

The Ethical Framework*

I. Introduction. This brief paper provides an orientation to some of the basic concepts in the field of ethics. For others who have studied ethics in college or elsewhere, this might serve as a review. It attempts to describe ethic's central focus, some key terms, the way the science is divided and, in particular, the most common ethical perspectives which people apply to ethical problems. The writer hopes that the reader will grasp an understanding of these perspectives and will be comfortable applying them to the common (and uncommon) ethical problems of our military profession.

II. What is Ethics? Philosophers, theologians, religious leaders, and social scientists have been studying, thinking about, and writing on the subject of ethics since at least the ancient Greek philosophers Aristotle, Socrates and Plato (4-5th Centuries B.C.) in the West, King Solomon (10th Century B.C.) in the Ancient Near East, and Confucius (5-6th Centuries B.C.) in the East. Despite their varied places in history, cultures, and religious perspectives, they all have given focus to the central questions of right and wrong. We should begin the discussion by talking about *morals and morality*.

Morality refers to the first-order beliefs and practices about good and evil by means of which we guide our behavior. Contrasts with Ethics, which is the second-order, reflective consideration of our moral beliefs and practices.¹

Thus, when we talk about morals, morality, and immorality, we are talking about right and wrong behavior at the individual level, and the internal personal values (or lack of values) that explain or support that conduct. Ethics is looking at right and wrong from the next level up: an intellectually abstract and academically structured approach. A working definition of ethics is:

The explicit, philosophical reflection on moral beliefs and practices. The difference between ethics and morality is similar to the difference between musicology and music. Ethics is a conscious stepping-back and reflecting on morality, just as musicology is a conscious reflection on music.²

That is, when we use this term, "ethics," we mean a systematic or mentally organized way of thinking about moral beliefs and practices. This goes beyond individual values and conduct. Thus, to simplify the subject of ethics, it is the systematic way of thinking about questions of right and wrong, especially by organizations and cultures. Ethics is generally divided into sub-disciplines. I have asterisked (*) those which are of greatest interest to military professionals. Because of space considerations, only Ethical Theory will be discussed in greater detail.³

1. ***Ethical Theory:** This branch of ethics involves the great thinkers and systems of ethics. These great thinkers have attempted to make sense of thinking about ethical problems by organizing the subject around certain central concepts like obligations, consequences, or motives. It is here that we gain important multiple perspectives on ethical problems and dilemmas.

2. **Meta-Ethics:** This field examines the sources of values that stand behind particular ethical perspectives. It seeks answers to the most important philosophical questions associated with ethics: what is right, what is wrong, and how do we know that it is right or wrong?

3. ***Prescriptive or Normative Ethics:** This discipline seeks to find common principles by which we guide our ethical conduct. The Army, like other organizations, must wrestle with this issue because organizations need universal, commonly understood, predictable ethical expectations that apply evenly to everyone. The products of this discipline include codes of conduct or command policies on conduct.

4. **Descriptive Ethics:** This field uses an analytical approach to investigating how ethics work in a particular society or organization, which is really the work of ethicists, sociologists, and anthropologists.

5. ***Applied Ethics:** This is the field of ethics that applies general ethical principles or perspectives to specific contexts, such as hospitals, research facilities, sexuality, or the military. This is where we look at the range of ethical issues within the military, as well as its stated ethical principles, and we attempt to apply them to make ethically-informed decisions as well as to raise the ethical standards within the organization.

III. Why should Sergeants Major study Ethics? There are several very good reasons why Sergeants Major should take the time, even briefly, to read about and think about ethics.

1. **The Nature of the Profession.** Sergeants Major face questions of right and wrong daily, from their first assignments until their resignation or retirement. Thus, good Sergeants Major should prepare themselves for such challenges before they ring the doorbell.

2. **What is at Stake.** Ethical decisions in the military, especially in combat operations, often involve the lives of soldiers and un-armed civilians. Equipment can often be replaced. Sons and daughters of our country and those nations in which we operate are irreplaceable. The military is one of the few professions in which the practitioners can be legally killed in the performance of their duties.

3. **National Interests.** Sergeants Major are not self-employed; they answer to their Nation and its civilian leadership on actions involving right and wrong. Decision-makers in the military must always think of their status in making decisions *on behalf of, or in the best interests of the Nation*.

4. **Expectations for Career Sergeants Major.** Our Nation expects its leaders to *deliberate or think carefully* about decisions with ethical content, rather than simply reacting instinctively. This is especially the case with Sergeants Major. We train Sergeants Major to use the Military Decision Making Process (MDMP) so that operational decisions get the informed treatment they deserve. This rationale applies just as much to ethical questions. Sergeants Major must stand back from ethical issues, examine them from various perspectives, and make informed decisions about them.

5. **The Cost of Ethical Failure.** This may be the reason of last resort, but for some Sergeants Major, the most important. Many more Sergeants Major are removed from their positions for moral failure or poor judgment on ethical matters than for shortcomings in tactical or operational skill. Thus, it would behoove Sergeants Major who wish to experience a full and successful career, to reflect upon the ethical nature of their duties in some depth.

IV. What are the Major Perspectives in Ethics? As stated earlier, the great ethical thinkers approached ethical problems from certain perspectives. The list below has simplified a much longer list of possible perspectives to keep this reading short.

1. Virtue Ethics (Virtues): Right action is the expression of virtuous character. This perspective is among the very oldest to have appeared in the field. Aristotle was among its first and most profound Greek champions, while Confucius had an enormous influence upon ethical thinking in the Far East from this perspective. It is easy to understand because virtue-based ethics appeal to our innate sense of what is right and wrong. Even children who have relatively undeveloped moral structures can understand when someone is being kind or cruel, vengeful or forgiving, truthful or lying. Standing behind this perspective is the idea of a virtuous man or woman who embodies the very best of internal virtues of honesty, hard work, justice, kindness, mercy, generosity, bravery, loyalty, and others. This virtuous person is happiest when acting consistent with his/her character. Likewise, the virtuous person knows when a bad decision has been made because he/she senses guilt or the compromise of character. Persons who exercise this perspective hold deep convictions about how we make the world a better place: we do so by raising children of character to become adults who instinctively do the right thing.

Despite the simplicity and beauty of this view, it does have shortcomings. First, there is no universally recognized list of virtues. Different cultures honor different sets of virtues. Even within certain cultures, different religious groups honor different virtues. Second, each person arranges his/her priorities of virtues differently. Example: a virtuous officer believes in both honesty and loyalty, but in a situation where she must report correct data (and get her boss in trouble), or report false data to support her boss, she chooses to side with honesty. Others might do the opposite because of the value they place on loyalty.

2. Divine Command: God tells us what is right to do. This clearly religious perspective is also among the very oldest. We find it evident, for example, in Abraham's decision to sacrifice his son, Isaac, on an altar. Despite God's withdrawal of the command to do so, he recognized Abraham for his obedient faith, for following through to the point of God's intervention. This story from the Hebrew Scriptures has had a profound effect on Judaism, Christianity, and Islam. It also helps us to explain how members of these three monotheistic religions sometimes think and act on ethical matters. Actions which by any other standard might be considered bad (i.e. unethical), are explained or justified because God has specifically commanded someone to do something or not do something. In some cases, the action is simply the application of a law or principle from Scripture. In other cases, the action is based upon the individual's understanding that God has specifically commanded him/her to do it. In every case, the authority of God trumps every other ethical consideration.

Although this perspective is both transparent and understandable, especially to those who consider themselves to be under the authority of God, it has its limitations. First, by definition it is not open to rational inquiry or debate. If God has commanded it to be done, there is no further discussion of the subject. Second, most people face a variety of decisions daily about which there is no apparent Divine Guidance. Thus, the field of application of this perspective is fairly limited. Finally, despite its appearance as a "universal ethic" under the dominion of the one Almighty God, there is significant disagreement among the various traditions within monotheism as to exactly what God commands people to do. The decision, for example, of a devout Christian person to shoot a doctor who performs abortions in America will certainly face condemnation from other devout Christian persons who do not accept the idea that God would command such actions.

3. Duty Ethics (Rules): Right consists of fulfilling our obligations. This perspective, technically known as Deontological Ethics, was most famously represented in the West by Immanuel Kant through his Categorical Imperative: *Act as if the maxim of your action was to become through your will a universal law of nature.*⁴ Good is defined in this context by universally recognized principles of conduct. That is, good is defined outside of the person's particular virtues, by the generally-accepted obligations which come with being part of society. In the Sergeants major Academy, we identify those things which we must do, and we make sure we do them wholeheartedly. This is the duty in the

Army Values: *Loyalty, Duty, Respect, Selfless Service, Honor and Integrity and Personal Courage*. The world will become a better place when everyone understands their obligations, expressed through rules and laws, and does them.

Although this perspective certainly makes for a more orderly world, it is not without its shortcomings. First, ethical conduct according to this perspective is limited to those things for which there are explicit rules or obligations. The problem often is that when people make hard decisions, there are no rules which tell them exactly what to do or not to do. If there were a rule for every possible situation in life, the book(s) of these rules would be impossibly large. Laws, treaties, and regulations (common expressions of obligations) cannot address every contingency. Second, obligations in life often conflict with one another. A soldier has obligations to his family, to his commander, and to his fellow soldiers, but those obligations don't often fit well. When he accepts an obligation to serve in war, his obligations to his family becomes minimized, or they disappear entirely.

4. Consequentialism (Outcomes): The desired results determine the actions. This perspective, represented by John Stuart Mills and others, appears to be the easiest to understand, especially in results-oriented organizations like the military or business worlds. When victory on the battlefield or dominance of a market or shareholder profit is considered fixed or absolute good, it simplifies how we think about particular decisions. This view is often expressed as *the greatest amount of good for the greatest number of people*. The focus is on the results or consequences of an action for all concerned. Those who hold to this perspective often say, "Ultimately, it is the results which we must all live with." This is an important view for us to consider because it forces us to ask what the first, second and third order effects of a decision might be. It represents a healthy test of other perspectives and their actual results.

Despite the popularity of this view, especially in sports and in business, it has its faults. First, results-based ethics assume that we can predict with precision the effects of our decisions. This may be relatively easy for first order effects, but it becomes progressively more difficult for second, third, and fourth order effects. A second fault is that it needs other ethical perspectives to define for it what constitutes "the greatest good." Results-oriented organizations get in trouble when they define for themselves what "good" is. This definition must come from the traditional sources of value within the nation or culture.

5. Relativism: The social norms dictate what is right. This perspective is rather old in terms of practice, but new in terms of our analysis and understanding. Cultures have had social norms for millennia, but only in the last two hundred years have social scientists studied how those norms affect ethical thinking and decisions. In fact, we all use relativist ethics to some degree. Example: In most American wedding receptions, the bride's family would never serve fried rats or mice, even if the meat had passed health inspections. Serving rat would not violate a particular virtue or legal obligation, but would most certainly violate norms associated with American society. When soldiers are deployed to nations with other cultures, they learn quickly what constitutes right and wrong within that culture, as dictated by its norms.

For most readers, this perspective has obvious limitations. First, every society has norms which demand scrutiny, and which may very well be distorted. Second, this perspective "balkanizes" the problem of ethics into a series of culturally separate worlds or discussions. This would make right conduct a challenging task for those who must regularly move from one culture to another quickly, or those who must operate in contexts where cultures meet, like the United Nations. Another limitation would be its applicability: culture addresses some common ethical situations, but certainly not all of them, especially when the culture has not adapted to the kind of situation being faced. We see this problem as societies deal with increasing use of the Internet.

6. Situational Ethics: Right actions are rooted in right motives. This perspective is relatively new to the realm of ethics. An Episcopal priest, Joseph Fletcher,⁶ developed this view from his study of Jesus Christ in the Christian Scriptures. The “center pole” of his system is very simple: the only ethical absolute is unselfish, absolute, unchanging, universal, and unconditional love for all people. This principle overshadows all other concerns. If a particular course of action rises from hatred, jealousy, or other polar opposites of love, it should be abandoned. This view looks carefully at an important component of ethical decision-making: our motives. Many people in the military have seen someone in authority make decisions based upon bad motives. This is the only ethical perspective which addresses this problem, and forces the decision-maker to reflect upon his or her own heart and motives for making a decision. Likewise, good leaders must be able to discern when a soldier’s motives were the best, despite a shortfall in conduct or performance.

Despite this strength, it has several obvious limitations. First, it is generally a hard thing to reflect objectively upon one’s own motives. We generally believe that our motives are right, especially when we are in charge, and those who work for us may be very reluctant to challenge our motives. Second, the ability to discern anyone’s motives is much more challenging than identifying our obligations, virtues, or possible consequences of a decision. It enters into the depths of human psychology. Third, motives are generally difficult to assess or reward in the business of ethical decision-making within the military, with the possible exception of criminal motives in a court-martial. Military people are often recognized for their performance of duty, achievement of results, or demonstration of virtue. This is not so much the case with good motives. The popular proverb, “The road to Hell is paved with good intentions,” at least tells us that motives alone cannot carry the day in decision-making.

V. How do these Ethical Perspectives inform Decision-making? There is no magical ethical decision-making processor, into which we dump all of the ethical perspectives and considerations, and from which we pull out a prize-winning ethical decision. Ethical decisions are the hardest of human decisions, and the consideration of all possible perspectives will sometimes make the decision in question more complex and more difficult for the decision-maker. In the end, when we have considered all of the angles, we must use our best judgment. That stated, the difficult business of tough ethical decisions can be made somewhat easier simply by identifying *which perspectives are the most important to consider for the question at hand*. Ultimately, one particular perspective will rise to the top of the list as the most important, whether it is deliberately stated or not. The mature decision-maker will reflect upon the nature of the decision, as well as his/her own values and perspectives that rank the highest in making the decision. This requires some level of self-awareness. If I know what perspectives I am using to make a decision, I may be in a better position to analyze my own thought process. The early identification of such primary perspectives will not only aid the decision-maker in the decision itself, but can also help in *explaining tough ethical decisions to others*, especially those persons who are directly affected by the decision.

Another issue that impacts ethical decision making is Ethical Fading. **Ethical fading** occurs when the moral aspects of an ethical decision are overlooked. Ethical fading allows us to convince ourselves that considerations of right or wrong are not applicable to decisions that in any other circumstances would be ethical dilemmas. This is not so much because we lack a moral foundation or adequate ethics training, but because psychological processes and influencing factors subtly neutralize the ‘ethics’ from an ethical dilemma. For example, by using euphemisms for lying such as prioritizing, accepting prudent risk, or even exercising good leadership, the focus shifts from any moral implications to the annoying aspects of requirements. While leaders can offer a wide assortment of justifications for unethical behavior, one rationalization appears to underlie all other rationalizations—that dishonesty is often necessary because the directed task or the reporting requirement is unreasonable or “dumb.” When a demand is perceived as an irritation, a person’s less-than-honest response almost becomes a compensatory act against the injustice.⁷

VII. For Additional Reading:

Steven M. Cahn and Peter Markie. *Ethics: History, Theory, and Contemporary Issues*. 2nd Edition. New York: Oxford University Press, 2002. This is an ethics anthology for those who wish to read the actual writings of ethical theorists from Aristotle and Plato to the present time.

David B. Ingram and Jennifer A. Parks. *Understanding Ethics*. Indianapolis: Alpha, 2002. Despite its inclusion in the “For Dummies” series, this is a well-written and comprehensive treatment of the science of ethics. The authors explain all of the technical jargon of ethics and morality.

Brian Orend. *The Morality of War*. Toronto: Broadview Press, 2006. This is the best and most current book on Just War Theory, the morality of entering war, conducting war, and establishing a just and lasting peace. The first chapter, “A Sweeping History of Just War Theory,” is itself justification for buying or borrowing this book.

John K. Roth, Editor. *Ethics*. Pasadena, CA: Salem Press, 2005. This massive three-volume encyclopedia of ethics provides short scholarly articles on every ethical theory, problem, or person imaginable.

James H. Svava. *Ethics Primer for Public Administrators in Government and Nonprofit Organizations*. Jones and Bartlett, 2006. This is a relatively short, easy-to-read book which Jim Svava designed just for those leaders, such as the military, who hold the public’s trust.

Linda Treviño and Katherine A. Nelson. *Managing Business Ethics: Straight Talk About How To Do It Right*. Hoboken, NJ: Wiley, 2004. This text is particularly helpful to military officers because business leaders share much in common with military decision-makers in terms of the results-driven culture in which they must operate. Read especially Part IV, “Ethics and the Organization, p.194-315.

VIII. Notes

1. There are a variety of definitions of morals and morality from which to choose. We have chosen those employed by Lawrence M. Hinman, *Ethics: A Pluralistic Approach to Moral Theory*, 3rd Edition (Florence, KY: Wadsworth, 2002), glossary. Taken together, these two definitions offer a clear contrast to the reader.
2. Hinman, glossary.
3. These are among the most common ethical theories or perspectives. For an exhaustive treatment, see either Cahn & Markie, *Ethics: History, Theory, and Contemporary Issues*, or Roth, *Ethics*.
4. Immanuel Kant, “Fundamental Principles of the Metaphysic of Morals” in Steven M. Cahn and Peter Markie, *History, Theory, and Contemporary Issues*, 2nd Edition (New York: Oxford University Press, 2002), p.303.
5. See J.S. Mill, “Utilitarianism” in Cahn & Markie, p.343.
6. Joseph Fletcher, *Situational Ethics* (Philadelphia: Westminster, 1966).
7. Wong, L. & Gereras, S. (2015). *Lying to Ourselves: Dishonesty in the Army Profession*. Reprinted with permission of the Strategic Studies Institute and U.S. Army War College Press, U.S. Army War College.