PERSPECTIVES
On the Professions

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HUB Mezzanine, Room 204, 3241 S. Federal Street, Chicago, IL 60616-3793
Tel: 312.567.3017, Fax: 312.567.3016, email: csep@iit.edu

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"Professions and War"

Michael Davis, Editor, CSEP, Illinois Institute of Technology

Though seldom an accurate guide to a word's use, etymology is often the best guide—sometimes because it is the only guide except a dated definition, more often because it is the most interesting guide. Like all history, etymology has the advantage of a good story over naked fact. Certainly that is true of "profession."

Its story begins under the dark vault of some crowded church in medieval Europe. Then a profession was merely a formal avowal, the words of commitment a novice pronounced in a public ceremony to become a full member of a religious order. A professional was merely someone who had made such a profession.

How much learning originally preceded such an avowal is a matter of conjecture. But when advanced learning, beginning with "theology," revived in Europe, its special institution, the university, drew its teachers from the religious orders. These teachers were called "professors."

Learned or Common Profession?

Over the next few centuries, "profession" came to refer to any avowal of a calling, whether religious or not. A professional was then someone who followed a specific calling, someone distinguishable from both the ignorant and the jack-of-all-trades. This wider use of "profession" opened the way for a distinction between the "learned professions" —theology and its university off-shoots, law and medicine—and the rest, the "common professions," silversmith, merchant, and so on, trained through mere apprenticeship.

Until the Renaissance, war was not a profession in either of these senses. Europe fought its wars with short-term volunteers and conscripts, officers coming from the nobility, a class for whom war was a duty of their position, not an independent calling. Nobles fought their country's enemies for the same reason they fought personal duels, to preserve honor or make a reputation. They did not sell their service as "commoners" had to. They gave it free, depending for livelihood on the family's lands.

By the Renaissance, war was fast changing in ways unfavorable to the nobility. The nobility had begun as armored men on horse back, moving forts each worth many common soldiers. By the Renaissance, new weapons, especially, the crossbow and gun, had made the noble's heavy armor more burden than protection. The foot soldier —what the nobles had calle "infantry," that is, children —could now kill a horseman almost as easily as the horseman could kill him. Organized under a condottiere, the infantry formed permanent bodies, more skilled than the armies the nobility could raise, lightly armed cavalry doing some of what heavily armed horsemen once did.

The armies of the condottiere sold their services to governments or individuals. Though forming a (common) profession (in our second sense), they soon bore a less flattering name, "mercenaries."

Alternative to Mercenaries?

For any government, mercenaries, though skilled, have at least four serious disadvantages. First, of course, is that they will fight only if paid, and generally will serve those paying most. Mercenaries can be quite expensive. Second, in a tough situation, say, a siege, they might renegotiate their pay, further straining their employer's treasury. Third, because they are free contractors, they may change sides at the end of a contract, today's defenders becoming tomorrow's attackers, with all the secrets of the defense in their hands. Fourth, the chief interest of mercenaries is in making a living, preserving their reputation, and so on, not defending their employer. Their tactics may be more

conservative than the welfare of their employer requires.

For almost two centuries, the old temporary armies and the newer mercenaries competed, with the mercenaries slowly gaining a clear advantage. Then, late in the 17th century, the French tried something new, a standing army. French nobles would command this army as they had the older temporary armies, but now they would train for war in the way mercenary officers did. Their subordinates, paid by the king in peace as well as in war, would always be ready to fight for France.

France experimented a good deal with formal training for officers over the next century. At first, the emphasis was on swordsmanship, horsemanship, dancing, and the like noble arts. Soon, however, the advantages of mathe- matics, physics, chemistry, and other sciences became clear, especially in the specialized arms of the mili- tary—artillery, engineering, naval warfare, supply, and so on. Increasingly, military officers (first in France, and then throughout Europe) began to look like (what the medievals had called) "a learned profession" (except that their training, though formal, was always outside the universities). Nonetheless, these officers could not be professionals in our second sense. Being noble, they still had to give their service, not earn a living by it.

Liberal Profession or mere Trade?

About this time, we may see a new distinction, that between the "common professions" and the "liberal professions." A noble could not work in a common profession without loss of honor. He could work in a liberal profession, because—by definition—the liberal professions were occupied by those who were free not to work. Pay was not essential to the practice of a liberal profession, even if it was accepted when offered. To the older professions of church, law, and medicine could now be added war (but at the cost of reconceiving the learned professions as liberal professions).

The French Revolution sped the nobility's long decline. By the early century, the distinction between common professions and liberal ones was almost gone. In its place was a new distinction between "professions" (so called) and "trades" or "mere money-making callings." Members of a profession (in this new sense) did, or at least could, earn their living by charging for their services. They could nonetheless be "gentlemen," something better than mere tradesmen, if they met standards of conduct beyond what mere tradesmen held themselves to. To be a professional (in this third sense) was to carry on business according to "a higher standard."

Military Professionals Today?

Whether an officer, much less a common soldier, can be a professional in this new sense is an open question. If the higher standard required for officers to form a profession must exceed what law, market, and morality demand, then military personnel governed, as they are in the United States, by a body of rules as compendious as the Uniform Code of Military Justice (UCMJ), seem to have little room to organize as a profession.

So, this issue of Perspectives, devoted to professions and war, naturally begins with a definition of "military professionals." For Manuel Davenport, what distinguishes military professionals from others in uniform is responsibility for managing military power. Because a military professional is a manager, the foot soldier cannot be a military professional. And because what military professionals manage is the destructive power of the military, certain professionals in the mili- tary—physicians, lawyers, clergy, and so on—are not military professionals.

The military professional is a subclass of people subject to the UCMJ (or its equivalent in another country). They are distinguished from other professionals by special responsibilities, deriving from their special power. Davenport does not say whether these responsibili- ties go beyond what law, market, and morality would otherwise require. But it seems clear from what he does say that they must. The professionalism of the military consists not in its ability to win wars (or otherwise deliver what is asked) but to win in ways consistent both with explicit orders, laws of war, and other formal regulations, and with certain "basic values" (as Davenport calls them).

Lawyer, Chaplain, and Psychologist

Given Davenport's effort to distinguish military professionals from others in uniform, what is striking about our next two pieces is the emphasis in both on the dual obligations, the double professionalism, of serving both as a lawyer or clergy and a member of the military.

For Charles Myers, for example, to be a military lawyer is to be

both a lawyer bound by the lawyer's code of ethics and an officer bound to do what every officer is bound to do. While Myers argues that this dual role makes the military lawyer uniquely qualified to be an ethics advisor in today's military, it is also clear from his discussion that it generates a good many special ethical problems.

For all the differences we might expect between lawyers and clergy, Arthur Gans' list of ethical problems confront- ing a military chaplain are surprisingly similar to Myers's list of ethical problems of military lawyers.

With Craig Summers' piece, we leave the military. Summers is concerned primarily with psychologists who, though civilians, do work having a military use, for example, developing programs to enhance the willingness of recruits to kill on command. While arguing that psychologists should not be involved in such work at all, Summers concludes that, at a minimum, the psychologists need a clear statement of how "military work" comports with the standards embodied in existing codes of professional ethics.

—MD

"Moral Constraints on the Conduct of War"

Manuel M. Davenport,Texas A&M University

A "military professional" is some one responsible for managing the military's destructive power. Military professionals include both most com missioned officers, staff as well as line, and some non-commissioned officers, but not military lawyers, physicians, or other auxiliary personnel.

Military professionals in the armed forces of the United States are required by law to follow certain explicit and implicit rules beyond what ordinary morality requires. Where, for example, a conflict arises between the interests of humanity and other interests, military law requires a military professional to give first priority to the good of humanity, second priority to the interests of the client-state, third priority to the military profession, and last priority to personal interests. Military law also stipulates that a military professional is obligated to refuse to follow orders that violate either the "written or unwritten" laws of war.

Moral Integrity

Clearly, a military professional must be able to make and execute moral decisions and must possess, therefore, moral integrity and competence. Moral integrity is a long-range commitment to specific moral principles; a person of moral integrity does not change moral principles for the sake of expediency or personal convenience. Competence is the skill and knowledge necessary to realize moral objectives once they are determined. Indeed, as General Mal Wakin has argued, a military professional has a moral obligation to be competent.

Members of other professions are required by their codes of ethics to follow similar moral priorities and to possess moral integrity and competence. What distinguishes military professionals is that their client, the state, has authorized them to exercise its greatest destructive powers, with the understanding that those powers will be exercised as far from those served as possible. Given this power, the military professional has a unique obligation to be constrained by moral integrity and competence in the conduct of war.

The uniqueness of this obligation creates peculiar tensions and temptations. Because civilians do not understand and are reluctant to contemplate the corrosive ugliness of war, military professionals create their own society with its own language and rituals, and are tempted to give higher priority to the interests of this professional in-group than to the interests of humanity or the client- state. This temptation, if yielded to, can substitute peer pressure for individual professional judgment. If this substitution is made, moral integrity is lost and the military professional is tempted to exercise power without any moral restraint.

Civilian Control

The most obvious manifestation of the temptation of military professionals to put their own profession first is the constant reoccurrence of military dictatorships in Asia, Africa, and South America. So far, we have blunted this temptation in our country by strong emphasis on the principle of civilian control of the military. The temptation, however, is always there and is made stronger by an increasing disinclination on the part of civilians to question the morality of the conduct of war.

General MacArthur's defiance of civilian authority in the conduct of the Korean War was widely supported and was deflected only when the president himself intervened, relieving MacArthur of command, but most civilians

understood and discussed the issues in question. What was different during the invasions of Grenada, Panama, and Iraq was that most civilians seemed to believe that civilian knowledge and control of the conduct of war was itself immoral. They accepted and even endorsed military control of press coverage, and seemed indifferent to the fact that what civilians do not know they cannot control. They tolerated and even applauded the president's abdication of military decision-making and seemed to ignore the fact that this would increase the temptation on the part of the military to give highest priority to its own interests.

The Vietnam war will be remembered as one in which individual sol diers frequently abandoned their indi vidual moral integrity and yielded to peer pressure to exercise power with out moral restraint. My Lai is the paradigm case. But reporters from the press and TV covered the Vietnam war well and little happened that re mained long hidden. By way of contrast, we are just beginning to learn about mass destruction and burial of the poor in Panama and the concealment of casualties from our own "friendly fire" in the Gulf War, and we may never know all the violations of moral integrity and competence that were hidden because the public and the politicians encouraged the military to give higher priority to a quick victory than to the long-range interests of humanity and the nation.

Loyalty v. Morality

The point is a simple one: the mili- tary professional is torn by two demands that are often in con- flict—loyalty to fellow professionals and the moral principles of fellow human beings. Both demands must be met, but it is critical that priority be given to the moral demands. Unless civilian authority enforces morality in the conduct of war, the military has a strong tendency to give priority to professional demands, a tendency that can lead, as it often has, to the exer cise of its great destructive power without any moral restraint.

Some may object that civilians who seek to leave knowledge and control of the conduct of war in the hands of the military are not engaging, thereby, in immoral activity, but are properly motivated by a desire to win wars quickly and avoid the waste of human life a drawn-out war generally pro duces. This desire, it has been often argued, should not be condemned as immoral but rather praised as morally courageous. "Moral constraints" which prevent us from winning wars quickly, so the argument goes, are for that reason immoral.

Obviously, wars have been won by states exercising no moral constraint. What must be denied is that such wars were moral simply because they were won. Going to war is morally justi fied only if it is the only way to pre serve basic human values. To argue that the only way to preserve such values is to abandon them in the conduct of the war is to concede by contradiction that those values were not basic and to admit that our reasons for going to war were not moral in the first place. Those who claim that we should ignore moral constraints in waging war, cannot, therefore, be making a moral claim. They are raising, at most, an empirical question: Can we win a war to preserve our basic human values without sacrificing them in the conduct of war?

The litmus test, which determines that an action in war is morally wrong, is the intentional destruction of inno cent human life. The innocent are those, such as children, whose actions make no difference in the outcome of the war. We intentionally kill them when we knowingly engage in actions that necessarily result in their death. Our empirical question, then, can be rephrased as: Can we win wars with out engaging in actions that we know will result in the death of those whose continued ac tions would have no affect upon the outcome of the war?

Those who claim that we cannot be moral in the conduct of war must argue for a negative answer to this question. Many have done so on the assumption that any war conducted today will inevitably become a nu clear war in which the innocent will necessarily be killed. If they are right, two opposing conclusions may be drawn. The first is that all war today will be immoral and must be avoided. The second is that we must abandon all moral constraints and be ready, willing, and able to engage in nuclear war.

There are two reasons for believing that we do not have to embrace either conclusion. First, for over fifty years, the world has avoided nuclear war despite hundreds of "little wars." Second, the military has responded positively to the growing reluctance of citizens in America, Russia, and elsewhere to accept large numbers of military casualties.

Some have contended that civilian reluctance to send large numbers of young people to their death

signals an end to patriotism, but that reluctance may just as well signal a growing desire to impose moral constraints on the conduct of war. As we saw in the Gulf War, our political and military leaders reacted to this civilian reluc tance by planning and executing swift, low casualty campaigns based on the use of high technology weapons. In such campaigns, the intentional de struction of the innocent is greatly reduced. In future wars, there can be an even greater use of "smart" weap ons and—even better from a moral point of view—non-lethal weapons including low-frequency sound waves, calmative agents, and laser rifles.

The Future

Clearly, civilian knowledge and control of such developments must be maintained; otherwise political and military leaders may use esoteric weapons to create a military mystique to serve their own narrow political and professional interests. If development of such weapons proves practical, we can encourage our leaders to answer the empirical question in the affirma tive: Yes, we can win wars to preserve our basic values without sacrificing those values in the process.

"Lawyers for Warriors"

Charles R. Myers,United States Air Force Academy

What ethical issues confront law yers for warriors? Military lawyers face special concerns just because their clients are soldiers, sailors, or other military personnel responsible for preparing for, waging, and win ning the country's wars lawfully and morally. As military operations have become more complex, military law yers' responsibilities have expanded. In fact, those responsibilities have expanded so much that, as I shall argue here, military lawyers are now not only legal counsel to warriors but also their de facto moral advisors.

Justice and Discipline

The most distinctive pattern of ethi cal issues for military lawyers comes from military justiceadvising the com- mander on maintaining good order and discipline through the mili tary's criminal law. An undisciplined force is incapable of fighting effectively and could even threaten the society it is meant to defend. For this reason, the Uniform Code of Military Justice (UCMJ) gives the military its own criminal law and the institutions to apply it. The UCMJ provides that when charges are preferred, military officials will determine "what disposi tion should be made thereof in the interest of justice and discipline."

This requirement to balance justice and discipline can raise ethical issues for the commanders and lawyers re sponsible for the administration of the military justice system. There is little doubt that discipline requires the mili tary to criminalize conduct that civilian society does not (disrespect, disobedi ence, and absence, for example), and there is little doubt that discipline requires the military to punish some offenses more severely than civilian society does (drug offenses, for exam ple). Despite the military's greater need for discipline, in most cases justice and discipline coincide, for commanders understand that they can preserve discipline only by dispensing justice fairly.

But there are cases in which con flicts between justice and discipline can raise ethical issues. What are the ethical responsibilities of a lawyer advising a commander for whom the deterrent effect of a conviction and sentence carries more weight than fairness to the accused? Is the military defense counsel's duty of confidential ity substantially different from that of civilian counsel when the client dis closes the intent to commit an act threatening military or weapons systems?

Other areas of military law have analogues to the vying demands of discipline and justice in military justice. In contract law, for example, lawyers may face a tension between rigorous adherence to details of complex regulations and procuring urgently needed military supplies. When does urgency or risk in a particular military contingency permit lawyers to advise contracting officers that “substantial compliance” with the strict requirements of regulations having the force of law is sufficient?

In environmental law, to give another example, these competing demands may involve another government agency. How zealously can military lawyers defend their service when an environment agency investigates a jet fuel spill? Should military lawyers be at least as aggressive as a civilian corporation’s lawyers would be in a similar situation—or even more aggressive in view of the necessity of carrying out the military function effectively and promptly? Or should military lawyers, as representatives of the public, be models of cooperation

in dealing with the investigation?

Public and Personal

While the "discipline-justice" pat tern fits many of the ethical problems facing military lawyers, two other pat- terns—"public-personal" and "law- morality"—may be even more apt today. The public-personal pattern can be seen in the role military lawyers play under the Joint Ethics Regulation (JER).

Reflecting increased public interest in regulating government ethics, the JER's several hundred pages include detailed rules on gifts from sources outside the government, gifts between military personnel, conflicting financial interests, impartiality in perform ing official duties, misuse of position, off-duty employment and other out side activities, and post-service em ployment. For example, military per sonnel may not accept any gift given because of the member's official posi tion, but the rules are so detailed as to provide that "gift" does not include "modest items of food and refresh ments, such as soft drinks, coffee and donuts, offered other than as part of a meal."

The JER implements or supplements a confusing patchwork of statutes and regulations. The rules are so detailed and complex that the JER requires that in almost every case "ethics counselors" must be lawyers. Detailed ethical rules that only lawyers are competent to interpret unavoidably create the unfortunate appearance that ethical advice is only a matter of finding loopholes. In such an environment, the form ethical issues take is not so much a tension between discipline and justice as it is a tension between technical compliance with (or avoidance of) detailed standards of conduct and public perceptions of real or apparent conflicts between the personal and official interests of government employees.

Law and Morality

The law-morality pattern of ethical issues is seen best in the expanding role of military lawyers in planning and waging military operations. International law requires nations to ensure respect for the law of war, and so military lawyers have for decades been responsible for instructing military personnel in the law of war and for inculcating in them respect for law. Military lawyers are also responsible for reviewing proposed weapons systems. More importantly, Department of Defense directives now require military lawyers to review war plans for compliance with domestic law and the law of war. Is it possible to imagine lawyers who carry greater ethical responsibilities than those who review war plans (including plans for nuclear war)?

In the Gulf War—frequently called the most legalistic war ever—lawyers reviewed every target to be struck in the air campaign. Their advice addressed such difficult issues as striking electric power grids as strategic targets and attacking mobile Scud-launchers on highways even though they could not be distinguished from civilian vehicles at night.

The changing nature of warfare, together with the expanded role of military lawyers in war planning, raises unprecedented issues for military lawyers. There is, for example, the issue of who the lawyer's client is. All government lawyers face this issue at some point. Rules of professional responsibility may formally identify the client, but in practice who really is the client—the head of the agency or one of its subdivisions, the agency itself, the government, the public?

The ethical difficulties inherent in defining a governmental client are compounded in joint or coalition warfare, in which military lawyers may advise commanders from other services and from other nations. The most interesting challenges concern "conflicts of law"—determining the applicable law when there are many different sources of law and many circumstances not specifically addressed by any of them. Military lawyers must take into account and resolve conflicts among national law, customary international law, international conventions, and agreements among coalition partners.

While the law of war generally concerns war among nations, most military operations today do not occur in that context. They take place instead in civil wars or in "military operations other than war" such as humanitarian interventions and peacekeeping operations. The parties to the conflicts are often not nations, but sub- and supra-national groups. Under these conditions, how do military lawyers find the law? They must look to the principles underlying the law of war—proportionality between military objectives and the force used to achieve the objectives, and discrimination between combatants and noncombatants in the application of military force.

Moral Advisor

For this reason, military lawyers have become de facto moral advisors for warriors. There is no

one else in the war room specifically responsible for identifying and addressing moral issues. Perhaps one day there will be ethics consultants" on the military com- mander's staff just as there are already in business, medicine, and elsewhere. In the meantime, however, military lawyers should shoulder this responsibility. Lawyers and others might argue that everyone involved in planning and waging war is competent to see the moral issues; the lawyer's role is to provide legal advice, not moral guidance. But as weaponry, international relations, and military operations become more complex, so do the moral issues. It is not at all clear that just anyone in the war room can be expected to see the difficulties, subtleties, and ambiguities in using military force morally.

Although the lawyer's principal role is to provide legal advice, in war legal and moral advice are—or should be—close. The overlap of law and morality is greater in the law of war than in any other area of the law—in large part because both are based on the principles of proportionality and discrimination. Using these principles to apply law to new forms of war, military lawyers must already appeal to moral principles. In this way, now more than ever before, the special ethical concerns of military lawyers include the most sobering and momentous of moral responsibilities—ensuring that the nation wages war both lawfully and morally.

The views presented here are mine; they do not necessarily represent the views of the USAF Academy or any other component of the Department of Defense or the United States government.

"Chaplains and the Military"

Arthur E. Gans, Winfield, British Columbia

As a chaplain, I encountered more than a few difficult ethical choices over thirty-five years first in the American and then in the Canadian military. Most of those choices involved a conflict between my ethics and my church's, between my ethics and the military's, or between my professional responsibilities as a religious counsellor and my professional responsibilities as a military officer. Let us take these conflicts in order.

Conscience v. Church

Generally, a chaplain is given a military commission because she is already in "Holy Orders," that is, because a church (or other religious society) has ordained her to its ministry. Most ordination services include a promise to conform to church doctrine, to spread the church's teachings, and to obey the appropriate authorities within the church. That is to say, the chaplain enters the military with a previous contract; she can honestly function as a chaplain only as long as she upholds that contract.

My church's attitude toward the military has changed substantially since World War II and so has its attitude toward those whose ministry is performed within the military. The chaplain's role is no longer to "praise the Lord and pass the ammunition." For example, at the beginning of the Gulf War, my religious superior, the Primate of the Anglican Church of Canada, joined with senior clergy in other churches to condemn as an "unjust war" the action the allies were undertaking under Article 7 of the United Nations Charter. That put me in an untenable position.

Central to the ethical code of a soldier are various codifications of international humanitarian law, the "Geneva Conventions." These set out when force may legitimately be used, as well as how it may legitimately be used. The Nuremberg and Tokyo war crimes trials ruled out the defense "just obeying orders." Each soldier is responsible for deciding whether a superior's orders are consistent with the Geneva Conventions. He cannot go to war in good conscience just because his country orders him. So, if I had taken the Primate's condemnation at face value, I would have had to conclude that every Anglican in the military, myself included, was engaging in an unjust war and was therefore party to a "war crime" as the Nuremberg trials defined it.

A Canadian soldier being tried for war crimes may seem a farfetched idea. It is not. Recently, the International War Crimes Tribunal sentenced a soldier serving in Bosnia to ten years in prison for murder committed under the direct orders of his commander. And right now, hearings in Canada on the conduct of its soldiers in Somalia seem likely to end, like the Peers Commission after the My Lai Incident, with several Canadian soldiers being tried for war crimes.

So, as an Anglican chaplain, I felt

compelled to respond to the Primate's condemnation of the war. Two options were obvious. I could resign my commission, accepting the Primate's authority at the cost of my ministry. Or I could, instead, refuse to obey any order related to the war, though the military looks with great disfavor on anyone refusing to obey an order in time of war, even in a relatively limited war like that against Iraq. I chose a third option.

I wrote a paper in which I set out the facts as I understood them, including the church's understanding of what made a war "unjust" and the procedures necessary to make an authoritative finding that a war is unjust. I then wrote the Primate, informing him that although he might legitimately hold a personal opinion about the justness or unjustness of the war, he lacked authority to condemn the war on behalf of the Anglican Church without appropriate "consultation." Until the Church undertook such a consultation, I was free to follow my conscience and serve as chaplain to those at war.

Some time later the Primate agreed that his condemnation of the war was a personal opinion, not a teaching of the Anglican Church of Canada. He also admitted that there were legitimate differences of opinion on the war within the Church.

Conscience v. the Military

I experienced a different conflict in my service in the U.S. Army. In late 1972, President Nixon ordered B-52s to bomb Hanoi and Haiphong. This was high altitude area bombing, certain to do great "collateral damage." At the center of the target area were the two largest hospitals in North Vietnam. Hospitals are protected under international humanitarian law. Along with several other chaplains, I felt required to resign to express disapproval of this violation of military ethics.

Though I was not then on active duty, I had some sixteen years of mili tary service. My "early retirement" meant a substantial financial sacrifice. Once taken, the decision was final. You can only "fall on your sword" once.

Client v. Military

Conflicts of the kinds discussed so far are rare, though memorable. The last kind I want to discuss comes up much more often. That is the conflict between a chaplain's responsibility to those individuals to whom she minis ters, her "clients," and her responsibil ity to the organization whose chaplain she is, a certain unit of the military. All the helping professions providing members to the military—medicine, law, social work, psychology, and so on—share such conflicts with the ministry insofar as each recognizes an obligation of confidentiality. Their members, each both a member of a particular profession and an officer, must sometimes choose between maintaining client confidence and doing what a soldier should.

My genteral approach to this conflict of roles was to clarify what the client wanted to keep confidential before I knew too much and then to make an explicit commitment. Early in a counseling session, I would say something like this: "Do you want me to do anything about this situation, or is your purpose simply to come here and talk about it to relieve your stress? If you just want to talk, then I can and will promise you confidentiality. But if you want me to do something about it, you will have to trust my professional judgment about releasing information to the commanding officer. I will only release what I believe he needs to make a proper decision, but since the decision is his and not mine, I may have to tell him more than you or I would like."

Typically, the client's response was, "Padre, I trust you. You do what you need to do to help me work this out."

Sometimes, however, the person in one of these "talking situations" would ask for confidentiality and then provide information implicating policy. If the implications were serious enough, I would try to get formal permission to release the information. If I could not, I might nonetheless go to the commander and—without using any names or identifying details—tell him that I had reason to believe he needed to look into conduct related to the appropriate policy. This way of presenting what I knew seemed to me to protect my client's privacy while carrying out my responsibilities as an officer.

The Danger of Careerism

Trying to serve both your clients and the military has its risks. I have known some chaplains who, I believe, became too much involved in the organization, to the point that they lost sight of their ministry. Chaplains as well as line officers can become careerists, willing to enhance their PERs (performance evaluation

reports) at the expense of their primary function, the ministery. Sometimes the closeness of relationships in a line unit can lead a chaplain to substitute unit culture for the profession's higher standard. This is particularly true in so-called "elite units" with an us-versus-them attitude.

I tried to avoid this risk by being careful not to make decisions for my clients. I would place before the client the best options I could see, as completely as I could see them. Then I would ask the client to tell me what should be done.

Priest and Soldier

Chaplains must walk a line different from the ordinary officer's. Chaplains should never forget that they are responsible to two professions, to two chains of command, a line commander and the church that ordained them. The chaplain is and must be a tightrope walker, aware constantly of balancing the needs of the individual, the church, and the military. Chaplains are soldiers, but unarmed. Although they go where their troops go, they are in a different category. For example, if captured and sent to a prisoner-of- war camp, they will be "detained persons," not "prisoners of war." The laws of war recognize that chaplains, like doctors, have different responsibilities from those of combat troops. The laws of war provide for the continuation of their work even under prison conditions.

Walking the chaplain's tightrope is, though not without difficulties, well within human powers. Many men and women have, I believe, done it remarkably well. Certainly, I have never regretted my dual vocation as priest and soldier.

"Psychology and Military Work"

Craig Summers,Laurentian University, Ontario

During the Gulf War, work in my own area of cognitive science was deployed militarily in "smart missiles." My professional organization, the Canadian Psychological Association (CPA) has a particularly long code of ethics, which repeatedly emphasizes the importance of individual rights and human welfare. In particular, Principle 1, the highest-priority principle, states that each person "should be treated primarily as a person or an end in him/herself, not as an object or means to an end"; and Principle 4 states that psychology "as a science and a profession...will promote the welfare of all human beings." Wondering whether I, and other psychologists, could engage in research they knew would be used to injure others, I raised the question with the CPA ethics committee informally and then, in July, 1991, formally requested an opinion.

First Response

The response was not what I expected. Even before I formally committee took many months to issue the opinion, A committee on which I served received a letter(dated May 27,1991) from the CPA president to all committee chairs. The letter stated that the issures I have raised 'were political in nature, were not supported by our interpretation of the ethical principles, and that there were strongly held opposing political views in the Association." The chair of the ethics committee initially characterized my formal request as "annoying." The committee took may months to issue the opinion.

Finally, in January 1992, the ethics committee sent me its opinion. The cover letter instructed me that the long document was strictly for internal use until the Board of Directors decides "at a later date if and when to release it publicly." The committee ultimately published the opinion in the Spring 1992 issue of the CPA newspaper.

The ethics committee concluded that just-war ethics concerning military work were consistent with the Canadian Code of Ethics for Psychologists. Just-war ethics offer a set of criteria to justify the use of armed force as a last resort in some situations. There has to be a reasonable chance of success in entering the war, and the benefits should outweigh the costs. In fighting a war, one further criterion, non-combatant immunity, specifies that violent intervention must attempt to discriminate between innocent civilians and military targets.

What's Wrong with the CPA Position

The CPA went far beyond other health-care organizations in officially setting a permissive policy for participation in killing people. The CPA used the following passage from Principle 1, Respect for the Dignity of Persons, to make its explanation:

As individual rights exist within the context of the rights of others

and responsible caring (see Principle II), there may be circumstances in which the possibility of serious detrimental consequences—to themselves or others—might disallow some aspects of the rights to privacy, self-determination, and personal liberty. However, psychologists still have a responsibility to respect the rights of the person(s) involved to the greatest extent possible under the circumstances...

The weakness of the CPA's argument is that though perhaps consistent with a just-war position, this passage is not directly relevant to it. There is nothing in the principle about military work. The title refers to the dignity of persons, not to killing them. Three different rights are specified that may be sacrificed in some situations: privacy, self-determination, and liberty. But sacrificing any of these, indeed, all of them, is quite different from killing someone!

That, however, is not all that is wrong with the CPA's interpretation. It also misrepresents the import of the complete Principle 1. The ethics committee deleted two sentences from the passage quoted to justify its position: Omitted sentence #1 reads: "Indeed, such circumstances might be serious enough to create a duty to warn others (see Standards 1.40 and 11.36)." Omitted section #2 reads: ."..and to do what is necessary and reasonable to reduce the need for future disallowances." Standard 1.40 (referred to in omitted sentence #1) adds: "Share confidential information with others...in circumstances of ac tual or possible serious physical harm or death (see Standard 11.36)." Stan dard 11.36 (referred to in omitted sentence #1): "Do everything reason ably possible to stop or offset the consequences of actions by others when these actions are likely to cause serious physical harm or death. This may include reporting to appropriate authorities (e.g., the police) or an intended victim..."

Since much in these four ignored passages is relevant to the conclusion that just-war arguments are acceptable within the terms of the Canadian Code of Ethics for Psychologists, the CPA's blinkered interpretation of Principle 1 seems more like an attempt to main tain the status quo and protect the military funding of CPA members than like an honest attempt to interpret Principle 1. Despite many requests for clarification or correction, the CPA has yet to explain why it omitted and ignored these seemingly relevant parts of its code.

My Second Inquiry

I found this silence both disturbing and odd. The just-war interpretation of Principle 1 seems to contradict a long-standing consensus among health-care professionals concerning their relationship to killing. For exam ple, in research ethics, since the time of the medical experiments performed in the concentration camps of Nazi Germany, it has not been acceptable to sacrifice a human life for the benefit of a larger group. Similarly, in Canada, the United States, and most other countries, professional codes of health-care organizations prohibit member participation in euthanasia.

Capital punishment provides a third example of the distance health-care professions try to put between them selves and killing. Many major health-care organizations—including the Amer-ican Medical Association, the British Medical Association, the American Academy of Physicians' Assistants, the American Nurses As sociation, the American College of Physicians, and the American Public Health Association—have policy statements against participation of their members in legal executions.

One of the difficulties with just-war ethics, it seems to me, is that they can be used to justify almost any means to a good end. So, in February, 1992, I made a second inquiry, asking whether the CPA would draw the line at weapons of mass destruction. It took till 1995 for the CPA's ethics committee to respond. Incredibly, the committee seems to condone work on such weapons: "It is impossible to decide, in the abstract, that such work is a de facto violation of principles set out in the current Canadian Code of Ethics for Psychologists...Any blanket statement about the work of psychologists relating to the development of weapons of mass destruction would be inappropriate" (March 31, 1995).

I say "incredibly" because, if used, weapons of mass destruction, from chemical agents to nuclear weapons, are by their nature likely to kill large numbers of innocent civilians. They are difficult to tolerate even as instruments of public policy. Participation in their development and use is, it seems to me, even harder for any contemporary health-care organization to tolerate in its membership.

Not Only the CPA

The CPA is not unique in its tolerance of members' participation in military work in general or in work on weapons of mass destruction in particular. In the United States, psychologists contribute to the use of military force in numerous ways, for example: Psychological research is used in developing artificial intelligence algorithms for the guidance systems for missiles. The Persian Gulf War involved the U.S., Canada, and a number of other countries in active combat in 1991. The Canadian government estimates that 125,000 to 150,000 Iraqis were killed in the war, many of whom were unwilling conscripts. Much of this killing was the work of "smart weapons" psychologists had a part in developing.

Nor is participation in military work new to psychologists. Psychologists have long played an important role in personnel selection for the military. Although seldom mentioned in undergraduate textbooks, both the American Psychological Association and CPA gained enormously in stature by helping the military with mass personnel testing during the two world wars.

Nazi Germany provides an extreme example that helps us to avoid a double standard. Political objectives conflicted with health-care ethics in mental-health professions there too, with the first mass-killings happening in asylums, where the gas chamber technology was perfected before it was used in the death camps. About 275,000 mental-health patients were killed in the German government's "euthanasia" program, using the same means-end reasoning later used to justify killing at least 6,000,000 people in the death camps.

Work that contributes to the development or use of nuclear weapons goes against the principle of non-maleficence, or not doing harm, which is the cornerstone of the Hippocratic Oath. Clearly, any organization in which members may participate in military work should have an explicit discussion of harming other human beings in its code of ethics. So, for example, the International Red Cross has policies which correspond closely to Hippocratic ethics: when its health- care personnel are involved in military operations, they are to treat the wounded, not to help the war effort. Psychologists need something like this, not a license to participate in killing such as the CPA has issued.

"Announcements"

COURSES: ***Midwest Intenstive Bioethics Course***, June 22-26, 1997, Sheraton Metrodome, Minneapolis, will help participants become familiar with both current and emerging issues in bioethics, gain an understanding of current theories of bioethics and the relative strengths and limitations of these approaches, develop the skill to apply moral reasoning to specific clinical cases, and consider personal and organizational ethical challenges in the managed care environment. Sponsors include the Center for Bioethics, University of Minnesota, the Center for the Study of Bioethics, Medical College of Wisconsin, and the Program in Medical Ethics, University of Wisconsin, Madison. Contact: Center for Bioethics, University of Minnesota, Suite 110, 2221 University Avenue SE, Minneapolis, MN 55414. Tel: 612-626-9756; fax: 612-626-9786; email: holmb006@maroon.tc.umn.edu

Philosophy of and Philosophy In Healthcare Education, the 12th Annual Conference of the European Society for Philosophy of Medicine and Health Care, will be held in Marburg, Germany, August 20-22, 1998. Persons wishing to present papers at the conference should submit an abstract (500 words maximum) before November 1, 1997. Contact: Prof. Dr. Henkten Have, secretariat ESPMH, Dept. of Ethics, Philosophy, and History of Medicine, Faculty of Medical Sciences, Catholic University of Nijmegen, P.O. Box 9101 HB Nijmegen, The Netherlands. Fax: +31-24-3540254.

CONFERENCES: ***Ethics in the Professions and Practice***, a conference sponsored by the Association for Practical and Professional Ethics and the Practical Ethics Center, University of Montana, will be held August 3-7, 1997, at the University of Montana, Missoula. Topics include: “Reasonable Children” (Mike Pritchard), “Business Ethics: Practice and Pedagogy” (Pat Werhane), “Ethical Issues in Conducting and Reporting Research” (Stephanie Bird), “Ethics and the Internet: Privacy, Property, Accountability, and Democracy” (Deborah Johnson), “Who Should Se the

Election Agenda: People, Polls, or Press?" (Marty Linsky), "Narratives, Case Studies, and Theories in Ethics" (John Arras), and "Medical Ethics" (Ronald Carson). Contact: APPE, 410 North Park Avenue, Bloomington, IN 47405; tel: 812-855-6450; fax: 812-855-3315; email: appe@indiana.edu.

Ethical Issues in Health Care and Health Care Education, the Fifth Annual Health Care Symposium, will be held September 18-19, 1997, at Laramie, Wyoming under the sponsorship of the College of Health Sciences and the Center for Advancement of Ethics, University of Wyoming. Registration forms will be mailed July 1, 1997. Contact: tel: 307-766-6556; fax: 307-766-6608.

The Center for the Study of Ethics in the Professions (CSEP) was established in 1976 for the purpose of promoting education and scholarship relating to ethical and policy issues of the professions. *Perspectives on the Professions* is one of the means the Center has of achieving that purpose.