

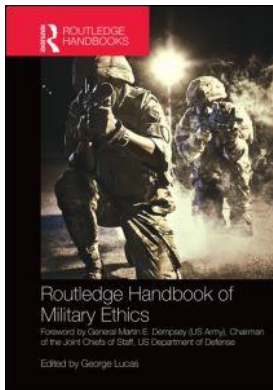
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3

A PROFESSION LIKE NO OTHER

Patricia Cook

What distinguishes the military profession as a profession? All professions use intellectual achievement and learning, and all professions render service. The profession of arms is the ultimate in each of these respects, involving academic learning in several disciplines, and the dedication of both body and soul in service to the public. The profession is unique in that the aspiration toward its most salient activity, killing, would disqualify the aspirant from membership in it. All professions have a code of conduct, but the military has, in addition, a complex, in some ways convoluted, moral arena that its members must navigate. These are the points that will be developed in this chapter.

I. A Traditional Profession

One of the themes of this book is the professional status of military officer. We are invoking the traditional meaning of “professional” as opposed to the colloquial one. Traditionally, the professions are distinguished by their specialized learning, their guild-like association of practitioners, the self-regulation by the guild of its members, and, above all, their unequivocal commitment to the public good.¹ Physicians, attorneys, and the clergy exemplify the professions as understood in this traditional sense. We sometimes hear the term “professional” used in other senses: in contemporary, everyday contexts, it sometimes refers simply to one who is paid for an activity (for example, a professional tennis player as opposed to an amateur), or to someone whose specialized job is a lifelong pursuit (for example, a professional secretary). However, in this book, we are using the term in the sense of the traditional professions, with their specific distinguishing characteristics.

Thus, we are featuring in this book the “profession of arms.” There are at least two reasons for the emphasis on its status as a profession. First, this calls attention to the fact that despite the conspicuous hierarchy of the military organization, it does not, or should not, operate as a bureaucracy. Military officers are not functionaries who are cogs within an organizational machine. They are not, or not mainly, followers of orders.² Instead, they are self-regulating members of a venerable body of experts whose values and standards sanction their activities. I will say more on this later. The second reason for our focus on the professional status of the military officer is to make sense of what we are calling “military ethics.” Like the other traditional professions,

the military is oriented toward public service. Its specialized knowledge, skills, and practices include a rigorous code that is largely self-made and self-enforced.³ Although military ethics has historic roots in the just war tradition and philosophical roots in utility, deontology, virtue ethics, and natural law, the profession of arms has established itself as an autonomous arbiter of values.⁴ These values, and the practices that accord with them, are constitutive of the profession and the professional.

The prestige normally accorded to the professions is well earned. The traditional professions are exceptionally learned, involving a body of knowledge that requires years of study, and a prolonged apprenticeship. The mastery of the professional cannot even be approximated by the layperson, even though the layperson may be wholly dependent on this mastery at times. The layperson must rely on the physician when sick, on the attorney when confronted with legal matters, and on the military for security. No single person could ever hope to have all of the various forms of expertise that one needs in normal life. Each of us must depend upon professionals, and the fact of this dependency gives rise to the ethos of public service that defines the professional.

The traditional professional is free to make money, to charge for services rendered, and to thus make a living by using his expertise. What defines the professional, however, is that he puts the client's good first. This is a sacred trust. It is akin to the trust held by a fiduciary (though "fiduciary" is a legal term) to put the good of the client before his own.⁵ The professional could not do his job in the absence of trust. For example, patients would not go to doctors if they did not trust that when sick and vulnerable, their care will be the first priority. This trust is also remarkably comprehensive: for example, we trust the professional to put the client's good first even when there is a clear conflict of interest.⁶ When we go to the doctor, we trust that his prescription will be based on our needs as a patient; even if the doctor's practice gets revenue from some particular test or treatment, we trust that the test will be ordered for the patient's good. As other contributors such as Snider and Martin Cook also note, the profession of arms, like medicine, law, theology, and teaching, is a social trust profession.⁷

II. The Moral Code of the Profession of Arms

Professionals have traditionally sworn an oath that commits them to upholding the moral standards of their guild.⁸ These standards are themselves a hallmark of the autonomy and self-regulation of the professions, though they tend to be derived from the sacred trust to serve primarily the client's good (or the public good) interpreted through the specialized knowledge of best practices. There is no question that the military is oriented to the public good: after all, military duty can include "the ultimate sacrifice." But it is important to note that the profession of arms has intricate architectonic principles for effectively putting the public good ahead of its own: discrimination and proportionality. These standards are deceptively simple to state, but, in practice, they can be bewilderingly complex. Their application involves one more species of the specialized expertise required of the military professional.

Consider the principle of discrimination: the military professional discriminates between those who are enemy combatants and those who are noncombatants. I do not know if there was ever a time in history when this task was straightforward, but it certainly is no longer with guerrillas, insurgents, and nonstate terrorists in the battle space. The duty of the military officer is to take upon himself any danger the conflict introduces to noncombatants—"to assume that danger himself," as Michael Walzer puts it.⁹ This is, of course, what makes the profession of arms a noble one. There are other dangerous occupations—driving a racing car is a dangerous occupation, but it is not for that reason noble. What is noble is the warrior's deliberately taking any

peril to innocents upon himself. The confrontation in Afghanistan of SEAL Team 10 with the local goat herders illustrates the radical jeopardy this ethos involves.¹⁰ Much notice has been taken of the newest “remote control” technologies that distance the warrior from the battlefield and thus insulate him from personal risk. But we should remember, on the other hand, the unprecedented kinds of risk to which the tactics of counterinsurgency (and other kinds of irregular warfare) expose the warrior.¹¹

When noncombatant casualties are foreseeable but unavoidable, the principle of proportionality requires that this damage be weighed against the military advantage being sought. The military professional is never allowed to inflict collateral damage for his own convenience, and he cannot cause harm or destruction simply to enhance his own safety. Proportionality assessments are accordingly complex and non-formulaic. Judgments have to be made by a competent military authority on a case-by-case basis. Even the law defers to the military professional in a command position to make these interrelated strategic, tactical, and moral judgments. Here, by the way, is a cardinal example of the autonomous professional expertise that is constantly being exercised in the military. This also exemplifies a specialized virtue, or excellence, that must be part of the moral outfit of the military professional. Call it “astuteness in sizing up proportionality”: this is a special kind of prudence or practical wisdom, and it cannot be cultivated outside of the military profession. So, like other professions, the military has proprietary virtues, excellences that can only be expressed, and only be developed, within the context of the profession itself.

III. Dying and Killing

At this juncture, we are coming to an area of important differences between the profession of arms and anything else properly called a profession. To summarize: we have been saying that the profession of arms belongs among the traditional professions: practitioners have a distinctive expertise that they develop through long study and apprenticeship; they operate under the auspices of an autonomous guild according to a code established and enforced by fellow practitioners; and they are bearers of a sacred trust to put the public good ahead of their own. The object here, however, is not just to highlight the similarities. We want to feature the differences. As discussed elsewhere in this volume, dying (or preparing to die) marks one conspicuous difference.¹² The military professional actively assumes the danger to which his activities expose noncombatants. Other modes of serving the public good involve something comparable only on rare occasions. A police officer might insert himself between the perpetrator and a victim of domestic violence. The physician who is treating Ebola patients is assuming mortal risk, and in some sense is thereby reducing the risk to his patients, since this means they will be treated by him. The attorney who intercedes in a threat against his client is willingly assuming some of his client’s risk. But these are rather exceptional instances. For the military professional, this is the main activity. The military calls the relevant virtue “commitment,” although this seems to be a banal word for what is among the most noble of human achievements.

A more critical difference between the profession of arms and all other traditional professions is marked not by dying and danger, but by killing. More specifically, the military profession is distinctive in requiring its practitioners to do something that they emphatically do not want to do: to intentionally injure and kill other human beings. This is categorically different from what is required of the attorney at law, the physician, and even the law enforcement professional. All professions presumably involve activities that no one would particularly relish. The attorney may have to zealously defend a client he suspects is guilty. The physician may have to tend to festering wounds or repugnant maladies. The police officer may have to shoot a perpetrator

who refuses to surrender. These are qualitatively different, however, from the stock in trade of the military professional: intentional killing.

That the military professional is reluctant to kill is true by definition. Anyone who was eager to kill, who sought out military action for the thrill of it, or who somehow enjoyed killing, would be for that reason barred from the professional military. A Rambo, for whom “killing is as easy as breathing,” would not qualify. Even someone who wanted to kill the enemy out of anger or vengeance would be of questionable suitability for the profession. Achilles would not have made a sound military professional. Indeed, the character of the true military professional is distinguished by the virtue of self-control: “*sophrosune*,” even more than courage, is a signal virtue.¹³ The sublime self-control that characterizes the ethos of the military is displayed in its decorum and celebrated in its ceremonies. In practice, self-control is the modus operandi of the military professional: proportionality and discrimination are above all forms of restraint.

Reckoning with this paradox—that the military professional must be reluctant to kill, and yet in some sense remain quite ready to do so—has colored military practice throughout history. If we go back to Plato, we see the problem raised by the ideal republic’s need for a specialized military class, the Guardians. With their fierce temperaments and rigorous martial training, the Guardians held an unmatched power in the city. The republic needed them to be fierce for its defense, but what would stop the Guardians from using violence on one another, or, alternatively, from cooperating with one another and forcibly controlling the city? Plato prescribes long education for the Guardians as a partial response to this problem. From early childhood, the Guardians are habituated to treat fellow citizens as friends, with whom they literally have all things in common.¹⁴ Outsiders are treated as menacing enemies. Education of the Guardians supposedly aimed to make them like “noble puppies”: belligerent toward strangers but gentle with familiars.¹⁵

The problem is probably inverted in real life: warriors are taken from the ranks of ordinary human beings who have to be trained to be sufficiently vicious for wartime. Psychological literature tells us about natural inhibitions that make it difficult for humans to kill.¹⁶ Dehumanization of the enemy has been the stock tool for overcoming this aversion.¹⁷ Examples span human history, but continue into the present. A veteran of Operation Iraqi Freedom was quoted as saying, “You just sort of try to block out the fact that they’re human beings and see them as enemies . . . You call them hajis . . . You do all the things that make it easier to deal with killing them and mistreating them.”¹⁸

Dehumanization of the enemy, however, does not help with discrimination. The military professional has to discriminate between combatants and noncombatants, but if the enemy is subhuman, their civilian compatriots would be subhuman too. Dehumanization actually confounds discrimination, and opens the door to extra killing as well. Recently, *objectification* rather than *dehumanization* has been endorsed by military ethics specialists. Objectifying the enemy means cultivating an attitude of indifference. Dehumanization, by contrast, involves an attitude of disgust toward a subhuman enemy, famously exemplified by the Nazis referring to Jews as rats, or Hutus calling Tutsis cockroaches. Objectification is preferable, according to Shannon French, as a way of thinking that enables battle but prevents war crimes.¹⁹ We have to “train our troops to objectify the enemy for the purposes of combat . . . because we believe this is the only mode that frees their cognitive resources to deal with the strategic and performance demands of intense combat situations.” However, “troops who generate intense disgust and contempt to help them kill will have a harder time readjusting to civilian life after the violence is over,” French says. “It is important for our troops to know that they have fought honorably. But there is no honor in killing sub-humans.”²⁰

IV. Professional Paradoxes

So the military profession is unique in this way. Its moral purpose is to defend the innocent and to safeguard rights and justice, but its main activity, on the pre-reflective or instinctual level, is abhorrent. One of the tasks of this singular profession is to regulate, and reconcile, this stark tension. I would argue that the tension has to be addressed philosophically, since it apparently defies common sense. I often hear the quip (from civilians with no close ties to the military) that “military ethics” is an oxymoron. The idea seems to be that, in resorting to war, we give up on ethics and rely strictly on power. This idea, though profoundly mistaken, sometimes crops up even among people who have seen firsthand what scruples restrain us in a just war.

I have been teaching philosophy to military officers—most of them naval aviators—for six years. They have varying levels of awareness of military ethics and the just war tradition, and often do not have a ready answer to the question of how their service in Iraq and Afghanistan squares with morality. I ask them if the principles of morality change during wartime. Obviously, the “rules” change: it is not normally permissible to break things and kill people. Is this a suspension of morality? Is there a “wartime morality” that is different from ordinary morality?

Some officers have an “us or them” kind of response.²¹ The use of force in wartime is necessitated by the showdown. There is often some version of the Augustinian/Thomistic idea that violence is wielded as a last resort to thwart the triumph of evil. Many make the point that they do not want to kill people. Pilots, in particular, report that they joined the military because they loved flying and wanted “to serve their country.” They honed their aviation skills, only to find themselves flying aircraft that carry ordinance during wartime. This is, in one sense, the highest achievement: these are elite aviators flying the most technically sophisticated aircraft, and, by this reckoning, they are in a coveted position. On the other hand, being the bearer of the bomb was never part of anyone’s aspiration. No one grew up wanting to drop the bombs that kill people. These young aviators have to struggle to overcome their abhorrence of killing people—perfect strangers—on the ground. Even if these are uniformed combatants, even if the target is cleared in accordance with rules of engagement, even if the mission is in close support of allied troops on the ground, these pilots do not want to kill, maim, and destroy.

One student—an F/A18 pilot—described how his conscious ambition had been to be a fighter pilot, not a killer. He recounted how the full realization seemed to unfold for him during Survival, Evasion, Resistance, and Escape (SERE) School. The “captors” at SERE school “would beat us and demand [to be told] why we were killing their children.” As a student-captive, this aviator found that he did not know. His youthful aspiration of becoming a pilot had nothing to do with combat:

I only wanted to be a pilot and did not realize that I might have to kill people, and I really had no idea what the United States’ policies were on world issues. First, becoming a pilot is certainly a difficult endeavor. The training is very intense and trying. Flight students have very little control on what platform they will eventually fly. Ethical quandaries typically do not arise since it is out of our control. There is also no specific training on the perils of killing people whether intentional or unintentional as a result of us conducting our mission . . .²²

Thus, although we might think it should be obvious that being a military aviator will involve violent combat and mortal danger, there is, at least in some cases, a disjunction between aspiration and reality. Rectifying this disjunction—forging the psychological and moral connections behind it—is a distinctive task for this profession.

In the context of reconciling everyday morality with apparently contradictory requirements in war, the idea of the “Sin Eater” has come up in my classes on more than one occasion. Students usually know the term from a 2012 film that is part of Robert Ludlum’s Bourne franchise, *The Bourne Legacy*. In the relevant passage in the film, the character Aaron Cross is a sniper who was (apparently) involved in an operation where innocents were killed by mistake. Byer, the officer in charge, addresses Cross’s vexation. Here is the dialogue:

ERIC BYER: We need to talk. I need you to stop what you’re doing and turn around, that’s an order.

[Aaron Cross ignores him, lowers the tailgate of a truck and deposits his sniper rifle, closes the tailgate, and turns to face Byer]

BYER: We got screwed on the intel, okay? Nobody knew those people were in there. It would be perfectly normal for a person to have doubts about the morality of what we just asked you to do.

AARON CROSS: Is that a question, sir?

BYER: No, it’s not. Tune in to what I’m trying to say to you. Do you know what a Sin Eater is?

[Cross shakes his head]

BYER: Well, that’s what we are. We are the Sin Eaters. It means that we take the moral excrement that we find in this equation and we bury it down deep inside of us so that the rest of our cause can stay pure. That is the job. We are morally indefensible and absolutely necessary. You understand?²³

Although the film does not develop this idea, it seems to resonate with something in my students: they feel that the soldier in combat—dare we say, the military professional—functions, metaphorically, as a Sin Eater. A Sin Eater is a person who ceremonially takes on the sins of someone else. Historically, the practice belongs to eighteenth- and nineteenth-century Europe, although it also bears some resemblance to the Jewish scapegoat ceremony. The Sin Eater was “a human scapegoat hired to take upon himself the moral trespasses of his client and whatever the consequences might be in the afterlife.”²⁴ A Christian family would hire a Sin Eater to ritually consume a piece of bread that was placed on the body of a dead loved one, in the belief that the unforgiven sins of the dead person would be taken on by the Sin Eater. The village Sin Eater carried the sins of the deceased for the rest of his mortal life, becoming increasingly vile with each additional ceremony. He was usually driven from society, and lived in poverty and solitude.

The depth of the allusion in *The Bourne Legacy* to this delusory and revolting practice is unclear, so we will stick to the film character’s own interpretation of the soldier’s task: “[W]e take the moral excrement that we find in this equation and we bury it down deep inside of us so that the rest of our cause can stay pure.” The “moral excrement,” I presume, is the killing of innocents as a result of “bad intel.” The casualties were accidental, in other words. In theoretical ethics, accidents do not carry moral blame. Moral responsibility requires that the agent *knowingly* cause something—the opposite of what is dramatized in this film. These soldiers were not morally responsible for harms they could not have known they would cause. But, of course, technical “exculpatory” conditions do not necessarily make us feel better. More generally, one might guess, “moral excrement” might refer to collateral damage that is “foreseen though not intended,” as the doctrine of double effect would parse it. Here, too, the lack of intention may

be technically exculpatory, though I am not sure that this is cathartic for the psyche of the human soul involved.

The suggestion of the film character is that it is part of the job of the military professional to do more than bear this psychological burden; he must also “bury it deep down inside.” In fact, “that is the job.” Now, I am not suggesting that we take this movie character’s assessment of what the job is; I believe, in fact, that he cannot be quite right. My point is that the military professional necessarily grapples with it, and that this is unique to the military profession. There are certainly some officers who agree with the film character’s assessment. The student who first called this quote to my attention thought it expressed the warrior’s duty to sacrifice his own peace of mind—perhaps even the sanctity of his own soul—in the course of battle. The warrior has to overcome his natural human sentiments and realize, as he put it, that “doing harm to others may be required and acceptable in order to achieve military objectives . . . things that in our personal lives would never be accepted.”

The aim of the sin eating, in the film character’s formulation, is so that “the rest of our cause can stay pure.” This language reminds us of the language of the just war tradition: a morally justifiable war has a “just cause,” a moral purpose. In abstract terms, that purpose is to prevent the triumph of evil. This moral purpose can be tainted by lapses in *jus in bello*; some have even argued that the morality of a just war can be nullified by immoral conduct on the part of the warrior.²⁵ If we think of the sort of eve-of-battle admonition exemplified in the famous speech of Lt. Col. Tim Collins, the warrior is often exhorted to keep the main cause pure.²⁶ The principle here is incontrovertible: you cannot violate human rights in the name of protecting human rights, and you cannot harm the innocent if you are truly fighting on their behalf. In practice, however, this principled consistency might never obtain.

V. A Singular Profession

My conclusions from all of this sound a chord with the conclusions of other authors in this section. First, the military officer is indeed in the situation of the traditional professional. I have been suggesting that the profession of arms may in fact be the most demanding of the professions in precisely the respects by which professionalism is delineated: knowledge, ethos, and public service. The military professional’s activities require knowledge, skill, and discernment, which can only be acquired through sustained study and apprenticeship. And the military professional’s need for knowledge, skill, and discernment seems to be expanding: the indispensable level of mastery, while obviously greatest for those at the highest echelons of command, is estimable for even the junior officer. Alasdair MacIntyre’s example of Colonel MacFarland illustrates how, in contemporary war, the officer on the ground can be proxy for executive authority and political power.²⁷ Deep knowledge of history, cultural anthropology, political theory, religion, and philosophy—in addition to knowledge of military strategy—would not be wasted in such circumstances. Those in lower ranks are also exercising discretion in ways their predecessors were not. Here is how one of my students puts it:

Prior to the recent conflicts the option to “refuse dropping a bomb” was not a moral decision typically placed in the hands of aircrew. If a soldier on the ground wanted a bomb, the pilot’s job was to provide it. The best telltale of this shift in mindset is in previous wars aircrew received medals for dropping bombs. In Afghanistan I know of pilots who received medals for not dropping when legally capable of it. The asymmetric warfare confronting aircrew and soldiers today has pushed ethics into the cockpit. A squadron commanding officer used to say “one bomb will not win this war but one bomb may lose it.”²⁸

This young lieutenant is referring, obviously, to counterinsurgency doctrine, and he was happy to report that his command recognized, and tried to provide, something far beyond mere technical training.²⁹ The individual warfighter, with advanced communications systems and sensitive equipment, has astonishing information and control at his disposal, and he is being asked to exercise his own judgment in a way that is unprecedented. A corresponding level of expertise—and virtue—is accordingly being called upon. The pedagogical implications are clear. Real education—not just “training”—is *sine qua non*. People can be trained to externally comply with certain rules, but education at a theoretical level is necessary to develop the discretion and autonomy that sets a profession apart from a job within a bureaucracy. Unfortunately, education is neither quick nor easy. In an earlier era, all gentlemen who became officers were very well educated. That is no longer the case. Universities mainly do technical training these days—which is appropriate, because technology is complex today, and it requires sustained study. However, that has preempted John Paul Jones-style liberal education. Most officers these days are technical experts in some field, but may not come to the profession with the depth of education of their predecessors. The military, as an organization, is well served to the extent that it esteems and emphasizes such learning.

Consider now the ethos of the military profession. Again, like traditional professions, the military has a distinctive code that is inculcated and enforced within the profession itself. A particular set of virtues, or excellences of character, pertain to it. Other chapters in this section enumerate the specific virtues of character that the military exalts. I have tried to point out others that, from the vantage of an outsider, I see being practiced, even if they do not have well-known names. To a certain extent, the specifics of the military ethos emerge from the practice of the profession itself, but the ethos is also informed from the outside by treaties and conventions, plus the political will of the public it serves. I want to reiterate, in this connection, the unparalleled burden on the military as a profession. Today’s military operates with a backdrop of never-again resolutions from the twentieth century (trench warfare, carpet bombing, Vietnam). They have to develop tactics for new kinds of warfare, and figure out how they can fight terrorism without becoming terrorists themselves. In recent counterinsurgency efforts, they have had to embody law and order among the local populace, to incarnate goodness itself. These may be signposts for a conceptual crisis, or paradigm shift, that Professor MacIntyre suggests may be upon us. Following MacIntyre’s thesis, new warfare invites the military to rethink the profession, reassess its cardinal virtues, and add conceptually new ones to the ideal officer’s outfit (such as political prudence).³⁰ In any case, we are seeing the old martial virtues—which were already difficult achievements—being put to rigorous new tests. Imagine responding only to “accurate fire” (as the Petraeus manual decrees), not pulling the trigger when every instinct you have is sensing danger. Imagine a rule of engagement (ROE) that allows a response to fire only where the shooter can be identified. The excellence of character that would enable a soldier to function in such a situation seems to be different from—and perhaps more than—the time-honored virtue of courage.

One thing is clear: nothing that goes by the name of “training” could prepare members of the military to handle such circumstances. Obedience (which might be equated with the good soldier on the bureaucratic, chain-of-command model of the military) would be a rather minor virtue in the picture I am sketching. There is certainly no rulebook or formalized code that can simply be applied in service of any of these ends. It is the task of any profession—including the profession of arms—to identify the relevant virtues, and to underwrite the excellences of character that will allow practitioners to achieve its ends. My own view is that this task requires considerable erudition, and calls upon learning in sociology, history, philosophy, and more. The profession of arms has to be, in other words, a learned profession.

At the same time, this is a singular profession, a learned profession like no other. One of the animating principles of what is known as military ethics is that the soldier is a full-fledged moral agent, rather than a mere pawn of the state. Hitler's henchmen (to cite the most egregious, albeit hackneyed, example) were not justified in their actions because they were "following orders." The military professional is honor-bound not to obey an illegal or immoral order. Note the de facto attribution here of some expertise in law and philosophy. We also conscript the military officer in a psychological conundrum: he must be reluctant to do the very thing that we need for him to do. His code cannot be a simple, *primum non nocere*. He wagers his own peace of mind—perhaps the sanctity of his soul—that he will be able to reconcile this dissonance. His sacred trust is to keep our cause pure. There is simply no comparable public service.

Notes

- 1 Four attributes of the professions commonly cited are: "(1) generalized knowledge, (2) primary orientation to the community interest, (3) internalized code of ethics, and (4) rewards which primarily symbolize work achievement." See B. Barber, "Some problems in the sociology of professions," *Daedalus* 92, no. 4 (1963), cited in J. A. Jackson, "Professions and professionalization: Editorial introduction," *Profession and Professionalization Volume 3: Sociological Studies* (New York: Cambridge University Press, 1970): 1–16. For a detailed discussion on the nature and sociology of the professions, see Elliott A. Krause, *Death of the Guilds* (New Haven, CT, and London: Yale University Press, 1996): 14–20.
2. This is the thesis of Don Snider's chapter "American military professions and their ethics" in this volume.
3. George Lucas, *Ethics and the Military Profession: The Moral Foundations of Leadership* (Upper Saddle River, NJ: Pearson, 2004): xi–xii.
4. In the U.S., civilian control of the military seems to belie the claim that the military is "autonomous" in the way that the traditional professions are. However, anyone who has ever worked near the U.S. military knows that it sets many of its own standards, from service values to rules of engagement. The UCMJ functions as a legal document, but stipulates many non-legalistic moral standards, such as "conduct unbecoming an officer and gentlemen" (Article 133). Military tribunals and the Judge Advocate General's Corps arguably exercise the self-regulation characteristic of a professional guild.
5. "A fiduciary duty is a legal duty to act solely in another party's interests. Parties owing this duty are called fiduciaries. The individuals to whom they owe a duty are called principals. Fiduciaries may not profit from their relationship with their principals unless they have the principals' express informed consent. They also have a duty to avoid any conflicts of interest between themselves and their principals or between their principals and the fiduciaries' other clients. A fiduciary duty is the strictest duty of care recognized by the US legal system." See: www.law.cornell.edu/wex/fiduciary_duty.
6. In nonprofessional contexts, a conflict of interest—indeed, even the appearance of a conflict of interest—is considered to be unethical. This standard is largely suspended, however, for professionals. Integral to our trust in the professional is that he will not allow anything to override the client's best interests. If we seek the services of an attorney, for example, we trust that zealous representation will be provided regardless of the lawyer's personal view of our case. Compare this to nonprofessional occupations. We do not suppose, for example, that a salesman who is extolling the virtues of a car in his showroom is putting the buyer's good before his own. A government employee, for another example, is required to materially demonstrate the absence of conflicts of interest having to do with any contract he awards. By contrast, the professional, almost by definition, is assumed to be above allowing any interests to conflict with the public interest.
7. The trust of the citizenry is a prerequisite for the effectiveness of its military in a democracy, and, in the U.S., the public's trust in the military has been documented repeatedly. For more on trust and the social trust professions, see Don Snider, "American military professions and their ethics" and Martin Cook, "Military ethics and character development," both in this volume.
8. The oaths taken by military officers vary from country to country, but the moral code of any military professional includes discrimination and some version of proportionality and restraint. See Shannon French, *Code of the Warrior: Examining Warrior Values Past and Present* (Lanham, MD: Rowman & Littlefield, 2003).
9. Michael Walzer, "On proportionality," *The New Republic* (January 8, 2009): www.newrepublic.com/article/politics/proportionality. See also "Responsibility and proportionality in state and nonstate wars,"

- Parameters* (Spring 2009): 51, where Walzer suggests that proportionality arguments must be accompanied by responsibility arguments: “What risks have [the soldiers] accepted in an effort to minimize the risks imposed on civilians?”
10. Marcus Luttrell and Patrick Robinson, *Lone Survivor: The Eyewitness Account of Operation Redwing and the Lost Heroes of SEAL Team 10* (New York: Little, Brown & Company, 2007).
 11. See Department of the Army, *Tactics in Counterinsurgency* (2006): “Thus military personnel will need to accept greater physical risks to achieve military objectives than they would in conventional conflicts” (see vignette in FM 3-24/7-13) and “This risk-taking is an essential part of the Warrior-Ethos” (7-21).
 12. See section IV of Don Snider’s chapter (“American military professions and their ethics,” in this volume), quoting Dr. James Toner: “even when soldiers are not dying, they must be preparing to die.”
 13. The Greek term *sophrosyne* is notoriously difficult to translate. In ancient literature from Homer to Aristotle, it means something like self-control, restraint, and discretion (although it can also name a common human virtue that might be adequately translated as moderation or temperance). I cite it here as the name of a characteristic virtue of the military professional because it is an excellence found at interface of character and intellect (as is *phronesis* or prudence) and because it is closely associated with self-knowledge.
 14. There is no private property in Plato’s “ideal” republic. Everything is held in common, including wives and children. This is stipulated in part to nullify the problem of rapacious Guardians (*Republic* 375 b–c, 416 a–c).
 15. It is worth noting that dogs, even “noble puppies,” could not be trained to exercise the “discrimination” of *jus in bello*. As Plato jokes, “a dog, whenever he sees a stranger, is angry: when an acquaintance, he welcomes him, although the one has never done any harm, nor the other any good” (*Republic* 376 a). The dog, in other words, distinguishes between familiars and strangers, rather than between those who are hostile and those who are innocent.
 16. Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (New York: Little, Brown & Company, 2009): 30–42.
 17. Philip Zimbardo, *The Lucifer Effect: How Good People Turn Evil* (New York: Random House, 2007). See also Sam Keen, *Faces of the Enemy: Reflections of the Hostile Imagination: The Psychology of Enmity* (New York: Harper & Row, 1986).
 18. Quoted in Michael W. Brough, “Dehumanization of the enemy and the moral equality of soldiers,” in Michael W. Brough, John W. Lango, and Harry van der Linden, Eds., *Rethinking the Just War Tradition* (Albany, NY: State University of New York Press, 2007): 152.
 19. “Exploring the brain,” *Think: The Online News Source for Case Western Reserve University* (Fall/Winter 2013): http://case.edu/think/fallwinter2013/discover/dehumanizing-the-enemy.html#.U_N2Fvk8Ar5.
 20. Professor Anthony Jack, whose research in cognitive science at Case Western Reserve indicates that the brain operates differently when people objectify from when they dehumanize, adds: “We believe only psychopaths can permanently avoid re-examination of their actions from an empathetic perspective.” Jack later continues: “Objectifying is a necessary but temporary fix. To feel fully human ourselves, we need to be able to reconcile our actions towards our fellow humans. That is easier to achieve if you have objectified in a limited way for a good reason, although it often still requires some readjustment and sorrow. The situation is much harder psychologically if you have descended into hatred and contempt.” See: http://blog.case.edu/think/2013/06/06/a_way_of_thinking_may_enable_battle_but_prevent_war_crimes.
 21. “The hardest ethical decision I have made was to commit to action against living targets on the ground prior to entering such an arena. I reverted to moral justification: that terrorism such as 9/11 happened and they will continue to attack us if we do not do what is requested of us by our superiors. In the heat of battle the justification was a pure matter of survival when being shot at: us or them.” This is from a paper for a class called “Ethics and moral development” at the Naval Postgraduate School. The author, name withheld, was a Navy lieutenant commander at the time (2012).
 22. This is from a paper for a class called “Ethics and moral development” at the Naval Postgraduate School. The author, name withheld, was a Navy lieutenant.
 23. Tony Gilroy, director, *The Bourne Legacy* (Universal Pictures, 2012).
 24. Bertram S. Puckle, *Funeral Customs*, Chapter IV (1926): www.sacred-texts.com/etc/fcod/fcod07.htm.
 25. A cardinal principle of modern just war doctrine, strongly emphasized in Michael Walzer’s concept of “the War Convention” in his seminal work *Just and Unjust Wars* (New York: Basic Books, 1977),

- is that the principles of *jus ad bellum* (the justification for declaring war) and *jus in bello* (the conduct of combatants during war) are separate and distinct categories with no relationship. But this is not supported in either history or present practice. As early as the sixteenth century, the Spanish Jesuit scholar Francisco Suarez had replaced Thomas Aquinas's third category of "right intention" in *jus ad bellum* with the requirement for "right" or "proper" means of conducting the hostilities, arguing that the requisite commitment to right intention entailed specifically a commitment to prosecute just wars only through just means (*De Caritate*, discp. 13.1.4). This established a firm link between the two jurisdictions of justice in war, and certainly implied that no otherwise-legitimate or permissible armed conflict was morally justified if it were not pursued wholly through just means. [For both selections and thorough analysis of this text, see G. Reichberg, H. Syse, and E. Begby, Eds., *The Ethics of War: Classical and Contemporary Readings* (Oxford: Blackwell, 2006): 339–370.] In the current age of "hybrid," unconventional, or "irregular" war, this connection, and the prospect of undermining a just cause through the use of unjust means of warfare, has come to the fore. See, for example, George R. Lucas, Jr., "New rules for new wars: International law and just war doctrine for irregular war," *Case Western Reserve Journal of International Law* 43, no. 3 (2011): 677–705.
26. Lt. Col. Tim Collins, "UK troops told: Be just and strong," *BBC News* (March 20, 2003): http://news.bbc.co.uk/2/hi/uk_news/2866581.stm.
 27. See Alasdair MacIntyre's chapter, "Military ethics: A discipline in crisis," in this volume. MacIntyre also cites Emile Simpson in connection with the thesis that officers in the field now make both military and political decisions.
 28. This is from a paper for a class called "Ethics and moral development" at the Naval Postgraduate School. The author, name withheld, was a Navy lieutenant.
 29. Here is how he describes the educational exercise: "I was fortunate to participate in a few of these discussions prior to my last deployment. Our [carrier wing's] leadership designed case studies and implemented them through a Socratic template to help aircrew articulate and self-criticize their answer to a very important question in combat, 'Under what circumstances will you refuse to drop a bomb at the request of a soldier on the ground?' The complexity of that moral question is difficult to confine to the limits of this paper. It requires a comprehensive understanding of tactical doctrine, standard operating procedures (SOP), and rules of engagement (ROE). What is easy to understand is that it calls upon interwoven beliefs, norms, and universal moral certainties to arrive at that decision."
 30. See Alasdair MacIntyre's chapter, "Military ethics: A discipline in crisis," in this volume for his discussion of political prudence.

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