

The American Professional Military Ethic¹

The Sources

Not all young officers give serious thought to the professional ethics taught by the military education systems. Most simply accept the “rules” as established fact and either attempt to abide by them or choose to violate them for reasons of their own. After a certain period of time, those who make the military a career begin to identify themselves in terms of their role, which often makes objective analysis of “the rules” even more difficult and less frequent. That, at least, was true in my case. It seemed obvious to me that military decisions involving moral issues were appropriately governed by the precepts that structured the role of the professional military officer. The general precepts of the code guiding behavior were embedded in my moral awareness as a result of immersion in a firmly structured environment at West Point. The only issue was that of ensuring that one knew and understood just what the rules were. The education at the Military Academy had placed great emphasis on the rules.

Two years of combat service in Southeast Asia, however, generated numerous morally ambiguous situations, some of them deeply troubling, and the answers provided by the code as I understood it were sometimes incompatible with my intuitions of conscience. In some of those situations, the code provided a rationale for overriding such intuitive misgivings. At some point in my experience, though, the code itself was no longer enough and justification of the code became necessary. The nature of the conflict in Vietnam brought many soldiers to that point, I believe, and reactions to the experience varied widely. Disillusionment, cynicism, and resentment were not unusual ways of responding to the agonizing conflicts that abruptly and consistently confronted both willing and unwilling soldiers.

Men and women in uniform sometimes fail to recognize that being a member of a profession imposes moral obligations. We will explore those obligations in detail in this chapter, but we should remember that the profession of arms makes a vital contribution to society and to civilization. The philosopher Thomas Hobbes claimed that people need society to escape from the state of nature, where life is “solitary, poore, nasty, brutish, and short.”¹ In an imperfect world, armed forces are necessary to preserve society and the state. For while the state brings order to existence, and in Hobbes’s view makes moral existence possible, international society remains a dangerous arena. Despite the role of the military in deterring war and defending with force when necessary, in the words of a thoughtful Army officer, “if the [armed forces] merely replicate the state of nature, as in societies run by warlords, [they cease] to be useful to society.”² The armed forces may be quite useful to an individual, a particular leader, but they will be marginally useful at best to the community. The state of nature cannot defend against the state of nature; it can only struggle for survival.³ The armed forces must reflect the demands of morality if they are to be consistently useful to society—indeed, if they are not to be a danger to it. Military officers need to understand that their commitment to professional activity brings a commitment to moral constraints. When we face enemies who accept no such constraints, that covenant can be difficult to maintain. The Second Gulf War was fortunately brief. Had it continued for some time, fighting against an enemy that ignored the laws of war would have placed great pressure on the conduct of Coalition forces. In some instances, moral constraints would have been difficult to maintain.

¹ Anthony E. Hartle. “The American Professional Military Ethic.” Chapter Four in *Moral Issues in Military Decision* Second Edition, Revised. Lawrence, KS: University Press of Kansas, 2004, pp. 42-75, 244-247.

The military services today seek to deepen understanding of professional commitment by explaining what it means to be an officer. The U.S. Army discusses the practice of being a commissioned leader in terms of four interrelated identities: servant to the nation, member of a profession, warrior, and leader of character. The oath of office that officers take upon commissioning sets the parameters for the role of servant to the nation. The commission itself provides the foundation for service as a military professional, though the implications of being a member of a profession are complex.⁴ The qualities necessary to lead men and women in carrying out missions that impose both great responsibility and great danger shape what it means to be a leader of character. The skills and attributes necessary to be successful in combat establish what it means to be a warrior. These identities clarify the application of the professional code that guides and inspires the conduct of men and women in uniform.⁵

My own experience suggests that a necessary step in preparing career professionals for the kinds of problems that soldiers faced in Vietnam is to make clear the code of the profession and its typical applications. The American professional military ethic has not been formally and systematically codified. The formal aspects of the code are found primarily in the oath of enlistment and the oath of commissioning (the wording of the commission actually awarded to officers), and the codified laws of war, though a variety of official publications contribute to the accepted guidelines for conduct. Informal elements of the ethic are taught, through professional socialization. For commissioned and noncommissioned officers, that process takes place most obviously in the structured programs of the military's professional development system. However, the day-to-day activities in military units and the examples set by superiors provide the most telling influences. The role of military leaders at all levels is a critical element in the overall process of professional socialization. For example, the official policy of the military services concerning sexual harassment may be quite clear and specific, but if unit commanders indicate that sexual harassment is an unimportant issue or that they will condone harassment, their perspective will dominate in the understanding of the informal code governing their unit's conduct. As the U.S. Army War College study noted as the war in Vietnam drew to a close, however, a definite consensus existed within the American military concerning professional ideals that applied to the military services.⁶ A consensus exists thirty years later as well, though many people in uniform would be hard pressed to articulate the professional military ethic as such. Most would probably refer to the published "core values" of the services and discuss how those values apply to the conduct of men and women in the military. For any of them, the oath would be a good place to start in searching for the professional military ethic.

The Oath of Office

Broad parameters are established in the oath of office itself:

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and that I take this obligation fully, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

The oath requires two commitments. First, the Constitution is the object of allegiance, to be upheld whether its authority is challenged from within or from without. Secondly, the officer is committed to perform the duties required in the professional role. Though the commitment appears straightforward, many officers give insufficient consideration to the implications of the political and moral principles manifested in the Constitution. Because the nature of the duties required in the role is open-ended, the professional officer's explicit commitment to support and defend the Constitution becomes particularly important. (In Chapter 8, I will contend that this commitment circumscribes the nature of the duties required in the professional role.)

Commitment to the Constitution entails a commitment to the values and principles represented by the Constitution. Accordingly, the substance of those principles and values is critical to an adequate understanding of the American professional military ethic.

Meaning of the Commitment to the Constitution

While it may be generally accepted, as I will argue, that characteristic values endure for any particular society, it is just as clear that values do change, even if exceedingly slowly. If we consider the Constitution as the manifestation of the fundamental values of American society, we might be tempted to conclude that the values and principles that it represents change with disturbing regularity. Analyzing the varying interpretations of the Constitution in court opinions has long provided a vocation for legions of legal scholars. As the political, economic, and social environment of our rapidly developing American republic changed, applications of constitutional law inevitably changed as well. Only through adaptation to new and unforeseeable circumstances could the Constitution continue as a viable blueprint for government. Aside from this obvious fact, however, the Supreme Court has been accused of imposing contemporary and transitory conceptions of morality in interpreting the Constitution. Such accusations appeared in Franklin Roosevelt's day and reached a crescendo during the era of the Warren Court.

Despite such changing views, certain fundamental principles and values are as clear today as they were when the Founding Fathers wrote the Constitution.⁷ Interpretations concerning various aspects have changed—such as the authority of and relationships among governmental agencies—but basic principles and values have not. Constitutional scholars such as Leonard Levy support this contention: “Questions of constitutional law involve matters of public policy which should not be decided merely because of the original meanings in the Constitution. They must be read as revelations of the general principles that are expansive and comprehensive in character. Those principles and purposes are what was intended to endure.”⁸ The professional officer is particularly concerned with these principles. When officers commit themselves to the support and defense of the Constitution and acknowledge its fundamental authority as the basis of government, these basic principles and values constitute the object of their pledge. A brief examination of the way constitutional law changes will support the contention that the basic principles and values underlying the Constitution are essentially constant. As one commentator points out, “The Constitution was not fixed for all time in 1789,” but rather “is a set of fundamental ideas by which orderly change can take place in a stable society.”⁹ The point is that whereas the circumstances in which constitutional law is applied may change, the guiding principles do not.

The watershed era of the Warren Court probably represents the most significant shift in interpretation of constitutional law. It provides the most obvious test of the contention that the basic constitutional principles change in application, but not in essence. The Warren Court believed that the government's obligation to take affirmative action to secure individual rights and liberties required positive constitutionalism. That term refers to the thesis that the Constitution is not a fixed, unchanging document, but is instead a guide to principles of justice. To defend those principles, the Warren Court imposed new law. Before the New Deal changed American life, and before civil rights became a national preoccupation, a different view of the government's role predominated.

Both the Fourteenth and Fifteenth Amendments contain sections granting Congress the power to implement the Amendments' guarantees “by appropriate legislation.” It had been a principle of constitutional law since 1883, however, that this Congressional power was negative and corrective, rather than affirmative and preventive. In other words, nineteenth century Supreme Court decisions had established the doctrine

that Congress' power was limited to the enactment of legislation to correct state actions which had already occurred, and which the Court found in violation of the Amendments' guarantees. 10

The Warren Court introduced a momentous change from this view that altered the character of American life in important respects, but the principle of individual rights itself has not changed. The major innovation of the Warren Court concerned how the principle of individual rights was to be implemented. The 1954 *Brown v. Board of Education* decision might have ended the long-standing precedent of "separate but equal" decisions and begun the "affirmative action" era, but the content of the basic constitutional moral principles was unchanged. Whether individuals in general had certain rights was not the issue; rather, the question was the extent to which government at all levels must secure such rights against circumstances and events not in the scope of direct government responsibility.¹¹

Rights and liberties are at the center of any analysis of the Constitution. The various political principles that structure American government (such as the allocation of powers between state and federal government, the separation of powers at the federal level, the checks and balances system, and representative legislation) all ultimately concern creating a system that protects the rights and liberties of individuals. ¹² Discussion of rights can become confusing and ambiguous because rights can take various forms, so we should note that the rights under scrutiny here are both legal and normative. We are all quite familiar with legal rights or positive rights, those for which there is both social recognition and legal protection. They are empirical and contingent. Normative rights are those for which there is a moral justification. Constitutional rights are those that the Framers of the Constitution and subsequent generations have held to be not only normative and legal but also universal and infeasible. The Constitution has consistently been described as a document created to protect fundamental rights: "Logically, the document is less a willful assertion of power than an act of sovereign self-restraint in behalf of a hierarchy of values that would find us willing to adjust our notions of economic well-being and national security as needed to honor constitutional rights."¹³ The status of those rights and their significance beyond our borders are subjects we will address in the next chapter.

The concept of constitutionalism itself certainly belongs among the basic, unchanging principles represented by the central political document of the United States. The familiar preamble to the Constitution states that

WE THE PEOPLE OF THE UNITED STATES, in order to form a more perfect union, establish Justice, insure domestic tranquility, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution of the United States of America.

The preamble makes it clear that the purpose of the Constitution is to secure liberty, justice, and the general welfare. The principle of constitutionalism holds that a written, comprehensible constitution that limits the power of government and of individuals and agencies in government is necessary for the maintenance of a civilized society in which citizens can enjoy liberty, justice, and equality. The body of the Constitution both establishes and limits the power of the specified branches of a republican form of government, and in doing so, reveals a profound wariness of the power of government. Because agencies of the government have command over extensive resources, the potential for the abuse of power is always present, as we know all too well from repeated incidents during the last three decades of the twentieth century. The "checks and balances" of the Constitution are an overt attempt to preclude or minimize such abuses. The principle of constitutionalism maintains that, in the interests of liberty, justice, and equality, the constitution must be the final authority in the affairs of the state, embodying the fundamental values of the society in which it functions and reflecting the ultimate source of authority in republican government—the people. As established in the U.S. Constitution, the

people—and only the people—have the indefeasible right to change their government. An understanding of the principle of constitutionalism helps clarify the critical importance of an officer's oath to support and defend the values and principles represented in our founding document.

The principle of individual rights is another of the fundamental values manifested in that document. It concerns those rights of man that are not to be denied by the government itself or by the desires of the majority. The principle is reflected most obviously in the amendments to the Constitution and in the function of the Supreme Court, which is why nominations to the Court are so closely examined. The Bill of Rights, the first ten amendments to the Constitution, embodies the doctrine of natural rights, which was the “hard core of Revolutionary political theory.”¹⁴ The Constitution forbids the majority or even the entire House and Senate to pass laws that impair the fundamental rights of individuals. The strength of this prohibition is clear in the First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances.” An examination of the wording of the first ten amendments supports the well-documented claim that the Bill of Rights was originally “intended to render certain rights immune from abridgement by legislative majorities.”¹⁵

In addition to specifying the rights of individuals to certain basic freedoms, the Constitution created the institution of the Supreme Court. It is not implausible to claim that the powers granted the Supreme Court are primarily for the purpose of protecting individual rights, even, to a certain extent, against the will of the majority. Through this institution, the mechanism of government and law has a “limited mandate to correct mistakes made by State and natural majorities.”¹⁶ In so doing, the Court serves to protect the rights of individuals. The institution of the Supreme Court, of course, will eventually affect the will of the majority, but it ensures that action will be taken only after deliberate, reflective, considered study. Both the amendments to the Constitution and the institution of the Supreme Court embody the principle of individual rights within the framework of the Constitution.

During the 1990s, human rights emerged as a prominent factor in international affairs. United Nations interventions in Bosnia, Kosovo, East Timor, and other areas of conflict were in response to massive human rights violations. Recognition of human rights in the United States and around the world makes it necessary to understand how they fit into our discussion of the professional military ethic. Whereas the preceding discussion makes reference to natural rights and the equality of all persons before the law, our Constitution governs but one nation—the United States. It applies to the regulation and protection of American society and the conduct of American citizens. Increasingly, dialogue about rights occurs in the context of universal human rights.

Discussions abound in which such rights are assumed to be self-evident, beginning with the seminal human rights document, the 1948 Universal Declaration of Human Rights produced by the United Nations. As we will see in our discussion of the laws of war, human rights have become increasingly prominent in this century via considerations of the moral limitations of governmental actions (though disturbingly paralleled by increasing violations of such rights). In its most general form, the doctrine of human rights holds that there are certain individual rights that are obtained quite independently of any particular states, societies, or periods. Although we will explore that doctrine in some detail in the next chapter, some initial considerations will be useful here.

In any discussion of rights, specific elements become important: the holder of the right, the object of the right (that to which one has a claim), and the duty-bearers of the right (those against whom one makes the claim). Human rights are distinctive with regard to two of these three elements. Every human being qualifies as a right holder, and the objects of human rights include all other human beings and all human agencies. The identity and obligations of the duty-bearers vary depending on circumstances and relationships, but claims to at least noninterference apply to all.

Another core element of the concept of human rights is that human beings, the right holders, are all equally entitled to such rights because of their status as autonomous beings who are responsible for what they do. They have both equal moral worth and equal moral responsibility. Responsibility is important because what people merit in terms of treatment is a function of how they act, how they manage moral responsibility. When individuals—or states—act in ways that fail to respect the rights of others, they fail in their moral responsibility and they are accountable. Thus the murderer who has wrongfully taken the life of another person has failed in moral responsibility and is appropriately punished by society.

If we examine the nature of state sovereignty on the basis of the domestic analogy, famously applied by Michael Walzer, 17 we can say that states have rights as well, by virtue of being states. As Walzer put it, “As with individuals, so with sovereign states: there are things that we cannot do to them, even for their own ostensible good.”¹⁸

The Peace of Westphalia, a treaty signed by the major European powers in 1648, inaugurated the modern state system in the Western world and heralded the principle of sovereignty that dominated world affairs until the end of the Cold War. The rights of states under this system “are summed up in law books as territorial integrity and political sovereignty.” Walzer finds the foundation and justification for those rights in the rights of citizens: “The duties and rights of states are nothing more than the duties and rights of the men who compose them.”¹⁹ But we can make an even stronger claim today: the legitimacy of the state, and thus its authority to exercise rights in the international community, is a function of its credibility in protecting the rights of its citizens and the corresponding support of the citizens for the state and its political structure. The fundamental moral and political rights of the citizens of a state are, in this view, everywhere the same. They are the human rights possessed by all human beings.

Whether we focus on natural rights, civil rights, or human rights, an independent judiciary and reliable law enforcement provide the means to secure individual rights and social order. If people are to live together in some regulated fashion, government must have the authority to restrict liberty, to regulate property, and to protect the pursuit of happiness—though such interference is permissible only under and within the rule of law. We find the principle of the rule of law clearly reflected in the Constitution and in its applications; one need look no further than the Due Process Clause of the Fifth and Fourteenth Amendments for evidence. Additional consideration reveals the interesting fact that while the President as Commander in Chief controls overwhelming military power, and while Congress controls the power of the purse, the power of the Supreme Court consists entirely in the principle of the rule of law established by the provisions of the Constitution.²⁰ Thus, we can reasonably claim that individual rights secured by law constitute the central value reflected in the Constitution.

Though we can categorize the provisions of the Constitution in a variety of ways, the principle of constitutional authority is indisputable. Closely allied with it is the rule of law that we have discussed. The object of both, it appears, is to secure the principle of individual rights, itself a basic moral principle. Of preeminent concern are moral rights. David Richards claims

that “[t]he Founding Fathers believed that the rights guaranteed. . . in the Bill of Rights were natural moral rights which government had no right to transgress. Man, they supposed, was foremost a moral person, and secondarily a member of a political union.”²¹ While natural law doctrine and the related concept of natural rights may no longer be the basis of legal theory in many cases, the idea of universal, inalienable human rights remains.

And indeed, this universal sense remains fundamental in the Constitution. The moral rights with which the Constitution is concerned “constitute moral reasons for action of a special weight and urgency.”²² They are “moral claims to kinds of individual needs and concerns which must be satisfied prior to other kinds of moral claims and which justify the use of force, other things being equal, in support of the moral urgency these claims involve.”²³ Through the Constitution, these moral rights become legal rights as well. In that form, they are protected from unjust actions by the majority. Accordingly, “[m]ajority rule is not the basic moral principle of the Constitutional order. The basic moral principle is the principle of greatest equal liberty. Majority rule is justified only to the extent that it is compatible with this deeper moral principle, which constitutes a standard of criticism for majority rule.”²⁴

This conclusion, supported firmly by the content of the amendments to the Constitution, establishes the relationship between the concept of fundamental freedoms and moral rights. The latter take precedence within the constraint of greatest equal liberty for all. The principle of greatest equal liberty guides us in moving from the abstract principle of both the rule of law and of individual rights to actual practice. ²⁵

Although interpretations and applications of constitutional law are perpetually in flux, firm ground exists for maintaining that the broad principles of constitutionalism, representative democracy, individual rights, the rule of law, and greatest equal liberty are fixtures in our national understanding of the Constitution. Also evident in our national history and implicit in the provisions of the Constitution, which authorizes the raising of armed forces, is the firm belief that these ennobling values are worth fighting for and that the use of force in their defense is fully justified. That is the soldier’s purpose. When military members pledge their commitment to the support and defense of the Constitution, they commit themselves, by logical extension, to the principles and values that form the basis of its provisions.

The Commission

The commission provided to military officers begins with the following: “Know ye that reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of [named officer] “ The commission from the commander in chief continues, stating that “this officer is to observe and follow such orders and directions from time to time, as may be given by me, or by the future President of the United States of America.” The fundamental law of the United States is the Constitution, so that the commission confirms the supremacy of the Constitution in the commitment of military officers. Were the President or any other superior to issue an unlawful order, military officers would be obligated by their role requirements to disobey it. That obligation finds its moral basis in the commissioning oath.

During President Nixon’s last, bitter days in office, some people were concerned that the military might support an attempt by the President to remain in power despite the demands of Congress and the courts. Anyone who understood commitment of the officer corps to the Constitution, however, would not have taken the possibility seriously. An officer’s loyalty is to the principles and values manifested in the Constitution, not to the person of the commander in chief.

The oath and the commission provide the foundation for the traditional idealistic code of the United States armed forces, the code I have been calling the professional military ethic. The Armed Forces Code of Conduct, promulgated after the Korean Conflict, also provides guidance for members of the military, but it has limited application because it concerns actions appropriate for those taken prisoner.

One note of caution may be in order at this point. The professional military ethic and actual behavior are two separate areas of consideration. That observation appears obvious, but frequently I find that discussions of what ought to be done in a specific situation appeal both to prevailing forms of conduct and to ideal standards of conduct. Sometimes those discussing the issue confuse the two arenas and make the issue more difficult. The relationship between standards and behavior is complex; its study provides a fruitful subject for sociology and psychology, but it is not our direct concern here. One reason the U.S. Army War College Study on Military Professionalism caused such concern was the revelation of the gap perceived by members of the military between recognized standards of professional ethics and actual behavior. At some point, institutional pressures that require behavior that is inconsistent with the traditional professional ethic will result in a change in the content of the ethic itself. That will occur, that is, if the professional military ethic and behavior are in fact mutually influencing. Elaborately formal codes in some professions sometimes appear to be designed for public consumption rather than self-governance.

The officers surveyed in the War College study, however, indicated the “present climate” was at odds with the existing ethic and the exigencies of the profession. Moreover, I would contend that, in some respects, it was also at odds with society’s expectations of the military. To what degree we can attribute the problems of the early 1970s to the protracted conflict in Southeast Asia is a subject of debate, but most Army officers accepted the study as an argument for institutional reform rather than modification of the ethic. And reform followed, slowly, continuing into the 1980s. The U.S. Army War College study summarized the issues in this fashion:

It is impossible to forecast future institutional climates with any degree of reliability: Nevertheless, it is not unreasonable to state consequences of the present climate: it is conducive to self-deception because it fosters the production of inaccurate information; it impacts on the long-term ability of the Army to fight and win because it frustrates young, idealistic, energetic officers who leave the service and are replaced by those who will tolerate if not condone ethical imperfections; it is corrosive of the Army’s image because it falls short of the traditional idealistic code of the soldier—a code which is the key to the soldier’s acceptance by a modern free society; it lowers the credibility of our top military leaders because it often shields them from essential bad news; it stifles initiative, innovation, and humility because it demands perfection or the pose of perfection at every turn; it downgrades technical competence by rewarding instead trivial, measurable, quota-filling accomplishments; and it eventually squeezes much of the inner satisfaction and personal enjoyment out of being an officer.²⁶

The Army did in fact recover from the running sores of Vietnam and, with the other military services, performed in spectacular fashion in the First Gulf War in 1991. The high operational tempo of the 1990s, however, made heavy demands on men and women in uniform. The result was a re-emergence of a number of the concerns presented in the 1970 War College Study. Studies at the turn of the century revealed that service members were again concerned with a variety of issues that could undermine effectiveness. Prominent among them were the trustworthiness of senior leaders, quality of life issues, and micromanagement by superiors. Information technology made possible dramatic advancements in battle effectiveness, but it also made extensive information available to higher headquarters and gave commanders the means to make a zero-defects mentality pervasive. Excessive operations tempo, under-funded training, and shortages of materiel and resources raised issues of quality of life and personal satisfaction.²⁷

These factors and others, such as inconsistent leadership in units, led to a dysfunctional level of distrust of senior leadership in the military services.²⁸ A study of attitudes among junior U S Navy officers in 1998 provides this summary:

The reason that 88 percent of the junior officers we listened to do not aspire to command is that command doesn't look satisfying anymore. . . . Among the top issues identified by the JOs [junior officers] we listened to were: loss of job satisfaction, self-inflicted pain, micromanagement and the zero-defect mentality, erosion of benefits, and lack of confidence in leadership.²⁹

Such developments make a focus on the professional military ethic even more important than it would otherwise be. The erosion of trust and confidence in officers in senior leadership positions will inevitably have a corrosive effect on military operations. The professional military ethic provides a set of standards for judgment that can correct misunderstandings or reveal necessary measures of reform.

Duty - Honor - Country

The discussion that follows focuses on the “traditional idealistic code” against which institutional actions are measured. We will examine the standards of behavior that military professionals feel they ought to meet, not conduct that fails to meet such standards or institutional pressures of a particular period that contribute to the failure to meet them.

To understand the code as it exists today, we need to remember its historical roots. In Europe prior to the nineteenth century, military officers came from the nobility. The tradition of the armed forces in America-where all men are considered equal-has been quite different.³⁰ The emphasis has been on ability and competence, which have been closely identified with character:

Washington, almost from the moment of his death, became a legend symbolizing (among other things) the ‘superiority’ of American military leaders over foreign officers because of their greater strength of character. Conversely, this rationale declared that officers who proved unworthy were probably so because of some character deficiency.³¹

General Sir John Hackett, in his study of the American military, revealed another aspect of the professional officer corps. His comments also indicate that the pessimistic view of the nature of man and the likelihood of war has long been a feature of the development of the American military:

The years between 1860 and World War I saw the emergence of a distinctive American professional military ethic, with the American officer regarding himself as a member no longer of a fighting profession only, to which anybody might belong, but as a member of a learned profession whose students are students for life. With this view went the acceptance of the inevitability of conflict arising out of the unchanging nature of man.³²

The distinctive American professional military ethic that Hackett discusses is customarily referred to in a brief, simplistic motto. “The traditional standards of the American Army officer may be summarized in three words: Duty-Honor-Country. The officer corps of today espouses this statement of professional ideals.”³³ Analysis of what this motto means to the American military profession reveals considerable emphasis on individual character and certain virtues.

Duty. Duty incorporates the concepts of obedience and self-discipline previously noted in discussing the exigencies of the profession. Whereas self-discipline would apply to most professions, it is of fundamental significance to the military professional, for the demands of duty can be particularly heavy. They may require the sacrifice of one's own life and those of

others—an aspect of daily existence in a combat environment. The professional commitment is one of “ultimate liability.” The requirement for both physical courage and the courage to make difficult decisions is implicit. In light of such demands, members of a military organization recognize that obedience is essential for effective functioning. As one long-time student of military sociology put it, “Integrity and instant obedience are the *sine qua non* of the military institution.”³⁴

In the American tradition, the oath of commissioning indicates that an officer’s duty is to the state and, in particular, to the Constitution. Duty assumes the subordination of personal desires to the requirement generated by the oath; that of defending the Constitution and through it the state, in a specific form. “As a member of a service, an individual accepts a series of narrowly defined duties to superiors and subordinates consistent with his responsibilities to uphold that oath.”³⁵

Honor. For American military officers, honor connotes integrity, not military glory or prestige.

Its underlying values are truth-telling, honesty, and integrity. Implicit in “honor” is a sense of trust within the officer corps. Subordinates must be able to trust their leaders implicitly. The trust must be mutual if the unity and cohesion which are so crucial to combat effectiveness are to be developed. Requirements of combat demand high standards of honor, integrity, loyalty, and justice. The same applies to the military institution as a whole in carrying out the heavy responsibilities entrusted to it by the host society.³⁶

The experience of recent decades sorely tested this aspect of the American professional military ethic. The substitution of appearance for substance, emphasized in the distant War College study and highlighted again in recent surveys of men and women in uniform, remains a concern for the profession and the public alike. The allegiance of military professionals was not doubted in 1970, nor the general devotion to duty. The integrity of the officer corps, however, appeared problematic. The armed services recovered from that experience, but the re-emergence of such concerns at the turn of the century not only provides reason to question military leaders but also confirms the central position of personal honor in the American professional military ethic. The actions of the two most visible military figures in the Iran-Contra affair of the 1980s, Lieutenant Colonel Oliver North and Admiral James Poindexter, troubled many because they appeared to betray the professional military ethic. The arena of national policy in which the two men operated was considerably removed from the normal range of activity of a military officer, but they were still presumably committed to the professional military ethic. In that context, personal honor remains nonnegotiable. The following analysis states the position clearly:

At the daily working level, an atmosphere of trust and confidence is essential for military organization to operate effectively. . . . Mutual confidence and esteem are essential to a unit’s esprit de corps. . . high standards of personal integrity must be nurtured so that mutual confidence can survive long periods of stress.

When orders imply substantial sacrifice and risk on the part of subordinates, they must have no lingering doubts of the commander’s true motivations. To execute the orders effectively, they must accept his personal integrity without question.

Of course, the most obvious and perhaps the unique requirement for high standards of honor in the military profession has to do with the necessity of accurate reporting in combat. The danger of unnecessary loss of life in such situations is too obvious to warrant elaboration. . . . The advice of the military professional to military or civilian superiors must accurately reflect current situations; otherwise, the consequences can be severe.³⁷

While Lieutenant Colonel North, in deliberately misleading members of Congress and others in government about U.S. activities in relation to Iran and the Contra movement was acting in the capacity of a presidential advisor rather than that of a military officer the last paragraph quoted above seems nonetheless forcibly applicable. Recent studies do not reveal an institutional crisis comparable to the Iran-Contra affair, but they do show that the leadership of the Army did not enjoy the trust of younger members of the profession to the degree that the health of the profession needed. National security suffered from actions of Lieutenant Colonel North and Admiral Poindexter when they departed from their professional roles, especially the aspects highlighted by the motto, “Duty-Honor- Country.”

Country. The country is the objective to which the performance of duty and the maintenance of honor are devoted. The third element of the motto “Duty— Honor—Country” re-emphasizes the concept that no particular government administration or individual commands the allegiance of the military. The country itself (the state) is the beneficiary of the services of the armed forces. Further, members of the profession subordinate personal welfare to the welfare of the nation. This principle follows from the fundamental purpose of the armed forces. Since successful accomplishment of assigned missions often means that lives must be expended, the exigencies of the profession obviously demand that the means employed in combat, including the expenditure of human lives, are precisely that— means. Because of the criticality of the function of the organization, its welfare must have priority over the welfare of individual members. Here again, however, the American professional military ethic is modified from the straightforward requirements of military activity, in which mission goes before all (which is to say that the security of the state justifies all). If functional requirements alone provided the basis for moral decisions, the accomplishment of assigned missions would have priority over all other considerations. That, however, is not the case in the American military, as the discussions of the laws of war and the values of American society will illustrate.

The commissioning oath makes clear that the values of American society as exemplified in the Constitution give substance to the American professional military ethic. While human rights are not referred to as such in the document, it establishes the political system in which individual freedoms, representative democracy, and equality are to be optimized. The amendments to the Constitution reflect many of what we think of as human rights, and the specifics of the Bill of Rights can be justified in terms of the fundamental human rights highlighted in the Declaration of Independence. The commitment to the country is thus constrained by conceptions of morality and “guided by an overwhelming commitment to constitutional process.”³⁸

Traditional Values

Within the context established by “Duty—Honor---Country,” four more specific principles have developed that are also fundamental to the American professional military ethic. The principle of *professional competence* influences all professional activity in the American military. To the extent that any military organization becomes professionalized, technical competence becomes a central concern. Lewis Sorley argues that this characteristic of professions applies with special emphasis to the armed forces: “The nature of the military profession, and the responsibilities of the profession to the society it serves, are such as to elevate professional competence to the level of an ethical imperative.”³⁹ To be capable of conscientiously striving to perform in accordance with the precepts of “Duty—Honor—Country,” an officer must be competent to perform assigned tasks. The more capable officers are, the more successful they will be in living up to the other principles in the professional military ethic. Given the weight of responsibility shouldered

by the military, no degree of competence short of the maximum possible can be declared acceptable in terms of the professional ideals.

Another fundamental principle is *civilian control of the military* by the elected representatives of the people. From this principle derives another that is far from unique to the American military but nonetheless basic to it. “The professional soldier is ‘above politics’ in domestic affairs.”⁴⁰ If the integrity of the military is to be beyond reproach, *professional officers must not directly involve themselves in domestic politics*. On the surface such a position appears somewhat naive. The military establishment is the largest institutional complex in the government of the United States, and the extension of the “military-industrial complex” in economic terms is most difficult to assess just because it includes so much.⁴¹ Functional influence, however, is one matter; overt participation by an individual is another. The code forbids the latter. While the distinction is one of degree in practice, the services maintain the distinction with surprising effectiveness. Certainly, the military as an institution traditionally observes political neutrality.

A fourth principle that is basic to the American professional military ethic concerns the *importance of the welfare of the individual soldier*, which goes beyond utilitarian concerns. Such a principle might be expected in a society that traditionally has placed great emphasis on individualism. This principle is firmly embedded in the ethic as well as explicitly stated in the law. Article 5947, Title 10, U.S. Code, states that “commanding officers and others in authority shall take all necessary and proper action to promote and safeguard the morale, physical well-being, and general welfare of the officers and enlisted men under their command and charge.” Two aspects of combat in the Vietnam era also reflect this concern for the individual. It was not unusual in the jungles of the Cambodian border area or in the mountains of the central highlands to find American soldiers in the field eating ice cream flown in by helicopters. While such actions might reveal logistical mismanagement, they also reveal the extent to which the system attempted to “take care of” soldiers. The second aspect was tactical. The massive use of firepower reflected the concern (at times perhaps undue) with friendly casualties. Arguments continue concerning the degree to which manifestations of the concern about the welfare of uniformed members of society hindered the pursuit of military objectives, but the basis for that concern is firmly embedded in the American professional military ethic. In the southwest Pacific in 1944 during World War II, Japanese resistance on the coral island of Biak was intense, with the Japanese soldiers well protected in deep caves. ⁴² One such emplacement was an area about 500 by 800 yards referred to as the Ibd Pocket, defended by about 1,000 Japanese. Instead of ordering casualty-heavy attacks, the U S commanders continuously shelled and bombed the Pocket from 1 June until 21 July. Although casualties were still significant, they were much lower than they would have been had the commanders not expended huge amounts of ordnance in reducing the enemy capabilities. In Vietnam, the attitude was epitomized by the dictum, “Spend bullets, not bodies.” That policy was a function of public and Congressional relations at some level, of course, but “politics” was not the primary motive. Soldiers are members of American society who have value in their own right as persons. Lives of men and women in uniform are not to be risked without compelling cause.

The phrase “Duty-Honor-Country” thus represents the content of the American professional military ethic. Each term has particular connotations in the American context. The broad principles of civilian control of the military and that of political neutrality overarch these connotations, and the obligation to promote the physical and psychological welfare of the individual military member to the maximum extent possible within the context of mission accomplishment permeates all aspects of the motto. Lastly, in each of these principles, the concept of professional competence is required and assumed.

[The remainder of the article that has been omitted is the Code of Ethics for Government Service and each of the services core values.]

NOTES

1. Thomas Hobbes, *Leviathan* (London: Penguin Books, 1985), 186.
2. As quoted by Mark Mattox in “The Ties That Bind: The Army Officer’s Obligations” in Snider and Watkins, *The Future of the Army Profession* (New York: McGraw-Hill, 2002), 301.
3. Ibid.
4. The book by Don Snider and Gayle Watkins, *The Future of the Army Profession*, explores in detail the complexity of professional activity in the U.S. Army at the beginning of the twenty-first century.
5. The analysis of the practice of being a commissioned Army leader in terms of these four identities originated at the United States Military Academy in the late 1990s as the staff and faculty developed concepts for the education and development of future officers. The possibility of basing professional socialization on this approach subsequently spread to the Army education system under the title of “officership.”
6. Several studies reveal this to be the case. These include the following: U.S. Army War College, *Study on Military Professionalism* (Carlisle Barracks, PA: U.S. Army War College, 1970), John N. Moellering, “Future Civil-Military Relations: The Army Turns Inward?” *Military Review* 53 (July 1973); Bruce M. Russett, “Political Perspectives of U.S. Military and Business Elites,” *Armed Forces and Society* 1 (Fall 1974); and Franklin D. Margiotta, “A Military Elite in Transition: Air Force Leaders in the 1970’s,” *Armed Forces and Society* 2 (Winter 1976).
7. The concept of interpreting the Constitution for application to changing social, political, and economic circumstances is strongly criticized by some legal scholars. Strict constructionists have long argued that an interpretive view of the Constitution is fundamentally in error, that the creation of new standards and new law without a clear textual reference in the Constitution violates the very concept of constitutionality. In their view, the Constitution is a specific, unchanging document that is to be applied as written. Needless to say, if one accepts their view, my contention that there are certain fundamental, unchanging principles reflected in the Constitution gains even more support.
8. Leonard W. Levy, *Judgments: Essays of American Constitutional History* (Chicago: Quadrangle Books, 1972), 71.
9. Jethro K. Lieberman, *Understanding Our Constitution* (New York: Walker, 1967), 14. Fundamentally, I contend that this is true for the principles identified in this discussion. It would be both naive and erroneous, however, to fail to recognize that a broadly stated principle can have radically different characters depending upon application in practice. Thus, “never give up” in some situations may be considered an injunction that appeals to the tenacious, courageous, essentially noble fire of the human spirit. Stalingrad, however, was an inhumane example of the capacity of human nature to produce suffering and barbarism. For a caustic view of the fate of the Bill of Rights in judicial application, see William O. Douglas, “The Bill of Rights Is Not Enough,” in *The Great Rights*, ed. Edmund Cahn (New York: Macmillan, 1963). Nonetheless, in considering the ideal standards of the professional military ethic, certain broad moral principles that have not changed do seem to be identifiable in the Constitution.
10. James L. Elston, “The Warren Court and Civil Rights: Era of Positive Constitutionalism and Egalitarianism,” *Journal of Thought* 8 (January 1973), 30.
11. Though, admittedly, the extension of the concept of who is included among the equal right-holders has indeed changed. One need only remember that many of the primary authors of the Declaration of Independence were slave owners in order to realize that

- ethnic discrimination has always belied the rhetoric that proclaimed that all human beings possess natural rights. In this sense, the Civil War era and the middle twentieth century can be seen as dramatic changes in the concept of equality. I would argue, however, that the moral principle of equality itself did not change; rather, the extension of the principle in social application changed. More critically, American society has slowly and unevenly moved toward the full instantiation of such principles in practice in social institutions.
12. For a brief but illuminating discussion of the protection afforded individual rights by the Constitution, see Zechariah Chaffee, Jr., *How Human Rights Got Into the Constitution* (Boston: Boston University Press, 1952).
 13. Sotiros A. Barber, *On What the Constitution Means* (Baltimore: Johns Hopkins Press, 1984), 127.
 14. Clinton Rossiter, *Seedtime of the Republic* (New York: Harcourt, Brace, 1953), 375.
 15. David A. J. Richards, "Reverse Discrimination and Compensatory Justice: Constitutional and Moral Theory," in *The Value of Justice*, ed. Charles A. Kelbley (New York: Fordham University Press, 1979), 104-5 For a scholarly discussion of this issue, see Leonard W. Levy, *Judgments: Essays in American Constitutional History*, particularly "The Fourteenth Amendment and the Bill of Rights" and the essays of Part II and Part III.
 16. Arthur E. Sutherland, *Constitutionalism in America* (New York: Blaisdell, 1965), 469.
 17. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), Chapter 4.
 18. *Ibid.* 89.
 19. *Ibid.* 53.
 20. I intend here a broad sense of the "rule of law" concept. The fundamental issue is that all governmental agencies and officials are subordinate to the law, particularly the most powerful, such as the military services and the office of the president. In referring to the power of the Court in this context, I do not mean to invoke the controversial issue of judicial review.
 21. Richards, "Reverse Discrimination," 105-6.
 22. *Ibid.*, 107.
 23. *Ibid.*
 24. *Ibid.*
 25. For a specific declaration of the rights held under the doctrine of natural rights during this period in America, see the Virginia Declaration of Rights, 1776, which can be found, among other places, in F. N. Thorpe, *Federal and State Constitutions, Colonial Charters, and Other Organic Laws*, Vol. 7 (Washington, DC: GPO, 1909), 3812-14.
 26. U.S. Army War College, Study on Military Professionalism, 28-29.
 27. For a thorough discussion of such problems see *American Military Culture in the Twenty-first Century*, published by The Center for Strategic and International Studies (Washington, DC: The CSIS Press, 2000).
 28. In the CSIS study, a survey of thousands of service members provided the following results to questions about trust: only 85 percent agreed that "(w)hen my Service's senior leaders say something, you can believe it is true," and only 36 percent agreed that "an atmosphere of trust exists between leaders and their subordinates." For details, see *American Military Culture in the Twenty-first Century*, published by The Center for Strategic and International Studies (Washington, DC: The CSIS Press, 2000), 72.
 29. Rear Adm. John T. Natter, Lt. Alan Lopez, and Lt. Doyle K. Hodges, "Listen to the JOs—Why Retention is a Problem." Proceedings (October 1998), as quoted in *American Military Culture in the Twenty-first Century*, The Center for Strategic and International Studies (Washington, DC: The CSIS Press, 2000), 34.
 30. Department of Defense, *The Armed Forces Officer*, DoD GEN-36 (Washington, DC: GPO, 1975), 3.

31. Charles R. Kemble, *The Image of the Army Officer in America* (Westport, CT: Greenwood Press, 1973), 24-25.
32. Sir John Winthrop Hackett, *The Profession of Arms* (London: Times Publishing Co., 1962), 38.
33. U.S. Army War College, *Study of Military Professionalism*, iii. The authors of the War College study found it difficult to articulate the implications of this motto. An unusually perceptive examination is presented by James R. Golden, "The Future Demands of Military Professionalism: The Views of an Army Major," in *The Changing World of the American Military*, ed. Franklin D. Margiotta (Boulder, CO: Westview Press, 1978), 395-412.
34. Sam C. Sarkesian, "Empirical Reassessment of Military Professionalism," in *The Changing World of the American Military*, ed. Franklin D. Margiotta (Boulder, CO: Westview Press, 1978), 48.
35. Golden, "Future Demands," 398
36. Melville A. Drisko, Jr., *An Analysis of Professional Military Ethics: Their Importance, Development, and Inculcation* (Carlisle Barracks, PA: U.S. Army War College, 1977), 4.
37. Golden, "Future Demands," 404-5.
38. *Ibid.*, 409.
39. Lewis S. Sorley, "Competence as Ethical Imperative Issues of Professionalism," in *Military Ethics and Professionalism A Collection of Essays*, ed. James Brown and Michael J. Collins (Washington, DC: National Defense University Press, 1981), 42.
40. Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Glencoe, IL: Free Press, 1960), 233.
41. See Charles H. Coates and Roland S. Pellegrin, *Military Sociology* (University Park, MD: Social Science Press, 1965); Samuel S. Huntington, *The Soldier and the State* (Cambridge, MA: Belknap Press of Harvard University Press, 1957); Sam C. Sarkesian, *The Military-Industrial Complex: A Reassessment* (Beverly Hills, CA: Sage, 1972); John M. Swomley, Jr., *The Military Establishment* (Boston: Beacon Press, 1964); Adam Yarmolinsky, *The Military Establishment* (New York: Harper & Row, 1971), pp. 8-15, Chapter 5, and especially Chapter 16.
42. Francis B. Catanzaro, *With the 41st Division in the Southwest Pacific: A Foot Soldier's Story* (Bloomington, IN: Indiana University Press, 2002), 93-94.