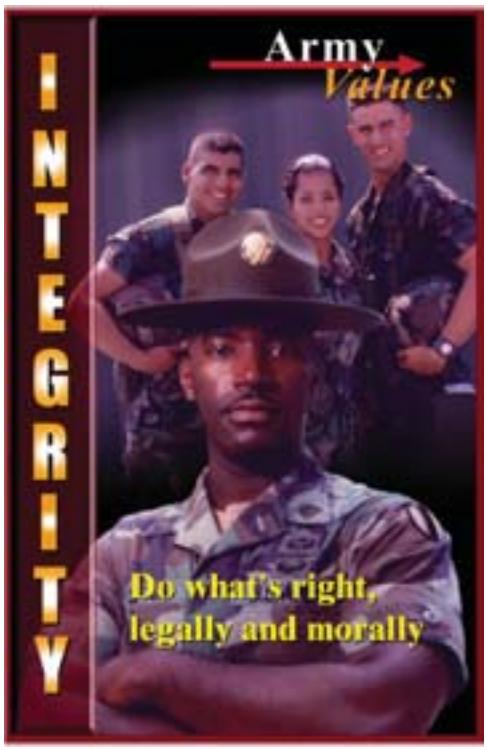


Fig. 5-8. "Integrity" is a concept that has been part of militaries for centuries. This US Army poster, featuring a composite picture of genders and races representative of military service, helps convey the message that soldiers must do what they know to be right in all aspects of their military lives.

timely, informed decisions that will maximize opportunities for success in battle. The importance of integrity (Figure 5-8) appears undeniable and uncontroversial as well.

Military organizations have long recognized commitment to the welfare of one's fellows and one's subordinates as a practical benefit, a multiplier of combat effectiveness, but such commitment also flows from respect for the integrity and the fundamental rights of individual persons. In the American military, the functional aspect of the value of respect (Figure 5-9) receives strong reinforcement from the core American social value of individualism. In American culture, the worth of the individual has shaped all primary social institutions. The religious tradition that posits an immortal soul, the idea of equality before the law, and the principle of protecting individual rights from the power of the state each contribute to the value of individual soldiers that has become fundamental to the American military culture. That tradition buttresses the appreciation of initiative in the American soldier, sailor, and airman. Initiative and independent action, which superficially appear to be oxymoronic entries in the expectations of a hierarchical, authoritarian institution, actually have great practical value.

Ambrose highlights the value of initiative in his examination of the Normandy invasion in 1944 when he emphasizes that in that time of crisis Americans made better soldiers than the Germans:

> The contrast between the American and British officers, from generals down to lieutenants and NCOs, and their German counterparts could not have been greater. The men fighting for democracy were able to make quick, on-site decisions and act on them; the men fighting for the totalitarian regime were not.[27(p17)]

Whether or not one accepts Ambrose's claim concerning the superior initiative of American soldiers, which may overlook many counterexamples a critic could cite, the importance of initiative in battle re-

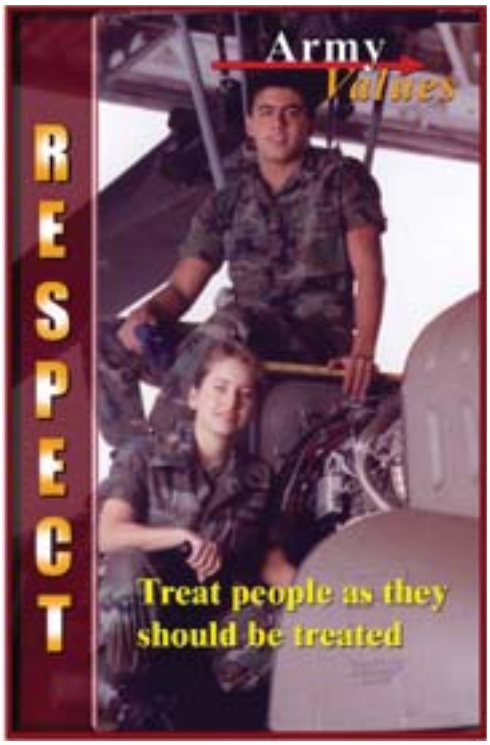


Fig. 5-9. "Respect" is a central value for all militaries. The US Army emphasizes that respect should flow in all directions: leaders for their subordinates, subordinates for their leaders, and peer to peer. This respect for others, reflecting the respect for self and abilities that comes with effective training and discipline, is an important component of leadership at all levels.

mains unquestionable, and it is certainly the case that the enduring American social values of democracy and individualism distinctively shape the military culture and the military ethic for the armed forces of the United States. The perspectives that follow from honoring those values are conducive to independent thought and initiative.

Developing initiative in military officers remains an inexact behavioral science, of course, because of the delicate balance involved. Janowitz refers to that balance when he notes that "the development of a rational approach to innovation cannot supplant an uncritical willingness to face danger—the essence of the martial spirit."[9(p35)] He also asserts that "for [leaders] the heroic traditions of fighting men, which can only be preserved by military honor, military tradition, and the military way of life, are crucial."[9(p35)] These characteristics all emphasize conformity. Cultivating both conformity to institutional standards and initiative in action presents a continuing challenge but one that the American military has historically met. As sociologist Hays observes concerning the development of military virtues, the "purpose is to teach autonomy in the context of structure, independence in the context of tradition."[15(p4)] (See Chapter 9, The Soldier and Autonomy, for a further discussion of these issues.)

While insightful analysts will note that any specific articulation of the American PME will be problematic in view of the penumbra of values that constitute the ethic, the following seven guidelines capture the central features of the professional code and the values of the separate services:

American military professionals

1. accept service to country as their primary duty and defense of the United States Constitution 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 obligations to the country, the profession, and fellow warriors.
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 beyond the exercise of basic civil rights.
7. adhere to the laws of war and the regulations of their service in performing their professional functions.

The promulgation of the values is the goal of an aggressive campaign within the Army.

The laws of war will change over time, slowly, and the core values of American society will evolve, even more slowly, eventually bringing about changes in the PME, but the central features of the code identified here will guide the conduct of members of the American military profession for the foreseeable future. The critical point to recognize is

that stable, enduring standards of conduct *do* exist. The processes of professional socialization in all the military services are designed to foster in the officer corps a deep commitment to professional values and to strengthen such values among all members of the armed forces. Americans can depend upon the military institution to carry out its responsibilities largely because of the PME and the institutional commitment to professional military values.

Pluralism and the Professional Military Ethic

Strong limitations on behavior, notably in the form of a PME, a special group ethos, remain critical for military organizations for several reasons. First, the activity places great stress on individuals. Either the people performing the activity must exercise unusual self-discipline or the group must provide that discipline. In the most effective military organizations, both factors are present. Military forces, after all, inflict death and destruction on an incredible scale. Many soldiers will recoil in horror, retreat into a mindless fear, or lose control in some other fashion. Psychological support and a focus on commitments ameliorates such effects and enables individuals to endure extraordinary hardships. Second, in any large nation, and certainly in the United States, men and women join the armed forces with widely varying backgrounds. If values are those beliefs reflecting what persons hold to be important to them, it can be said with certainty that those joining the military will hold widely varying values. To create and maintain an effective military organization, the military leadership must institute a process of professional socialization that establishes some common attitudes and commitments.

For the leadership of American military services, the institutional commitment to the professional military values remains a beacon guiding conduct and policy decisions. In the process of professional socialization, new members learn the importance of loyalty, primarily to their unit and their peers; the requirement for competence in assigned duties; and the imperative of discipline. Everyone in command positions understands the necessity of soldiers' abilities and obedience to orders if military missions are to be carried out successfully. Unless the men and women in subordinate positions share that understanding, successful operations will be unlikely at best.

As previously noted, most Americans share certain fundamental values. For Americans serving their country as soldiers, sailors, and airmen, supporting and defending the US Constitution provides the focus of their national service and a re-emphasis on the fundamental American social values of freedom, equality, individualism, and democracy that the US Constitution manifests. Such abstract concepts play at most a distant role in the daily activities of members of the military, and although such values seem more the stuff of Independence Day speeches than conscious factors in decision making, in problem cases they do structure the responses appropriate from an institutional point of view.

Problem cases arise in part because Americans do live in a decidedly pluralistic society and do not share all the same values or accord values the same importance. Even for those committed to the stated institutional values, conflicts will arise, if not moral dilemmas. Any discussion of military ethics must consider the resolution of value conflicts. Two such areas of conflict, the integration of women into military occupational specialties and homosexuals serving in the military, illustrate the ethical considerations that have been discussed in this chapter.

Women in the Military

The long history of military development that was reviewed earlier revealed only supporting roles for women, and minor supporting roles at that, up until the 1970s. Why did that situation change? One reason involved opportunity and equality. Besides being a civic obligation and a fearsome challenge in wartime, military service presents opportunity. Furthermore, in a society holding equality as a fundamental value, women came to expect that they would have the same opportunities as men in terms of federal employment.

Military leaders resisted the pressure of public and Congressional opinion because of a conflict among values. Defense of rights constitutes one of the primary purposes of the American military. However, if women have the legal right to serve in the military, how could military leaders rule against them? For a considerable period, the uniformed services raised the issue of duty and military effectiveness: Women in the armed forces, they claimed, would degrade combat readiness and combat effectiveness, besides introducing unwanted administrative complications. After all, the military accepts only those people who meet certain performance-based criteria. On the grounds of military effectiveness, for instance, the armed forces do not accept for service those who suffer from serious health

problems or physical abnormalities. In today's volunteer military, inductees must be physically capable and meet strict competency standards.

As soon as women gained sufficient political influence and established that their exclusion on the grounds of effectiveness was unwarranted, however, the rules changed. Although women in the military must still overcome prejudice in some cases, women in the United States have become valuable members of the serving military in other than the traditional roles allowed women. Their incorporation has proceeded deliberately, with careful consideration of combat readiness degradation. The pace of integration has also been a function of male attitudes changing very slowly. In the end, nonetheless, it should be noted that the social values of opportunity and equality have dominated.

Concerns about the rights of individuals have thus prevailed over limited utilitarian positions that hold that government leaders should choose the policy best serving combat readiness. Of course, a more comprehensive argument about what is best for society as a whole over the long term remains problematic. The more comprehensive utilitarian argument focusing on the overall good to society might favor the integration of women into military units as a long-term policy. Any decision based on the results of integration will be determined on contingent, consequentialist grounds.

Today only a distinct minority question the value of women in the military. The issue of concern to many more is the question of whether women should serve in combat. As one general reportedly observed, "Women with rifles and fixed bayonets in a forward position gives me heartburn."[28] Although he made that remark a number of years ago, the attitude persists, perhaps more strongly in the Army than in the other services. No existing law prevents women in the Army from serving in combat roles, but Army policy does so, and public opinion has yet to register sufficient support to force the US Army to allow women in combat roles.

Exclusion from direct combat roles certainly limits opportunities for advancement for military women, to the extent that one may well question the adequacy of measures instituted to provide equal treatment for women. Traditionally the fast track to promotion and advancement in a military career has been through the command of combat units, but women cannot command the close combat organizations in the armor, infantry, and field artillery branches in the Army. Exclusion from these positions inevitably limits career opportunities for women in comparison to those for men.

If one sets aside concerns about seeing women wounded or killed, as many have following the American experience in the Persian Gulf in 1991, and realistically considers strength requirements, which some women can certainly meet, three issues become prominent: the menstrual cycle, periodic hormone imbalances, and pregnancy. Such influences on attitude and availability appear comparable to the kinds of administrative problems raised by a number of other conditions appearing in both men and women, ranging from migraine headaches to caffeine addiction to drug abuse. To argue that such factors justify a ban on women in combat roles appears questionable at best.

In the past, those arguing against opening any roles to women claimed that women too often become mothers whose responsibilities at home would detract from the mother's military performance, to include her availability. More frequently in recent years, however, fathers, and sometimes single-parent fathers, have been struggling with the same kinds of problems. Parental roles cannot be the basis for discrimination against women if the discrimination cites effectiveness in the military role. Contemporary American women quite justifiably expect equal rights and opportunities. For the military leadership, overcoming the structural bias against women in combat will require time and persistent efforts at education.

The US Army, albeit moving more slowly toward full integration of women than the other services, continues in that direction. Discrimination continues to fade. Approximately 92% of the US Army career fields were open to women as of 1 April 2000.[29] Only jobs requiring direct ground combat remain on the exclusion list, and discussion continues concerning that limitation.

Homosexuals in the Military

Although the Clinton administration's "don't ask, don't tell" policy of 1994 concerning homosexuals temporarily deflected attention from the issue, the military services continue to discharge (a civil action) serving members who have either declared themselves to be homosexual or were found to have engaged in homosexual relations. Homosexual acts are also subject to criminal punishment. Is such discrimination against homosexuals acceptable? Legal precedent says yes. Ethical analysis provides a less certain answer. The situation reveals the tensions that exist between moral equality and the duty to

field the most effective fighting force possible.

For many years, American courts have upheld the military's special status concerning abridgment of the rights of individual service members. The special legal status of the military results from its unique mission to provide for national security. Its hierarchical nature and the requirement for immediate response to the authority of commanders have long been recognized as functional necessities for the successful accomplishment of that unique mission. A long list of court decisions in the United States has upheld this status and the legality of regulatory actions that follow from the functional requirements of the military's mission.[30–36] *Burns v Wilson*,[33] for instance, noted in 1953 that "the rights of men in the armed forces must perforce be conditioned to meet certain overriding demands of discipline and duty." The history of the special status accorded the military in relation to giving weight to institutional interests at the expense of individual rights indicates why the military, in legal rulings, has been granted considerable latitude concerning homosexuals.

The further question that remains, however, after the legal issues are sorted out, troubles many. They find it difficult to justify abridging the rights of a particular minority in society, namely, members of the military, in the name of defending the rights of individuals and the rights of the collective citizenry. In the process of indoctrination and socialization, military trainees are subject to harsh demands and severe psychological pressures. For all members of the military, commanders routinely curtail the right of free speech. People in the military may not form unions. Regulations severely limit choice in their personal affairs, and if they disobey the instructions of their superiors, they can be tried and imprisoned. Can such treatment be justified? The question applies directly to the treatment of a further minority—members of the military found to be homosexuals. Their personal lives become subject to intense investigation by their superiors, and they are also subject to procedurally discriminatory treatment as a matter of policy. There are several reasons for the military's reaction.

Social controversy concerning the acceptability of homosexual activity provides one obvious reason for discriminatory views. Besides long-standing social prejudices against homosexuals, at the time the regulations were written the majority of AIDS (acquired immunodeficiency syndrome) cases involved homosexuals. Some states (at the time of publication, California, Pennsylvania, Wisconsin, and the District of Columbia) have prohibited discrimination against homosexuals. In others such as Texas, homosexual activities violate the law, and participants are subject to legal prosecution. But does this variety of opinion concerning homosexuality justify the peremptory treatment of homosexuals that is found in the military? In American society today, in cases of unequal treatment or discrimination by institutions, advocates must justify such treatment.

The legal precedents I have noted demonstrate that in the American legal context, military authorities will be granted wide discretionary powers in regulating the activities of individual soldiers so long as such regulation appears necessary for the preservation of order and discipline within the military institution. Private corporations could hardly justify the harsh treatment of recruits that is found in the military, if for some reason corporate activities appeared to dictate such preparation, but the requirement to prepare soldiers physically and psychologically for the trauma of combat justifies much. Proper preparation provides the best chance of survival, without even considering combat effectiveness. Nonetheless, the military accepts a general constraint on its regulatory efforts. The fundamental moral rights, not of soldiers as such, but of persons constitute that constraint. Those moral rights find expression in the broad principles stated above; thus, soldiers have a right for their autonomy to be restricted no more than necessary for the accomplishment of legitimate military purposes (legitimate implies both entailed necessity in a chain of instrumental steps and moral coherence and consistency in terms of the moral ends for which the institution exists), and they have a right to equal treatment by military authorities.

For many years, homosexual acts by members of the American armed forces have been straightforwardly illegal. The military views homosexual acts as unacceptable, "contrary to good order and discipline." Sodomy is an offense under *The Uniform Code of Military Justice* (UCMJ). Furthermore, for officers the UCMJ proscribes homosexual behavior as "conduct unbecoming an officer and a gentleman."[37(Art134)] As also noted previously, the military services discharge declared homosexuals under administrative provisions when no homosexual activity is involved. As AR600-20 makes clear, a basis for discharge exists if (1) the soldier has engaged in a homosexual act, (2) the soldier has said that he or she is a homosexual or bisexual, or made some other statement that indicates a propen-

sity or intent to engage in homosexual acts, or (3) the soldier has married or attempted to marry a person of the same sex.[38(¶4.19d,[2b])]

With respect to a variety of severe measures that restrict individual autonomy, to include discrimination against homosexuals, the courts have long considered the situation of the military to be a special case under law. The Supreme Court's decision in *Parker v Levy*, 1974,[39] recognized that the military is a separate society that has a clear set of social norms both well-established and peculiar to it, as well as its own criminal code and its own court systems. The Court noted in *Parker* that "while military personnel are not excluded from First Amendment protection, the fundamental necessity for obedience, and the consequent necessity for discipline, may render permissible within the military that which would be constitutionally impermissible outside it."

Discrimination against homosexuals thus becomes a matter of competing moral obligations. How should one resolve such conflicts? Which constitutes the most important consideration—the damage done to competing moral obligations or the recognized good that would result from eliminating a policy of discrimination against homosexuality? To answer such questions, one must turn to the competing moral obligations and the practical issues involved.

In American society, the moral demand that people should have equal freedom to express their own personality as they choose is accepted. In myriad ways, America has institutionalized the fundamental social values discussed earlier: freedom, equality, individualism, and democracy. Each of these four core values can be traced to the fundamental demand for the protection of autonomy, which has generated two guiding principles that constrain the actions of both individuals and the government in American society: individual rights deserve respect, and all persons deserve equal treatment unless there are compelling reasons to treat them unequally. The mechanism of rights, both legal and moral, with the former being founded upon the latter, has been the primary instrument in the process of institutionalizing the core values.

Because rights inevitably conflict, however, and because the security of the nation takes second to few other concerns, autonomy is sometimes circumscribed. In this conflict one encounters controversy, a lack of social consensus, and special difficulty when practical affairs require action.

Practical requirements and ethical principles appear to oppose each other in some aspects of professional activities. All members of the military, and especially military leaders, have a strong obligation to support and defend the US Constitution. Perhaps the most basic responsibility in that regard is to be prepared to use force effectively to defend vital national interests. Here the abstract principle of autonomy confronts the obligation to make the armed forces as effective as possible. Does the issue of homosexuality impinge on that effectiveness? The most common factors cited in this regard are unit cohesion, healthcare costs, and risks to the general military population.

Unit cohesion begins at the squad and team level. The relationships forged in combat units among young males have long been acknowledged as the most important ingredient in fighting power. Combat effectiveness suffers most greatly when small unit cohesion is lost. What effect will the presence of known homosexuals in combat units have? The answer at present is that it is not known, but within the military leadership the consensus holds that admitting homosexuals represents a serious threat to cohesion. In view of their moral commitment to readiness and mission preparedness, to duty in a broad sense, military leaders who believe homosexual admission represents a threat to essential military capabilities must oppose such a move insofar as they can appropriately do so. They cannot responsibly advocate undermining the most important element in making American forces effective.

The prevalence of AIDS remains highest among the homosexual community. Though numbers are changing, that fact remains. The expense of treating AIDS patients represents a potentially crippling healthcare cost at a time of declining military resources. Should the military expose itself to such additional costs? In view of its responsibility for readiness, should it do so? AIDS remains primarily a disease of males (as of 2000, 83% of the cumulative total of AIDS patients in the United States were adolescent or adult males).[40] Over 60% of the cumulative total of those infected fall in the 20- to 39-year-old age group, the most important segment of the population for military recruitment and manning.[40] Although the actual number of soldiers who "seroconvert" has been declining since 1991, of the cumulative total of those infected, 94% have been male, the gender tasked with combat.[41]

Even critics would agree that significant numbers of military members with AIDS would threaten the general military population and thus military readiness. Furthermore, those infected would themselves be put at risk by overseas deployments. In

addition, the drain on medical resources that would result from treatment for a large number of AIDS patients would undermine the capability of the military to maintain the health of active duty members in general. AIDS patients suffer from "multi-organ system disease," including neurological involvement in the later stages, as well as severe psychological pressures, to include the fear of death and social stigma. As a result, medical treatment requires considerably more resources and personnel than do most diseases. The military services have adopted policies towards those with AIDS that are quite similar to existing military medical policies for other debilitating or terminal diseases. Looked at from that perspective, the policies appear justifiable.

Decisions concerning the policy of discriminating against homosexuals by discharging those in the military who reveal themselves as homosexuals become a matter of weighing the risks introduced by homosexuals in the military against the undeniable evils of discrimination in terms of the principles of equality and individual rights. Before the national leadership makes further decisions in this matter, it must evaluate carefully the competing moral issues. Central concerns include the questions of how one sorts out the empirical issues and at what point does one conclude that the recognition of rights of a specific subset of society should no longer be subordinate to security considerations.

Moral Dilemmas of Leadership: Case Study

Questions about women and homosexuals in the military involve applying the PME to *policy* issues. Of at least equal concern is the matter of applying the PME to *operational* decisions men and women in the military must make. The process of applying the PME to a moral dilemma, a situation in which all available alternatives necessitate violation of some moral guideline, will conclude the discussion in this chapter. Unfortunately, members of the armed services sometimes face such situations.

The Situation

Colonel (COL) Gray commands the only armor brigade in US forces deployed in a small Middle Eastern country, Irabat. Forces of Sindonia, a hostile state to the north, invaded Irabat 3 days ago, sweeping south across the border and achieving complete surprise. American forces were held in reserve until 8 hours after the invasion, when their positions were attacked by two enemy divisions. For the next 2 hours, US forces conducted a delaying action on the north side of the Khyler River as they tried to stem the rout of Irabati units that threatens the Irabati capital just 30 miles to the south. For all involved, the Khyler River, a major tributary more than half a mile across, has become critical.

The United Nations has condemned the invasion of Irabat, and forces from other NATO (North Atlantic Treaty Organization) countries as well as US reinforcements are preparing for movement. If the Sindonian forces can get across the Khyler, they can drive south rapidly and conquer Irabat before help arrives.

COL Gray is attempting to move his units across a highway bridge on the river, the only one for many miles east and west. The bridge has been prepared for demolition, and he has orders to blow the bridge as soon as his forces are across. Both the Irabati high command and COL Gray's superiors have made clear that the bridge must be blown so that the enemy will be halted long enough to reorganize Irabat's forces in defense of the capital. In addition, the US commander has emphasized that COL Gray must preserve his tanks for the battle south of the river if the allied force is to have a prayer of succeeding.

When the last two tank battalions tried to reach the long, narrow bridge, they found that the refugee flood fleeing the invaders had become uncontrollable. Masses of men, women, and children block the bridge and the approaches to it. Horns, loudspeakers, even machine-gun fire over the heads of the panicked crowds have made no impression. COL Gray has concluded that any attempt to block the flow of refugees on the approaches to the bridge will result in a fight between his soldiers and the desperate civilians. Sindonian forces are in sight on the horizon, pressing south toward the crossing site.

COL Gray, knowing he has to get his tanks across and blow the bridge, sees his options as limited. He can set up defensive positions on the north side of the bridge and try to hold the enemy at bay. Doing so will risk seizure of the bridge unless he blows it up, but without the bridge his holding force will be abandoned to the enemy. He knows his tanks undoubtedly are critical to further defensive efforts south of the bridge. If the bridge were clear, he might have a chance to withdraw rapidly across the bridge after defending and still save some of his tanks, though they would be easy targets on the long bridge span. He can see, however, that civilians will clog the bridge for some time to come. He can order his units to drive into the packed masses of people. If they do so, many civilians will die. As soon as the tanks are across, he apparently must order the engineers to blow the bridge, even if it is still crowded with refugees.

Mission requirements leave no doubt about the importance of getting the tanks across the bridge and preventing the passage of the enemy. COL Gray has called his division commander, who, in response to a description of the problem, tells COL Gray only that he must get his tanks across and he must slow the enemy advance by destroying the bridge. Beyond that, he tells COL Gray, "Call the shots the way you see them. You're the man on the spot."

The Analysis

Besides the fact that directly harming noncombatants would violate the laws of war, COL Gray recognizes that US forces are in Irabat to defend and protect the people of that country. To kill them in the process appears patently contradictory. He cannot accept the alternative of directing his armor units literally to drive over the fleeing refugees. He knows, nonetheless, that he must slow the oncoming enemy forces if he is to accomplish his mission and serve the larger interests of both the United States and Irabat.

COL Gray also feels a strong loyalty to and a deep responsibility for his men. To abandon some of them on the north side of the river appears unacceptable in terms of that responsibility, besides the fact that he needs all his forces for further operations. He sees two irreconcilable moral obligations: doing what is necessary to accomplish a vital military mission and protecting the lives of the innocent. He apparently cannot do both. If he accomplishes his mission, he must sacrifice civilian lives. If he refrains from injuring civilians, he fails in his mission, jeopardizing not only his own men but the chances of successfully defending the country. Many more civilian lives may be at risk if the enemy forces sweep south, not to mention the American and Irabati military units. In one sense, COL Gray must decide whether the ends justify the means: whether the end of defending the country justifies sacrificing civilian lives.

Focusing on duty can help clarify the alternatives in this situation. Duty requires adherence to the requirements of the PME, which demands adherence to the laws of war, under which soldiers cannot inflict direct, intentional injury on noncombatants. Duty also requires that the mission be accomplished, even at the cost of the lives of one's soldiers and one's own life. Soldiers do not have a right not to be killed; noncombatants do. When situations involve a choice of risk to soldiers or a risk to noncombatants, soldiers must accept increased risk before subjecting noncombatants to harm. How much risk, unfortunately, cannot be established by a simple formula.

In the Irabati situation, nonetheless, COL Gray must choose a course of action that will satisfy competing requirements to the greatest extent possible. One defensible solution would be to leave one battalion on the north side of the river to hold the enemy as long as possible. A defensive stand should allow time for the other battalion to ease its way into the refugee flow and get across the river. When the capability to blow the bridge becomes endangered, COL Gray must give the order to destroy it, even if civilian lives are endangered.

Such a decision would meet the conditions of a just war version of double effect, which Paul Christopher claims "the United States seems to have adopted … so that one may undertake military operations aimed at legitimate objectives or targets even though the operations will also have foreseeable 'bad' consequences."[42(p102)] He goes on to note the four conditions necessary for double effect to justify an action: "(1) The bad effect is unintended; (2) the bad effect is proportional to the desired military objective; (3) the bad effect is not a direct means to the good effect …; and (4) actions are taken to minimize the foreseeable bad effects even if it means accepting an increased risk to combatants."[42(p102)]

All the conditions of double effect appear to be met if COL Gray chooses to defend the north side of the river and wait until the last moment before blowing the bridge. He certainly will not intend to kill and injure civilians, though he foresees that result. The military situation is such that the good effect, blocking the enemy advance and giving American and Irabati forces a chance to defeat the invading Sindonians, is indeed proportional to the loss of civilian life on the bridge. Civilian casualties certainly do not provide the means to accomplish COL Gray's mission; they are a foreseeable but undesired result. And in defending the north side of the bridge as long as he can, COL Gray does accept increased risk to his own forces.

If the principle of double effect can withstand moral analysis, as many believe it can, COL Gray would appear to have made a defensible decision if he acts as described. No easy formula or set of rules presents a clear, uncontroversial answer to the question of what action COL Gray ought to take in these difficult circumstances, but application of the PME and the broader values of the US Constitution provide a framework for evaluation both before and after the fact. In the end, COL Gray and others in similar situations must act so as to correct most effectively the wrong created by the enemy invasion while honoring the principle of noncombatant immunity and the PME to the greatest extent possible. In this case, the actions of defending the bridge with a portion of his force and then blowing the bridge, whoever is on it, seem to satisfy those criteria better than any available alternative.

Lieutenant Stone Revisited: Can His Dilemma Be Resolved?

It is now time to return to Lieutenant Stone's situation. Recall that he must take action. Three of his soldiers have been captured and probably face brutal treatment by the enemy. An enemy prisoner in Stone's custody apparently knows where the American prisoners are, knowledge that would give Stone a chance to rescue them before he must leave the area entirely—and thus abandon them to their fate. But the enemy prisoner refuses to divulge the information.

The first step is to determine the facts of the case and then to recognize the legal considerations. There is one stark fact: Torturing the prisoner is specifically prohibited by regulations that reflect the international laws of war. *The Law of Land Warfare*, US Army Field Manual (FM) 27-10, states, "[P]risoners of war must at all times be protected, particularly against acts of violence or intimidation…"[17(¶89)] Lieutenant Stone has sworn to obey the legal orders of his superiors and to uphold the US Constitution. On both counts, torture is prohibited, for US Army regulations constitute the legal orders of superiors and the US Constitution requires adherence to the international laws of war ratified by the US Congress. These include the Geneva Conventions of 1949 concerning the treatment of prisoners of war, which are presented in FM 27-10. In addition, a foray forward into enemy territory would hardly be consistent with the apparent intent of Lieutenant Stone's commanders who have ordered him to withdraw.

However, Stone has an obligation to care for his subordinates. Beyond that solemn obligation of command, taking steps to free the American prisoners will strengthen the morale and resolve of his unit, barring some disastrous development during the rescue mission. Stone's platoon will recognize that the leadership will do everything possible to take care of the members of the unit, which in turn will strengthen cohesion and motivation to carry out assigned missions. Further, Stone recognizes that leaving the POWs in enemy hands probably means abandoning them to their deaths.

In opposition, apparently, are the demands of loyalty to one's men and one's unit, on one hand, and adherence to the demands of military justice and international law, on the other. In this case, torture is unacceptable under the institutional guidance provided by the US military. Stone can mount a rescue attempt, he can further interrogate the prisoner, and he can even try to bargain with the prisoner—but he cannot torture him, just as he cannot murder him. Commanders, by law, may need to do, or refrain from doing, many things that they, as well as their subordinates, dislike. If he decides to put pressure on the prisoner to induce him to provide information, Lieutenant Stone must recognize that he is not doing so as a result of any official sanction nor as a defensible result of a casuistic application of the American PME.

CONCLUSION

Discussions in this chapter should at least make clear that while moral guidelines for members of the armed forces can be identified, explained, and justified, it is not possible to make all moral decisions straightforward. Even though the "rules" in the POW case are clear, what a specific leader would do in such a difficult situation, and what should be excused, should the prohibitions concerning the mistreatment of prisoners be violated, remain difficult questions.

The moral landscape of the soldier has always been difficult, perhaps more so now than ever before when the ramifications of decisions made by both political and military leaders on the international stage are considered. Of the contemporary world, Keegan observes, "Politics must continue; war cannot. The world community needs, more than it has ever done, skillful and disciplined warriors who are ready to put themselves at the service of its authority. Such warriors must properly be seen as the protectors of civilization, not its enemies."[1(p391)] The experiences of United Nations' forces beginning in 1990 strongly emphasized the expanding role of peacekeeping and peacemaking operations, as well as the difficulties of such undertakings. Keegan's observation appears especially applicable today, highlighting as it does not only the important role of the profession of arms but also the military ethics under which it functions.

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Many of the points in the discussion of homosexuals in the military reflect material in Hartle AE, Christopher PP. AIDS victims and military service. In: *Biomedical Ethics Review 1992*. Totowa, NJ: Humana Press; 1993: 31–50.

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