

The Ethical Body, Selecthics and the Should, Would, Could Trilemma

by Brandt A. Murphy

Modern application of Just War Principles is rooted in Christian theological explorations as to when and why war should be waged. Originally posed as a model by Saint Augustine in the 5th century, and later amended by Saint Thomas Aquinas in the 13th century, these principles have all but guided ethical warfighters toward what is right in the prosecution of bloody conflict by belligerents. Given the inherently didactic nature of organizational leaders within the U.S. military, it is important to explore the reasons which necessitate war, and how it is to be conducted once initiated. Thus, in an effort to understand Just War Principles and discuss potential impacts of its revision/erosion on warfighters, three frames of exploration will be used to discern the ramifications. The first, referred to as the Ethical Triangle by Dr. Jack Kem, will survey ethics in a primarily rational mode. Second, “the Ethical Body,” will be introduced as the author’s creation and as a frame of reference to view ethical dilemmas found within their irrational, living and evolving manner of existence. The third, “Selecthics Trilemma: Should, Would, Could” will examine ethical and psychological differences between choices.

I. Introduction: Just War Principles and Traditions Revisited

Just War Principles explore when, why, and how war should be waged. Inasmuch as conflict is considered natural with regard to mankind and, unfortunately, must happen for states to resolve issues, ethicists throughout history have produced a set of principles which govern the conduct of war. The first, *Jus Ad Bellum*, denotes the responsibility of an appropriate authority in the declaration of war. The declaration must be legitimate in the sense that it seeks to set right that which has been wronged and the actions taken must also match the intent for engaging in war. Further, declaring war should be a state’s last resort, in addition to holding a reasonable belief that it will be victorious and the ends will be sufficient vis-à-vis the means.¹ Put plainly, the notions of universal good versus universal evil govern the decision a state makes to enter into war.²

Next, *Jus In Bello*, determines how states behave in the prosecution of a war. Two key factors emerge: judgment and conduct. *Judgment* restricts who (which enemies) belligerents may engage and *conduct* restricts how (types of tactics used) they are to do it. More importantly, universally accepted conduct precludes actions such as torture or rape during war. The third principle, *Jus Post Bellum*, remains unrefined in its scope due to the fact that all nations do not agree on how to conclude a war and achieve a sustainable peace. A mitigating factor for how warring nations interact post conflict is typically determined treaties (e.g., Treaty of Paris after WWII) or adhering to the terms of agreement within an armistice (e.g., Korean War).

Prominent Ethicists and Their Contributions

Perhaps the most familiar ethicists include Plato (5th Century B.C.) and Aristotle (4th Century B.C.). Their contribution to the realm of ethics is brought to the fore by way of *virtue*, or one’s character, and how someone is to live in a good manner.³ From Plato and Aristotle, we extract the notion of **the golden rule** and its application toward living a good life. Thomas Hobbes (1588-1679) and Immanuel Kant (1724-1804) provide for us the next example through a logical way of living by *principles-based* ethics.⁴ To them,

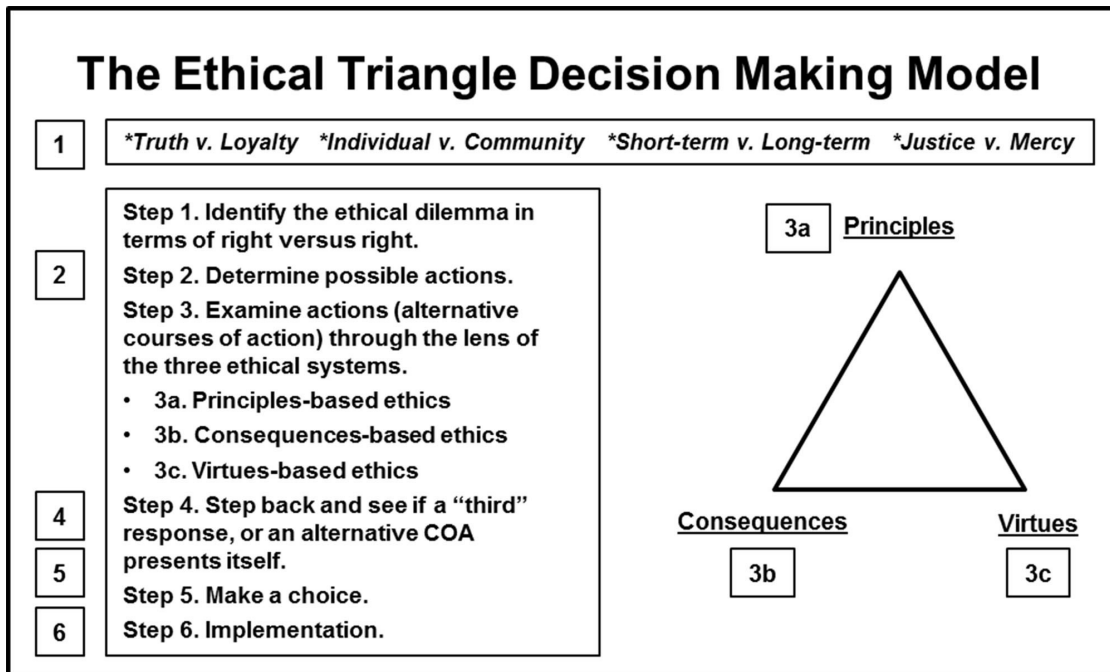


Figure 1. The “Ethical Triangle” Ethical Decision Making Model with Steps.

one must follow general **rules**, or maxims, which would logically determine principles toward the ways in which a person lives. In other words, one should determine the rules for living well and morally follow them. The next set of ethicists, David Hume (1711-1776) and John Stuart Mill (1806-1873), promulgate the way in which choice, and the **consequences** thereof, affects ethical decision making.⁵ Considered to take a *utilitarian* perspective, both Hume and Mill credit individual sentiment toward ethics and what is right in the face of attaining a greater good.

Unfortunately, it is from the individual determinant that ethical dilemmas seem the most mired in how one should act in resolving a matter. Understanding self-evident behavior with regard to making one’s own virtue, Friedrich Nietzsche (1844-1900) enters the fray. His hedonistic, or selfish, manner of interpreting ethical conduct prescribes that one must simply live “good” as it relates to themselves, and the way in which he or she determines what “good” is.

Dr. Jack Kem, Associate Dean of Academics at U.S. Army Command and General Staff College, provides a useful model, known as the Ethical Triangle, which illustrates how each of the aforementioned ethicists view ethical dilemmas and ethical decision making.⁶ (See Figure 1 above.)

With regard to practical application of ethics in a rational, logical manner the ethical triangle serves as an adept guide. Unfortunately, ethics and the conduct of it in a humanistic manner require a living, somewhat irrational and evolving framework to serve as a manner of exploration.

II. The Ethical Body

Ethical decision making requires the examination of not only the situation in question itself, but also the biases and beliefs (morals) the examiner has, as well. To that end, a living, contextually irrational and evolving model is required. The Ethical Body (See Figure 2 on page 115.) is established to explore the ways in which we may better understand ethical dilemmas and difficult ethical questions as professionals. In this

The Ethical Body

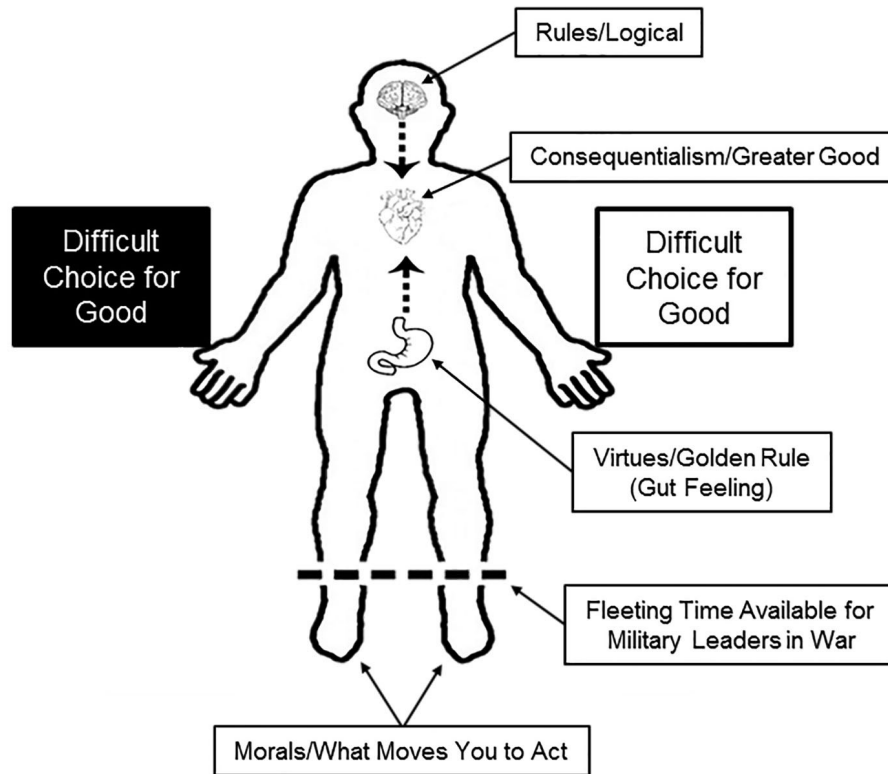


Figure 2. The “Ethical Body” Ethical Decision Making Model.

frame of reference, all facets of ethics are considered when facing an ethical dilemma or issue. It should be understood that options initiating in any part of the “body” are ultimately filtered through the heart (placed against a consequentialist template) before a decision is made.

Beginning with an understanding of how Hobbes and Kant depict ethical norms, rules and logic are associated with the “brain” part of the The Ethical Body. Principles-based ethics require logical understanding of the ethical issue with regard to determining an outcome which conforms to the set of an individual’s maxims, or steadfast rules, toward which he or she lives his/her life. It is from this part of the “body” where emotion does not sway an individual’s judgment. The brain also explores ethical issues with an absolute appreciation for facts and objectivity in order to discern truth.

Next, virtues are introduced and examined via the “gut” of The Ethical Body wherein one’s experiences and anecdotal exposure play an integral part toward determining an outcome. The gut relies on how one lives his life based on his or her character. The way in which they choose to live truly influences the choice made in an ethical dilemma or problem with regard to how others should be treated. Further, the notion of the “golden rule” sways the individual’s judgment given that each of us experience the environment unique to our customs and cultures. For example, someone from the United States may like to be treated a certain way culturally, whereas a person from Tanzania may treat people (and expect to be treated) completely different, given the cultural differences and experiences for each person. Therefore, the “golden rule” must be appropriated to cultural/environmental niches.

Selecthics Trilemma

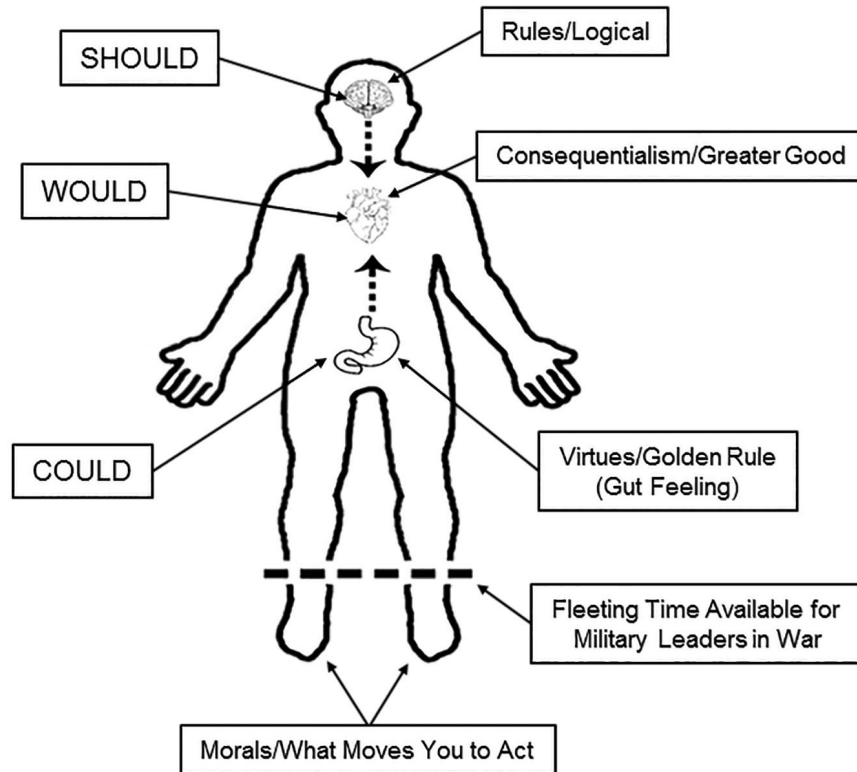


Figure 3. Selecthics Trilemma.

The most prominent part of The Ethical Body is the “heart.” It is within this portion that a consequentialist decision toward achieving the greater good within an ethical situation is formed. Individual sentiment and emotion are the determinants which sway an individual’s judgment. Further, with the heart being central to the body and its emphasis toward reaching the best outcome through the greater good, the ethical decisions which originate in the “brain” or “gut” must then filter through the heart in order to reach a final decision on ethical matters or dilemmas. It cannot be overstated that for The Ethical Body to function correctly, ethical choices no matter where they originate, are required to filter through the heart in order to make the a more ethically informed decision with regard to solving ethical matters.

But, those things which determine a plan of action do not necessarily influence it being put into action. The “feet” of The Ethical Body illustrate an individual’s morals within an ethical dilemma and “move” them to take action based on their values. This is not done in a vacuum, however, since *time* for professionals is ever fleeting, especially in the tumultuous events of war. However, when ethical choices are sifted through logical, consequential, and virtuous filters one may be left searching for deeper understanding with regard to choosing how to act. Hence, the ideas of should, would, and could are introduced.

III. Selecthics Trilemma: Should, Would, Could for Professionals

From the living, irrational ethical decision-making process seen in The Ethical Body, we also must take into account the possibilities which lie in each ethical problem. *Selecthics* is the art of choosing what to

do by understanding our inner self and how we make decisions. Beginning with the “brain” (rules/logic), we must first understand the maxim(s) through how we decide our actions. This is the *should* part of the “trilemma.” Questions such as why is the action or choice necessary; or, what is the meaning and end result of the choice, if I decide to do anything at all, and how will it benefit the way I choose to live my life—all examine the *should* portion unconstrained by emotional sway or bias. Simply stated, it is important for one to understand what he or she *should* do before exploring what action to take.

The *would* portion invokes a sympathetic reaction to a situation and is, therefore, most associated with the “heart” in The Ethical Body. It does not, however, take into account the means one has to actually perform an action. For example, the trite example of an ethical dilemma involves a train track which is split into direction “A” or direction “B” and a switch that will send the train down one of the paths given. A person must decide between sending the train toward direction “A” consisting of one person tied to the tracks, but the person is a member of his or her family, or direction “B” which has five people tied down who are strangers. A common sentiment involves the person exploring how they would decide to achieve the greater good through weighing the consequence of choosing a direction. The *would* part of the trilemma is particularly sensitive to Ethical dilemmas due to the fact that although each choice is good, both typically involve a negative aspect that may, or may not, be the best choice when juxtaposed with the situation.

Unfortunately, the limiting factor in personal decision-making is the means by which we are able to act. The *could* portion is constrained by means available and personal experience/bias. It involves the employment of what we have, or do not have, in concert with an empathetic “gut” feeling toward deciding how to act. In the aforementioned train dilemma, the person may decide that since the option is only A or B, their loyalty virtue lies with the family member. Understanding that he *should* act, *would* like to save them all, but *could* only choose one direction, he chose loyalty to family over the ostensibly greater good a spectator may associate with saving five lives. Figure 3 (See page 116.) depicts how Selecthics aligns with The Ethical Body.

IV: Conclusion

Whether examining an ethical situation through the lens of the Ethical Triangle, or a combination of The Ethical Body and the Selecthics Trilemma, it is important to understand that decisions invoke real world consequences which may or may not mean the difference between life and death, especially for the military professional. Ethical decision making must not be relegated to one area of the triangle, one section of the body, or one part of the trilemma. It should include a holistic approach that takes into account an emotional understanding of a situation which also has an appreciation for the logical perspective. Ultimately, a decision is made once it is applied against consequentialist filter.

Additionally, further consideration is required in order explore the ramifications of an action, or set of actions, that *could* be done, but *should* not be done. In war, this scenario exists in perpetuity by opposing sides which may, if even unintentionally, escalate conflict to unimaginable carnage. Therefore, it should be the morals of an action-taker which induce restraint for the purposes of considering an ethical action with vis-à-vis Just War Principles.

End Notes

1 Scott Borderud, *An Overview of Ethical Philosophy and Just War Tradition*, (Fort Leavenworth: USACGSC, 2017), 5.

2 Ibid.

3 Jack Kem, *Ethical Decision Making: Using the “Ethical Triangle.”* (Fort Leavenworth: USACGSC, 2017), 6.

4 Ibid, 4.

5 Ibid, 5.

6 Ibid, 7.