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Given that all Army professionals have taken an oath to “support and defend the Constitution,” in what instances may, or even should, the stewards of the profession dissent in a public way—including resignation or retirement—from an administration’s policy that they believe to be so incorrect as to be ineffective, potentially endangering the Republic’s security.

This is not a new issue, in fact far from it. Our Republic’s history has many examples of civil-military discord in which senior military leaders have dissented in various ways from an administration’s decisions—from General Douglas MacArthur in the Korean era, to General Ronald Fogleman during the post-Cold War Defense reductions, to more recently Lieutenant General Gregory Newbold and others in the “revolt of the generals” during the Bush administration’s invasion of Iraq.¹ In that instance, in 2002 Newbold, then director of operations of the Joint Chiefs of Staff, quietly retired even though he was rumored to be in the running for the next Commandant of the Marine Corps, acknowledging later that he had done so because he objected to the planning of the upcoming war in Iraq.

Now, in early fall of 2014, the issue has been raised again as several military leaders have acknowledged publicly their frustrations and disagreements with the Obama administration’s policies for the current airpower-only campaign against the Islamic State of Iraq and Syria (ISIS) in those countries—policies for which uniformed professionals hold the most extensive military expertise. As one would expect, respected voices appear on both sides of the debate as it focuses now on potential actions by General Martin Dempsey, Chairman of the Joint Chiefs of Staff, even though he has not indicated what those actions, if any, might be.

Arguing in favor of more forceful forms of dissent is Seth Cropsey of the Hudson Institute:

Senior officers must accept their commander in chief’s judgment and carry out orders. But they and like-minded advisers have another option: resigning. Not to embarrass the administration or cause a constitutional crisis, but to indicate the gravity of the ISIS threat. Until stopped, ISIS or its collaborators are likely to mount an attack against the U.S. homeland with the aim of equaling or surpassing al Qaeda’s 9/11 [September 11, 2001] success. A military commander’s resignation, accompanied by a clear and respectful explanation, would prompt a needed debate over U.S. strategy to achieve the president’s goal “to degrade and ultimately destroy” ISIS. . . . Politics is, by human nature and design, complex and messy. It exists in the military no less than in other large organizations. But the stakes are particularly high where the nation’s security is at risk—as it now is. Clarity of purpose is essential and where it is lacking—as in how to defeat ISIS—senior military officers can make an important difference with their actions.²

On the other side of the debate is Professor Peter Feaver of Duke University, a very respected scholar and practitioner of civil-military relations in America. His take is quite different from Cropsey's:

Advocating resignation and protest like this is bad counsel and would do much to undermine healthy civil-military relations if it ever became accepted practice among senior officers. . . . This does not mean the military lacks all recourse whatsoever. On the contrary, it has three courses of action available to a dissenting senior officer, all well-grounded in democratic civil-military norms.

First and most importantly, the military has both the right and the duty to speak up in private policymaking deliberations, offering its counsel on the likely risks and benefits of different courses of action. . . . Second, when asked to do so in sworn testimony in congressional hearings, all flag and general officers have not just the right but the obligation to offer their private military advice even if it differs from administration policy. In fact, all flag and general officers have already sworn under oath that they will do just that—it is the first question on the confirmation form for all senior officers, and the Senate will not confirm them to their promoted rank if they fail to promise to provide such candid advice. . . . Third, the military has the right—and, I would argue, the obligation—to clarify the public record when senior civilians misrepresent the content of their advice in public.³

Even Newbold has now re-entered the debate, stating that some extreme circumstances may require a break with military tradition:

In time of war, we know that our misjudgments—whether through rash actions or timidity—are paid in blood by the most selfless and patriotic of our nation's youth. . . . While military leaders almost always should follow the prescription of 'counsel in private, praise in public,' there are occasionally and rarely instances, where intelligence used to justify conflict is manipulated or judgments on the use of force are so flawed that an experienced military leader must (as we say) speak truth to power.⁴

So should General Dempsey consider resignation? What is the role of the Stewards of the Army Profession with respect to domestic civil-military relations—how best for them to maintain the necessary trust of the American people, while at the same time disagreeing in an appropriate manner with civilian leaders who, by our Constitution, rightly exercise authority over them?

A more thorough review of American civil-military relations is well beyond the scope of this article.⁵ Suffice it to say that such relations are usually laden with healthy tensions.⁶ But, certainly, key among the factors that should frame such an analysis is the Army's professional ethic. For its own stewards, in its new doctrine of profession the Army has explained:

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The key condition for effective American civil-military relations is a high level of mutual respect and trust between civilian and military leaders. Army professionals fulfill their obligation to create such mutual respect and trust by strictly adhering to a set of norms established by law and past practice:

The Army Profession's principal obligation is to support the democratic institutions and policymaking processes of our government. Military leaders should offer their expertise and advice candidly to appropriate civilian leadership within the Department of Defense and more broadly within the JIIM [Joint, Interagency, Intergovernmental, and Multinational] community.

Civilian decisionmakers seek and consider professional military advice in the context of policy deliberations. Army professionals properly confine their advisory role to the policymaking process and do not engage publicly in policy advocacy or dissent.

As the last bullet implies, little has apparently changed since Samuel Huntington noted over five decades ago, that "loyalty and obedience" are to be the cardinal military virtues.⁸ This precept has remained embedded in the Army's professional ethos to this day, especially for the Stewards of the Army Profession. But, given the current debates can something more be said other than, ". . . do not engage publicly in policy advocacy or dissent"? Can Army doctrine be further explicated? Specifically, how are Army Stewards to interpret ". . . engage publicly"?

I think we can say more, and, to do so, we must draw on the thoughts of two other scholars in the field. First, Dr. Martin Cook, the Stockdale Chair of Ethics at the Naval War College, has focused on the challenge the potential dissenter faces when he or she uses discretionary professional judgments to arrive at a decision to dissent. To Cook, the challenge is:

. . . how to understand professionalism so that two equal values, somewhat in tension with each other, are preserved: the unquestioned subordination of military officers to constitutionally legitimate civilian leadership; and the equally important role of the officer corps in providing professional military advice, unalloyed with extraneous political or cultural considerations.⁹

As Cook and others believe, part of that judgment must rest on the idea that professionals are obligated not only to serve the client (in this case, ultimately, the state and its Constitution) but also are obligated to have “their own highly developed internal sense of the proper application of the professional knowledge.”¹⁰ In other words, dissent without insubordination to civilian authority can rightly be based on loyalty to the profession’s expert knowledge and its effective and ethical application. This is the moral obligation owed the client by the profession.

The second scholar of interest here is Dr. James Burk, military sociologist at the Texas A&M University. In a challenge to Huntington’s functionalist assertion that loyalty and obedience are the cardinal military virtues, Burk contends that:

Military professionals require autonomy, to include moral autonomy, to be competent actors held responsible for what they do. By autonomy, I mean the ability to govern or control one’s actions with some degree of freedom. Autonomous action is a precondition for responsible obedience and the opposite of blind obedience. . . . [There is a] conceptual space within which military professionals exercise moral discretion. The map includes a definition of responsible obedience and disobedience. But it also includes two types of actions that do not fit the classic definitions of these alternatives. They each exhibit a defect in which discretion is used either to do what is morally wrong or to do what was explicitly not authorized. Nevertheless, they are not simply forms of disobedience. They are “protected” actions, protected because the discretion to commit them preserves the autonomy on which the moral responsibility of the military profession depends.¹¹

As I have stated before, I believe that Burk’s argument is compelling.¹² On rare occasion the exercise of discretionary professional judgment may lead to acts of dissent beyond the accepted norms offered by Professor Feaver. I believe such acts by the profession’s stewards can fall in Burk’s “protected space,” a space that may indeed require acts of dissent or disobedience if “the moral responsibility of the profession is to be preserved.” Professions simply must preserve the autonomy to “profess” based on the uniqueness of their expert knowledge held in trust for their client, or they cease to be professions.

But that is a narrow space, indeed. Knowing with certitude which acts fall in this narrow space will never be easy. But the knowledge that it exists should give all Stewards of the Army Profession, including General Dempsey, the confidence that, if prudential military judgment dictates, they will not be violating their profession’s ethic if they do “engage publicly.”

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ENDNOTES

1. For a review of that "revolt" and the derivation of norms for public dissent by military professionals, see Don M. Snider, "Dissent and Strategic Leadership of the Military Professions," *ORBIS*, Spring 2008, pp. 256-277.
2. See "The Obama-Military Divide," *The Wall Street Journal*, available from online.wsj.com/articles/seth-cropsey-the-obama-military-divide-1412033300?KEYWORDS=seth+cropsey.

3. See *Foreign Policy*, available from shadow.foreignpolicy.com/posts/2014/10/07/should_senior_military_officers_resign_in_protest_if_obama_disregards_their_advice.
4. See *Military Times*, available from www.militarytimes.com/article/20140930/NEWS05/309300067/Calls-brass-resign-add-debate-over-Mideast-policy.
5. For a current overview, see Suzanne C. Nielsen and Don M. Snider, eds., *American Civil-Military Relations: The Soldier and the State in a New Era*, Baltimore, MD: Johns Hopkins University Press, 2009.
6. See Don M. Snider, "What Our Civilian Leaders Do Not Understand About the Ethic of Military Professions," Carlisle, PA: Strategic Studies Institute, U.S. Army War College Press, 2013, available from www.strategicstudiesinstitute.army.mil/index.cfm/articles/What-Our-Civilian-Leaders-Do-Not-Understand/2013/11/26.
7. Army Doctrinal Reference Publication 1- *The Army Profession*, Washington, DC: HQ, Department of the Army, June 3013, para 6-12, p. 6-3.
8. Samuel Huntington, *The Soldier and The State*, Cambridge, MA: Belknap Press of Harvard University, 1957, p. 73.
9. See, Martin Cook, *The Moral Warrior: Ethics and Service in the U.S. Military*, Albany, NY: State University of New York Press, 2004, pp. 55.
10. *Ibid.*, p. 65.
11. See James Burk, Chap. 8, "Responsible Obedience and the Discretion to Do What is Wrong," Neilson and Snider, eds., pp. 149-171.
12. See Snider, ORBIS.

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