An Aristotelian ethic for the professional naval officer

Ronald L. Smith
University of Nevada, Las Vegas

Follow this and additional works at: https://digitalscholarship.unlv.edu/rtds

Repository Citation
https://digitalscholarship.unlv.edu/rtds/880

This Thesis is brought to you for free and open access by Digital Scholarship@UNLV. It has been accepted for inclusion in UNLV Retrospective Theses & Dissertations by an authorized administrator of Digital Scholarship@UNLV. For more information, please contact digitalscholarship@unlv.edu.
INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6” x 9” black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

UMI
A Bell & Howell Information Company
300 North Zeeb Road, Ann Arbor MI 48106-1346 USA
313/761-4700  800/521-0600

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
AN ARISTOTELIAN ETHIC
FOR THE PROFESSIONAL NAVAL OFFICER

by

Ronald L Smith

Bachelor of Arts
The Pennsylvania State University
1977

A thesis submitted in partial fulfillment of the requirements for the degree of

Master of Arts

In

Ethics and Policy Studies

Department of Ethics and Policy Studies
University of Nevada, Las Vegas
May 1998
The Thesis prepared by

Ronald L. Smith

Entitled

An Aristotelian Ethic

for the Professional Naval Officer

is approved in partial fulfillment of the requirements for the degree of

Master of Arts in Ethics and Policy Studies

Examination Committee Chair

Dean of the Graduate College

Graduate College Faculty Representative
ABSTRACT

An Aristotelian Ethic
For The Professional Naval Officer

by

Ronald L. Smith

Dr. Craig Walton, Examination Committee Chair
Professor of Ethics and Policy Studies
University of Nevada, Las Vegas

The Navy's training revolves around the core values of Honor, Courage and Commitment. It is my purpose here to propose an Aristotelian based ethic for the professional U.S. Naval Officer. Chapter One will be my introduction. In Chapter Two I will look at Aristotle's practical reasoning and what it takes to attain excellence. Chapter Three will explore the U.S. government's broken covenant with members of the armed forces. The law and morality pertaining to warriors will be addressed in Chapter Four. Chapter Five will address the apprenticeship of junior officers and their need for growth and mentoring. I will conclude in Chapter Six with recent example of heroic behavior and real life role models. Navy core values training is imperative. Memorization of a laundry list of requirements falls short of what young professionals need.
# TABLE OF CONTENTS

ABSTRACT .......................................................................................................................... iii

ACKNOWLEDGEMENTS ..................................................................................................... v

CHAPTER 1 INTRODUCTION.............................................................................................. 1

CHAPTER 2 PRACTICAL REASONING ............................................................................ 11
    Perception ................................................................................................................... 14
    Moral Excellence ....................................................................................................... 17
    Deliberation ............................................................................................................... 20
    Wisdom ....................................................................................................................... 23

CHAPTER 3 BROKEN COVENANT .................................................................................. 27

CHAPTER 4 THE RELATIONSHIP BETWEEN LAW AND MORALITY ...................... 41

CHAPTER 5 APPRENTICESHIP AND MENTORING .................................................. 56

CHAPTER 6 EVALUATION ............................................................................................... 69

BIBLIOGRAPHY ................................................................................................................. 81

VITA ................................................................................................................................. 84

iv

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
ACKNOWLEDGEMENTS

I wish to express my sincere admiration for Professor Craig Walton. Without his patience, motivation and help this thesis would not exist. He has helped me with this project while I was stationed in Nevada, Virginia, and Guantanamo Bay, Cuba.

I want to thank my wife and best friend, Joan M. Smith, M.S.N. and Navy Nurse for her patience and support.
CHAPTER 1

INTRODUCTION

In Homer's epic poem, the "Iliad," the hero Achilles loved his friend and warrior comrade Patroclus. The Trojan prince, Hector, killed Patroclus in battle. Achilles, enraged, killed Hector. After he killed him, Achilles dragged Hector's body daily around the tomb of Patroclus behind his chariot. He then left it out at night to be mutilated by scavenger dogs. This was truly barbarous behavior. The gods, who were not unduly squeamish, were horrified and held a council to decide what to do about it. In the course of their debate Apollo denounced Achilles and added: "Let him beware lest we become angry with him, even though he is good."^2

The point of this story lies in the expression "even though he is good." With our modern twentieth century cultural background, we might have expected the god, Apollo, to declare "since he is bad." The poet Homer saw things differently in the eighth century BC. Even so, his ideals and those of the men he wrote for were long outdated by the time of Plato and Aristotle four hundred years later. However, even in the 5th century BC, the concept of the "good life" was to be envied, it was the most choiceworthy. To be good
was to be praiseworthy. And although terms such as goodness and righteousness may seem archaic in today's sophisticated world, these are still the linchpins of a value system that professional American military men and women are sworn to uphold.

The 1991 Tailhook Association convention scandal at the Las Vegas Hilton caused an explosion in the Navy that is felt even seven years later. The raucous behavior of a few Navy and Marine Corps aviators forced the Department of the Navy to reevaluate its' cultural climate. The subject of ethics and professional behavior came to the forefront in the highest level discussions at the Pentagon. The Army and Air Force subsequently had their own scandals involving sexual misconduct. Business as usual, "boys just being boys" and other forms of conduct were scrutinized, evaluated, and replaced. The Navy sought to change its image and culture to one of professionalism free of sexual bias and harassment. As part of the education process to attain a gender-neutral environment, the Navy instituted ethics and standards of conduct training. This training is intended to impact every sailor from seaman recruit through midshipman up to and including, the Chief of Naval Operations.

"Like Great Britain after Waterloo, the United States, in the words of Eliot Cohen writing in The New Republic, 'is the most powerful state on the planet...It towers above other states in the scale of its strategic thinking, the resources at its command, and the military capabilities it can bring to bear.'" The Navy's training revolves around the core values of Honor, Courage and Commitment. The officers produced from this training
must be able to command with excellence, character, and practical wisdom. It is my purpose here to propose an Aristotelian based ethic for the professional U.S. Naval Officer.

In Chapter Two, I will initially look at Aristotle’s practical reasoning and what it takes to attain excellence. I will explore the character needed by those who are the heirs to those Socrates called the “Guardians” of the city-state. There is a loyalty expected from the keepers of nuclear weapons and “Doomsday” bombs. What trust does the civilian government place in the warrior class? What conduct is expected of modern warriors?

Chapter Three will explore the other side of trust the U.S. government’s broken covenant with members of the armed forces. The American people through their government broke a solemn and binding agreement to allow a retirement after twenty years of service for thousands of military people. I will discuss the downsizing of the armed forces and the promises reneged upon by the Department of Defense in the name of budget cuts. There is a violation of trust when retirement benefits are changed after people are receiving them as evidenced by the closing of the US Army Hospital in Aurora, Colorado. The violation is carried to an extreme when service people enlist under one retirement plan only to have the rules change and make them ineligible while they are still serving. What is the obligation of “We The People” to those who are sworn to protect and defend them? Aristotle said that justice means a fair balance between benefits
and burdens. If the American people want the benefits of a safe country, then they should want to shoulder the burden of paying the cost for that safety.

The law and morality pertaining to warriors will be addressed in Chapter Four. The higher laws of God and Nature over man-made laws will be explored. The Declaration of Independence said that it was “self evident that all men were endowed by their Creator with certain inalienable rights.” Does the warrior protect “the life, liberty and the pursuit of happiness” of the people? As former Secretary of the Navy, Jim Webb, wrote, “Next to the clergy, the military is the most values-driven culture in our society.” What happens when society no longer shares the values of the military?

Chapter Five will address the apprenticeship of junior officers and their need for growth and mentoring. A mentor is a teacher, a guide, and friend. Are there enough people of character in the Navy today to teach and guide the youngsters placed in their care? How do we train the products of today’s society to embrace the values of honor, courage and commitment? People have always “joined the Navy to see the world,” and the Sailor is unique compared to a Soldier or Marine. How do we train an officer to lead this special individual? I shall address some steps in mentoring and Aristotle’s treatment of friendship between unequals.

Chapter Six will conclude with an evaluation of Chapters Two through Five and some recent examples of heroic behavior, and real life role models. Retired Rear Admiral James B. Stockdale and now Senator John McCain will be profiled. I will show how they...
used Aristotle’s marks of excellence while in captivity in prisoner of war camps in Hanoi, North Viet Nam during the Viet Nam War.

It is my belief that Navy core values training is imperative. However, I think that memorization of a laundry list of do’s and don’ts falls short of what young professionals require. I will explore Aristotle’s building blocks of practical wisdom as they pertain to the modern officer.

What does it take to be “good” in today’s Naval Officer Corps? The modern officer corps is a professional body and the modern military officer is a professional in every sense. A profession is a peculiar type of functional group with highly specialized characteristics. Professionalism is characteristic of the modern officer in the same sense in which it is characteristic of the physician or lawyer. There are at least five marks that changes a person into a professional. First, education and training goes beyond high school, and usually beyond college. Second, one undergoes an apprenticeship under the guidance of experienced seniors and peers. Third, there is a qualification process resulting in an accreditation or board eligibility. Fourth, there are standards and principles that are sanctioned both by reward and punishment by the peer group irrespective of "market" or "political" pressures. Fifth, while a profession like medicine or law may be a lucrative career, it is a life of service to others not to profit or set a political agenda.

It is professionalism that distinguishes today’s military officer from the warriors of previous ages. The existence of the officer corps as a professional body gives a unique
cast to the modern problem of civilian-military relations. Dr. Joel Rosenthal is the president of the Carnegie Council on Ethics and International Affairs located in New York. In an address to the Naval War College in Newport, RI in 1997 he stated that, "In a profession where duty, obligation, and responsibility weigh so heavily-and where life and death are at the core of activity-the imperative to engage in ethical reflection is hard to overstate."*

There is a core of professional people serving the United States who dedicate their lives to preserving the peace and defending our country. As Carl Von Clausewitz demonstrates in his famous treatise, ON WAR, all members of the armed forces are instruments of politics and government policy.9 Despite this cold fact of life, military professionals are not intended to be mindless automata. While professional soldiers require much skill, even more is demanded of their leaders. A leader must be as well educated as he is trained. The art of war is complex, and it will increase in complexity as the world struggles to find order in the twenty-first century.

Armed conflict and war have been a topic of discussion before the writing of the code of Hammurabi (circa 1750 BC). While ancient warriors did their government's bidding, the wise men of the day discussed warfare and the usage of their armies. The great Pharaohs of Egypt used their armies and navies for conquest of foreign lands, extension of their borders, and to regulate shipping on the Nile River and part of the Mediterranean Sea. The ancient Greek philosopher, Aristotle, thought much of the
qualities exhibited both in war and peace by the great general Pericles. In Plato’s
*Republic*, Socrates discussed the virtues of the professional soldiers he called the
“Guardians.” It was not until the early fourth century AD however, with the writings of
St. Augustine, that we became introduced to the term “just war.” Later, in the thirteenth
century, St. Thomas Aquinas elaborated on St. Augustine’s writings.

In *Summa Theologica*, St. Thomas Aquinas addresses the ingredients for a war to
be just: “First, the authority of the sovereign by whose command the war is to be waged
must be legitimate, it is their (the Sovereign’s) business to have recourse to the sword of
war in defending the common weal against enemies. Secondly, a just cause is required:
namely that those who are attacked should be attacked because they deserve it on account
of some fault. Thirdly, it is necessary that the belligerents should have a rightful
intention, so that they intend the advancement of good.”

The American tradition follows the just war doctrine. While our history shows
disdain for a large standing army, we champion the cause of righteousness. Our country
was not a century old when we tore ourselves apart fighting over slavery. St. Augustine
says in *De Verbum Dominum*: “True religion looks upon as peaceful those wars that are
waged not for motives of aggrandizement, or cruelty, but with the object of securing
peace, of punishing evildoers, and of uplifting the good.” These certainly were the
battle cries used to fight the evil Nazis and the Japanese menace in 1941 after the sneak
attack on the U.S. Naval Base at Pearl Harbor, HI. It has been the belief in a higher good
that has sustained a foreign policy throughout the Cold War era and into places such as Bosnia and Haiti. A fourth ingredient of the just war attributed to St. Thomas, which is both practical and universally accepted, is that “there must be a reasonable chance of winning”.

Long before Saint Augustine and Saint Thomas Aquinas addressed just war and related topics, the ancient Greek philosophers Aristotle, Plato, and Socrates deliberated the same issues.

That man is all best who himself works out every problem. That man, too, is admirable who follows one who speaks well. He who cannot see the truth for himself, nor, hearing it from others, Store it away in his mind, that man is utterly useless. (1095b10-12)

Aristotle’s use of 8th century BC poet Hesiod’s words tells us the order of what is most favorable. The individual, who cannot see the truth or at least be smart enough to accept it once he is told, has no usefulness. It is not enough that an officer learns his craft and carries out his orders. He must strive to master the challenge of practical thought. In times of war, crisis, or emergency, training dictates action. Reflexes take control over reasoned thought. A person is usually forced to react without having the luxury of deliberation. It then becomes essential to the mission, to the lives entrusted to one’s care, to the very core of one’s self, that the building blocks of the spoudaios (the person of practical wisdom), have already been woven into one’s character.

But when and where is practical wisdom learned? How is it taught? Can practical
wisdom be taught on a college campus or during plebe summer? Who qualifies to be the teacher? What sort of person is so vain that they think themselves to be wise? Is there an examination that measures wisdom? In Chapter Two I will examine the building blocks of the person of practical wisdom.
1 Achilles was a Greek warrior and leader in the Trojan War who killed Hector. Paris killed him when an arrow struck Achilles' only vulnerable spot, his heel. He is the hero of Homer's *Iliad*. Achilles' mother dipped him in the river Styx as an infant. This made him invincible, except for the heel where she held him.


3 The Tailhook Association is a group of aircraft carrier based naval aviators who were famous for their raucous conventions. At the spring 1991 meeting, some women were physically accosted when forced to "run a gauntlet" consisting of drunken aviators in a hotel hallway. One of the young women was Navy Lieutenant Paula Coughlin, a helicopter pilot. In the scandal that ensued many officers were forced to resign in an episode that gave the Navy a terrible black eye.


5 *The Declaration of Independence*


11 Ibid.

Aristotle says that the proper function of a person with practical wisdom is made up of an activity of the soul conforming to a rational principle (NE 1/7). An individual’s proper function is to become habitually guided by high standards that he seeks, sets, and maintains for himself. This applies to any trade or profession as well as interpersonal relations such as leadership. Aristotle states that “the full attainment of excellence must be added to the mere function.” Using a harpist to illustrate his point, Aristotle shows that the function of the harpist is to work, practice, and strive to play the instrument well. It is a series of conscious actions that the harpist performs. Eventually the end that is realized is mastery of the harp. The harpist can play well. So too are the building blocks of the spoudaios.

Man sets high standards for himself and works constantly to attain them. “We reach the conclusion that the good of man is an activity of the soul in conformity with excellence or virtue, and if these are several virtues, in conformity with the best and most complete.” Man has to work toward this attainment. Merely a short time of good work
does not qualify. It is an active, life-long process to live one’s life well and fulfill the highest standard. To help achieve this end Aristotle compiled certain criteria which we may call the six marks of excellent moral judgement: (1) timeliness, (2) toward the right object, (3) right people, (4) right reason, (5) right manner, and (6) moral strength (as opposed to moral weakness).

**Timeliness.** Timeliness is one skill vital to good perception. All practicality involves time. There is timing—when it is best or right to say or do something. We must consider how much time a party to any action will have. A good officer must have a realistic sense of timing in his day-to-day operation. He must know the mechanics of timing in flying an aircraft or maneuvering a ship in formation. The officer should also have the sense as to when to correct or praise a subordinate, as well as when to broach a sensitive personal topic that is adversely affecting performance. Equally as disastrous is improper timing with a superior. There is a time and place to address a commander’s shortcomings. Carelessly approached, mistiming could spell instant termination to a career. In combat or even training, mistiming can spell death or injury.

**Toward the Right Object.** This is also part of perception. Which objects are right? Which ones are the distracters? Which objects are marginal? It is important that a leader keeps the crew’s attention focused on accomplishing the mission. This can be as intense in a training environment preparing for combat as it is in an actual hostile environment. Add single parenthood to the age of instant information, the internet and cable news network to a commander’s tasking, and the mission becomes more difficult to.
Right People. In any given situation, the practical action must be aimed at a certain person. That person’s response must be “right” for the situation. This action can be shared teamwork, with many different parts to one action. Examples of this are flight deck operations or an amphibious landing. We should want to be associated with people who are honest and hard working, not the lazy and dishonest who are unreliable.

Right Reason. This is part of character, a part of deliberation. One must try to perform for the right reason. It can be for the love of one’s country, the pride of one’s unit, or for the survival of one’s fellow inmates in a prisoner-of-war camp. But the reason does not need to be so high. Right performance of the daily routine at sea, for example, will enable the entire crew to progress to the next task.

Right Manner. This is to present correctly. This is part of moral excellence. In any act, your manner is the way you gauge how to deal with people. It is knowing that two people of the same rank may have different needs, talent, or shortcomings. The right manner is what we strive to do when we “lead by example”. Officers should eat after the troops are fed, sleep after the troops are asleep, and require nothing of subordinates that they do not require of themselves.

Moral Strength as opposed to Moral Weakness. Moral weakness is usually thought in terms of appetites: lust, drunkenness, and gluttony. But it is not only desires. It can be boredom, disproportionate or uncontrollable anger, or misuse of power. Moral strength is being able to hold to what one has perceived and evaluated to be the good that
can be done here and now, or the act to be avoided. Moral weakness is being distracted from completing the action. A morally weak officer is someone who may not overtly lie, but will allow the misbelief that they are responsible for another officer’s work, or that another officer is responsible for a problem or failure that belongs to the weak officer. Moral weakness puts the mistaken focus on pleasure or pain over the right perception of what is to be done rightly.

These six marks of excellent moral judgement are contained in the building blocks of practical wisdom. Perception, deliberation, moral judgement, and wisdom are the tools needed if we are to succeed in becoming complete professionals. I will now explore these four building blocks and their relevance to naval officers.

I. Perception.

A critical element in an officer’s judgement is his skill of perception. He must be able to scan the situation. Scanning, the act of perception is not passive. He must actively incorporate what is going on in his surroundings. He must take in the events while simultaneously filtering the important from the less important. She must consciously cultivate this appraising or scanning skill. Her appraisal must conform to the deliberative, practical skills that have been developed (see below). Dr. Nancy Sherman states that perception is informed by the virtues. “Much of the work of virtue will rest in knowing how to construe the case” (emphasis added). The officer must know how to interpret and classify what is before him. He must acknowledge that the situation requires action, and this can only come from an accurate reading of the circumstances.
The salience of perception is to pick up what is needed and to screen out what is not. This does not have to be a combat situation. For example, an officer could be standing the Engineering Officer of the Watch on an underway ship. As part of the reports she receives, she hourly checks the logs of all main shaft bearings (the propeller drives the ship through the water, the shaft drives the propeller, and the bearings support the shaft). These bearings have maximum safe operating temperatures. If ignored and allowed to exceed safe parameters, a casualty will occur which will put that shaft out of commission. Small ships have only one main shaft. This means that the ship will bounce around the ocean with no control over its own speed until the casualty is corrected, a process requiring several hours. The officer standing his/her watch must be able to scan the situation and determine if there is a potential casualty. Then the officer orders the proper actions taken prior to the ship being put out of commission for several hours or even several days.

An individual’s perceptual judgement of ethical relevance cannot be rigid or fixed. "Aristotle insists as a requirement of virtue that we be open to inquiry and reflective grasp of our ends. This includes reflection on our ends, conceived not abstractly but embodied and clothed in concrete circumstance."^3

When at sea, the crew is drilled on the actions taken when someone is reported fallen overboard. The “man overboard” drill is often practiced and is graded during refresher training and other inspections. When someone reports “man overboard” the entire crew reacts. The rescue boat or helo swings into action. The navigation team both
on the bridge and in the Combat Information Center adjust their plotting, the conning officer maneuvers the ship to a rescue position. The engineers make adjustments for restricted maneuvering. A muster is taken of the entire crew to determine who and how many are missing.

When someone is reported missing at sea, with no reports of a sailor falling "over the side," the man overboard situation takes on different considerations. Is the sailor really lost or is he/she disgruntled and hiding somewhere on board? The decision to search for him/her then becomes more difficult. A last known position along the navigation track must be calculated. The ship then has to retrace its course and make corrections for time, wind, set and drift (the movement of the ocean). It also notifies all other ships in the area, navy and merchant, and asks for assistance.

The reason perceptual judgement cannot be rigid is demonstrated in the following example. A sailor, an engineer, is reported missing to the Officer of the Deck (OOD). This sailor cannot be found to assume his early morning watch at four o'clock. The Officer of the Deck who knows the missing sailor also knows that he is a "trouble maker" who will try anything to transfer off the ship. The OOD informs the Commanding Officer, suspects that the malcontent is hiding and recommends that the ship should continue on its mission. The Captain accepts the advice, the ship proceeds on the ordered course, and the disgruntled sailor shows up a few hours later trying to inconspicuously eat breakfast.

There were a number of considerations that went into making the judgement not to
search for the man overboard. By contrast, similar circumstances with the same decision could be disastrous. Another sailor, a gunnersmate, later is reported late for a watch. The Officer of the Deck is the same one as when the engineer was reported missing. As the young officer scanned the situation he recognized similar events: a young sailor is new to the ship, the ship is at sea operating long and arduous hours. The sea and wind conditions are calm. There seems to be no way for the sailor to have fallen overboard unless he jumped. Fresh in the Officer of the Deck's mind is his correct evaluation of the other missing sailor. The young officer, heady with success, decides to continue on course and speed. But this time he is wrong! The gunnersmate was not a malcontent. The new sailor became disoriented on deck after dark, tripped and fell overboard. The officer's perceptual judgement became fixed. He scanned a similar situation and left out critical information. Because of this rigidity, he made the wrong decision.

Through experience and listening to other viewpoints, the officer learns different ways of reading a situation. Repetition and habit form the process that produces the habit of perceiving which leads to the ethical consideration. Once the ethical consideration is formed, the correct decision can then be made on the basis of a detailed deliberation about means to that end.

II. Moral Excellence.

In Book II of the Nicomachean Ethics, Aristotle concludes that moral virtue aim at the median. Moral virtue is concerned with emotions and actions, and in these actions and emotions we find excess, deficiency and the median. "But to experience all this at the
right time, toward the right objects, toward the right people, for the right reason, and in
the right manner - that is the median and the best course, the course that is a mark of
virtue. There are many ways to be evil, to do bad or wrong things. However, there is
only one way to be good, and that is by following the median relative to oneself in each
situation.

There can be no moderation of deficiency. Aristotle says that some actions and
emotions are just naturally based. There can be no mean, no moderation in adultery,
murder or cowardice. Virtue is the mean; the “right” is a balanced position for one in that
situation. Either excess or deficits are vices. These dispositions oppose one another.
Whereas courage is recklessness to a coward, and cowardly to a reckless man, these two
extremes oppose each other more than they do the mean. Some extremes can resemble
their mean, as sometimes recklessness can resemble courage. But cowardice resembles
neither one.

The officer who seeks the mean first has to avoid the extreme. Sometimes, when it
is too difficult for us to hit the mean, Aristotle says, “we must sail in the second best
way and take the lesser evil.” All men must watch the errors that have the greatest
personal attraction for us. We must pull away from pleasures and straighten ourselves, as
we would warp timber. Where we need straightening, pain tells us we are pulling away
from passive errors or bad habits.

While there is an accepted moral strength, its opposite is moral weakness. The
akrates is the morally weak man. In Book VII, Aristotle discusses moral weakness and

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
its problems. The differences between the self-indulgent man and morally weak one, is that the self-indulgent person is led by his own choice, pursuing pleasure. The morally weak man does not think he should pursue the pleasure, but does so anyway. “In relation to the characteristics possessed by most people, moral weakness and moral strength (are) at the extremes. For a morally weak person is less steadfast than the capacity of most men permits.”

Courage is another case of moral excellence, between cowardice and recklessness. Aristotle speaks of the courageous person as a dauntless human being. “Hence, he will fear what is fearful; but he will endure it in the right way and as reason directs for the sake of acting nobly: that is the end of virtue. A coward, a reckless man, and a courageous man are all concerned with the same situations, but their attitudes toward them are different.” This is significant because it differentiates between the brave and the merely insane.

“Reckless men are impetuous, and though they are eager before danger comes, they keep out of it when it is there: courageous men, on the other hand, are keen in the thick of action but calm beforehand. Courage, is a mean concerning matters that inspire confidence and fear.” The reckless man, the hero who is courageous, and the coward are all involved with similar facts, perhaps even the same situation. While the impetuous person may initially seem heroic, he may be putting his people (a large number of people) at risk. For example the John Wayne character in the movie “The Sands of Iwo Jima”, risks his life to drop hand grenades into a Japanese machine gun nest that his squad pinned down. He runs head long into the machine gun; bullets dance at his heals while he navigates the
dangerous incline. Afterward, he retrieves his weighty backpack (which he removed for speed), and tells his men to “saddle up”, even though they are Marines slugging through the Pacific, not the U.S. Cavalry. The timid leader would still be bogged down by that machine gunner. Unable to make a decision, perhaps paralyzed with fear, the timid leader would wait for orders to proceed or hope that some other development would intervene. As a result, many of his troops would be exposed to enemy fire because no positive action was taken. The fear is real, but the responses to it vary-facing it, turning from it, or acting with false bravado.

As a Task Force Commander during the Cuban blockade, Rear Admiral Thomas Bulkely, a Congressional Medal of Honor winner, was once asked in a personal radio message by a subordinate ship’s commanding officer for amplification of his orders to blockade Cuba. Admiral Bulkely replied further guidance would arrive with that officer’s relief. The indecisive ship captain quickly decided that he knew plenty about blockading Cuba. The courageous person through his actions will strike the mean between cowardliness and recklessness.

III Deliberation.

Deliberation is the procedure we bring up when we can take time to consider how to act. It is the process of taking time out to go over things, in terms of causality in means to ends. Deliberation is the process aimed at making a decision. The U.S. Senate, the House of Representatives, or a jury are all deliberative bodies. A deliberative body receives testimony, gathers information, edits and digests information. Then they ask
themselves how to put it all together? Deliberation is the process by which intelligent people ponder before they choose which act works the best means to the end.

Aristotle says that deliberation begins in the individual. It deals with the means to the end. Individuals deliberate as to how to get from “point A to point B”. It is this process, deliberation, which has everything to do with the military! It does not mean taking time out. Quite the contrary! Excellence in deliberation means being so practiced at the discipline of deliberating, that choices can be made and decisions rendered with practicality and in split seconds when necessary.

This discipline can be cultivated, Aristotle says, as a habit at the level of virtue (excellence). Practicability must connect. There must be causality. If our mission requires us to get from “A” to “D”, then one must know how to get from “A” to “B”, “B” to “C”, “C” to “D”, etc. The experienced deliberation may seem effortless, as when the decision is made in a microsecond. Yet this quick decision is well made if the person has developed this excellence of character. It meets some moral criteria; but Aristotle does not confine this causality to right or wrong.

For our society, scientific causality is not usually judged by terms such as “right or wrong”. In his Ethics, Aristotle talks about practical wisdom, right, and wrong, and how they relate. How does casualty enter in to ethics, then? The overriding question is what is the best end we can attain in any given situation, with a limited number of facts? Aristotle studies action as voluntary and involuntary, and how it relates to deliberation resulting in choice. He does not address this question in the abstract. Choice can be
rational. It is voluntary. It involves reasoning and reflection. Therefore there is no excuse for ignorance. "Ignorance in moral choice does not make an act involuntary - it makes it wicked; nor does ignorance of the universal, for that invites reproach; rather, it is ignorance of the particulars which constitute the circumstances and the issues involved in the action."

For example: How do we straighten out the problem sailor who has potential? Deliberation would consider the means to this end. We would address the problem of perception, both ours, and that of the problem sailor. The initial question to ourself (and probably to others) is, what is going on? The deliberation would include "how would we reach the good outcome?" What is the result that we would want to realize? The means would include, at a minimum, talking to the troubled subordinate, his/her supervisor, and any other individuals who could supply pertinent information about the problem. What are the alternatives that are at our disposal? What limits are placed on our authority by Navy Regulations or the Uniform Code of Military Justice (UCMJ)?

Deliberation is not confined just to an ethical concept. The proper solution, the "right or just" response includes all the available sources of information that we have at our disposal. The scientific, technical, historical factor, etc. cannot be separated from each other. This is not a compartmentalized world. "To have character requires integration of different ends and interests in a unified life over time. As such, choice-making will not simply be a linear process of promoting the means to simple ends in the light of other ends, where overall fit and mutual adjustment of ends will be as important
Aristotle's Book Six is the linchpin, connecting practical with theoretical wisdom. “Practical wisdom is a truthful rational characteristic of acting in matters involving what is good for man.” Theoretical wisdom on the other hand, “must comprise both intelligence and scientific knowledge.” They can be discussed separately. A person can be strong in one and weak in the other. But if a person seeks practical wisdom, then even though that person may not discover scientific knowledge, it will be sought and found from others when it is needed in order to deliberate effectively.

IV. Wisdom.

Aristotle stresses that we must choose the mean, because that “is what right reason dictates.” He then explained that there are three elements in the soul that control action and truth: sense perception, intelligence, and desire. If the choice is to be good, the reasoning must affirm what desire pursues. Earlier in this chapter we addressed the skill of perception. Scanning is the active art of perception. It is by no means passive. When an officer scans a situation, he/she is incorporating the surrounding actions while filtering the important events from the less important. As we have seen, this appraising or scanning skill must be cultivated.

To become practically wise you must experience life. Practical wisdom is not taught. You cannot teach good judgement. You can, however teach seamanship, airmanship, or navigation skills through training and the study of mistakes. But when to outrun a hurricane or take an extra approach while landing on a pitching and rolling deck at
sea can only come about after experiencing life at sea and in the air. In our day to day reality, practical wisdom cannot be separated from theoretical wisdom. Theoretical wisdom can be taught by a lesson plan such as when teaching mathematics. But practical wisdom is judgement, and good judgement is something that is learned, refined, and improved upon over time.

Intelligence is the second element in the soul that controls action and truth. “Choice is the starting point of action. The starting point of choice, however, is desire and reasoning directed toward some end. That is why there cannot be choice either without intelligence and thought or without some moral characteristic; for good and bad action in human conduct are not possible without intelligence and thought or without some moral characteristic; for good and bad action in human conduct are not possible without thought and character.”

Practical wisdom is a truthful characteristic of acting rationally in matters good and bad. Production has an end other than itself, but action does not: good action is itself an end. That is why we think that Pericles and men like him have practical wisdom. They have the capacity of seeing what is good for themselves and for mankind, and these are, we believe, the qualities of men capable of managing not only troops but the responsibilities of state.

A modern day Pericles could be Generals Colin Powell or Norman Schwarzkopf. They exhibited all the traits of excellence. They are so highly respected that both have been mentioned for high office including the senate, the cabinet, and even the presidency.
While every officer may not have the talent or opportunity of a Colin Powell or Norman Schwarzkopf, they can emulate them by striving for practical wisdom. Not only career officers, but also every officer needs to be more perceptive. They must have a moral foundation and actively seek the right thing. They must hone their deliberative skill in peacetime, so they are prepared in crisis and war. The effort to achieve excellence must be their daily routine.

It is absolutely essential that the professional officer has a strong moral foundation and seeks the good. However, those in government who make foreign and domestic policy do not always appear to strive for excellence. What does an officer do when the government does not keep its part of a bargain? What is necessary for a military and government to keep a covenant? In the next chapter we will explore a situation where the federal government changed the rules for thousands of military people.
ENDNOTES

1 Aristotle, 098a 15-18.
2 Sherman, The Fabric of Character, 6.
3 Ibid., 30.
4 Aristotle, 1106b 20-23.
5 Ibid., 1109a 35-1109b 01.
6 Ibid., 1152a 24-27.
7 Ibid., 1115b 11-14, 1116a 5.
8 Ibid., 11162 6-10.
9 Ibid., 1110b 30-35.
10 Sherman, p.6.
11 Aristotle, 1140b 20-21.
12 Ibid., 1139a 25.
13 Ibid., 1139a 30-35.
CHAPTER 3

BROKEN COVENANT

"I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense." This is the first of six articles of the "Code of Conduct," an oath that has been memorized by millions of U. S. servicemen and servicewomen over the years. The code addresses: surrender, conduct if captured by the enemy, an obligation to attempt escape, and death when fighting in defense of our nation.

The Department of Defense (DOD) is a large operation with an appropriately large budget. While DOD employs over one million people and has similar characteristics of any large corporation, there are some distinct differences from other enterprises. The Department of Defense is not a profit-making corporation. Its purpose is to provide for the national security of the United States. It does not manufacture automobiles or health products.

In the course of their employment, some members of the armed forces may be required to sacrifice their lives. Due to the demanding and hazardous nature of this work, the typical military career lasts between twenty and thirty years. A minimum service of
twenty years is required for a service member to receive a pension. The prospect of receiving a fixed income for life beginning approximately at age forty, has been a most appealing aspect of this plan. Military retirement also includes limited health benefits, and commissary (grocery) and exchange (department store) privileges. This gives retirees some flexibility as they begin second careers.

Since the recent demise of the Soviet Union and the global Communist threat, the need for maintaining a large standing armed service has been debated feverishly in Congress and in many public policy forums. All branches of the armed forces have been downsizing. The Department of Defense is separated into the Army, Navy, Air Force, and Marine Corps. The Department of Transportation is the cabinet level agency that is responsible for the Coast Guard. This down-sizing process is being accomplished by several methods: decreased recruiting, forced retirement for many senior officer and enlisted personnel, reduced eligibility for reenlistment, and non-voluntary separation for many mid-grade enlisted personnel and officers. The Selected Early Retirement Board (SERB) selects senior and mid-grade officers and forces them to leave the service. It is an unpleasant, but accepted method of reducing officer Manning.

Since the early twentieth century, an implied contract was generally understood to exist between the service member and the government. For answering the call in times of crisis, or for standing sentinel during times of a violent or unstable peace, the career military person would eventually be rewarded by a grateful nation with a modest pension. But in order to reach Congressionally mandated reduced end strength; many career personnel are now or have been forced to leave the service. This means that many people
who had planned to serve at least twenty years of duty service are forced to find other employment. Those separated before the twenty-year point may not receive a pension.⁶

The problem to be examined in this chapter is the personnel policy of the Department of Defense concerning the lack of adequate pension protection, now that protection has lessened, and the loss of fair treatment of employees (service members) who are without recourse as they lose their retirement protection. The nature of the service rendered by someone in the armed forces goes beyond standard employment. Because a soldier or sailor may have to give their life in the course of duty, the bond between those serving and their government is greater than the usual employee-employer relationship. It should, I shall argue, more closely resemble a covenant or mutual bond.

Specific ethical considerations to be examined include employer (government) lying to employees (Soldiers, Sailors, Airmen, and Marines), and policy manipulation to adjust to changing circumstances by changing the rules. In the 1970's, Congress changed many of the existing laws applying to the promises made to service members in previous years.⁷ Now, unfortunately, in the 1990's, Congress is doing it again. In evaluating this problem, I will argue that while much attention is given to the conduct of the warrior, the government has an obligation to take care of the military professional and his dependents.

In the second book of his Republic, Plato has Socrates and Glaucon discuss those he calls the “Guardians.” They are the soldiers who guard and protect the state. Socrates and Glaucon conclude that the Guardians should “...be dangerous to their enemies but gentle to their friends,” the citizens of the Republic.⁸ Chapters One and Three address military behavior; in this chapter I will address the government’s obligation.
In Book One of the *Nicomachean Ethics*, Aristotle states that “the end of politics is the good for man.” He goes on to say that to secure good for a nation and for states is “nobler and more divine.” He means by this that those in charge of the state have a responsibility to all. The good of an individual does not override the greater good for the state. However, by treating classes of society and individuals fairly, the greater good is realized. It is the responsibility of the government to support those who protect it and society. I will show that this view is supported hundreds of years later by nineteenth century Utilitarian-philosopher John Stuart Mill. Then I will briefly contrast them with the Free Market Economy views of economist, Milton Friedman.

A person is designated as "career personnel" in the Navy when they have attained the grade of Petty Officer Third Class (E-4) or above, with eight years of active service. An officer must reach the rank of Lieutenant Commander (O-4) or above, to enable the officer to become eligible for retirement with pay. I am seeking that the greatest good be accomplished with *fair and equitable* treatment.

Throughout American history, the armed forces have grown in time of war and conflict. After every armed conflict Americans have sought and received a reduced armed force. Today is no exception. With a preponderance of domestic social ills and no imminent threat to the United States on the horizon, American taxpayers are demanding that Congress reapportion the national budget. There is much discussion to spend a "peace dividend" on social legislation and non-military projects. The Department of Defense, as directed by Congress, continues to reduce the number of people in uniform. Bases are closing, and ships as well as complete air wings are being decommissioned.
As the force reduces in size, many people who have invested between eight and eighteen years of service are finding themselves without the security that was the traditional trademark of a military career. This belief was based on statutory law for those who served, and the implicit understanding that those who served honorably would "get their twenty" and with it their pension. For example,

Officers in the grade of O-4: who twice fail of selection for promotion to a higher grade and, if not on a promotion list to a higher grade, shall be given an opportunity if qualified (to) be Honorably discharged. Discharge will occur not later than the first day of the month after the month in which the officer completes twenty years total commissioned service. Discharge will be deferred for up to five years, if necessary, to enable the officer to become eligible for retirement with pay.12

Men and women with families, mortgages, and other responsibilities, are now finding that the low pay, frequent relocation, and demanding separations ranging from two weeks to thirteen months at a time, have not been worth the hardships, family adjustments, and inconveniences for the promise of a better life. This drawdown has been brought about by the rapid change of world events. The large standing conventional forces that were on guard to stop the Soviet Union from expanding are no longer necessary. As former Chief of Naval Operations Jeremy "Mike" Boorda stated in several addresses to the fleet, the world is still a dangerous place."13 But the forces needed to battle terrorism and intervene in third world countries are different than those required to be used against a large traditional power like the former Soviet Union and Warsaw Pact countries.

The people, through Congress, are forcing the Department of Defense to reduce
the armed forces. Equipment and personnel are being eliminated. Only the best-qualified people, most up-to-date equipment and cost efficient weapons are to be retained.

Alternatives to being retained until the twenty-year mark are being offered by the Defense Department. Although they are creative, they fall short of what had previously been offered. For the disenchanted youngster on his or her first enlistment, the "early out" is offered. This option allows the first term member to leave the service prior to completing their obligated service. They are given no financial incentive. For many of the disgruntled, separation and discharge, that is to say, what they consider their 'freedom' is enough incentive.

Two "Exit Bonuses" are offered for those with at least eight years service. The Special Service Benefit (SSB) is a one times lump sum payment that is based on the exiting person's rank and time served. The Voluntary Separation Incentive (VSI) is a longer-term program, also based on rank and longevity, which would be paid over a sixteen to twenty year period. While both plans offer some initial monetary relief they fall short of the financial security desired by most people in their older years. While eventually these bonuses will be cheaper than the long term pension and benefits, the short-term demand is staggering.

In 1994, the DOD authorized limited, (less than twenty year) retirements. The Navy version is called TERA (Temporary Eligible Retirement Authority). TERA is not entitlement but a force-shaping tool that has been authorized by congress for service use through Fiscal Year 1999. The requirement is service greater than fifteen but less than twenty years. While this is a fairer approach than the two exit bonuses, there is still a
penalty formula if you accept this plan. One tenth of one percent is deducted from the percentage of your base pay for every month that is less than twenty years.

Still, the TERA is the only less than twenty-year retirement available to service people. One can receive a reduced albeit lifetime annuity, some severance package or simply go home. The idea that there is an “offer and acceptance” or any kind of real choice is ludicrous. When faced with the above options, one makes the best of a bad situation, and takes the reduced retirement. To tell the American public or armed forces personnel that there is any freedom to choose is equivalent to a “Hobson’s Choice.”

Another short-term effect of the drawdown is the negative influence on morale. “Military people usually have an automatic support group, but with the drawdown, many feel they will look like quitters if they discuss their worries.” Headlines in military newspapers report "military families (are) under stress because drawdown effects are uncertain." With this uncertainty it is difficult to keep a fighting force mentally prepared for arduous missions, when their primary concern is how they will pay their bills and care for their loved ones. There is still anxiety over who will be part of the reduction in force (RIF).

Most people being affected by the drawdown are not substandard performers. The smaller force simply requires fewer officers to man the fleet. In other instances people with skills such as boiler technicians, those who actually operate fossil fuel boilers, have little usefulness on a ship that is propelled by diesel or gas turbine generation.
A covenant is a long and deep moral tradition. It is defined as “a solemn and binding agreement derived from the Bible’s covenant between God and man.” God made the first covenant with Abraham. God would make Abraham’s descendents, the Jews, the chosen people if they would worship Him. God made a covenant with Noah after the great flood. God told Noah that He would never again destroy the world by water. And God promised Moses that He would lead the Israelites out of bondage when they were slaves in Egypt.

A covenant is more than a contract where you do ‘x’ and I’ll do ‘y’ as in a deal. It is not just a ‘quid pro quo.’ A covenant is a long lasting bond, which creates and keeps the faith and trust of one person with another. Until now, regulations had explicitly stated the requirements for a twenty-year retirement. The implicit moral understanding, however, had been “keep performing well and we will take care of you.” The regulations set forth a binding, two-way relationship of performance and trust—a covenant.

Custom, tradition, and loyalty bind most military people. There is a bond that develops among them that is different from those in the daily civilian workforce. That particular feeling is extended to the government. The troops will be loyal and fight the wars. The government in turn will reciprocate by fulfilling its part of the bargain. In this case, it is the awarding of a pension after twenty years or more of faithful service.

That the government will take care of its’ veterans, and if need be, the veterans’ survivors has long standing in our history. This feeling was expressed by Abraham Lincoln in his second inaugural speech. He addressed to the people of the Republic that it was time for reconciliation and binding the wounds of the war. Lincoln said the
government had the obligation "to tend to the soldier's widow and to his orphan."\textsuperscript{18} The women and men who have served through the Cold War, Bosnia, Haiti, and the Desert Shield and Desert Storm campaigns deserve no less than those of our Civil War.

\textit{Friedman.}

From the vantagepoint of economist and author, Milton Friedman, there is no dilemma here. In his view the corporation has no responsibility to anyone except the shareholders. The taxpayers are the shareholders. "There is one and only one social responsibility of business - to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game."\textsuperscript{19} If the services are like a business, and saving money is like "profit", then the only moral obligation of the government is to the taxpayers. Profit maximization is the name of the game in Friedman's view. The taxpayers should get the most for their money. If a military force is reduced in size, and is still capable of performing its mission, (that is, defending the United States and her interests) then why pay more for surplus people?

World events have altered circumstances requiring large military cutbacks. The corporation (Department of Defense) has limited financial resources. It should spend its resources as prudently and efficiently as possible. The Defense Department should compete to get the most talented people. Those who are not competitive anymore should seek employment elsewhere.
Utilitarianism is the moral doctrine that we should always act to produce the greatest possible balance of good over bad for everyone affected by our action. For John Stuart Mill the maximization of happiness ultimately determines what is just and unjust. In this case, it would be unjust to disenfranchise a group of people who have worked toward the goal of attaining a pension. Justice would not be served by granting them anything but the full pension. Mill might argue that discharging capable people from the service would have several negative results. First, the discharged members will feel as if they had been lied to. Secondly, those remaining on active duty will have low morale and be suspicious of their government, since they too could be victims later. Thirdly, with low morale and suspicion operating in an armed force, its effectiveness would be decreased, if not destroyed. How then, could the common good be served if the military is disgruntled and not reliable?

In Book Five of the *Nicomachean Ethics*, Aristotle discusses Justice. He says that justice is either distributive or rectificatory. Distributive is fairness, the same for all. Rectificatory is each case considered separately, if or when the spirit of the law calls for a different treatment because of a particular case. Aristotle speaks of justice being about benefits and burdens; about each person in the community/state having a share in both.

The just policy according to Aristotle is that when a larger share of the burden or risk is expected, as with a military person, then too, a larger share of the benefit should be expected. "The Navy is steaming into the next century with too few ships to meet the demands of a world in turmoil. And sailors are already paying the price by spending more time at sea." A just policy is not merely a system of "bean counting," but a just
share of the benefit in relation to the share of burden (namely the risk of dying on duty).

The first (1) thing we could do is allow all career personnel who desire to continue on active duty, money would not have to be spent on separation bonuses. This would mean maintaining a force with stable morale, and a proven record of reliable performance.

Secondly (2) for additional savings, the promotion rate could be slowed. This would allow personnel to accept greater levels of responsibility but receive no increase in salary.

Thirdly (3) require senior officers who have reached the twenty-year mark to retire. This would allow more people to retire on a pension, rather than creating a system of those who have and another of those who have not.

Four (4) to maintain a low accession rate into the service, we could reduce commissioning sources\textsuperscript{32} and restrict entrance into service academies. Fifth (5) we could restructure retirement benefits beginning with new recruits and newly commissioned officers. We could create a retirement plan that subtracts the members' contribution through payroll deductions and is matched by the government. This would reduce payments in the future. It could also provide a pension fund that could be “cashed in”, should a person desire to leave the service.

The exit bonuses being offered to service people today are not in keeping with the implied covenant under which they came onto active duty. The understanding was that a career was certain if one performed up to standards. I do not believe that the nation's defense should be determined by “market-like” conditions. The analogy of the Department of Defense to a private corporation is flawed. Where a corporation is responsible only to shareholders, our government has certain responsibilities to all the
people. The Constitution of the United States grants the federal government the authority "to declare war, to raise, support, and make rules for the regulation of an army and navy." If the government is to protect the people, it must present a fair cost for doing so to those people to pay for their own sake. Aristotle said that justice means a fair balance between burdens and benefits. If we want the benefits of having a safe country, then we must want the burden of paying what it costs to keep the covenant between the people and their military. This can only be done by a government with policies that are just.

I also believe that a government (Department of Defense) should not lie to its fighting force. The general good cannot be maintained with an army or navy that is more concerned with paying bills than with performing its mission. For example, the commissaries and exchanges are once again under attack. In testimony before Congress on March 3, 1998, Army personnel chief Lieutenant General Frederick E. Vollrath said, "We need to guard against giving the impression that key benefits are under attack, especially in today's environment where soldiers are more deployed and more involved than they've ever been." With this lack of support, perceived or real, it is hard to keep the troops focused on the mission.

Mill's theory of justice states, "whether the injustice consists in depriving a person of possession, or in breaking faith with him, the supposition implies two things: a wrong done, and some assignable person who is wronged." A covenant is a trust. To break that trust is to undermine the foundation on which our armed services rest. If faith is broken, the service person is the one who is wronged, and the government is the
wrongdoer who has broken the covenant.

Regardless of politics, good soldiers/sailors continue to serve, although it is getting more difficult. This was evidenced recently when in testimony before Congress, Mrs. Sylvia Kidd, wife of the former Sergeant Major of the Army, said she is trying to talk her son out of going to Officer Candidate School. Kidd said, “We hear a lot about quality of life and supporting troops, (but) we don’t see much action in reality.” If the attitude of someone who supported the Army for over thirty years is this bad, then those who are unscrupulous or apathetic will be no better.

In Chapter Four I will explore the relationship of law and morality to the military profession.
ENDNOTES

2 The Bluejackets’ Manual, 194.
4 In time of war the Coast Guard comes under the Department of Defense.
5 Secretary of the Navy Instruction 1900.7G.
6 The Bluejackets’ Manual, 194.
7 Navy Times, 7 May 1993.
9 Aristotle, 1094b 6.
10 Nicomachean Ethics, 1094b 10.
11 Navy Regulation
12 NAVADMIN 248/97.
13 Admiral Mike Boorda, quoted in Navy Times, 11 June 1994.
14 CNO message NAVADMIN 161343ZMAR98.
16 Hobson’s Choice: the choice of taking either what is offered or nothing; after Thomas Hobson (1554-1631) who rented horses and gave his customer only one choice, that of the horse nearest the stable door.
20 John Stuart Mill, Morality, Philosophy, and Practice, 419.
22 In 1996 the Navy consolidated officer candidate schools from Newport, RI and Pensecola, FL to just Pensecola.
23 Constitution of the United States.
25 Mill, 430.
CHAPTER 4

THE RELATIONSHIP BETWEEN THE LAW AND MORALITY

We have looked at the development of character and practical reasoning for the naval officer. To strive to have practical wisdom is a constant struggle. It entails moral questions and doing the right thing. While a professional warrior seeks good moral character, we saw in Chapter Two that those in the government we defend do not necessarily do so. It is vital that the professional warrior seeks the moral path.

From the dawn of human history, there has been armed conflict. No matter how rudimentary the combat, norms of accepted behavior evolved and were honored. As time progressed, it became necessary for some cultures to maintain a warrior class. Plato in his Republic spends much thought on the development of character necessary for the guardian class. Those who hold the weapons of destruction must be able to be trusted. Aristotle also discusses the merits of virtue and character. St. Augustine, in his work, The City of God, explains the items necessary to make a war "just". Eight hundred years later St. Thomas Aquinas in his work, Summa Theologica, echoed and reinforced St. Augustine's views.
As warfare developed with the change of time, the instruments of destruction grew fiercer. Today, intercontinental ballistic missiles with nuclear warheads cast a grave shadow on the world. It is a vital matter of survival that those entrusted with these doomsday weapons be persons of practical wisdom and strong character.

Over time, guardians of the peace have had their roles redefined. Goals for the armed services have changed through peace, war, and the violent peace of the post-Viet Nam era. It is essential to the services that their leadership has a clear purpose including a core value system of conduct, and the tools to accomplish the mission. But what of this code of conduct, these rules of behavior? Are they founded in statutory law, in tradition, or simply in the belief that "good order and discipline" make sense?

In 1946, when General Douglas MacArthur confirmed the death sentence imposed by a United States military commission on General Tomayaki Yamashita, he said, "The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. It is the very essence and reason for his being. When he violates this sacred trust, he not only profanes his entire cult, but threatens the very fabric of international society. The traditions of fighting men are long and honorable. They are based upon the noblest of human traits-sacrifice." MacArthur talks about tradition, honor, and a sacred trust. It is the scope of this chapter to study the relationship between tradition, morality and what we call the "law".

The two classical theories of law that are to be examined, are the Natural Law theory and Legal Positivism. Natural Law is both essentially connected to and grounded...
in a "natural moral order", that is, principles and standards not simply made up by humans but rather part of an objective moral order present in the universe and accessible to reason. By contrast, Positivism holds that the legality and morality of a rule are distinctive and separate issues. It does not follow that because a statute or an ordinance is legally valid, that it is also morally good or right. A legal system is valid because it exists (or is counted as legitimate by its people). It does not have to "exhibit some conformity with morality or justice", nor does it have "to rest on a widely diffused conviction that there is a moral obligation to obey it." It could be based on force and fear.

A claim of the Natural Law is that it is "accessible to human reason". Aristotle differentiated between speculative reason (that capacity we have as reasoning beings to apprehend fixed truths e.g. mathematics or geometry), and practical reason (that which is concerned with contingency and human action). Practical reason notes what things we should value, what we should seek in life. Aristotle then defines the spoudaios or person of high standards, as one who exhibits moral excellence, springing from choice, according to a mean relative to oneself. This is a person practical wisdom. It is this practical wisdom that is the essence of strong moral character.

St. Thomas Aquinas, writing in the thirteenth century defines the four distinguishing types of law,

"...eternal, divine, natural, and human. Eternal law represents God's overall plan for the universe. Divine law was for Aquinas the revealed word of God, the principles revealed by Scripture. Divine law is necessary, so Aquinas thought, because human beings have a supernatural..."
destiny to which we must be guided, our native intellect being inadequate to reveal to us the nature of this destiny and how to secure it. We, by contrast with eternal and divine law, create human law, for the purpose of carrying out the requirements of the natural law. What then is the natural law? Aquinas argued that since all things are subject to divine providence and thus are "ruled and measured" by eternal law. Aquinas believed that humans, as rational beings, occupy a special place in God's eternal plan, in that we can understand eternal law as it applies to us and can allow that understanding to guide our conduct. Eternal law as it applies to human conduct Aquinas calls "natural law."^5

The thread running through this pre-Christian and Christian teaching is that a global standard of good exists in the universe and that human reason can discern it. Whether codified or not, some actions are simply not acceptable as human conduct. There is right and wrong, and most people understand that they exist. Since the beginning of organized warfare, certain rules have evolved. Non-combatants, primarily the very young and old, women and children were not subject to slaughter (although they were part of the spoils when captured and usually enslaved). And while these rules of war were eventually written as treaties and conventions, unwritten rules of conduct governed fighting men for centuries.

Positivism came into its own as a distinct and well formulated legal theory in the late eighteenth and early nineteenth centuries. Jeremy Bentham and John Austin, both British philosophers, thought that central to legal theory was "the conviction that law as it is, is not necessarily law as it ought to be". It does not follow "that because a statute or an ordinance is valid law it is also morally good or right. The fact of it being the law does not guarantee this."^6 The morality and legality of a rule are distinct and separate. What
came to be called the "separability thesis" led to the sharp distinction "between the task of giving an accurate, descriptive account of what is law in - "expository" or "analytical" jurisprudence - and the task of evaluating the law morally, stating what it ought to be - "censorial" or "normative" jurisprudence."

The core of John Austin's positivism is law as a command by the sovereign. Subjects have an obligation to obey the rules of the sovereign. These rules may be "obligations backed by threats." However, they are commands, and to disobey them, one runs the risk of facing sanctions. Austin does not accept custom as law until it has the weight of a court behind it. He believed law can be immoral but it is still law. Your legal duty is to be obliged because you fear the sanction.

Hans Kelsen is probably the most influential legal philosopher of the twentieth century. Kelsen maintains his theory of law to be "pure in two senses: (1) the analysis of 'legal norm' is independent of any conception of just law and of any ideological considerations; and (2) the study of political, economic, or historical influences on the development of law and sociological study of legal institutions are held to be beyond the purview of an investigation of the nature of law as such." The basic norm is not a Positive norm. The basic norm is not itself man-made, but a hypothetical, presupposed norm. The basic norm is a sanction-stipulating norm. Law may have any content. "A concept of law whose extent roughly coincides with the common usage is obviously to be preferred to a concept which is applicable only to a much narrower class of phenomena." Kelsen concludes by writing that the basic norm is not valid because it has been created in
a certain way, but its validity is assumed by virtue of its content. It is valid, then like a
norm of natural law, apart from its merely hypothetical validity. The idea of a pure
positive law, like that of natural law, has its limitation.¹⁰

H.L.A. Hart writes, "the dichotomy of 'law based merely on power' and 'law
which is accepted as morally binding' is not exhaustive. Not only may vast numbers be
coerced by laws that they do not regard as morally binding, but it is not even true that
those who do accept the system voluntarily, must conceive of themselves as morally
bound to do so. However the system will be most stable when they do so. There is
indeed no reason why those who accept the authority of the system should not examine
their conscience and decide that morally they ought not to accept it, yet for a variety of
reasons continue to do so."¹¹

Where do these two theories of law leave the modern warrior? The twelfth
century compiler of common law, Gratian, wrote "the soldier who kills a man in
obedience to authority is not guilty of murder". However, the defense for only following
orders was defeated at the Nuremberg trials. Armed with the classical positivist theory of
law, many of the Nazi defendants sought to escape liability by urging on various grounds
that, whatever else it was doing, the Tribunal could not be conducting a properly "legal"
proceeding or enforcing the law, since there could be no law to enforce.¹² The
International Tribunal rejected this.

Largely men, who fought in them-military men, have developed the laws of war.
The principles concerning the moral or legal legitimacy of war itself, on the other hand,
have been by the work of theologians, jurists and in more recent years, of diplomats. It was St. Augustine of Hippo (AD 354-430) who first enunciated the doctrine of "just and unjust wars". The names of two ministers for foreign affairs, Frank B. Kellogg of the United States, and Aristide Briand of France, are attached to the 1928 Pact of Paris which condemned "recourse to war for the solution of international controversies."

The Emperor Constantine's official toleration of Christianity (AD 312) and deathbed conversion (AD 337) foreshadowed a great change in the Christian attitude toward war. A Christian empire and a Christian army defending the nucleus of the civilized world against heretics and vandals created an atmosphere more favorable to the conception of a holy war waged by a chosen people than did a pagan empire persecuting a Christian minority. St Augustine then emerged as the authority on Christian doctrine concerning war and peace.

Augustine's distinction between "just" and "unjust" wars was based on reference to general ethical standards. "True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or casualty, but with the object of securing peace, of punishing evil doers, and of uplifting the good." He condemned the Roman wars of conquest: "To make war on your neighbors, and thence proceed to others and through mere lust of dominion to crush and subdue people who do you no harm, what else is this to be called than robbery on a grand scale?" On the other hand, it was wholly possible "to please God while engaged in military service." According to the Bishop of Hippo, the true aim of a just war is peace, so that "after the resisting nations
have been conquered, provision may more easily be made for enjoying in peace the mutual
ban of pity and justice."

St Augustine's writings were approved and elaborated upon by the medieval
teologian St. Thomas Aquinas (1225-1274) in his writing, Summa Theologica. "In order
for a war to be just, three things are necessary. First, authority of the prince, by whose
order the war is undertaken; for it does not belong to a private individual to make war,
because in order to obtain justice he can have recourse to judgement of his superior. But,
since the care of the State is confided to princes it is to them that it belongs to bear the
sword in combat for the defense of the State against external enemies. In the second place,
there must be a just cause; that is to say, those attacked must, by a fault, deserve to be
attacked. In the third place, it is necessary that is to say that they propose to themselves
a good to be effected or an evil to be avoided. those who wage wars justly have peace as
the object of their intention.""}

The Dutch scholar and diplomat Hugo Grotius (1583-1645) has been commonly
called the "father of international law." Although his study, Concerning the Law of War
and Peace are largely derived from his Catholic predecessors, the Protestant writer is
quoted more by lawyers in recent times. His work invokes the individual conscience
rather than churchly authority.

In 1919 at the Paris Peace Conference, a Commission on Responsibilities of
Powers, found the Central Powers of World War I (Germany and the Austria-Hungarian
Empire) to be guilty of conduct which the public conscience reproves and history will
condemn. "But as a legal matter, the commission declared that 'a war of aggression may not be considered as an act directly contrary to positive law, or one which can be successfully brought before a tribunal.' The criminal provisions of the Versailles treaty were confined to violations of the laws of war only. "It was a necessary inference from such a determination that the offending government was guilty of a crime, though the covenant left untouched any questions of the criminal liability of the individuals, few or many, responsible for their government's unlawful act.

The Kellogg - Briand Pact was adopted by the League of Nations in September 1927, and signed in August 1928. It described "a war of aggression" as an "international crime" and declared that "all wars of aggression are and shall always be prohibited". The United States, France and forty-two other nations, including Germany, Italy, and Japan signed the treaty.

In 1945, the Allied powers, victorious over the Axis Countries, put the Nuremberg and Tokyo tribunals to work. The laws of war had been considered, compiled and codified in the HAGUE and GENEVA conventions, and enforced by courts-martial in the past; there was no substantial disagreement about their judicial enforceability. But the crime of engaging in aggressive warfare, what was termed the "crime against peace," had never been the basis of a charge or proceeding before. "Indisputably it was a cardinal part of the postwar policy of the United States government to establish the criminality under international law of aggressive warfare, and the Nuremberg and Tokyo trials were the vehicles by which that purpose was accomplished."
The defendants at Nuremberg were charged with the following:

**ARTICLE 6(a), CRIMES AGAINST PEACE:** namely, planning preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a Common Plan or Conspiring for the accomplishment of any of the foregoing.

**ARTICLE 6(b), WAR CRIMES:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

**ARTICLE 6(c), CRIMES AGAINST HUMANITY:** namely murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.  

Of the three principal criminal defenses raised at the Nuremberg Trials - the defenses of act of state, superior orders, and ex post facto law - two were expressly rejected in the Nuremberg Charter, and all three were rejected in the prosecution's arguments and later in the Tribunal's Judgement. To those skeptical of the legitimacy of the trials Stanley Paulson writes, the rejection of the defenses can be explained in terms of parochial political considerations (Allied policy); but cannot be justified on either legal or philosophical grounds. "Classical legal positivism rests on two fundamental doctrines, the command doctrine and the doctrine of absolute sovereignty."
How do war crime laws relate to the men and women of the United States Armed Forces? After all, the United States was the primary force in both the Nuremberg and Tokyo tribunals. Why would it be necessary for Americans to be familiar with the laws against war crimes except from an historical perspective? The answer is that the Uniform Code of Military Justice (UCMJ) says that one obeys only lawful orders. Adopted in 1944, the UCMJ replaced separate services’ particular guides for dispensing discipline. Commissioned officers give direct orders that are considered lawful; noncommissioned officers (army sergeants and navy petty officers) give lawful orders.

On March 16, 1968, American troops at the village of Son My (better but inaccurately known as My Lai) killed a large number of the village residents of both sexes and all ages. President Nixon remarked, "What appears was certainly a massacre, under no circumstances was it justified. We can never condone or use atrocities against civilians."21

It appears certain that the troops had been told to destroy all the structures and render the place uninhabitable, but what they had been told to do with the residents is not so clear. There was certainly nothing clandestine about the killings. About eighty officers and men went into the Xom Lang area on the ground. Above them, at various altitudes, were gunship observers and command helicopters. There was constant radio communication between the various units and their supervisors, and these were monitored at brigade headquarters. A reporter and a photographer from an Army Public Information Detachment went in with the troops and witnessed and recorded the course of events.
virtually from start to finish. The pilot of an observation helicopter, shocked by what he witnessed, reported the killings to brigade headquarters, and repeatedly put his helicopter down to rescue women and children who were wounded. He was, belatedly, honored for his military ethics in March 1998 when he was presented the Soldiers Medal at the White House. Command helicopters for the divisional, brigade and task force commanders were assigned air space over the field of action and were there at least part of the time.

Under section III of the Hague Convention of 1907, “Military Authority over the Territory of Hostile State,” the question of the status of Son My could have been decided. The issue would generally be whether the place where the challenged action took place should be regarded as "friendly" territory controlled by our allies, or "enemy" territory controlled by the Viet Cong. However, large parts of South Viet Nam were controlled by the Viet Cong and Son My could very well have been regarded as "enemy" territory in that sense at the time of the attack.

The four conventional requirements of the Geneva Convention that must be observed as traditional laws of war are: to be commanded by a person responsible for his subordinates; to wear a fixed distinctive emblem recognizable at a distance; to carry arms openly; and to conduct their operations in accordance with the law and customs of war. The Viet Cong commonly disregarded the requirement to wear distinctive items and openly carry weapons. They also declared to the Red Cross that they were not bound by the Geneva Conventions, on the grounds that they were not signatories.

There are also no special courts for juveniles; the small boy who throws a grenade
is as "guilty" as the able bodied male of military age. This may seem a harsh rule, but it is
certainly the law, and its continuing validity was reaffirmed in several of the Nuremberg
trials. One tribunal member stated, "We think the rule is established that a civilian who
aids, abets, or participates in the fighting is liable to punishment as a war criminal under
the rules of war. Fighting is legitimate only for the combatant personnel. It is only this
group that is entitled to treatment as prisoners of war and incurs no liability beyond
detention after capture or surrender."^22

In the domain of morals, Kant accepts from the beginning that we are subject to
and can be motivated by duty. Only those who are capable of morally legislating for
themselves are capable of moral obligation. They find a moral order because we ourselves
construct it, under universal and objective constraints that apply to any rational being.

How does this fit into the character of the professional naval officer? There is
acceptance of the Positivist thought that a law need not be moral to exist. If it exists, then
it is law. The soldier or sailor in combat however, must hold themselves to a higher
rights.) They are not guilty of murder if they kill other soldiers or belligerently. But they
must be able to resist the wholesale slaughter of innocent women and children, even in the
fog of war. The Natural Law that has guided warriors over time is still the guiding light
today. For Aristotle, as he repeatedly makes clear, excellence of character is a willingness
to act in whatever way practical reason requires, and the doctrine of the mean is part of
Aristotle's formal definition of excellence of character. Aristotle holds that excellence of
character is a disposition to feel and display the right degree of emotion on each occasion and as the occasion demands, and that this disposition is in a mean between being too much disposed and too little disposed to feel and display each emotion. For the professional officer, the strength of one's character coupled with the belief in the right should stand them in good stead when they are sent “in harm's way.”

It is evident that our young people must be drilled to perform in times of crisis and war. Their training must be so demanding that it minimize the possibility of a massacre. If a soldier or sailor is trained this way, then even more attention needs to be devoted to their leaders. Training is not limited only to the classroom or field exercise. While the junior officer seeks to grow in practical wisdom, immediate superiors teach much of the grooming. The captain of a ship has many responsibilities, among them the development of junior officers. In chapter IV we will see the impact that apprenticeship and mentoring has on the navy’s officer corps.
ENDNOTES

3 Ibid., 20-21.
5 Adams, 23.
6 Hart, 21.
7 Ibid.
9 Ibid., 109.
10 Ibid., 133-134.
11 Hart, 198-199.
13 Taylor, 69.
15 Ibid., 137
16 Ibid.
17 Ibid., 136.
18 Taylor, 61.
19 Ibid., 75.
21 Taylor, 126.
22 Ibid., 91.
In the preceding chapters we looked at practical reasoning, commitment and trust both up and down the chain of command, and law and morality. These are the tools of a proud profession. In this chapter I will explore how we train our young to become people of excellence. I will address the impact that the mentoring and apprenticeship process has on the development of the Naval Officer.

In Book Eight of the Nicomachean Ethics, Aristotle discusses friendship between equals and unequals. Friendship is not an emotion; it is a characteristic or lasting attitude. It is not to be confused merely with an emotion, because it is possible to feel emotion for an inanimate object, for example, an old car or one’s favorite baseball glove. “But mutual affection,” says Aristotle, “involves choice, and choice springs from a characteristic.” This is friendship between equals, and for true friendship it is important to know someone’s character. But how do we initially evaluate someone’s character when selecting a protégé or mentor? A mentor is a teacher, a guide, a coach and a wise friend.
One of the buzzwords in business, government, and the military in the nineties is mentoring. The word mentoring is widely misused as a verb. (Are you mentoring someone? Will you mentor me? Bob mentored Sally. Etc.). Mentor was Odysseus’ (Ulysses in Latin translation) friend in The Odyssey. He was entrusted to tutor Odysseus’ son, Telemachus and help him rule while Odysseus fought in the Trojan War. While most professions and occupations have some sort of mentoring process, relationships usually developed from compatible personalities, a family or school acquaintance, or a professional apprenticeship like silversmith or reading the law. What was true in ancient Greece is still for us today, “people do not become friends of those in whom they find no joy.”

From the earliest times of sail, the mentoring process has existed either formally or informally. In the days when midshipmen went to sea at age nine or ten, a senior midshipman or junior officer would act as a sponsor. Today during summer “mid-cruises” each young man and woman is assigned a junior officer “running mate.” This is the junior officer whom the midshipman “shadows” throughout the course of a day. While typically only a few years older than the midshipman, the running mate is a functioning member of the wardroom, has been to sea and member of the ship’s company. Most importantly, she is an officer.

Lord Moran was a combat veteran and a Royal Fusilier in the First World War. He wrote of number of essays that eventually became his book, The Anatomy of Courage. In comparing the different services at the beginning of World War II, he made some interesting and revealing observations. Lord Moran was a first-hand witness to the
Battle of Britain and flew as an observer with his friend Group Captain Corner. He commented that an air station commander in the Air Force knew how the pilots' will was burnt up in war.\(^5\) Because the Air Corps was so new, he felt that a lack of customs and traditions was beneficial, less encumbering to them. Pilots would therefore feel free to take advice, regardless of source, as long as it would benefit them.

When he addressed the Navy however, he had a quite a different opinion. Lord Moran wrote:

"But the Navy lives under the dominion of the past; it is robust. This confident mien is inevitable against a background of the rough sea, [the sailor] is a [special breed] doing a job about as well as it can be done. The Navy is efficient and it knows it is efficient. [It has] traditions, loyalties and professional pride [envied] by the other services. It is a picked service. That a boy has set his heart on this tough service goes for something. [They] have initiative; they are a cut above the ordinary. [The] Navy caught them young and soaked them in the pride and joy of a great tradition. The ship herself helps; when the time comes the sailor must fight it out whatever the odds, there is no alternative. But more than anything else it is the influence of the machine which keeps the navy from going to seed in peace as soldiers are apt to do. Every rating is a mechanic, there is purpose in each day; he is intelligent rather than imaginative, he thinks rather than feels about things."\(^6\)

With the exception of the masculine-only usage, the Navy today still exhibits a pride that is unique from the other services. "Join the navy and see the world" has been the primary recruiting tool for as long as there have been recruiters. For the type of
person described in the paragraph above, a special type of leader needs to be developed.

Mentoring has played a major role in developing leaders, especially military and naval, since the beginning of organized armies and navies. Young men would go to sea to learn their trade. It was only by calculating by the sun and the stars that a midshipman learned the ancient science of navigation. Deck seamanship could only be learned by handling the helm, sails, and lines. An appreciation of the sea's ferocity was only felt after storm and fear was experienced first hand. As each task was mastered, the young officer candidate advanced only after passing a rigorous set of examinations. This process, which took years to accomplish, was a necessary apprenticeship if the midshipman was to become part of the elite company of the ship's officers.

While each young aspirant went about the daily routine of learning the ship's mechanics, he was exposed to all the ship's officers for varying lengths of instruction. While the seniors were evaluating these youngsters, the junior and senior officers were also being sized up by their junior charges. The qualities of leadership were demonstrated daily. Each officer had something different to offer his charges. Fairness, compassion, and discipline went hand-in-hand with navigation, gunnery and seamanship.

The midshipmen did not learn their lessons in an isolated atmosphere. They quickly learned which of the officers were trusted and respected by the crew. As a member of the ship's company, each crewman knew that his life depended on the competent sailing and fighting skills of those in charge. They also knew in time of war that their leaders had to be well schooled in the art of warfare.
Today, beginning as college age midshipmen, role models are made readily available for all students to emulate. The process begins either at plebe summer at a service academy (Naval Academy, West Point, etc.), during Reserve Officer Training Corps (ROTC) orientation prior to freshman year, or Officer Candidate School. Navy lieutenant or Marine Corps captain instructors are the first role models the new midshipmen encounter. The officers are “fresh from the fleet” coming off of their first operational sea tours. A mix of surface, aviation, submarine, and Marine Corps officers give students various backgrounds, leadership styles, and community perspectives. Lieutenants/lieutenant commanders (03-04) do the bulk of the teaching with senior leadership courses usually taught by a senior Navy captain or Marine colonel.

During summer training, the midshipman is exposed to life aboard ship. This includes interaction with the ship’s captain and executive officer, as well as all the members of the officer’s mess, the wardroom. Over time, the developing officer is exposed to a variety of leadership styles from which to choose. There are the “screamers,” the “laid-back” types, “people oriented” and “mission oriented” commanding officers. Hopefully, the best traits of each senior officer will be incorporated into the young officer’s style. Or at least, the underling will put some things away in her “bag of tricks” to be used at some later date.

Mentoring has historically and traditionally been an “informal process” that links senior and junior members of professions and organizations together. Mentoring has traditionally been understood as a one-to-one relationship in which a newer, less experienced individual (the protégé) learns and obtains career and personal help from an
older, more experienced individual (the mentor). Mentors teach and pass on skills. They make the protégé aware of the politics and culture of the profession, business, or even the large office. Mentors guide, cajole, recommend, or even reprimand the understudy. At the same time the mentor hopes to bask in the successes of those protégés who succeed.

Mentors are the experts. The midshipmen and junior officers are the novices, the beginners. However, not every senior officer is expert in their craft. Not every senior officer possesses the excellence that inspires his or her juniors. Many senior officers are the examples of what not to become. They are fractured in spirit. They are not whole. Aristotle reminds us when discussing friendship between unequals that, “when the affection is proportionate to the merit of each partner, there is in some sense equality between them. And equality, as we have seen, seems to be part of friendship.” The fractured leader does not value subordinates, even proportionately. There is no sense of equality. They are the senior officers who hide behind their rank and regulations. They lack virtue; they lack “an excellence.”

Mentoring is separated into two main functions: career and psychosocial. Career functions are those aspects of the relationship that enhance career advancement. Psychosocial functions are those aspects of the relationship that enhance the sense of competence, identity, and effectiveness in a professional role.

Of the career functions, sponsorship is the most frequently observed career function. A senior individual’s public support of a young individual launching a career is critical for advancement in any organization. The sponsorship by the right person in the Navy could help with choice assignments throughout one’s career. It is rare that a
successful individual would only have one protégé. A senior officer may be a “sea
daddy” to many junior and mid-grade women and men. The key in this network is that as
one senior officer leaves the service, one of the now senior officers takes their place. The
relationship may not remain exactly the same for everyone, but those “in the loop” will
take care of one another.

“Exposure and visibility” is the opportunity to demonstrate competence and
performance. It is created by a senior officer’s decision to give a junior person
responsibility that requires written and personal contact with other senior officers. This
is what is known as “face time.” A junior officer can be given opportunities to brief
superiors with selected good news, giving the junior officer confidence while putting him
in the best possible light. Learning to be at ease in a structured environment is another
hurdle to be overcome if a career is to advance.

Coaching is the career function that enhances the junior person’s knowledge and
understanding of how to navigate effectively. The senior colleague suggests specific
strategies for accomplishing work objectives, for achieving recognition, and for achieving
career aspirations. Often this is accomplished by telling “sea stories” or “war stories.”
This is a “how I did something similar” format that makes “lessons learned” available to
the junior officer. The information passed is usually in an informal and non-threatening
environment, over coffee in the wardroom or on the fantail (back of the ship) while
underway.

Protection functions to shield the junior person from ultimately or potentially
damaging contact with other senior officials. Protection involves taking credit or blame in
controversial situations, as well as intervening in situations where the junior colleague is ill equipped to achieve satisfactory resolutions. This is where the senior officer delivers the “bad news” and shields the protégé from potentially damaging “fallout.”

Protection can be short or long term. When a commanding officer is relieved for cause (fired), almost every officer on staff, in the squadron or on the ship, is damaged with a mediocre fitness report. When a reporting senior is relieved for cause, the unofficial but very real inference is that had the subordinates done a better job, the senior would not have been relieved. While the verbiage of the fitness report may seem noncommittal, certain phrases can be promotion killers. In this type of situation, it is the mentor’s responsibility to portray the subordinate in the best possible light. If that is not possible, then the mentor needs to ensure that a follow on assignment will produce enough “good paper” to bury the poor fitness report.

Challenging assignments are where the young officer’s mettle is tested. The assignment of challenging work, supported with technical training and ongoing performance feedback, enables the junior officer to develop specific competence and to experience a sense of accomplishment in a professional role. This could mean anything from maneuvering a ship in restricted waters (where any deviation could run a ship aground or cause other casualties) to flying wingman for the squadron commanding officer in a challenging tactical situation. In the situation above, the mentor is a senior officer onboard. On board a ship, a senior officer comfortable in her ability will allow the “nugget” the opportunity to maneuver the ship in a tight situation. She knows
that she can rescue the ship if they stand into danger. The same is true of the senior aviator who knows he can rescue the younger pilot if an error is made due to inexperience.

A challenging assignment could also mean challenging though monotonous staff work, or taking a poorly trained unit with low morale and turning it around. Unlike the situations above, the mentor helps arranging orders, but is removed from the physical location and the local change of command. The confidence shown the protégé has a ripple effect reaching far beyond the immediate area. As the protégé grows in confidence and expertise, they enrich the Navy and provide the nation with a trained, tested defense force.

In the psychosocial functions, obtaining a role model encompasses professional as well as personal considerations. The weight given to each category is an individual matter. Social interaction and religion or spirituality all take on significance. However, the focus is on the overall person. A particular temperament or personal style may appeal to a protégé of similar make-up. One will usually try to match his personality to that of a respected leader with similar traits.

Social functions with members of the wardroom and their spouses are pivotal in the development of a junior officer. This is where the junior officer is evaluated in a non-work yet potentially hostile environment. Not only is the officer summed up but also so is the spouse. Does the new couple fit in? Will the spouse be accepted? Do they pay enough homage to the seniors and the seniors’ spouses? Is the new couple too talented or too glamorous? Will they be threatening to the older mid-grade couples? The other side
to this ritual is that there is genuine camaraderie and a heartfelt welcome for the new officers and spouses.

Friendship implies a personal interest and involvement in both job and non-job activities and interests. The mentor may act as a guide to the protégé with respect to such activities. A party or informal social function attended by senior officers may be an ideal way for a protégé and spouse to meet her mentors’ peers. Because the appearance of impropriety or favoritism must be avoided at all cost, the attendance of the admiral’s aide or top subordinate at a social function is most appropriate.

Friendship between superiors and subordinates in the Navy often occurs when the direct chain of command is not involved. This happens when either the subordinate or senior departs a particular command. This way they are no longer subject to accusations of favoritism. By this point in their relationship, many people are now aware that the junior is under the sponsorship of a particular senior. Phone calls recommending a certain junior officer for a particular assignment will often act as a tiebreaker if competition is keen.

Acceptance and confirmation suggests trust and may involve sharing of sensitive information. It may however be more pragmatic like qualifying to land on an aircraft carrier or bringing a ship alongside a pier without a pilot and tugboats. Praise may include an overall confirmation, as well as commendation of specific acts.

Counseling involves both job and non-job related matters. This could involve advice as to what course of study to pursue in graduate school, or whether accepting an arduous duty assignment will cause a marriage to end in divorce. Non-job related matters
could also be a recommendation to participate in a local Boy Scout troop or work at a church sponsored homeless shelter or food kitchen.

Counseling can also occur if the protégé does not measure up to expectations. Not all experiences are success stories. What happens to the relationship when the protégé fails or the mentor disappoints? This is the process where a subordinate can be given a face saving opportunity to amend his ways and get back on the right path. It can also be a warning that precious sponsorship will be withdrawn if shortcomings are not corrected. A mentor with active listening skills may be able to hear disappointment in the protégé's voice. The mentor may have to reevaluate his own advice or example.

While a mentor and a protégé share an unequal friendship, it is important to realize that in rank, age and professional development they are not equals. Effective mentors are like friends in that their goal is to create a safe environment for growth. Without that safe environment many talented junior officers could find the Navy disappointing and be lost from what could have been promising careers.

In 1780, Abigail Adams wrote, “Learning is not attained by chance. It must be sought for with ardor and attended to with diligence.” This advice is appropriate for today's Navy. In an effort to ensure more successful careers, the Navy initiated a formal mentoring program in early 1998. Using the theme of leadership, the Bureau of Personnel calls mentoring, “The art and science of developing subordinates; a process of enhancing the education and success of the next generation.” It is a program designed to pair every junior officer and enlisted person with a sponsor.
Regardless of timely buzzwords or well-intended ideas, enforcing a mentor-protégé relationship may not prove successful. One or both members of the couple may resent a "mandatory relationship." Each may need to become active listeners; some senior people may be poor counselors. Senior officers must ensure that the education and apprenticeship of young officers is not left to chance or the vagaries of political correctness.
ENDNOTES

1 Aristotle, 1157a27-28.
2 Ibid. 1157b 30-31.
3 Ibid. 1158a 4-5.
5 Ibid., 92.
6 Ibid., 93-94.
8 Kathy E. Kram, Mentoring at Work (Scott Foresman: Glenview, IL, 1985) 28.
11 A fitness report, commonly called a “fitrep” is an evaluation written on Naval officers as regular annual progress reports, when an officer is reassigned, or when the reporting senior is reassigned
12 Chip Bell, 7.
13 Abigail Adams quoted in Managers As Mentors 6.
14 NAVRESREDCOM REG SIX NOTICE 1040, 11 Feb 98.
As I have shown in the previous chapters, the professional officer must possess the sort of practical wisdom discussed in Chapter Two to correctly evaluate any situation. This includes the habits of moral excellence, and skill at perception and deliberation. His training must prepare him to accurately read a situation and react correctly. He must have a secure handle on both his and others' emotions and emotional preparation. Emotions themselves are modes of moral response that determine what is morally relevant and in some cases, what is required. To act rightly is to act rightly in affect and conduct. It is to be emotionally engaged, and not merely to have the affect as accompaniment or instrument.

To act rightly is to reason and see in a way that brings to bear the lessons of the heart as much as the lessons of a calmer intellect. For Aristotle, to act for the right reasons, as the person of practical wisdom does, is to act from the sort of wisdom that itself includes the vision and sensibility of the emotions.

The demands that are placed upon the modern professional warrior are significant.
The readiness of both the people and the machinery they employ must be evaluated, and evaluated correctly. The weapons used to maintain the peace must be kept in the best possible condition. Machinery, armament, electronics, all the tools of the modern trade must be ready when needed.

More importantly, the men and women who use and service this gear must also be ready. What are the stresses and strains that test their individual and collective mettle? Does the modern leader accurately evaluate their loyalty? Will their courage be over- or under- estimated? Will faith be broken because courage is underestimated? If character is expressed in what one sees as much as what one does, then it is critical that the leader with practical wisdom discerns the particulars in each case about her people. She must then deliberate well in order to decide, to lead and to act rightly.

Unlike most other parts of the world, including South and Central America, the United States has not had to fear its military establishment. Our Constitution establishes civilian control over the military. We do not have a history of military intervention in the internal problems of government. Instead, we have a written Constitution, to which all armed forces members swear allegiance.

As Americans we have a traditional distrust of a large standing army. It is essential then, that those chosen to lead the men and women of our armed forces are worthy of the great trust and responsibility placed upon them by their countrymen. Because of our tradition of civilian control and distrust of a large military, the ethical preparation of the officer requires serious consideration. It is the responsibility of each service to include deliberation in the training of all officers. Only then can the young
officer find the correct choice. When the critical times come, whether under fire or other equally demanding stressful situations, the voluntary action needs to be the correct one well chosen. As I discussed in Chapter Four, the Navy has a comprehensive training program. This program includes refresher and advance training at every rank and level of responsibility.

In ancient Greece the *aristoi* were those people who were very good at their craft. The excellence they achieved would be the same for the best in any group. This was true whether they were tradesmen, craftsmen, doctors, a small group of artisans, or military leaders. Aristotle thought that the general Pericles was the best at his craft. Pericles and men like him had practical wisdom. They had the capacity of seeing what is good for them and for mankind. Aristotle thought, "these are...the qualities of men capable of managing households and states."\(^3\) (NE 1140b 5-10). Admiral Thomas Crowe, former Chairman of the Joint Chiefs of Staff and current U.S. Ambassador to the Court of St. James in London, is another example of a modern day Pericles. This demand for "practical wisdom," however, is no less rigorous for today's military professional as it was for Pericles or recently for General Powell.

Retired Vice Admiral James B. Stockdale is an example of one who typifies the achievements of moral excellence that Aristotle seeks and which have been discussed above. In 1964, then Commander Stockdale, a fighter pilot, was Commander Air Wing 16 embarked in the aircraft carrier USS Oriskany (CVA-34)\(^4\) which participated in the Tonkin Gulf Operation. Within a year, he would become a prisoner of war, and remain so for over seven years. As the senior ranking naval officer in North Vietnamese prisons,
Admiral Stockdale took his responsibility very seriously. His action in captivity, as discussed below, would eventually earn him the Congressional Medal of Honor.

Admiral Stockdale cautiously sought the mean to himself as a moral leader in this situation. Deprived of the benefit of news from the outside world, he did his best in concert with fellow prisoners to keep his captors off balance. Consider Aristotle's marks of excellent moral judgement as demonstrated by Admiral Stockdale and his fellow prisoners.

**Timeliness.** When the North Vietnamese planned to put him on television to demonstrate their humane treatment of prisoners, Admiral Stockdale beat himself with the three-legged stool in his cell so that his face was bruised and swollen. He then offered to go on TV. He even offered to tell the world that he had done the beating to himself.

**Toward the Right Object.** While a prisoner of war, Stockdale did his best to keep himself and his fellow inmates concentrated on the positive aspects of country, family and God. He told them that when you enter the torturer's chamber, the torturer always wins. Communication with other Americans was dangerous, but it was prized above all things. Stockdale thought that if they could keep each other from feeling isolated, then they were "not victims, but a civilization," they were not alone.5

**Right People.** There can be no doubt that Stockdale's task in the "Hanoi Hilton" was monumental when it came to motivating his fellow prisoners. He surrounded himself with the strongest-willed people he could find. He then used a network of support where other inmates received "emotional sharing" and extra support as their times grew more difficult. They used a system of Morse code, painfully tapped with their metal drinking
cups from cell to cell, to keep each other informed of any news.

**Right Reason.** Stockdale was adamant that all those with him would survive. He tried to have all POWs keep faith in themselves, their country and with each other. Principles were a matter of life and death. They would not bargain information for Red Cross packages, or other favors including the promise of an early release. Stockdale knew that everyone could be broken. They would communicate what they had told the torturer after each brutal session. This helped the next prisoner with his interrogation. More importantly, each prisoner kept his self-respect knowing that he was not alone.

**Right Manner.** This is to present correctly. Stockdale's best example was himself. He understood that both his captors and his fellow prisoners would scrutinize his every action. He demanded the best possible treatment for his men, often at the risk of great physical pain to himself.

**Moral Weakness and Moral Strength.** Contrasted to the heroic actions of Admiral Stockdale and the other POWs are the tragic actions that occurred at the village of Son My (better but inaccurately known as My Lai) in March 1968. The killings took place in the course of what was supposed to be a routine army operation. It was intended that a sudden helicopter airlift of American soldiers, support by helicopter gunships, would surprise and trap a strong Vietcong unit which had been operating successfully in the area. There was in fact a Vietcong unit in My Lai, in the subhamlet of My Khe. However, the U. S. maps were incorrect. Linguistic errors and an American arrogance toward the local Vietnamese compounded the problem of unreliable maps. The troops actually attacked the subhamlet of Xom Lang in the village of Tu Cung.
When Charlie\textsuperscript{7} Company of Task Force Barker went into Xom Lang that morning expecting heavy opposition, it encountered none.\textsuperscript{8} The company led by First Lieutenant William Calley had little combat experience. They also had recently suffered casualties from mines and boobytraps. The scared soldiers were enraged that they had suffered at the hands of the local Vietcong. This bloodying from the enemy did not make them more seasoned warriors. The unconventional warfare only served to frighten them more. The massacre that ensued was horrible. U. S. troops attacked what they thought was a Vietcong stronghold and executed unarmed old men, women and children.

When the American public learned of this atrocity, the outcry was enormous. While attention focused on Lieutenant Calley (the platoon leader) and Captain Ernest Medina (the company commander), charges against seven of fourteen senior army officers were dismissed for lack of evidence. Two commissions, one chaired by Congressman F. Edward Hebert of Louisiana, and the other by Lieutenant General William R. Peers denounced the massacre. The Hebert Commission stated that the killings at Son My "was so wrong and foreign to the normal character and action of our military forces as to immediately raise a question as to the legal sanity at the time of those men involved."\textsuperscript{9} As evidenced by Congressman Hebert's comment, there are certain behaviors and conduct expected of warriors even in combat.

The Peers commission found "that there were serious deficiencies in the actions taken by officials"\textsuperscript{10} in the chain of command. They also found that these officials did not "take appropriate action to investigate or report."\textsuperscript{11} On this basis General Peers recommended that charges of dereliction of duty, failure to obey regulations, and in some
cases of "false swearing", be brought against 14 officers, ranging in rank from captain to major general. The matter was then transferred to the jurisdiction of the commander of the First Army at Ft. Meade, Maryland. LTGEN Mathew O. Seaman then shortly announced dismissal, for lack of evidence, of the charges against seven of the most senior officers.\textsuperscript{12}

In the fog of war, many disastrous things happen. But no one at Son My, either on the ground or back at headquarters questioned the lack of resistance of the villagers. There were several helicopters flying overhead to provide gunfire support if needed. The operation was not performed by one company of rogue soldiers. This operation happened in broad daylight. Only one U.S. helo overhead, flown by Warrant Officer Hugh C. Thompson, rescued several Vietnamese women and children while other army troops tried to kill them. WO2 Thompson went as far as to threaten to kill Lieutenant Calley himself if Calley interfered with Thompson's rescue. Warrant Officer Thompson was finally rewarded for his rescue of the villagers. In February 1998, he received the Soldier's Medal for his heroism.

What was the difference between the heroism of the prisoners of war in the "Hanoi Hilton" and Charlie Company at My Lai? In Charlie Company, the platoon leader was a product of an Officer Candidate School (OCS) primarily supplying infantry officers to the Vietnamese War. Lieutenant Calley was not a service academy or college graduate. He was neither educated nor trained as well as the POWs who were almost entirely Naval and Air Force aviators. Calley did not have the benefit of flight school or the survival school required of aviators and other special forces. He did not attend jump
(parachute) school and was not part of the prestigious Army Airborne or Ranger units. Lieutenant Galley did not have an apprenticeship to gradually learn how to act in times of crisis, although he was subject to stress and rigorous conditions at OCS. Unfortunately, this became all too apparent at My Lai.

Training is often shortened in wartime. It is considered by some to be a luxury. The Navy trains all sailors in the basic seamanship skills and sends them to advance training prior to sending them to a ship or air squadron. The training pipeline for many sailors is over a year long. The training for officers is even longer. A midshipman’s training is stretched over a four-year college education. Once commissioned, the novice attends a warfare school for surface or subsurface ships, or flight school. Each path has a rigorous qualification process. This training continues at every level. Each time someone is promoted to a new position and returns to an operational unit, he attends refresher training and still is under instruction once at the new command.

Since 1993 the Navy has instituted ethics training at all levels of personnel including officer, enlisted and civilian employees. Leadership courses including ethical case studies have been implemented ranging from Petty Officer Second Class (E-5) to Captain (O-6). Admirals have a healthy dose of ethics training at their Flag Officer orientation course called “Capstone.” The Naval Academy at Annapolis, Maryland has endowed an Ethics Chair. The Academy also runs a character development division. This is a four-year program designed to help midshipmen understand how vital moral and ethical character development is to them both personally and professionally. In an effort to be the most efficient of the military branches the Navy has trained many officers
in Dr. W. Edwards Deming’s “Total Quality Leadership” (TQL) and Dr. Steven Covey’s “Principles and Effective Habits.”

While commissioning sources like the Naval Academy and ROTC (Reserve Officer Training Corps) have formal leadership courses, it is still the customs and practices of the Navy that aid in the moral development of character. Armed with classroom learning the midshipmen and junior officers have to earn their “sea legs.” Conning (driving) a ship or submarine, or flying a high performance aircraft presents a significant challenge.

Deliberation is a constant process while developing a “seaman’s eye.” If one chooses incorrectly, then the submarine may not stay level or the airplane may not be safely landed aboard a rolling and pitching deck in rough seas. But the apprentice officer is always under the supervision of a qualified officer of the deck (OOD). The new pilot has aircraft carrier qualification before receiving her wings in flight school, and again after reporting to the operating squadron. But on an aircraft carrier there is a landing signal officer (LSO) who can coach in a troubled pilot with voice, electronic, and manual signals.

As I quoted Lord Moran in Chapter Five, “the Navy lives under the dominion of the past.” There is an attitude about the Navy that is distinct from the other services. Once underway from the pier, the ship finds itself isolated from a normal truck or rail replenishment system. The Navy deploys fully loaded with weapons, fuel and food. Each ship is a functioning city as well as a war-fighting platform. This feeling of self-sufficiency gives each sailor an air of confidence. While satellites have made communication instantaneous, there is still a feeling of being free from the pier and not
being tied to the shore. There is a sense of adventure, of being on the edge. If problems are to arise in the world and the military is needed, the Navy is already there.

In this environment the young officer is given plenty of responsibility but with ample supervision. Standing watch on the bridge of a ship is a high profile activity. The ship’s captain is often on the bridge observing, coaching, and evaluating the young officer. It is here that he learns the nuances of the sea, how to read the wind and the clouds, and how to navigate by the stars. The traditional skills must be mastered along with the modern technology. Added to these training requirements is the responsibility of learning to lead approximately two dozen sailors.

Leadership challenges range from counseling a young sailor about financial responsibility to dealing with a “salty” chief petty officer whose respect may be difficult to earn. The novice soon finds out however, that the choices between acting honorably or dishonorably often occur when no one is watching. He can sign an inspection form saying that a personnel record was checked or routine maintenance performed on a pump without ever doing the work. No one may know until the pump fails or a sailor is not advanced due to an administrative error. This is where moral strength is developed. The framework in which he is placed hopefully will steer him towards the right object.

The Navy still believes that an officer’s word is her bond. It is critical in a crisis, in wartime that her word is taken at face value. There can be no second-guessing as to the truthfulness of what she says. Her report must be believed. For example, she cannot report that a missile system is operational when it is not. This is not a case of embarrassment; this is a case of life or death.
At My Lai there was a greatly inaccurate estimation of the situation. Charlie Company was inexperienced. Because they recently had experienced losses to land mines and booby traps they were skittish. There was a shoddy, hasty reading of the events. The intuitive skills practiced by Captain Medina and Lieutenant Calley were poor. Simply put, there was no one with the excellence of character to act correctly, read the situation, deliberate well and take charge. This is not to imply that lengthy deliberation takes place during combat or other emergency situations. On the contrary, it is the training in moral character that takes over when the heat of battle is just beginning. This is the same training that helps the aviator respond to an in-flight emergency, a ship's engineer fight flooding or fire at sea, or a platoon leader assess a dangerous situation in the desert.

The tragic lessons learned from the horrible situation at My Lai enforce the need for strength of moral character, perception, deliberation, and practical wisdom in combat and surrounding situations. The moral excellence required of the character for the professional officer can not be understated.

While the Navy has increased the training requirements for all hands, there is still much room for improvement. Much of the leadership lab given to midshipmen (USNA and ROTC) and junior officers is based on case studies. These are useful tools, but they need more. A good moral development of character program should be based on Aristotle's Nicomachean Ethics. As I have shown above, the Navy has an apprenticeship program in place based on classroom training and sea time. Perception and deliberation can be taught. These studies need to be made prominent in military leadership schools at
all levels.

In the February 23rd edition of Forbes ASAP, Hudson Institute fellow Mark Helprin wrote, "For the professional soldier, war may be hell but peace is a time of great anxiety when he relinquishes the advantages of action and takes up the burden of contemplation." If this is true, and I agree that it is, then it becomes even more imperative that Aristotle’s marks of excellence are taught. The course at the Naval Academy and others like it is a good start. I suggest improvement based on Aristotle’s work from perception to judgement, including developing the qualities of the moral strength of character. Contemplation should be encouraged. Coupled with deliberation and realistic training, peace can be a time of real growth and to sharpen skills, not a time of anxiety. Constant work and improvement among those with the relevant aptitudes can only attain the excellence and virtue taught by Aristotle. There is no room for the morally weak in such a demanding profession.
ENDNOTES

1 Nancy Sherman, 8.
2 The Constitution of the United States, Article I, Section 8.
3 Aristotle, 1140b 5-10.
6 Telford Taylor, 126.
7 In the phonetic alphabet used by the military A=Alfa, B=Bravo, C=Charlie, etc. so “C” company is called “Charlie” company.
8 Ibid., 128.
9 Ibid., 167.
10 Ibid.
11 Ibid.
12 Ibid.


Ronald Leonard Smith

Home Address:  
5101 Laurel View Drive  
Winston-Salem, NC 27104

Degrees:  
Bachelor of Arts, History, 1977  
The Pennsylvania State University

Special Honors and Awards:  
Cum Laude, with the Completion  
Of the Honors Program in History

Thesis Title: An Aristotelian Ethic for the Professional Naval Officer

Thesis Examination Committee:  
Chairperson, Craig Walton, Ph.D.  
Committee Member, Jerry Simich, Ph.D.  
Committee Member, Jeff Waddoups, Ph.D.  
Graduate Faculty Representative, Frederick Preston, Ph.D.