

ISSUES IN MILITARY ETHICS

*Edited by Don Carrick, King's College London,
Michael Skerker, United States Naval Academy, and David Whetham, King's
College London at the Joint Services Command and Staff College*

With most officer training schools including military ethics as part of their programme, more than ever there is a need for clarity on ethical decision making. Contemporary military conflict is ever changing and with it military practitioners are confronted by new ethical challenges which often puts additional weight on the professional activity of personnel. At a minimum, military professionals need to have a clear knowledge of the laws that underpin their profession in order to evaluate situations quickly.

The series explores the complexities of acting ethically within the military system. It is not a philosophical debate on military ethics nor is it a general introduction. Instead, this series aims to provide real world guidance for military commanders and leaders. Edited alongside King's College London Centre for Military Ethics and the United States Naval Academy, this series brings a unique and relevant combination of practitioner and academic expertise which profoundly enhances the overall effect of the learning experience from its publications.

Military Virtues

Edited by

MICHAEL SKERKER
United States Naval Academy, U.S.A.

DAVID WHETHAM
King's College London, U.K.

DON CARRICK
King's College London, U.K.



Howgate Publishing Limited

LOYALTY

Overview

David Whetham

"If you were to write a model universal military code, would you put loyalty in it?" I was asked this question on an episode of BBC Radio 4's *The Moral Maze* during a wider discussion regarding whether or not loyalty is always a virtue. After being asked the question by the panel, I committed the cardinal sin of live radio – I paused for thought for what, in the complete silence that followed – must have felt like an eternity to the host.¹

Why did it take me so long to think about my answer before responding? I work with professional militaries from all around the world. I understand how important loyalty is and recognise how many institutions signal how much they value it by including it in the values and standards statements they make and the lists of virtues they require their personnel to exhibit. However, I also understand the problems it causes when it is poorly understood or misapplied. Is loyalty an appropriate military virtue?

Many countries appear to think so. Loyalty can be found in the list of core values for the British Army and Royal Navy.² It is the first virtue listed for the U.S. Army, also appearing in the codes of the Australian Defence Force, and the Canadian militaries, among many others.³ Even where it is not mentioned as a 'headline' virtue, it is often still mentioned. The U.S. Navy focuses on just the three 'Honor, Courage and Commitment,'

1 "Loyalty," November 15, 2014. <https://www.bbc.co.uk/programmes/b04nv97d#play>.

2 See, <https://apply.army.mod.uk/what-we-offer>; <https://apply.army.mod.uk/what-we-offer/what-we-stand-for> and <https://www.royalnavy.mod.uk/our-organisation/where-we-are/training-establishments/hms-raleigh/initial-naval-training-ratings>. Accessed January 25, 2019.

3 Paul Robinson, Nigel de Lee and Don Carrick (eds), *Ethics Education in the Military* (Aldershot: Ashgate Publishing, 2008), 7.

although loyalty is mentioned under Courage.⁴ In the same way, although the Royal Air Force do not list it as a separate core value, it is mentioned under the title of Service, along with physical courage, commitment and teamwork.⁵ The Norwegians do something similar, placing loyalty under the idea of Respect.⁶

The British Army's own website explains the core value by stating "Loyalty is about supporting your team, looking after and helping them even when the going gets tough. In return, they do the same for you."⁷ This makes a lot of sense and one can easily see how a strong sense of identity and camaraderie can be generated by the knowledge that whatever happens, your team will support you. This is where the 'leave no-one behind' mentality of the U.S. military is generated and there is little doubt that this feeling of solidarity promotes team work and the desire, in extremis to make the ultimate sacrifice if the team needs you to.

Core values statements for militaries around the world do tend to look very similar. Given the functional nature of what military organisations need to be able to do, this is hardly surprising. What is perhaps surprising therefore, is that loyalty is not seen universally as one of the essential headline virtues that military organisations state as part of their core values statement. How and why should loyalty be regarded as anything other than a good thing? While it is rarely unpacked, explored or explained in any depth, loyalty is actually a very complex concept. One can have multiple loyalties and this means that they can collide or conflict and thus generate the type of challenges that both Coleman and McCormack note in the case studies that follow.

Loyalty is both relational and it can also be multi-directional, having both horizontal and vertical manifestations. Horizontal loyalty is the type of loyalty that is referred to in the British Army explanation above – it's about the team around you. Vertical loyalty runs upwards to the chain of command, the broader institutional, the government, state and people. It also runs downwards, to the men and women that you are responsible for. Pauline Kaurin argues that loyalty is about "privileging the moral claims of some people, groups or ideas over others."⁸ It comes with ethical obligations and duties and also involves a degree of trust (thus the breaking of that trust being so important in many cases of moral injury). Just as you need to

trust your team, and they you, you need to trust that the chain of command is looking after your interests and acting for the greater good even as it may be obliged to place you in harm's way. You should also be able to trust that you are being tasked with doing something legitimate. For example, "Only on the basis of absolute confidence in the justice and morality of the cause, can British soldiers be expected to be prepared to give their lives for others."⁹ That is the same trust that generates the loyalty of those you are charged with leading – lose that trust, and ultimately loyalty itself will also be undermined.

Horizontal loyalty is therefore an important part of promoting effective teamwork. But, when taken in isolation and removed from the complex broader structure of loyalty, it can also be the source of major problems. Being loyal to one's team does not extend to covering up wrong doing, or letting friends do things that you know are wrong and can prevent. The 'friends don't let friends drive drunk' slogan has been used to promote awareness of the dangers of drunk driving in the U.S. since 1983. It is also a useful reminder that one is not being disloyal to a friend if you take her car keys away from her when she is clearly drunk but, due to a moment of impaired judgement, wants to drive anyway. Real loyalty would be demonstrated by making sure she gets home without putting herself and others at risk. If you are asked to cover up a violation of rules or an illegal action, then it is important to understand that it is the person who is putting you in that situation who is being disloyal, not you when you 'do the right thing.' The person who is asking for your help, is actually asking you to become an accomplice, complicit in their wrong doing rather than having the moral courage to own up to it and resolve the situation themselves. It is a gross breach of trust to place somebody in such a position. The "Green Wall of Silence" that met the investigators into the death of Baha Mousa, discussed in McCormack's case study, is a demonstration of just how dangerous that misplaced loyalty can be. Somebody in that unit beat a prisoner to death, but to date, no-one has been held accountable for that murder because no-one would give meaningful evidence to the inquiry. I would suggest that this is hardly surprising if you re read the way this virtue is explained by the same British Army. Of course, allowing people to get away with murder is not what this articulation of the virtue was supposed to promote, but it is not difficult to see how they were just doing exactly what they had been trained to do – "Loyalty is about supporting your team, looking after and helping them even when the going gets tough. In return, they do the same for you." And this, therefore,

⁴ See http://www.navy.mil/navydata/nav_legacy.asp?id=193.

⁵ RAF (Royal Air Force) (2017) Air Publication (AP) 1: *RAF Ethos, Values and Standards*. Second Edition.

⁶ Core Values of Norway's Defence Sector S-1015E, Norwegian Ministry of Defence (2013).

⁷ <https://apply.army.mod.uk/what-we-offer/what-we-stand-for>.

⁸ Pauline Kaurin, *The Warrior, Military Ethics and Contemporary Warfare: Achilles Goes Asymmetric* (Abingdon: Routledge, 2014), 28.

⁹ Army Doctrine Publication, Vol. 5, *Soldiering, the Military Covenant* (2002), 3–13.

is the danger of assuming that people know what you mean when you ask them to recite the values and standards. As long as they mention loyalty, they must understand it, right? However, loyalty is a much more complex virtue than this approach can acknowledge. Without understanding both the gross failure of loyalty exhibited by the cowards who left Baha Mousa with 93 separate injuries when his hooded, manacled body was beaten by his captors, and then expected their peers to cover for them, it also ignores the complete lack of loyalty demonstrated to the wider organisation, the mission itself (there can be little doubt that public confidence in an already unpopular conflict was further strained by this event), and the society that they were supposed to be serving. General Sir Mike Jackson, a former head of the Army, told the subsequent inquiry that Mousa's death remains "a stain on the character of the British Army."¹⁰

It is not just horizontal loyalty that can cause problems if it is not understood properly. Unthinking vertical loyalty can also be counter-productive or even dangerous in some circumstances. Obedience to orders is required for military organisations to work and be able to carry out the kind of difficult and dangerous tasks that they are assigned. But, in some situations, being disobedient may not only be the right thing to do, it might also be both the loyal and the professional course of action. How could this be?

If circumstances have changed, if you are aware of new information, and you are convinced that it would be counter-productive to follow the given orders, "disciplined disobedience" may be called for to "achieve the larger purpose of the mission."¹¹ Nelson putting the telescope to his blind eye to avoid having to acknowledge the order to retreat from the battle of Copenhagen might be a good example of this. Had he followed the well-meaning order (Admiral Sir Hyde Parker believed that the attack had stalled and was trying to give Nelson an honourable way out), he would actually have had to retrace his path past still-active Danish defences. Instead, he persevered and scored a major victory, denying a major source of support to Napoleon.¹² In this type of situation, the full richness of the idea of loyalty must be appreciated. This comes back to the idea of trust. Loyalty is built on this, which is one of the reasons it is different to the simpler notion of obedience. Just as one demonstrates loyalty in the chain of command, so that chain of command, should be able to trust that

their personnel will not knowingly jeopardise the mission by uncritically following out-of-date or counter-productive orders. They should be able to trust in the professional discretion of their subordinates to be just as disobedient as is required. But this also requires any disobedience to be carefully considered and judicially applied. One will, of course, normally have to explain such actions after the event.

This all adds up to making loyalty a very complex virtue in any context, but particularly in a military one. Its overlapping and multi-dimensional nature means that it is, without doubt, the most poorly understood of the 'values and standards' found in so many of the armed forces around the world. It can lead to enormous damage when the source of the loyalty does not warrant or deserve it. It can lead to cover-ups and evil being unchallenged out of misplaced understanding. At the same time, when understood in its more sophisticated sense, it underpins the type of 'disciplined disobedience' that is a key professional requirement and can be the difference between success and failure in many critical situations.

So, after my long pause for thought, what was my answer to the question during the radio interview? Would I include loyalty as a virtue for a model universal military code of conduct? At the time, I argued that as it is such a complex concept, involving horizontal and vertical relationships and understandings, and is almost universally badly taught and badly understood by those who need to apply it, no, I would not include it on the list as a simple single word precisely because that simple word is trying to capture something that is actually enormously complex. It is a concept that needs to be unpacked and thought about if it is to be understood and applied in a positive way.

I have since revised that answer as I think it does belong there, whether it is explicitly stated or implicit in the other stated values of an organisation. The fault, after all, is not with the virtue of loyalty itself, but with the way that it is taught and therefore understood. I believe its relationship with obedience needs to be articulated clearly and unambiguously, with examples that are pertinent and relatable to the people it is taught to at each level of an organisation. These lessons must then be reiterated as people move through, up or around their institution so they are never in any doubt about who and what they should be loyal to, what loyalty looks like, and also, how to determine in what order it should be prioritised by a military professional applying their professional judgement. That means the lessons taught must be approached differently at phase one basic training with 18-year-olds than it will be for 45-year-old staff officers, not because the virtue differs, but because the way it

¹⁰ See Rachel Stevenson and Matthew Weaver, "Timeline: Baha Mousa case," September 8, 2011. <https://www.theguardian.com/uk/2008/may/14/mousa.timeline>.

¹¹ As quoted in Lt Gen. David Barno and Dr. Nora Benashel, "Three Things the Army Chief of Staff Wants You to Know," *War on the Rocks*, May 23, 2017.

¹² See Royal Museums Greenwich, "Admiral Nelson the Leader," <https://www.rmg.co.uk/discover/explore/nelson-leader>. Accessed January 25, 2019.

must be understood will change with context. It is the job of professional military training and education, and the task of leaders at every level, to ensure that this is done adequately. If someone in your command does not understand how to apply loyalty in a professional military context because they have never been given cause to think about it, the fault lies with you just as much as it does with them.

Case Study 1: Levels of Loyalty: Country, Service, Mission, Troops

Philip McCormack

This short case study will begin by briefly considering the death of Baha Mousa paying particular attention to an infamous expression of loyalty associated with this case. It will broaden out to consider William James' notion of 'sub-universes of reality' as a useful vehicle to view the issues of levels of loyalty.

*The Aitken Report: An Investigation into Cases of Deliberate Abuse and Unlawful Killing in Iraq in 2003 and 2004*¹³ was the British Army's response to a number of cases of serious abuse and unlawful killings in Iraq in 2003 and 2004. It did not focus entirely upon the death of the Iraqi Baha Mousa, a hotel receptionist who was arrested by soldiers and taken to a British Army base manned by the Queen's Lancashire Regiment (QLR). *The Aitken Report* also considered the death of Ahmed Jabber Kareem, who drowned in the Shat' al-Arab River,¹⁴ the death of Nadhem Abdullah who died after being allegedly assaulted by British soldiers,¹⁵ the abuse of prisoners at Camp Breadbasket, the death of

¹³ *The Aitken Report: An Investigation into Cases of Deliberate Abuse and Unlawful Killing in Iraq in 2003 and 2004*, January 25, 2008. <http://data.parliament.uk/DepositedPapers/Files/DEP2008-0229/DEP2008-0229.pdf>, 2.

¹⁴ Four soldiers were found not guilty of his murder by court martial in May/June 2006, *The Aitken Report*, 3.

¹⁵ Charges of murder against seven soldiers were dismissed by court martial on November 3, 2005. *The Aitken Report*, 3.