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Air & Space Power Journal - Spring 2006**The Merge**

In air combat, "the merge" occurs when opposing aircraft meet and pass each other. Then they usually "mix it up." In a similar spirit, Air and Space Power Journal's "Merge" articles present contending ideas. Readers can draw their own conclusions or join the intellectual battle-space. Please send comments to [aspj@maxwell.af.mil](mailto:aspj@maxwell.af.mil) .

## Educating for "Exemplary Conduct"

**Dr. James H. Toner\***

The senior officers in my Air War College ethics class looked at me in mild astonishment. I had just informed them that, by law, they were to be "a good example of virtue," to be "vigilant in inspecting the conduct of all persons who are placed under their command," and to "guard against and suppress all dissolute and immoral practices."

"You look troubled," I said. "What is the problem?"

"What is meant by the phrase *dissolute and immoral practices*?" they asked.

"Well," I replied, "I see we are out of time today."

All commanding officers and others in authority in the Air Force are required—

- (1) to show in themselves a good example of virtue, honor, patriotism, and subordination;
- (2) to be vigilant in inspecting the conduct of all persons who are placed under their command;
- (3) to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and
- (4) to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

*Requirement of Exemplary Conduct, 10 US Code, sec. 8583 [Air Force].*

We may have quit class a little early that day, for I did not want to enter into a legal discussion of what this language means. That worry I will happily leave to Air Force lawyers, who tell me that discussions of this language make for lively debates—and not a few headaches. By the way, one finds nearly identical statutes for the Army and Navy/Marine Corps.

The language in this statute reminds a number of people of the roots of the profession of arms, since the code of the soldier arose from the ideal of chivalry. Even today, of course, officers are supposed to be “gentlemen.”

According to “Conduct Unbecoming an Officer and a Gentleman,” Article 133 of the *Uniform Code of Military Justice (UCMJ)*, “any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.”

The article goes on to explain that the word *gentleman* means both males and females and that the kind of offense referred to in this article means behavior “in an official capacity” which dishonors or disgraces the officer or compromises his or her character. It may also refer to behavior “in an unofficial or private capacity” which dishonors or disgraces the officer personally or “seriously compromises the person’s standing as an officer.”<sup>1</sup>

If that statement sounds vague, the same article then attempts to clarify it:

“There are certain moral attributes common to the ideal officer and the perfect gentleman, a lack of which is indicated by acts of dishonesty, unfair dealing, indecency, indecorum, lawlessness, injustice, or cruelty.”

It then seems to make a concession to human weakness:

“Not everyone is or can be expected to meet unrealistically high moral standards, but there is a limit of tolerance based on customs of the service and military necessity below which the personal standards of an officer, cadet, or midshipman cannot fall without seriously compromising the person’s standing as an officer, cadet, or midshipman or the person’s character as a gentleman.”

Still, any ethics class would insist upon examples, and the article attempts to oblige by listing a number of flagrant offenses:

“Knowingly making a false official statement; dishonorable failure to pay a debt; cheating on an exam; opening and reading a letter of another without authority; using insulting or defamatory language to another officer in that officer’s presence or about that officer to other military persons; being drunk and disorderly in a public place; public association with known prostitutes; committing or attempting to commit a crime involving moral turpitude; and failing without good cause to support the officer’s family.”<sup>2</sup>

### **Preserving “Good Order and Discipline”**

The next article in the *UCMJ*—the so-called General Article (134)—explains that certain other undefined actions are punishable, including “all disorders and neglects to the prejudice of good order and discipline in the armed forces, [and] all conduct of a nature to bring discredit upon the armed forces.”<sup>3</sup> The General Article has been challenged as “unconstitutionally vague” many times but so far has withstood the assaults.

The Officer Commission on my office wall reminds me that at the time of my graduation from Infantry Officer Candidate School (OCS), the president reposed “special trust and confidence in the patriotism, valor, fidelity, and abilities” I presumably brought to my new role. Officer commissions, therefore, are consistent with the positive requirement of both “exemplary conduct” and with the admonition against conduct “of a nature to bring discredit upon the armed forces.”

Worthy of serious analysis and reflection is the fact that the men and women who, among many other missions, fly our combat aircraft, navigate our warships, and operate our tanks—our nation’s warriors—are legally and morally required to be gentlemen. At the same time, official language has told us that “not everyone . . . can be expected to meet unrealistically high moral standards.” Still, the requirement of exemplary conduct insists that “all” Air Force commanders be “good example[s] of virtue,” even though Article 133 concedes that “not everyone” can be “unrealistically” principled. Shall we therefore say, “All commanders should be *a little* virtuous”? Or should we rephrase that and say instead, “*A few* commanders should be *very* virtuous”?

Officers who excel at campaign planning, demonstrating justifiable confidence in themselves and in their professional military abilities and training, often mutter and stumble when confronted with the need to conduct sessions about developing virtue in the troops for whom they have responsibility. Invariably, they mumble something about not being a chaplain. “The chaplain! Yeah, that’s the ticket! The chaplain does that kind of thing!”

This forces me to say something difficult, but it’s something with which, over many years of teaching military professionals, I have found much agreement—even from chaplains. It is not the principal task of the chaplain to be a command’s moral educator. There are a number of reasons for that, including the fact that—as unfair as it may be—many troops will not hear moral instruction from the chaplain just because he or she is a chaplain. Frequently, however, an experienced chaplain, given a little time, is able to take such morally reluctant troops beyond their initial refusal to listen to his or her general moral instruction—which is all to the good.

By themselves, however, chaplains should not and cannot give all the moral instruction in a certain command. Commanders retain the basic responsibility to educate (and to indoctrinate morally) as well as to train their troops, for it is the commander who is responsible for everything his or her troops do or fail to do. One can justly delegate authority, but one cannot justly delegate responsibility—even to the chaplain.

Moral failures by the troops—think of any recent military scandal—are at heart leadership failures. More often than not, that means someone in command failed to teach moral responsibility, perhaps thinking very mistakenly that such teaching belonged to the chaplain, or to a certain church, or to the troops’ parents and high school teachers. Much of that is true, by the way, but it nevertheless does not relieve commanders from setting the right example by deed and by word.

Some years ago, it fell to the commander of a senior professional-military-education institution to conduct a class for everyone there on the core values. Now the core values of the services are not magic bullets which teach moral maturity or even moral reasoning. But they offer a good place to start down

those paths. This general officer had a choice: he could have used canned material given him for the instruction, or he could have offered his own testimony. He chose the former, using stock phrases and somewhat silly PowerPoint slides and wasting the time of those assembled. Had he given a from-the-heart talk, perhaps not polished and perhaps—gasp!—not accompanied by color slides, the audience would have received him and his talk much more warmly than it did.

### Microscopic and Macroscopic Ethical Standards

If the language of virtue education in the Air Force is confused and confusing, it is very understandable. We live in (and defend) a democratic society with multiple, competing values. Fifty years ago, there was broad understanding of the meaning of moral turpitude. Whether that understanding was morally solid or morally soiled depends upon the perspective one brings to such a conversation. Certainly, however, we cannot easily attain such general moral consensus today. Fifty years ago, to give one inflammatory example, society seemed largely agreed about the immorality of homosexuality. Today, by contrast, one encounters substantial debate, which has spilled over into policies in and affecting the armed forces.

One bedrock standard for moral judgment exists in the armed forces. In examining one moral issue or another, the commander has a right and a duty to ask, Does this conduct increase or decrease my ability to accomplish my mission? Although trained as an infantry officer in the very late 1960s, I am not a Vietnam veteran, but I remember clearly the advice we received in Infantry OCS at Fort Benning, Georgia, about “preaching” to the troops. Instructors taught us that telling soldiers going on patrol about the immorality of drug use would often be a waste of breath. However, telling them that drug use on a patrol could result in combat ineffectiveness, which could cause the deaths of their buddies, hit home. They thus had a utilitarian stake in each other’s alertness.

This is not to argue that all effective moral education is practical and utilitarian. It does, however, make the point that the armed forces have a serious and substantial standard to apply in moral education: it is the standard of whatever works to ensure mission accomplishment. Consider this: is adultery wrong? Of course it is—and it should be exposed clearly as a great moral evil. But when troops understand that fraternization (which can include adultery) can destroy a unit’s cohesion, diminish combat effectiveness (especially in these days of rapid, worldwide deployment), and result in the deaths of buddies—the point comes across firmly and fairly. Something morally wrong is explained concisely and convincingly—without elaborate theology and philosophy—because it undermines prospects of mission accomplishment.

Again, I do not mean to reduce moral reasoning only to what works militarily. It is, at best, only a starting point—but one which can be developed and enhanced by experience, wide reading, serious conversation, and (for the religious) chapel education. We thus proceed *microscopically* (from the particular derivation of ethics from the demands of military operations [asking what works militarily]) rather than *macroscopically* (from applying an overarching ethical sense to certain military circumstances [asking what ought to be in terms of morality]).

I wish I could leave it there, for my argument so far is easy to make and easy to defend. I cannot leave it there, though. Microscopic ethics alone, although necessary to developing sound moral sense in the military, is not adequate. The big moral picture remains. I have argued that the criterion of military success is a useful moral teaching device for commanders. But something must exist beyond that because successful preparation for or -execution of combat operations can never be the ultimate consideration in military ethics. After all, many victorious military operations have advanced evil causes.

What I discussed above, labeling it “microscopic,” is a pragmatic, nontheoretical, functional approach to military ethics. In that sense, it has value—but very limited value; it is a place to begin ethical education but, most certainly, not a place to conclude it. This microscopic approach also reduces ethics to whatever advances military purposes. Rooted in the mistaken notion that the end justifies the means, this approach exalts military necessity as the chief or sole moral umpire.

At this juncture, some readers will no doubt say, “I knew it! Here comes the ‘fog of philosophy’—all those hopelessly abstract names and nouns that real-world Airmen and soldiers haven’t got the time to pore over.” But that is not the case. Just as commanders can use the criterion of contributing to military readiness or to combat operations as an introductory means of teaching ethics, so can we still employ a military frame of reference as we enter the world of macroscopic or big-picture ethics.

For years, the Air Force taught in its principal manual about international law that military success, military ends, and military necessity are not ultimate ethical criteria. Suppose a colonel who wants to achieve a certain military objective tells his subordinates that they may do anything (including deliberate killing of the innocent, wanton destruction of property, and other crimes) to attain that objective. If we apply the microscopic test we have already set forth—morality consists in military effectiveness—as the sole arbiter of right from wrong, then it seems the fictional colonel is right.

But we know he isn’t right. We know that he is a war criminal. Are his subordinates guilty because they have followed his orders, thinking—however fallaciously—that they were being “moral”? The Air Force says it plainly:

“The fact that an act was committed pursuant to military orders is an acceptable defense only if the accused did not know or could not reasonably have been expected to know that the act ordered was unlawful. Members of the armed forces are bound to obey only lawful orders.”<sup>4</sup>

In the colonel’s case, one could reasonably expect his subordinates to know the immorality of committing an atrocity. Just as we can fairly be expected to know some things, so are there other things we cannot not know. According to J. Budziszewski,

“There are some moral truths that we all really know—truths which a normal human being is unable *not* to know. They are a universal possession, an emblem of rational mind, an heirloom of the family of man. That doesn’t mean that we can know them with unfailing perfect clarity. . . . Yet our common moral knowledge is as real as arithmetic, and probably just as plain” (emphasis in original).<sup>5</sup>

Air Force Pamphlet (AFP) 110-31, *International Law: The Conduct of Armed Conflict and Air Operations*, made a strikingly similar point by quoting from the *Manual for Courts-Martial*:

“An order requiring the performance of a military duty may be inferred to be legal. [But an] act performed manifestly beyond the scope of authority, or pursuant to an order that *a man of ordinary sense and understanding* would know to be illegal, or in a wanton manner in the discharge of a lawful duty, is not excusable” (emphasis added).<sup>6</sup>

That tells us we are to assume that orders are legal and binding (following orders may always be considered in mitigation of an offense), but if we receive an order that any reasonable person—anyone

of "ordinary sense and understanding"—would know is immoral, we must not follow it. Note that this ethical warning is not, as the saying goes, "rocket science." It is not difficult to understand although it may be difficult to put into practice.

If I do a certain action, will it help my unit prepare for war? If the answer to that question is yes, then we can presume that the action is moral. But now we *must* test again: although this action may advance military preparations or operations, is the action consistent with our deepest moral sense? Is the action in keeping with what reasonable and moral people would conclude about it?

### Teaching Military Virtue

I define *virtue* as the habitual practice of thinking wisely and acting justly. Virtue depends upon *macroscopic* perspective—seeing the temporary in light of the timeless and seeing challenge and change in light of the eternal. This suggests, of course, the existence of enduring standards which we can discern through right reason and by which we should judge the problems of the day. What if everything ethical depends only upon time and place? Then everything is relative, and right becomes might, and virtue becomes vice. *But there are standards and authorities which transcend geography and chronology.* As people of ordinary sense and understanding, we can and must discern and defend those standards and authorities.

A disjunction or disconnect occurs between what the law demands from Airmen—virtue—and what the Air Force teaches. (At least I have never talked with people at the Air Force Academy, in the Air Force Reserve Officer Training Corps [AFROTC], or in basic training who contend that their training "inculcates virtue.") So how does the United States Air Force, a secular armed force of a secular government, go about teaching virtue, which, after all, sounds religious?

One answer to that may lie in the language of the core-values booklet, which tells us that the Air Force "attempts no explanation of the origin of the [Core] Values except to say that all of us, regardless of our religious views, must recognize their functional importance and accept them for that reason. Infusing the Core Values is necessary for successful mission accomplishment."<sup>7</sup> That sounds very much like the notion of microscopic moral reasoning already mentioned. Now how do we get to the macroscopic part?

Macroscopic virtue education is rejected out of hand by some who claim that public schools or the military services *can't* really teach virtue; it is rejected equally quickly by others who say that the schools and services *shouldn't* try to teach virtue. The latter group insists that teaching the virtues is probably a religious function and, therefore, should not occur at public or military institutions. The former group says that virtue education is simply not feasible in modern society.

Both are wrong. "To educate a person in mind and not in morals is to educate a menace to society," observed Pres. Theodore Roosevelt. All (or almost all) people of good will can agree upon certain values—although *virtues* is a much better word. For example, for centuries moral educators have customarily prized the four classical, or cardinal, virtues: wisdom; truth or justice; moral and physical courage; and temperance, modesty, and self-control. One can trace them to sources both biblical (Wisdom 8:7) and philosophical (Plato's works). In the cardinal virtues, we find a harmony between practical ethics (what I earlier called microscopic) and overarching principles (what I earlier called macroscopic).

The chief question *seems* to be this: *can the military services teach virtue?* In fact, the *real* question is this: *can the military services not teach virtue and then expect their Airmen and soldiers to be virtuous, as is demanded by law?* For example, we of course train military personnel how to fire and clean

weapons; should we not provide education about when and where and whether to employ such weapons? Remember the clear teaching of AFP 110-31: "Members of the armed forces are bound to obey only lawful orders." What is a lawful order, and what is an unlawful order? Moreover, is there a point at which a lawful order can become unlawful?

The military does not have a mission to educate all enlisted and officer personnel to become lawyers, philosophers, or theologians. But do any of the suggested items on the official Air Force reading list deal principally with the kinds of moral problems upon which we legally require our leaders to bring to bear virtue and honor? Are there not enduring works of literature and philosophy which could and should be part of this list? Could we not include such books as Albert Camus' *The Stranger*, Joseph Conrad's *Lord Jim*, Viktor Frankl's *Man's Search for Meaning*, William Golding's *Lord of the Flies*, Harper Lee's *To Kill a Mockingbird*, Niccolò Machiavelli's *The Prince*, -Reinhold Niebuhr's *Moral Man and Immoral Society*, and Sophocles' *Antigone*, to name just a few? Shakespeare alone offers timeless analyses of, say, indecisiveness (in *Hamlet*), leadership problems (in *King Lear*), excessive ambition (in *Macbeth*), and making principled choices (in *Measure for Measure*), again, to name only a few. Note once more that no one needs advanced degrees in literature, philosophy, or political theory to read and learn from these kinds of works.

For years at the Air War College, I have used such books as Jean Anouilh's *Becket*, Robert Bolt's *A Man for All Seasons*, James Clavell's *The Children's Story*, Robert Heinlein's *Starship Troopers*, Henrik Ibsen's *Enemy of the People*, Herman Melville's *Billy Budd*, and Plato's *Apology* and *Crito* in my courses on Command and Conscience and Core Values. Although I do not refer to macroscopic ethical analysis in these courses, that is the cast of mind I am trying to teach—at least implicitly. For instance, consider the following from Dr. Martin Luther King Jr.'s "Letter from Birmingham Jail":

"How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes [for example] are unjust because segregation distorts the soul and damages the personality."<sup>8</sup>

Not one of the works I have mentioned appears in the Air Force pamphlet entitled "Make Time for Professional Reading: U.S. Air Force Chief of Staff Reading List."<sup>9</sup> I am not suggesting that Air Force basic-training technical instructors or AFROTC staff become humanities scholars. I *am* suggesting that the armed services develop an educational program which deals seriously with teaching the virtue demanded by law of all who wear the uniform. (By the way, let me strongly recommend reading *The Armed Forces Officer*, one of the most readable and down-to-earth instruction "manuals" in virtue I have ever seen.<sup>10</sup> It should be prominently featured in every base or post library.) Such a program would contain a number of elements:

- Inclusion on the reading list of some enduring works of literature which provoke thought about moral responsibility.
- Broadening of the list to include some movies which raise perennial questions about moral responsibility.
- Development of seminars and workshops as well as short *and readable* guides for commanders and others in authority to help them present commanders' calls (and the like) which address moral

topics without becoming religious exercises or perfunctory, "fill-the-square" annual training drills (accompanied by canned materials and colorful slides).

Too often this goes unsaid in any program concerning moral instruction, so let us put it plainly on the table here: *any program in virtue education depends upon the commander*. If the commander thinks this is just so much drivel, he or she can have hundreds of books, movies, and seminars to consider, but the program he or she finally develops will be worthless. If the commander is inept or incompetent in delivering a serious product to the troops and is unable to speak from his or her own mind and heart about being a gentleman or lady, the program will be useless. The result of such feckless "education" will be more scandal, such as Abu Ghraib.

American troops receive the best military training in the world. But all of us, military and civilian, who teach our troops have too long ignored the need to teach virtue, mistakenly thinking that such education is religious (it need not be) or unworkable (it must not be). At a time when, perhaps more than ever before, the battlefield decisions of our lieutenants, sergeants, and even Airmen or privates can have international significance, we owe them not only good training but also wise education.

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\*I must thank a senior USAF officer, some of whose very helpful comments I have incorporated into this article. Although I know the officer, I choose not to reveal the name, relieving the officer of association with the arguments expressed here. This perceptive officer-reviewer raised a critical point: what is an Airman to do if he or she regards as morally wrong national *policies* beyond the orders issued by that Airman's immediate supervisors? One should consider orders legal and binding unless and until one knows—or can fairly and reasonably be expected to know—that such orders are morally evil and, therefore, not binding. Should we therefore expect the vast number of Airmen or soldiers routinely to question national policy or even, say, theater strategy? The practical answer to that question is, of course, no. That is the reason we need political and military leaders of high character—so we can trustingly follow orders *and policies*, the full extent of which (at our daily tactical or operational level) we may not understand. Still, we are not relieved of the moral responsibility of refusing obedience to orders or even to national policies which are clearly evil. Consider the obvious example: could a German soldier in World War II who knew about the holocaust being carried out by the Nazi regime continue to serve in good conscience? Again, the answer must be no. If Airmen know in their minds and hearts that their government is pursuing evil ends—even though their immediate commanders are morally sound—they cannot continue to serve, even in a minor manner, a nefarious end. [The author is professor of international relations and military ethics in the Department of Leadership and Ethics at the Air War College, Maxwell AFB, Alabama.]

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## Notes

1. "Punitive Articles of the UCMJ: Article 133—Conduct Unbecoming an Officer and Gentleman," *About.com*, <http://usmilitary.about.com/od/punitivearticles/a/mcm133.htm>.

2. Ibid.

3. "Punitive Articles of the UCMJ: Article 134—General Article," *About.com*, <http://usmilitary.about.com/od/punitivearticles/a/134.htm>.

4. Air Force Pamphlet (AFP) 110-31, *International Law: The Conduct of Armed Conflict and Air Operations*, 19 November 1976, 15-6. The Air Force designated AFP 110-31 obsolete as of 20 December 1995.



5. J. Budziszewski, *What We Can't Not Know* (Dallas: Spence, 2003), 19.
6. AFP 110-31, *International Law*, 15-6(d).
7. *United States Air Force Core Values* (Washington, DC: Department of the Air Force, 1 January 1997), <http://atlas.usafa.af.mil/core-value/cv-mastr.html>.
8. "Letter from Birmingham Jail" [16 April 1963], *The Martin Luther King, Jr. Papers Project at Stanford University*, <http://www.stanford.edu/group/King/frequentdocs/birmingham.pdf>.
9. See "CSAF's Reading List" from "The Chief's Sight Picture," 16 April 2004, <http://www.af.mil/-csafreading/index.asp>.
10. DOD GEN-36A, *The Armed Forces Officer*, 1 February 1988, <http://www.usapa.army.mil/pdffiles/p600%5F2.pdf>.

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