

The ETHICAL Warrior

CHAPLAIN (MAJ) JARED L. VINEYARD

Is one immoral act or one immoral Soldier able to change the perception of an entire unit or organization? The seemingly obvious answer is yes. Nationally, ethics is a hot topic these days. When to use force, how to use force, whom to use force on, and systematic fairness are all a part of the national discussion. These are not only valid topics of discussion but topics that a functional society needs to be able to answer. And while these and related discussions continue nationally, they are not new concepts to the military professional. Ethics are embedded into the foundation of the Army profession. When one looks at the definition of the Army profession, it is immediately clear that ethicality is essential...

While not necessarily intuitive to an outside observer, part of being an Army professional by definition is an expertise focused on “the ethical design, generation, support, and application of landpower.”¹ What this means is that to be a part of the Army profession one must not simply be technically and tactically proficient, that is solely able to design, generate, support, and apply landpower. One must also be able to do it ethically. Army leaders have long agreed with this. A more recent example came from GEN Stanley McChrystal, who wrote that “maintaining our force’s moral compass was not a difficult concept to understand. Armies without discipline are mobs; killing without legal and moral grounds is murder.”² Based on our own definition, if one is not ethical, then one cannot be a professional. This is an idea that all Army leaders need to think long and hard about. Just like the idea of being an Army professional is 24 hours a day, seven days a week, the idea of being ethical is the same. Ethics are not just for downtown Kabul but are also for downtown Columbus, GA, or wherever a Soldier finds him or herself.

But what does it mean to be ethical? The Army is in the business of training Soldiers which implies that there is a standard to be trained to. Thus, when discussing ethicality, what is the standard for Army professionals? While



Photo by SSgt Samuel Bendet, USAF

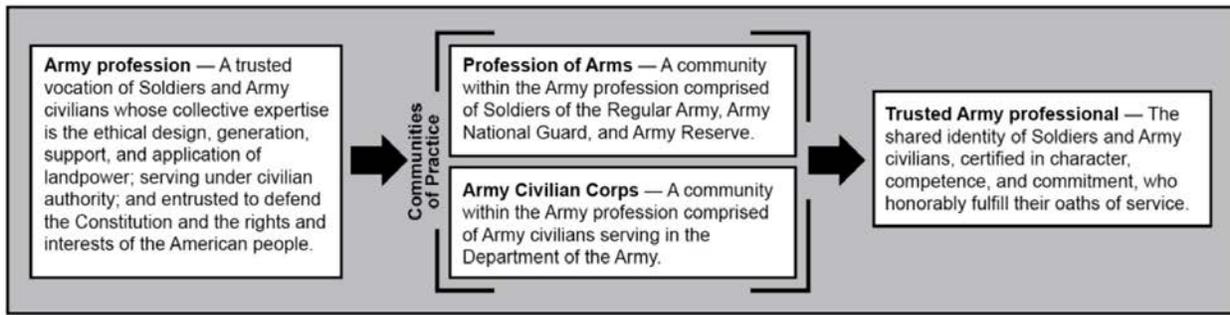


Figure 1 — The Army Profession (Figures from ADP 6-22)

a perusal through doctrine will show the need to be ethical, a challenge comes when one actually tries to define what that means. In Army Doctrine Publication (ADP) 6-22, *Army Leadership and the Profession*, ethics or a variant of it is discussed 94 times in its 132 pages, but in almost every case, no explanation or definition is given. And if a leader is challenged to define a concept personally, then that leader will be challenged to teach or train it to Soldiers generally.

Therefore, a standard is needed. Fortunately, the Army has such a standard which is known as the Army ethic. “The Army ethic is the set of enduring moral principles, values, beliefs, and laws that guide the Army profession and create the culture of trust essential to Army professionals in the conduct of missions, performance of duty, and all aspects of life.”³ And while this is the standard for all Army professionals to know and follow, this ethic is a bit vague. It might be hard to teach and train in practical situations. So how does an Army leader do the right thing based on doctrine both personally and professionally? How is this leader to train his or her formation in what is right?

To answer this question practically, ADP 6-22 contains two specific sections which assist leaders and Soldiers in living the Army ethic while teaching explicit principles for doctrinally based ethical living. The first is a matrix that provides the moral and legal foundations for the Army ethic (see Figure 2).

This matrix provides 19 legal and moral documents or concepts that the Army looks to in order to make decisions. These specific ideals allow an Army leader to make the right and therefore ethical decision in any situation. For instance, if a Soldier is unsure how to act toward another Soldier in a tense moment, the concept of the Golden Rule or “treating someone like you would want to be treated” in conjunction with the Army Value of respect would both apply. These two ideals, the Golden Rule and Army Values, are both specific and specified moral principles

Figure 2 — The Framework for the Army Ethic

Foundations of the Army Ethic		
Applicable to:	Legal Motivation of Compliance	Moral Motivation of Aspiration
Army profession <i>Trust</i> <i>Honorable service</i> <i>Military expertise</i> <i>Stewardship</i> <i>Esprit de corps</i>	United States Constitution United States Code Uniform Code of Military Justice Executive Orders Treaties, Law of Land Warfare	Declaration of Independence Universal Declaration of Human Rights Just War Tradition (Jus ad Bellum) Army culture of trust Professional organizational climate
Trusted Army professionals <i>Honorable servants</i> <i>Army experts</i> <i>Stewards</i>	Oaths of Service Standards of conduct Directives and policies The Soldier’s Rules Rules of engagement	Natural moral reason – Golden Rule Army Values Soldier’s and Army Civilian Corps creeds Justice in War (Jus in Bello)
The <i>Army ethic</i> , our professional ethic, is the set of enduring moral principles, values, beliefs, and applicable laws embedded within the <i>Army culture of trust</i> that motivates and guides the <i>Army profession</i> and <i>trusted Army professionals</i> in conduct of the mission, performance of duty, and all aspects of life.		

that Soldiers should aspire to follow. When it comes to this matrix, the implied task is that all Army leaders have a working understanding and knowledge of each of these documents or concepts in order to live them out. This idea is reinforced in ADP 6-22 which says that Army “professionals perform their duty every day in a manner that the American people judge to be ethical according to the beliefs and values enshrined in the Nation’s founding documents.”⁴ These pertinent documents, as well as others are found in this matrix.

But this is not the only place in doctrine which helps an Army leader to practically answer how to live out what is ethical. The other piece of practical help comes from a section entitled “Ethical Reasoning.” This paragraph states:

“Ethical choices may not always be obvious decisions between right and wrong. Leaders use multiple perspectives to think about ethical concerns, applying them to determine the most ethical choice. One perspective comes from a view that desirable virtues such as courage, justice, and benevolence define ethical outcomes. A second perspective comes from a set of agreed-upon values or rules, such as the Army Values or Constitutional rights. A third perspective bases the consequences of the decision on whatever produces the greatest good for the greatest number as most favorable. Leaders able to consider all perspectives applicable to a particular situation are more likely to be ethically astute. When time is available, consulting peers and seniors is often helpful. Chaplains can provide confidential advice to leaders about difficult personal and professional ethical issues to encourage moral decisions in accord with personal conscience and the Army Values.”⁵

After reading through this paragraph, one might ask where did this come from and how does this practically apply? To answer the first question about where these three perspectives come from, one has to look toward the western philosophy of Aristotle for virtues, Immanuel Kant for rules, and John Stuart Mill for consequences. The Army is open about the sources of its values when it says that “the Army ethic has its origins in the philosophical heritage, theological and cultural traditions, and the historical legacy that frame our Nation.”⁶ While these three philosophers clearly view the world from differing perspectives, Soldiers could ask themselves a basic question from each.

The question based on virtues that a Soldier might ask is: “Would a virtuous person do it?” Aristotle taught:

“There are three kinds of disposition, then two of them vices, involving excess and deficiency respectively, and one a virtue, namely the mean, and all are in a sense opposed to all... That moral virtue is a mean, then and in what sense it is so, and that it is a mean between two vices, the one involving excess, the other deficiency.”⁷

Without getting too in-depth in his philosophy, it is enough to understand that Aristotle believed that virtue resides within the mean of a man’s character, not within his extremes. An example can be seen in how someone deals with dangerous situations. On one extreme a person who doesn’t have any fear might be considered reckless or rash, while on the other end of the spectrum a person who never wants to deal with danger might be considered a coward, according to Aristotle. For an Army leader, neither position is particularly suited or desired. Thus, a virtuous person, or a person of the mean, would be a person of courage. Courage is a specific example given by the Army in the paragraph on ethical decision making. Thus, asking if a virtuous person would do it and then thinking through a response based on the mean helps a Soldier know what to do in certain situations.

This is not the only question that the Army suggests asking; the next might be: “Would I want all military professionals to do it?” This is based on rules by Immanuel Kant. Kant taught that “there is only one categorical imperative and it is this: Act only on that maxim by which you can at the same time will that it should become a universal law.”⁸ It is enough to generalize that Kant believed that if a maxim, or rule, could be universalized, then it might be ethical for all. Therefore, Soldier might ask themselves if they would want all Soldiers, NCOs, or officers to do what they were about to do? Or could they make a universal law for everyone in the same position or situation to follow?

The third and final question that the Army suggests a Soldier ask is: “What are the consequences of this decision?” The consequences should focus on the unit, the mission, or the Soldier’s surroundings. This idea comes from the philosophy of utilitarianism by John Stuart Mill. Mill wrote that “actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain.”⁹ Once again, not diving into Mill’s philosophy too deeply, this happiness is a not about a person’s individual happiness but aggregate or collective happiness. Thus, for an Army leader, it would be appropriate to think about the unit, the mission, and the surrounding area of operations when thinking through consequences. If the consequences of a decision are positive, then it may be a right decision. It is important to

note that all three of the questions need to be asked for each and every decision a Soldier makes.

At this point, defining what is ethical according to Army doctrine is basically complete. The Army has an ethical standard — the Army ethic. It is rooted in the philosophical, theological, cultural, and historical legacy and tradition of our nation which has legal and moral implications today. The problem is that these principles from the previously discussed matrix as well as the three perspectives can be very difficult to remember, let alone train the force on. Therefore, one of my tasks when taking a year to study ethics in preparation for my current teaching assignment was to create something easier to remember but rooted in the above doctrine. It was to design an ethical decision-making framework that could act as a standard for both Soldiers and leaders to know and implement. From my own experience, it is always easier to remember a concept that can be made into an acronym. So, the goal was to take all of the principles found in the two previously discussed sources of information and place them in an easily remembered format.

The acronym that eventually came out of this experiment was the exact word that I wanted Soldiers to remember — ETHICAL. Each letter of the word stands for a doctrinal concept. Each concept in turn would be asked as a question, a question in deciding whether a decision or action might be ethical. This acronym thereby became an “ethical checklist” for a Soldier:

E — Is this decision equitable? (With emphasis on the Golden Rule, Army Value of respect, and the virtue of justice)

T — Is this decision true? (With emphasis on facts and the Soldier’s moral compass/virtues)

H — Is this decision helpful? (With emphasis on basic human rights, consequences, and rules)

I — Is this decision institutionally appropriate? (With emphasis on Army Values, Soldier’s Creed/Warrior Ethos, and Soldier’s Oath)

C — Is this decision culturally appropriate? (With emphasis on treaties, standards of conduct, policies, and directives)

A — Is this decision’s application just? (With emphasis on Just War Theory and the Law of Land Warfare)

L — Is this decision legal? (With emphasis on U.S. and military law including specific rules of engagement)¹⁰

Briefly, let’s look at each letter to ensure that there is a proper understanding of each concept.

The first category is equitable. In order to be ethical, all military personnel should ask themselves the question: “Is this decision equitable?” Equitable means “having or exhibiting equity; dealing fairly and equally with all concerned.”¹¹ It has fairness at its essence. Standards in the Army should be tough and the bar for leaders should be high, but they must also be fair. This gets at the principle discussed earlier — the Golden Rule. This is codified very clearly in the Army Value of respect which says that Army professionals “treat people as they should be treated.”¹² Additionally, Aristotle’s virtue of justice might also fall under this category. Justice deals ultimately with the issue of fairness. Thus, if a Soldier is going to be ethical, he or she should ask: “Is this decision equitable or fair?”

The next category is true. In order to be ethical, all military personnel should ask themselves the question: “Is this decision true?” This question needs to be answered in two senses based on doctrine. The first sense is objective truth or facts. ADP 6-0, *Mission Command*, states that “ideally, true understanding should be the basis for decisions.”¹³ In his book *The Soldier and the State*, Samuel Huntington writes that “the ‘military opinion’ must never be colored by wishful thinking... the military man will be dealing with military fact, hard figures, and grim realities of time, space, and resources.”¹⁴ While Army professionals recognize that complete understanding in every situation is never possible, ethical decisions must be rooted in reality.

But it is not only facts that the Army leader needs to consider when thinking through decisions; moral truth needs to be consulted as well. This truth is guided by each leader’s conscience. Doctrine tells us that “a leader’s character consists of their true nature guided by their conscience...”¹⁵ Many may call this the moral compass of a leader. This compass informs a leader’s conscience which is formed and developed over time by a number of sources. For instance, “influences such as background, beliefs, education, and experiences affect all Soldiers and DA Civilians.”¹⁶ How does a leader know if something is immoral? A decision or act might be judged immoral if it goes against the dictates of their conscience. Doctrine also tells leaders what to do when given an order that is immoral. “Army forces reject and report illegal, unethical, or immoral orders or actions... Soldiers are bound to obey the legal and moral orders of their superiors; but they must disobey an unlawful or immoral order.”¹⁷ Therefore, a Soldier must

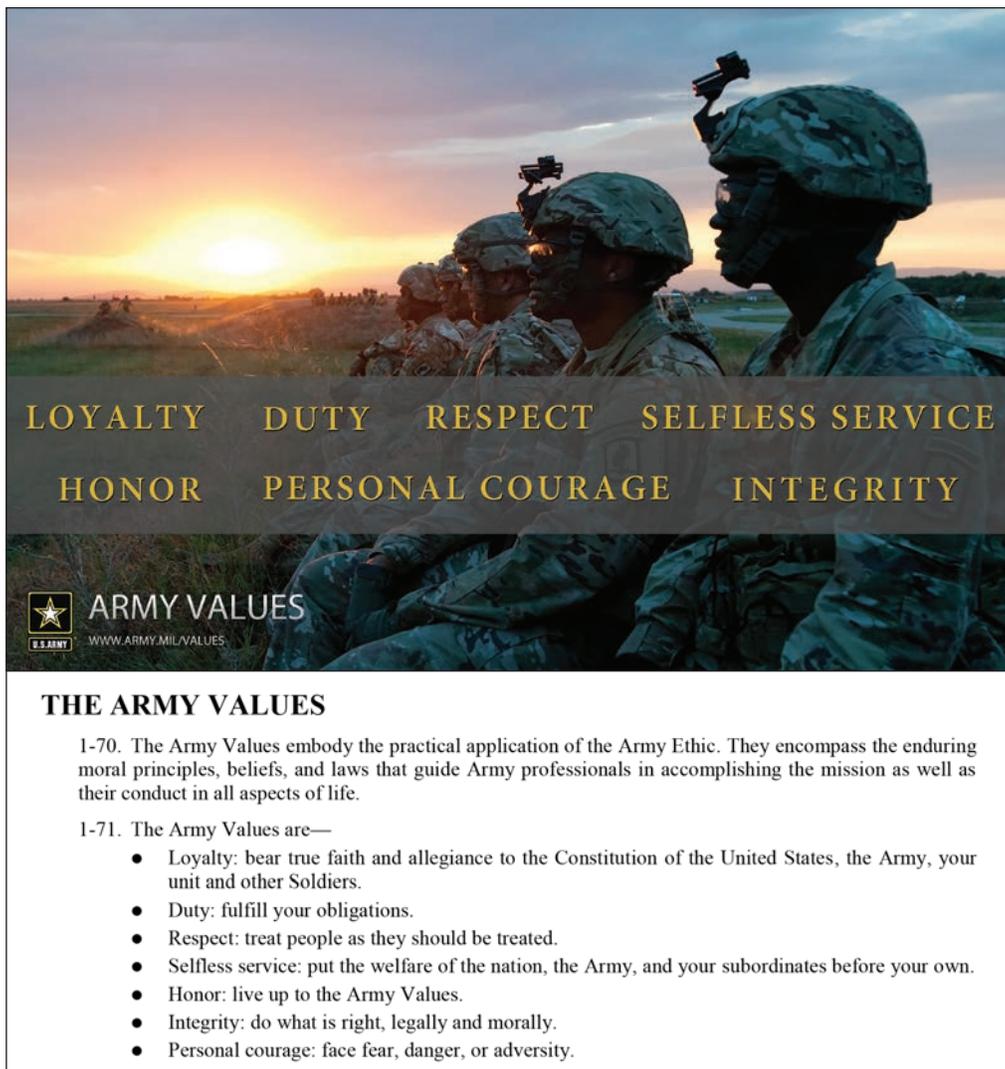


Figure 3 — The Army Values

ask him or herself: “Is what I’m about to do morally true according to the dictates of my conscience?” If this is disregarded, moral injury is likely to occur.

The next category is helpful. In order to be ethical, all military personnel should ask themselves the question: “Is this decision helpful?” This is meant in two senses, both previously discussed in rules and consequences. One way this question could be asked is: “Is this helpful to my profession?” Or, worded differently: “Would I want all military professionals to make this decision?” Next, based on consequences: “Is this decision helpful to my unit, to the mission, or my surroundings?” It is interesting to note that doctrine states that part of our moral motivation for service are basic rights. These can be found both in the Declaration of Independence as well as in the Universal Declaration of Human Rights. An example of asking the “helpful” question using these documents might be: “Is this decision helpful to those around me?” According to our Declaration of Independence, some truths are “self-evident” such as “all men are created equal” and have “certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”¹⁸ Therefore, a Soldier on patrol cannot simply impede on someone’s basic rights just because he or she feels like it — that would be unethical.

The next category is institutionally appropriate. In order to be ethical, all military personnel should ask themselves the question: “Is this decision institutionally appropriate?” What this question is pointing to is that there are many Army-specific institutional norms and values that should be followed. The classic example of this is Army Values.

These values are what we as the Army have said are important to us as an institution. In fact, the Army has gone so far to say that “the Army Values embody the practical application of the Army Ethic.”¹⁹ What this means in a sense is that if one wants to see the Army ethic in practice, one only needs to look as far as the Army Values.

Another institutionally appropriate concept is the Soldier's Creed, with its associated Warrior Ethos and Army Civilian Corps Creed. These creeds personify what it is to be an Army professional. And while these institutionally appropriate values might be good for all people to know and live out, they are at the same time very institutional. This means that they are institutionally agreed upon values and norms that guide the conduct of all personnel within the Army institution. Other institutions such as the Navy or Air Force have different, although similar, values. Army personnel must live these agreed upon values and principles if they are going to be ethical.

The next category is culturally appropriate. In order to be ethical, all military personnel should ask themselves the question: "Is this decision culturally appropriate?" As everyone who is familiar with the U.S. Army knows, the "sun never sets on the U.S. Army." Therefore, Army leaders understand:

"Army organizations operate around the world in a wide variety of environments with different unified action partners representing many different cultures. Leaders should acquire cultural and geopolitical knowledge about the areas in which they expect to accomplish the mission... Leaders require cultural and geopolitical awareness to properly prepare subordinates for the places they will work, the people with whom they will operate, and the adversaries or enemies they will face. The Army requires leaders who are geopolitically aware and can explain how their unit mission fits into the broader scheme of operations. These are important factors when Army leaders attempt to extend influence beyond the chain of command."²⁰

When it comes to understanding different cultures, leaders need to have an understanding of treaties, standards of conduct, as well as different policies and directives such as status of forces agreements. When Soldiers and leaders understand the context of where they serve, they will be much more likely to not offend our foreign partners and be able to extend respect with dignity to those with whom we serve. Dignity and respect are most definitely a two-way process and helps leaders from different cultures build rapport and trust, which is the bedrock of the Army profession. Being culturally aware and appropriate helps ensure Army leaders make ethical decisions.

The next category is just application. In order to be ethical, all military personnel should ask themselves the question: "Is this decision's application just?" The focus of this concept is combat and specifically looking through the lens of Just War Theory and its related Law of Land Warfare. All Soldiers and leaders must understand that there is a proper way to apply land power, that is to fight and win our nation's wars. Discussions on the proper use, allocation, and timing of force have been a part of Western armies as long as there have been armies. A brief summary of key principles from the Law of Armed Conflict (LOAC) can be found in Figure 4. In order for Soldiers to be ethical, they must honor the Law of Land Warfare and ensure that their application of landpower is just.

<i>Principle</i>	<i>Alternate Names</i>	<i>Paragraphs</i>	<i>Summary</i>
Military Necessity		1-23 to 1-27	Justifies the use of all measures required to defeat the enemy as quickly and efficiently as possible that are not prohibited by the law of armed conflict.
Humanity	Humanitarian Principle; Unnecessary Suffering; Superfluous Injury	1-28 to 1-30	Basis of protection for civilians; forbids inflicting suffering, injury, damage, or destruction unnecessary to accomplish a legitimate military purpose.
Honor	Chivalry	1-31 to 1-33	Demands a certain amount of fairness and a certain mutual respect between opposing forces.
Distinction	Discrimination	1-34 to 1-43	Distinguishing between combatants and military objectives on the one hand and civilians and civilian objects on the other in offense and defense.
Proportionality		1-44 to 1-48	Requires commanders to refrain from attacks in which the expected loss or injury to civilians and damage to civilian objects incidental to such attacks would be excessive in relation to the concrete and direct military advantage expected to be gained. It also underlies the requirement to take feasible precautions to reduce the risk of harm to civilians, other protected persons and civilian objects.

Figure 4 — Application of Basic LOAC Principles (Field Manual 6-27, The Commander's Handbook on the Law of Land Warfare)

The final category is legal. In order to be ethical, all military personnel should ask themselves the question: “Is this decision legal?” While this might seem obvious, all Soldiers and leaders need to ensure the legality of the decisions that they make. Some might add that this should be the first question that is asked when making a decision, and while that may be true it is surely not the only question that should be asked. The military works under the legal framework where the U.S. Constitution is the foundation followed by laws, Uniformed Code of Military Justice, Executive Orders, etc. In order for a decision to be ethical, it should be legal.

Ethics is an area that every Soldier and leader must think through whether training during peacetime or fighting during war. The Army’s job is to win. This is can be seen in its mission statement:

The Army mission — our purpose — remains constant: to deploy, fight, and win our nation’s wars by providing ready, prompt, and sustained land dominance by Army forces across the full spectrum of conflict as part of the joint force.²¹

But in winning there is a tension. This tension is summed up by Michael Walzer with the dilemma of winning and fighting well.²² While the Army is tasked to win, we must win the right way, the ethical way. Walzer goes on to say that “war is the hardest place; if comprehensive and consistent moral judgements are possible there, they are possible everywhere.”²³ What is he saying? War is hard and if you can be moral in war you can be moral anywhere. But I think all Soldiers and leaders need to be challenged with the other side of that comment: If you can’t be moral anywhere, when it is “easy,” then you won’t be moral in war. Being moral implies a standard; the acronym ETHICAL is a doctrinally based standard to help leaders and Soldiers make the right decisions — to be ETHICAL warriors. We as an Army must be ethical, not just to be perceived as right but because our profession demands that we be right.

Notes

¹ ADP 6-22, *Army Leadership and the Profession*, July 2019, 1-2.

² Stanley McChrystal, *My Share of the Task* (NY: Penguin Group, 2013), 135.

³ ADP 6-22, 1-6.

⁴ Ibid, 1-3.

⁵ Ibid, 2-7.

⁶ Ibid, 1-7.

⁷ Aristotle, *The Nicomachean Ethics*, trans. David Ross (Oxford: Oxford University Press, 2009), 34-35.

⁸ Immanuel Kant, *Groundwork for the Metaphysics of Morals*, trans. Arnulf Zweig, ed. Thomas Hill and Arnulf Zweig (Oxford: Oxford University Press, 2002), 222.

⁹ John Stuart Mill, *Utilitarianism*, ed. Roger Crisp (Oxford: Oxford University Press, 2004), 55.

¹⁰ Jared Vineyard, “Operationalizing the Army Ethic: An Army Decision-Making Model,” (STM Paper, Yale Divinity School, 2019), 12.

¹¹ “Equitable,” in Merriam-Webster Dictionary, accessed on 16 June 2020 from <https://www.merriam-webster.com/dictionary/equitable>.

¹² ADP 6-22, 1-12.

¹³ ADP 6-0, *Mission Command: Command and Control of Army Forces*, July 2019, 2-4.

¹⁴ Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: The Belknap Press of Harvard University Press, 1985), 67.

¹⁵ ADP 6-22, 2-1.

¹⁶ Ibid.

¹⁷ Ibid, 1-3, 1-4.

¹⁸ Declaration of Independence,” in *The Constitution of the United States with Index, and Declaration of Independence* (Malta: National Center for Constitutional Studies, 2015), 35.

¹⁹ ADP 6-22, 1-12.

²⁰ Ibid, 4-4.

²¹ ADP 1, *The Army*, 2019, 3-1.

²² Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* 4th ed. (NY: Basic Books, 2006), xxiv.

²³ Ibid, xxv.

Chaplain (MAJ) Jared Vineyard currently serves as the ethics instructor and writer at the Maneuver Center of Excellence at Fort Benning, GA. He has served as a chaplain for the past 11 years. Prior to that, Chaplain Vineyard served as a field artillery officer. He has been deployed as both a field artillery officer (Iraq, 2003-2004) and as a chaplain (Afghanistan, 2010-2011). He graduated from the U.S. Military Academy at West Point, NY, in 2002 and has earned two graduate degrees, a Master of Divinity from Southwestern Baptist Theological Seminary in 2008 and a Master of Sacred Theology from Yale Divinity School in 2019.