

# The Military Officer in Moral Jeopardy or The Problem of Serving Under Unethical Senior Leaders: A Philosophical Essay

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## A Moral Framework for the U.S. Army

In the military services, and in the Army in particular, a commander is held responsible for everything that takes place in the unit under his or her command—the good, the bad, and the ugly. Among the commander's main responsibilities is to set the moral tone for his unit and serve as an example to subordinate leaders and soldiers. In a diverse multicultural, multiethnic, and secular society serving as a moral beacon to all soldiers is very difficult because individuals hold many competing versions of personal morality. Others may do not live by any moral code at all.

To overcome this problem, the U.S. Army has developed a code of ethical values for the organization. These values are commonly found in the ethical precepts of most major world religions and can therefore form a core of commonly accepted and agreed upon moral principles even for a large, secular and extremely diverse organization such as the U.S. Army. An example of these is the golden rule which is sometimes rendered as: "Do unto others as you would others do unto you."<sup>1</sup> This almost universal moral principle has been incorporated in the Army value of respect. In addition, since the Army exists to protect the existence of the United States of America as founded under the Declaration of Independence and the Constitution, these two documents and others that derive from them, provide a moral framework for the existence of the Army and the moral values demanded of officers and soldiers.

In his capacities as commander of the Continental Army and later first president of the United States of America, George Washington set a very high standard for public service. In his words and deeds he exemplified respect for the values upon the republic was founded and assumed the responsibility to set the example for others to follow. As both soldier and statesman, Washington clearly expressed the primacy of the citizen over the soldier, of democratic values over authoritarianism. He always asked permission from Congress to raise troops, resisted the temptation to assume absolute power and famously declared: "When we assumed the soldier, we did not lay aside the citizen."<sup>2</sup> Thereby affirming the idea that soldiers are citizens first and that they are granted permission to use force and violence only because they are charged to protect their fellow citizens. Thus, ever since the birth of the American Republic, civilian control over military forces has been a fundamental axiom of American democracy.

The values expressed in the founding documents American societal values are based on the values of both the Judeo-Christian tradition because most of the colonists who settled in what would become the United States came and practiced that tradition in its various forms. English Common Law, and the intellectual influence of the humanitarian ideals of the European Enlightenment also exerted a powerful influence on the framing of the founding documents of the American Republic. Moreover, contemporary society in the United States, has been influenced by the ideals and values of other world religions and philosophical systems as America is becoming an increasingly pluralistic society. All of these developments contribute to the richness and diversity of our contemporary American society. The challenge for the Army is that it needs

to provide a common ethical ground and a moral framework for its diverse members. In order to do this, the U.S. Army has published several ethical guidelines and has adopted code of values and standards of conduct it expects of every member.

In addition to the national and institutional values enshrined in the Declaration of Independence, the Constitution, and Army Regulations, American officers must abide by the protocols signed by the United States regarding the conduct of warfare such as the Geneva Conventions and the Hague Accords. These in turn are based on the ideas of the Just War as developed by Christian Philosophers through the centuries.<sup>3</sup> The detailed application of these broad conventions are often embodied in the particular laws of engagement devised for specific theaters of operation.

### **The Moral Responsibilities of Leadership in the U.S. Army**

All leaders, particularly commissioned officers are charged with abiding by this code of Army ethics and to live by its provisions both in their professional lives as well as in their personal lives. Soldiers and officers are expected to be ethical professionals not on a nine to five schedule but every moment of their lives on or off duty. This is a tall order; but it is what is expected. Morality is not something that can be turned on an off at the strike of a switch. As philosophers put it, morality is an aspect of one's personal ontology, that is, it an integral part of one's being. Moral actions are enacted because one is a moral person. As Aristotle wisely observed long ago, morality is a habit; and habit requires practice. Thus, a virtuous person becomes virtuous by the practice of virtue—day in, day out.<sup>4</sup>

The Army needs and the nation expects moral leaders. As we have discussed, despite the difficulties involved in formulating a generally accepted code of ethics for such a diverse secular organization, the U.S. Army has managed to produce a valid though imperfect guidelines for organizational ethics which its members are expected to follow and its officers are expected to exemplify and enforce. The oath of office for officers is based on loyalty to the Constitution of the United States, not to any one person. This grounds military service in its civic function and at the same time avoids confusing loyalty to the nation with loyalty to any one person—a characteristic of dictatorships. It is also a warning to everyone that if a leader violates the provisions of the Constitution or does not live up to its requirements he or she is not worthy of the office of leadership and, in fact, is not worthy of allegiance or obedience by subordinates. Loyalty, an Army value, is thus, not an absolute value, it is conditional. One is loyal to laws, orders, actions, procedures, or persons *only when they are moral*. When such things are not moral, loyalty to them is not required, on the contrary, morality demands that loyalty to immoral laws, orders, actions, procedures, or persons be denied.

As in all other things, in the U.S. Army Leaders must set the ethical tone for their organizations. They must set the example. Indeed to “lead by example” is also a traditional ethical expectation for all leaders in the U.S. Army.<sup>5</sup> Leading by example is a maxim that is inculcated in every cadet or officer candidate and is reinforced at every level of officer education. Leading by example puts the leader on an equal moral level with subordinates because they have done, are doing, or are willing to do exactly what they are demanding of their subordinates. Leaders who act in this way may be said to “earn” their leadership position in the eyes of their subordinates. However, due to human fallibility and moral failures, this principle is not always followed by those in positions of leadership. In the case of officers, particularly commanders, the principle of *noblesse oblige* applies. In other words: “From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked.”<sup>6</sup>

### **The Problem**

Problems arise when institutional and individual ethical expectations are not met. This is particularly troublesome when senior leaders do not abide by ethical standards. When this happens, the moral foundations of the organization begin to crumble. Just as a leader who leads by example in a moral way

“earns” his leader status, a leader who fails to set the moral example may be said to forfeit or abdicate his or her moral authority. If a given immoral situation becomes known, accepted, or even excused, the moral fiber of the organization can rot and eventually dissolve. Actions that should not be tolerated become accepted, moral standards decline, and individuals believe they can “get away” with things that should not be allowed. This may generate grave consequences within the unit and among its members such as dereliction of duty, defrauding the government, or during combat operations, war crimes.

By virtue of their position, senior leaders who act in immoral ways or tolerate a dubious moral climate in their organizations have the ability to do great damage to individuals in their organizations and to the organization itself. When they hold sufficient power, they can even do great damage to the institution of the U.S. Army and to the American Republic. They can do this primarily by: 1) issuing illegal orders, 2) issuing immoral directives, 3) setting an immoral command climate, 4) acting in an abusive, disrespectful manner, 5) setting a negative command climate, 6) setting an immoral example.

It is important to understand that when serving in a unit where any of the mentioned actions or attitudes appears to be the norm officers are placed in a situation of moral jeopardy. In other words, they are placed in a position in which they must prove their moral worth through their words, actions, and sometimes, refusal to take action. In some instances, officers in situations of moral jeopardy may be able to observe and evaluate the situation for some time in order to be reasonably sure that the environment is morally corrupt and that behaviors observed are not exceptions, but are the rule. However, in other cases, such as in combat, the officer may be immediately required to act or not to act according to certain orders or requirements and these actions or lack of them have moral consequences. When faced by these types of challenges, what is an officer to do?

### **Surviving Situations of Moral Jeopardy with Integrity**

Given the importance of maintaining one’s moral principles and moral integrity, I would like to offer a few recommendations for officers who find themselves in moral jeopardy due to the actions, attitudes, or example of their seniors. First, it is imperative that a person maintain his/her moral integrity. This means that we should not obey, give in or acquiesce to immoral actions or directives. If time permits, research the situation. Find out whether a specific order or directive is mistaken, whether it is based on incorrect or incomplete information, or whether a given situation or incident is the norm or exceptional in the unit. If no time is available to research the situation and you must either act or refrain from acting in a certain way, you must rely on your moral compass. A given situation may require that the officer ask for clarification in order to fully understand what is being ordered or asked to do. For example, if ordered to: “Get rid of the prisoners as quickly as possible.” It is important to clarify what this means. Often immoral or ambiguous behavior is implied by the use of slang expressions. For example to “shwack” or “shut them down permanently” may imply an order to kill someone or raze a village. The lack of clarity is often a sign that the order is immoral or ill-intended.

Often illegal or immoral directives come quite unexpectedly. This is particularly true for officers who have never experienced this type of behavior before. This is especially troublesome because the moral temptation may occur at moments when well-meaning officers are caught off-guard and often because the temptation comes from a senior ranking officer with the expectation of obedience and compliance. When this pressure comes in the form of an order, the officer is under additional pressure because, under military law, orders issued by superiors must be obeyed provided that they are not illegal or immoral. While the Unified Code of Military Justice is a worthy attempt to wed the legal to the just and the illegal to the unjust, it, as any other legal code is imperfect in this regard. Officers stand a much better chance of defying an immoral order if it is also illegal. However, they may face a situation in which the Unified Code of Military Justice either does not specifically outlaw a given directive or does not address the issue at all. In these cases the officer who

wants to act in accordance with moral principles may have to sufferer the consequences personally because the law offers no protection.

Difficult situations when officers who want to stand up for moral principle must do so without legal protections bring us face to face with the stern demands of the military profession. We demand absolute moral rectitude from officers and truly, because of their role as protectors society deserves no less. However, to preserve this moral integrity, some officers may have to sacrifice their careers, and perhaps their social standing or even their personal freedom as a consequence of resisting orders, directives, or standing up for what is moral and just in the face of superiors who are neither moral nor just. In other words, at a given moment, an officer of moral integrity must be willing to literally “throw away” his or her career in order to preserve his or her honor. This is very hard indeed. It is also unfortunate, because these are precisely the type of people who the nation needs in its service.

Given the significance of maintaining one’s moral integrity and the potentially serious negative consequences of doing so when not supported by senior officers in the chain of command, this means is thinking about potential moral danger and how to act in the face of moral jeopardy should be an important part of an officer’s education and development. Unfortunately, as is true of other life experiences, often the first experience is very difficult and the officer feels completely unprepared to stand his or her moral ground. This is very similar to what happens when an officer first experiences combat. Previous training and reflection tend to help, but when the hour to act comes, the officer must ultimately will to do the right thing. It is a test of character, a test of how deeply one’s moral convictions have taken root, a test of true mettle. Moreover, even when a given situation has been successfully dealt with, maintaining and developing moral courage will always require effort, strong moral convictions, and strength of will.

One of the most difficult aspects of maintaining one’s integrity in a situation of moral jeopardy is the feeling that one is alone against the world. This is particularly so when the ethical command climate in a unit has been degraded. Thus, it is important to understand that the Army has emplaced some measures and avenues to help officers act in accordance with official Army values, rules regulations and norms. In some cases referencing the Unified Code of Military Justice, Army or unit, Standing Operating Procedures, command directives and other formal documents may help the officer understand the situation better and if needed make his case formally. In addition, most units have access to a Judge Advocate Officer who could provide legal counsel and a Chaplain who could provide moral counsel to officers who feel they are in moral jeopardy. Officers may also informally involve others to consult with them about the problematic situation or even as witnesses if need be. Other formal avenues include lodging formal complaints or reporting a situation to the Inspector General. At the highest levels of command, when there is no other recourse, some officers may decide to resign commission in protest when they cannot in good conscience follow certain orders or directives.

The types of action or actions that would be appropriate depend entirely on the problem, the personalities involved, the gravity of the situation, time available, and numerous other factors. By their nature, moral problems tend to be unique. However, when placed in a situation of moral jeopardy an officer must reflect and act or refrain from acting based on sound organizational and personal values. Ignoring the problem is not acceptable. Neither is compliant silence.

## **Conclusion**

As discussed in this essay, due to the failings in human nature and despite the best intentions of ethical leaders and the policies currently in place, many, if not most U.S. Army officers will find themselves in positions of moral jeopardy at some time in their careers. To navigate and survive these perilous waters with honor and integrity, it is necessary to acquire and develop moral courage. Like physical courage, some of us have been more or less blessed with greater or lesser natural dispositions; but, like physical

courage, moral courage can be developed by an effort of the will to act morally and with integrity even in difficult situations. The suggestions and recommendations offered in this essay may be of practical help in specific situations, but the most important defense against succumbing to moral turpitude under an unethical command climate or committing an unethical act under duress is to constantly practice virtue even in small matters so that when moral challenges occur, they can be met with moral courage, and integrity.

## End Notes

1 Bill Puka, "The Golden Rule," *The Internet Encyclopedia of Philosophy*, <https://www.iep.utm.edu/goldrule/> Accessed 21 March 2019.

2 "Washington understood the need to allay anxieties to both politicians and the public, who feared that the military would not transfer power into civilian hands at the end of the war. In addition, the years leading to the revolution were suffused in protestations against the visibility of British troops, including the quartering of soldiers. In his response, Washington had to strike a balance between authority and an understanding of the issue's importance. Washington replied directly to Livingston, explaining that 'When we assumed the soldier, we did not lay aside the citizen and we shall most sincerely rejoice with you in that happy hour when the establishment of American liberty, on the most firm and solid foundations, shall enable us to return to our private stations in the bosom of a free, peaceful, and happy country.'" Adam D. Shprintzen, <https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/new-york-provincial-congress>. Accessed 20 March 2019.

3 The chief Just War theorists are St. Augustine of Hippo who wrote in the 5th century A.D., Saint Thomas Aquinas who wrote in the 13th century, and Hugo Grotius who wrote in the seventeenth century.

4 "Men must do just actions to become just, and those of self-mastery to acquire the habit of self-mastery." Aristotle, *Nicomachean Ethics*, p. 24

5 The principle of leading by example permeates the U.S. Army's official leadership doctrine as expressed in *FM 6-22 Leader Development*, Headquarters Department of the Army, Washington, D.C., 2015.

6 *The Bible, Luke 12:48, New International Version* <https://www.biblegateway.com/verse/EN/Luke+12:48> Accessed 20 March 2019

7 The list of Army Values and their explanations has been taken from the official Army website <https://www.army.mil/values>. Accessed 20 March 2019.

## Appendix — Sources of Values for Army Officers<sup>7</sup>

### Oath of Commissioned Officers

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; that I take this obligation freely, 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 Army Values—Many people know what the words Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage mean. But how often do you see someone actually live up to them? Soldiers learn these values in detail during Basic Combat Training (BCT), from then on they live them every day in everything they do—whether they’re on the job or off. In short, the Seven Core Army Values listed below are what being a Soldier is all about.

**Loyalty**—Bear true faith and allegiance to the U.S. Constitution, the Army, your unit and other Soldiers. Bearing true faith and allegiance is a matter of believing in and devoting yourself to something or someone. A loyal Soldier is one who supports the leadership and stands up for fellow Soldiers. By wearing the uniform of the U.S. Army you are expressing your loyalty. And by doing your share, you show your loyalty to your unit.

**Duty**—Fulfill your obligations. Doing your duty means more than carrying out your assigned tasks. Duty means being able to accomplish tasks as part of a team. The work of the U.S. Army is a complex combination of missions, tasks and responsibilities—all in constant motion. Our work entails building one assignment onto another. You fulfill your obligations as a part of your unit every time you resist the temptation to take “shortcuts” that might undermine the integrity of the final product.

**Respect**—Treat people as they should be treated. In the Soldier’s Code, we pledge to “treat others with dignity and respect while expecting others to do the same.” Respect is what allows us to appreciate the best in other people. Respect is trusting that all people have done their jobs and fulfilled their duty. And self-respect is a vital ingredient with the Army value of respect, which results from knowing you have put forth your best effort. The Army is one team and each of us has something to contribute.

**Selfless Service**—Put the welfare of the nation, the Army and your subordinates before your own. Selfless service is larger than just one person. In serving your country, you are doing your duty loyally without thought of recognition or gain. The basic building block of selfless service is the commitment of each team member to go a little further, endure a little longer, and look a little closer to see how he or she can add to the effort.

**Honor**—Live up to Army values. The nation’s highest military award is The Medal of Honor. This award goes to Soldiers who make honor a matter of daily living—Soldiers who develop the habit of being honorable, and solidify that habit with every value choice they make. Honor is a matter of carrying out, acting, and living the values of respect, duty, loyalty, selfless service, integrity and personal courage in everything you do.

**Integrity**—Do what’s right, legally and morally. Integrity is a quality you develop by adhering to moral principles. It requires that you do and say nothing that deceives others. As your integrity grows, so does the trust others place in you. The more choices you make based on integrity, the more this highly prized value will affect your relationships with family and friends, and, finally, the fundamental acceptance of yourself.

**Personal Courage**—Face fear, danger or adversity (physical or moral). Personal courage has long been associated with our Army. With physical courage, it is a matter of enduring physical duress and at times

risking personal safety. Facing moral fear or adversity may be a long, slow process of continuing forward on the right path, especially if taking those actions is not popular with others. You can build your personal courage by daily standing up for and acting upon the things that you know are honorable.

### **Warrior Ethos**

I will always place the mission first.

I will never accept defeat.

I will never quit.

I will never leave a fallen comrade.