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JSOU Quick Look

Ethics

SOF are expected to operate with the highest standards of ethics and honor. - U.S. Special Operations Command Commander and Assistant Secretary of Defense Special Operations and Low-Intensity, 10 Nov 18

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain. - 5 CFR 2635.101(a)

Individual conduct, official programs, and daily activities within DOD shall be accomplished lawfully and ethically. - DOD 5500.07-R

- Ethics are standards by which one should act based on values.
- Values are core beliefs such as duty, honor, and integrity that motivate attitudes and actions.
- Not all values are ethical values (integrity is; happiness is not).
- Ethical values relate to what is right and wrong, and thus take precedence over non-ethical values when making ethical decisions.
- DOD employees should carefully consider ethical values when making decisions as part of official duties. - DOD 5500.07-R

It is DOD policy that a single, uniform source of standards of ethical conduct and ethics guidance shall be maintained. - DOD 5500.07-R

Men who take up arms against one another in public do not cease on this account to be moral beings, responsible to one another and to God. - U.S. Army General Order, No. 100, 1863

SOF Ethical Considerations

As recently highlighted in U.S. Special Operations Command's (USSOCOM) comprehensive review of Special Operations Forces (SOF) formations, America sends SOF operators into some of the most ambiguous situations because the nation trusts them to handle these missions with competence and character. When SOF operators behave unethically, it erodes the trust placed in SOF by the American people, congressional leaders, and across the joint environment. To maintain high standards of competence and character, SOF operators at all levels must ensure operational objectives and ethical considerations remain nested. However, in today's complex security environment, achieving mission success and maintaining strict ethical standards may sometimes seem at odds.

In many SOF training environments, SOF operators may be required to use techniques that help minimize full disclosure of their mission intent. SOF operators require continuing education and training to assist them in making appropriate decisions in uncertain and complex, non-binary ethical conditions that characterize the environments in which they will find themselves.

This is a quick look at the non-binary aspect of ethical decision-making in SOF environments. It establishes a common vocabulary for discussing ethics in SOF operations and proposes a way to develop necessary and useful tools that close the gap between the expectation and reality of what SOF operators must do.

Understanding Human Nature

The violent nature of armed warfare invites philosophical questions relating to human nature. The essence of human nature, good or bad, remains an unsettled area of scholarly debate.

Millennia ago, Aristotle (384-322 BCE), observed that "man is by nature a political animal."¹ As political creatures, humans live in communities that are committed to achieving a common good. He also noted that "without virtue ... [man] is ... the most savage of the animals,"² which is to say that the capability for extreme savagery is a shared, human characteristic.

Machiavelli (1469-1527) observed that humankind is essentially a mix of self-serving appetites that requires self-discipline to regulate. He thought the self-serving nature of humans made us predictable because "[t]here is, no doubt, an unchanging human nature the range of whose responses to changing situations can be determined."³ Specifically, we can anticipate how others will choose to act when presented with moral decisions.

John Locke (1632-1704) argued that human beings are inherently shaped by their experiences. In a famous thought experiment, he wondered how humans come to know things about themselves and the world if minds are as blank as white paper at birth.⁴

A man of character in peace is a man of courage in war. Character is a habit. The daily choice of right and wrong. It is a moral quality which grows to maturity in peace and is not suddenly developed in war. - General Sir James Glover, 'A Soldier and His Conscience', Parameters, 9/1973

When supported with education, one's integrity can give a person something to rely on when perspective seems to blur, when rules and principles seem to waver, and when faced with a hard choice of right and wrong. - Admiral James B. Stockdale, Washington Quarterly, Winter 1983

My character and good name are in my own keeping. Life with disgrace is dreadful. - Admiral Lord Nelson, 10 March 1795, journal entry

It is curious that physical courage should be so common in the world, and moral courage so rare. - Mark Twain

He answered, "from experience,"⁵ meaning humans are not born with innate knowledge and only come to know facts about the world via sensory input. Therefore, the Lockean way of thinking also finds that moral character in individuals is constructed entirely through experience and education.

Each concept emerges in typical experiences faced by many SOF operators. Aristotelian thinking resonates both in the fraternal nature of SOF formations and in the communal life of most people found in unconventional and irregular warfare environments. Conflicts rooted in civil war, insurgency, or sub-state warfare tend to ignite in unstable developing countries marked by tribal societies absent Westphalian governing structures. Likewise, Machiavellian thinking is a reminder that although human beings often exhibit bad behavior, SOF units must function as learning organizations capable of overcoming self-interest. If Locke's suggestion that human experiences shape human behavior is true, then similar experiences and educational opportunities experienced in SOF operational environments also shape the behavior of SOF operators.

Although human behavior is often suboptimal, a philosophical understanding of human nature is a reminder that SOF forces are influenced dramatically by communal and fraternal connections, political environments, and educational experiences. Therefore, carefully designed tools and training processes can successfully shape human behavior and improve the performance of SOF operators in ambiguously complex military environments. Those making ethical decisions in SOF environments must consider how any human being would likely behave under similar conditions. Unfortunately, the most common ethical models remain ineffective for understanding the nuanced nature of SOF environments.

Existing Ethical Constructs

The study of ethics is a subset of the broader field of philosophy. Ethical codes exist to function as guidelines for moral decision-making and for differentiating between acceptable and unacceptable behavior. Because of the moral complexity of armed conflict, military-centric ethical codes derive from existing ethical norms. Such codes remain necessary for understanding common moral decision-making issues within armed conflict that includes understanding when the use of deadly force is justified and when and how force is controlled or limited.

Military-centric ethical codes are also useful because they prescribe how people should act in combat conditions, which remain distinct from activities that define normal behavior.

Normative ethics developed over thousands of years and are codified in most legal systems to include the internationally recognized law of armed conflict, which regulates the behavior of individuals participating in warfare where ethical lines can become blurred. Normative ethical codes typically represent one of three schools of thought.

1. Deontological Ethics focus on understanding ethical decision-making through one's duty to adhere to rules. From a deontological perspective, the duty to follow established rules has primacy over the consequences of such actions. The cadet honor code commonly associated with Service academies offers a deontological approach whereby the obligation to avoid lying, cheating, stealing, and toleration of such behavior comes before a person's well-being, even if such actions cause harm to others. Consequences under deontological ethics should not influence one's decision of whether or not to act.

2. **Consequentialism**, on the other hand, focuses exclusively on the consequences of one's actions, whereby an act can only be considered morally right if the act results in positive outcomes. Consequentialism remains a foundational concept of utilitarian thought, where an act is considered good only if it produces the most benefit for the most people, as well as in Machiavellian terms, where the ends justify the means.

3. **Virtue Ethics**, in contrast to both deontological ethics and consequentialism, places personal character above both. Education and habituation help to develop a good character. Experience and reason should be used to fortify good character. People with good character make good decisions and act rightly, thus, they are more likely to live good lives.

Despite being rooted in philosophical thought, each of these models is insufficient as a cure-all for bad ethical behavior in SOF environments. Deontological ethics do not recognize that binary ethical codes could endanger the operational effectiveness of many SOF operations. In preparation for many activities involving indigenous forces, SOF are trained to use techniques to minimize full disclosure of mission intent and procure necessary items in extreme conditions. Likewise, consequentialism fails for the opposite reason where "as long as nobody gets hurt" becomes an acceptable way to measure decision-making. Even virtue ethics can be misleading, as good intention does not always drive good behavior. However, the severity of contemporary ethical challenges across the SOF enterprise is a call-to-arms for pragmatic solutions that do not ignore accepted ethical theory.

SOF Ethical Decision-Making Truths

Given the complexity of ethical decision-making in SOF operational environments and the inability of SOF units to find sufficient guidance in current ethical models, ethical decision-making for SOF units must find pragmatic anchors. The reality of SOF environments must be considered along with the need for operational effectiveness and the imperative to make responsible and sound ethical decisions. As a start, the authors propose six SOF ethical decision-making truths:

1. Individual moral character is neither inherent nor fixed. Ethical decision-making requires continuing education for even the most experienced SOF operators. Members of SOF units who cannot be shaped by education and experience must be removed from SOF formations.
2. Despite rigorous selection and training programs, SOF operators will be morally challenged when they are least prepared to deal with it. Ethical problem-solving skills must be developed and strengthened.
3. SOF ethical decision-making must be developed with honest and frank consideration for the harsh realities of SOF environments and operational requirements. SOF units must see the world for the way it is, not for how they might want it to be.
4. Binary ethical codes do not provide sufficient guidance in SOF environments. In fact, strict adherence to binary ethical codes can be harmful in some SOF environments.
5. SOF leaders should not be naïve or insensitive to human behavior and must recognize that people are not as ethical as they think they are. SOF operators need training to close the gap between the expectation and reality of what they must do.
6. SOF culture must become an environment where conversations about ethical decisions, good and bad, are a natural occurrence. ■

Where Can I Learn More About Ethics?

From USSOCOM Commander's Reading List:

- Lucas, George. *Ethics and Military Strategy in the 21st Century: Moving Beyond Clausewitz*. Abingdon, UK: Routledge, 2019.
- Finney, Nathan K. and Tyrell O. Mayfield. *Redefining the Modern Military: The Intersection of Profession and Ethics*. Annapolis, Maryland: Naval Institute Press, 2018.

Additional References

- Aristotle. *Aristotle's Nicomachean Ethic*. Trans. Robert C. Bartlett and Susan D. Collins. Chicago: University of Chicago Press, 2011.
- Machiavelli, Niccolò. *The Prince*. 2nd edition. Trans. Harvey C. Mansfield. Chicago: University of Chicago Press, 1998.
- “2011 Moral Courage Lecture,” General Peter Pace, U.S.M.C. (Ret.), <https://youtu.be/gQOwetpNYLU>.

Additional Reading

- Long, Joseph E. “Beyond Bathsheba: Managing Ethical Climates Through Pragmatic Ethics.” *The Journal of Values-Based Leadership* vol. 10 iss. 2 article 14, (2017). <http://scholar.valpo.edu/jvbl/vol10/iss2/14>.
- Johnson, Craig E. *Meeting the Ethical Challenges of Leadership: Casting Light or Shadow*. Sixth ed. Los Angeles: Sage, 2018.
- Stockdale, James B. *A Vietnam Experience: Ten Years of Reflection*. Stanford: Hoover Institution Press, 1984.
- Stockdale, James B. *Thoughts of a Philosophical Fighter Pilot*. Stanford: Hoover Institution Press, 1995.
- Machiavelli, Niccolò. *Art of War*. Trans. Christopher Lynch. Chicago: University of Chicago Press, 2005.

Free Online Ethics Education

- Journal of Character and Leadership Development, <https://www.usafa.edu/jcld/>.
- “Dilemmas: A Library of Multimedia Interactive Ethics Simulators,” Stockdale Center for Ethical Leadership, <https://www.usna.edu/Ethics/publications/dilemmas.php>.
- “Ethics Goes to the Movies” (1st Edition), https://www.usna.edu/Ethics/_files/documents/Ethics Goes to the Movies.pdf.
- “Ethics Goes to the Movies” (2nd Edition), https://www.usna.edu/Ethics/_files/documents/Ethics Goes to the Movies II.pdf.
- “Ethics Goes to the Movies” (3rd Edition), https://www.usna.edu/Ethics/_files/documents/publications/Ethics Goes to the Movies III.pdf.

Endnotes

1. Aristotle, *Aristotle's Politics*, 2nd ed., trans. Carnes Lord (Chicago: The University of Chicago Press, 2013), 1253a1-2.
2. Aristotle, *Aristotle's Politics*.
3. Isaiah Berlin, “The Originality of Machiavelli,” in *Against the Current*, ed. Henry Hardy (Princeton, NJ: Princeton University Press, 1997), 25-79, http://berlin.wolf.ox.ac.uk/published_works/ac/machiavelli.pdf.
4. John Locke, *An Essay Concerning Human Understanding* (Boston: Cummings & Hilliard and J.T. Buckingham, 1813), 1:96.
5. Locke, *An Essay*.

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