Character and professionalism in the context of developing countries – the example of mercenaries

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RÉSUMÉ

On pense souvent que le professionnalisme moderne exige qu'on regarde comme non relevante les traditions particulières ainsi que les liens avec familiaux, tribaux et religieux. Du point de vue du professionnalisme, ce qu'est important sont des règles internes à la profession et aussi les droits universels de l'homme vu comme individu abstrait. Dans une société où l'individualisme et le commerce deviennent omniprésents, les traditions éthiques et les identités narratives pourraient pourtant constituer un cadre de motivations clé pour l'intégrité éthique professionnelle. Je prendrai comme exemple la profession militaire et en particulier l'utilisation de mercenaires. En distinguant entre les compétences et les vertus je me demanderai si oui ou non il y a une relation nécessaire entre un bon soldat et le fait d'être un citoyen. Le fait d'être est compris ici comme catégorie morale qui occasionne un certain idéal de caractère et en particulier des vertus. Je conclus que l'action de contractualisation privée d'un soldat n'est pas en général moralement digne d'éloge et ne devrait pas être encouragée dans une société éthiquement orientée.

ABSTRACT

It is often thought that modern professionalism means putting aside one's particular ethical tradition – which might affirm particular family and clan relations – in favour of the rules pertaining to that profession in the context of the promotion of universal ethical principles. In an increasingly commercialized and individualistic society, however, such ethical traditions and identity-forming narratives may be the key motivating framework for the ethical

integrity of the professions. In South Africa this promotion of an overarching narrative is termed nation-building. I take as example the military profession and in particular the use of mercenaries. Distinguishing between skills and virtues I ask whether or not there is a necessary connection between good soldiering and being a citizen – this being understood here as a moral category entailing a certain ideal of character and particular virtues. I conclude that the action of a privately contracted soldier is not in general morally praiseworthy and should not be encouraged in an ethically oriented society.

Key words: mercenary, professionalism, South Africa, virtue, citizen

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1. A FRAMEWORK FOR THINKING ABOUT PROFESSIONS IN THE CONTEXT OF DEVELOPMENT

1.1 UNIVERSAL PRINCIPLES AND THE ETHICS OF NATION-BUILDING

What people actually do, as opposed to what it is supposed they ideally should do, is in general determined by their actually operative normative traditions. Africa the continent is rich in such traditions, linking the individual to the community, both living and dead, past, present and future, through ideals of character and behaviour. But it is often thought that such traditions must take a back seat in the age of the modern state and professionalism. The particular traditions, stressing perhaps personal relations to family and clan, should be put aside.[1]

The case of South Africa's immediate history is illustrative in this regard. A recent example shows some ethical confusion. During a protest against proposed legislation to ban 'virgin testing' among Zulu people, the following arguments were put forward:

- virgin testing goes against the individual rights of women and should be banned;
- those participating are doing so freely, and their individual rights to do this should be protected;
- virgin testing is part of traditional Zulu culture and the state is obliged to respect different cultures;
- anything that helps to roll back the increase in HIV/Aids infections should be encouraged, and virgin testing is one such measure, as it helps prevent premarital sex;
- in the traditional prayer for rain, the virgin group, forming the head of the procession, is indispensable.

How are we to make sense of this seemingly incommensurable mix of ethical approaches? We have here arguments based variously on individual rights, on cultural pluralism, on utilitarian grounds, and on religious belief.[2]

Some clarification can be gained through considering how the country has emerged out of a period in which one particular 'grand narrative' was imposed on all citizens through laws and also the education system. The social order during Apartheid was identified as 'Christian' of a particular Calvinist kind, and 'national' of a particular racial and 'European' kind. Post-Apartheid South Africa has emphasized the plural nature of the good society,

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[1] The idea that the demands of the professions do not coincide with our normal ethical outlook is discussed in for example Jacobs, F. (2005). The starting point for the discussion is taken as Thomas Nagel's essay, 'Ruthlessness in Public Life' in which this kind of moral division of labour is put forward. For a working definition of 'profession' see P. Giddy (2002).

[2] For an analysis of the issues, see Leclerc-Madlala (2001).

where no one has a monopoly on the truth in matters of how we should live, every cultural perspective being given due recognition. At the same time, however, the new government sees as its mandate the facilitation of a reconciled community based on a sense of commonly held standards of acceptable behaviour, highlighted by the Truth and Reconciliation Commission. On the one hand the bottom line is set by individual 'rights'; on the other, it is set by nation-building and the conditions for good community. The TRC tries to tell a story that shows that we are all taken up in the same drama to try to live out ideals through adhering to decent action in favour of those ideals.[3] Not only does a common ethical community seem to be entailed by anyone deliberating on the level of moral value, but example after example from the Final Report shows that some common idea of the common good, the good not just for one individual or one group but for all, has a general acceptance, there is a tradition, and that tradition entails certain ideas about the virtuous or decent way to act.[4] The standard for the act is set by the overall ethical vision of the agent, or the group, but what is interesting is that all parties to the conflict seemed to agree that not everything could be justified by the (good) end intended: there must be some kind of proportionality.

This particular example of the ethics of a state in transition bears out the views of various writers dissatisfied with the hitherto dominant liberalist approach emphasizing universal and formal principles attaching to the abstract individual, and prescinding from any notion of 'the good life'. The acceptance by all parties in the conflict of the encompassing grand narrative points to a prima facie argument against those who claim that there can be no such framework in contemporary plural society. As a second example, Coralie Bryant and Helena Cobban's paper to the IDEA Makerere conference points, with reference to Cobban's forthcoming book (2007), Amnesty After Atrocity?, to the financial impracticability in transitional state procedures, of proceeding along formal legal lines, comparing the Truth Commission approaches of South Africa and Mozambique favourably with the option in Rwanda of prosecuting individual perpetrators (Bryant and Cobban, 2006). Not only is the latter course prohibitively expensive, but the evidence in Bryant and Cobban's case studies points to the need, in societies in transitions of this kind, for healing narratives, if the former conflictual attitudes are to be turned around. Be that as it may, another speaker at the

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[3] The attitude of the Commission to its own report is best summed up in its Conclusion (TRC, Vol 5, Ch 6, 162): "The findings outlined above, to a greater or lesser extent, touch all the major role-players who were party to the conflict that enveloped South Africa during its mandate period. No major role-player emerges unscathed although, as already stated, a distinction must be made between those who fought for and those who fought against apartheid. There are many who will reject these findings and argue that they fail to understand the complexities and historical realities of the time, and of the motives and perspectives of those who perpetrated gross violations of human rights. In this regard it needs to be firmly stated that, while the Commission has attempted to convey some of these complexities and has grappled with the motives and perspectives of perpetrators in other sections of this Report, it is not the Commission's task to write the history of this country. Rather, it is the Commission's function to expose the violations of all parties in an attempt to lay the basis for a culture in which human rights are respected and not violated."

[4] For more details on this see Giddy P., "Does Character Matter? Guardian Values in an Age of Commerce", forthcoming in *Theoria*.

conference (Marshall, 2006) drew our attention to the misgivings of many World Bank fieldworkers about at least one 'grand narrative' of huge importance in Africa, at least from an institutional point of view, namely that associated with the Christian and Islamic religions. Negative aspects of such religions, from the point of view of development, included a certain divisiveness as each sought their own converts, as well as opposition to World Bank priority programmes such as the expansion of 'reproductive rights', and finally assumptions about knowledge which appear not to be evidence-based, which, it is claimed, hamper rational discussion with development organisations.

Very influential in this respect is the theory of Alisdair MacIntyre (1991) to the effect that the erosion, in the modern period, of Europe's concrete moral narrative issued in an ungrounded and unmotivating ethics of principles. Onora O'Neill (1996) argues however that even from a Kantian perspective of general obligations not attached to any particular tradition, there is an obligation not to be indifferent to human need. One cannot, as she puts it, universalise indifference, and mentions with approval Simone Weil's The Need for Roots (p.200 ff). The most systematic treatment of this theme that I am aware of is that of R. Johan (1975), who argues that by engaging oneself in moral discussion one is making an implicit commitment to the achievement of a common ethical community.

Be that as it may, MacIntyre's idea is that ethical principles, including those associated with the professions, are motivationally grounded in a framing narrative or "social practice". A social practice is any large-scale cooperative venture with internal goods partly constitutive of that practice. For example, good scholarship is one constitutive part of the academic practice. Any work has its own particular skills aiming at its own particular goods; in medicine that is health, in sport, exercise and entertainment. But apart from these goods internal to the practice, there are the auxiliary goods to do with the institutionalisation of the practice, for example doctors aim not only at the provision of health-care but also at promotion and salaries for themselves (MacIntyre 1991; p.181). These latter goods are goods of competition. The institution becomes corrupt when those goods take over as the prime motivating forces. Increasing commercialisation of society could foster corruption, in this sense, and lower the moral status of the professions. This leads us to our next point.

1.2 THE CONTEXT OF DEVELOPMENT

The contemporary global structural set up aggravates the situation of developing countries. Donal Dorr (1984) some years ago spoke of pyramids of power, whether in the area of money and banking, or of what he calls 'idea power' (educational institutions and media), or politics or religion. At the top are the very few benefiting from the skewed allocation of power, at the bottom the masses suffering most under the structure but more or less powerless. In the middle are the 'service people', the professionals perhaps, doctors, teachers, military, and so on, who have the power to do something about the injustice of the status-quo but who are also offered the possibility of moving up to the top of the pyramid to join the elite.

In the local cultures and ethical traditions we have perhaps some possible resistance to such pressures. An ally to these pyramids of power is to be found, on the other hand, in the promotion by the popular press of a "celebrity culture", where more traditional conceptions of "Great men and women" (exemplars of the cultural tradition, of African humanism for example) are subverted.[5] The elite in this case is defined purely commercially, in terms of power and prestige, rather than ethically.

In times of change, too, the overall goods are less motivating, no one identifies any longer in an immediate and spontaneous way with the 'nation', there is a loss of 'roots', sections of the population are disaffiliated, the individual is left free-floating, ready to drop into the hands of the system. While socialism may have been discredited some years back, market forces, it is widely admitted today, should not be allowed to operate in a social vacuum. The International Labour Organization has written of the global need for the promotion of what they term 'decent work', which means not separating the economy from the society. This idea 'brings the economy back into the context of the life of the community, of society'.[6] The Director of the ILO Juan Somavia notes that it is essential 'the world becomes aware of the importance of values and of spiritual references in politics, human rights, and religion in the world. The significance of spiritual traditions and religions in the world, and their focus on the identity of each individual person, goes without saying. Hence the importance of the linkage between the world of politics and the international system on the one hand, and what the different spiritual traditions represent in terms of the values and aspirations of society and of every human being, on the other hand…' The aims of the ILO need to include not only full employment and workers' rights, he argues, but social protection and social dialogue too (p.15).

In the case of South Africa, the economist Francis Wilson notes on the negative side after more than a decade of democracy, factors such as widening inequality and a spirit of greed, unemployment, poverty, collapsing hospitals and dysfunctional schools, crime and threats to personal safety, and uncalled for armaments expenditure. This is not just pessimism: the progress in having a constitution enshrining human rights, in achieving a negotiated transition, in getting rid of capital punishment are all acknowledged, as also the TRC process and the relatively well managed macro-economy. The point is simply that more focus is needed on the overarching narratives in the cultural traditions, from which policies could draw their standards.

More recently Jeremy Cronin (2006), Deputy General Secretary of the South African Communist Party, speaking in support of President Mbeki's plea for less greed in the country, has pointed out that emphasizing individual rights in the post-Apartheid era has led

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[5] Two years ago there was an attempt by the press to ascertain who exactly the general public saw as "Great South Africans". While there was no doubt, across all racial groups, about the number one slot, the bizarre list of popular candidates thereafter caused the project to be dropped (among the top choices were not only popular singers but also the notorious racist Eugene Terreblanche, and a recent winner of the Big Brother contest!).

[6] Konrad Raiser, General Secretary of the World Council of Churches, quoted in Wilson F. (2004), p.15.

to a feeling of self-righteous entitlement by a few newly rich privileged black people. Whereas what is needed, he argues, is a new social character, which addresses systemic problems of inequality.

1.3 MORAL NARRATIVE AS FRAMING THE DISCUSSION?

The approach being suggested here is that standards of excellence in the professions need to be moderated in terms of an overarching moral narrative to do with the flourishing of individuals and of society. There are two kinds of objections to this idea. The first maintains that this is, under conditions of modernity, simply not possible. According to Anthony Giddens (1990), under modern social conditions all traditional types of social order are undermined, subject to radical questioning, and thus rendered inoperative. Tradition no longer carries its own authentication but must be pronounced so from some other, non-traditional source; such justified tradition is 'tradition in sham clothing' (p.38). Similarly, for Ross Poole (1991) market conditions associated with contemporary society break down the sense in which the individual is first and foremost a participant, governed by the requirements attaching to their various social roles, head of household, elder brother, citizen and soldier, and so on. Within the context of an identity-conferring tradition or narrative there is no perceived essential conflict between one's own good and the good of others. But the market forces require individuals unattached to such constraining roles.

Such analyses, while intriguing, would seem from a common sense point of view, too extreme to be judged completely true of present global conditions. A second objection, however, claims that our suggestion even if workable, is not desirable. Kwame Anthony Appiah (2005; esp. Ch 2) takes the value of individual autonomy as trumping other values, such as membership of a community or tradition. He acknowledges that in fact people are members of communities, and repudiates the idea that belonging dutifully to a community rules out being a fully autonomous individual (p.43) and cites with approval Charles Taylor's idea that the self exists only in 'webs of interlocution' and that stepping outside such horizons would risk one's personal integrity. Appiah also admits that individuals do not subject their membership to continual questioning, as would seem to be demanded, famously, by Kant, for anyone claiming to be 'enlightened'. On the other hand he does not feel that in order to make sense of one's life one needs to have an overarching narrative or unity to it, in which all the different aspects find their place. In other words, there is no necessary character ideal needed for an adequate ethical framework.

Charles Taylor (1989) argues to the contrary. In the course of a historically detailed study of how identities have been variously shaped by ethical ideas from the Greek times to contemporary European society, he at the same time identifies the root of the contemporary unwillingness to accept this evidence. Once the idea took hold of a disengaged individual with a merely instrumental stance towards the world, rather than a participative one, the idea that 'reality' is essentially or in itself without values became the default position, what he terms 'naturalism'. The world is seen as disenchanted, 'enzaubert'. This view of things is supported by the pre-eminence of the sciences as avenues of true knowledge, and by the

overwhelming impact technology has had on individuals' sense of control over an environment-out-there, at least in the (over-)developed world. And that means that our 'meanings', the meanings we live by, are simply superstructural appendages to what is really going on. The world, society, is fully explained without these. Taylor, on the contrary, tries to show how such meanings, the constitutive- or hyper-goods, the ineluctably higher, the framework of values, operate in all modern European thought-traditions, including that of liberal individualism, with its valuing of autonomy and individual choice as supreme.

How would Appiah respond to this? He does grant the peculiarity of holding at once the idea that individuals are essentially determined by their social environment, but at the same time holding as prime value that of autonomy, the capacity to act in a way that goes beyond the forces of that environment. He 'resolves' this only by calling on Kant's idea that from one aspect we can view ourselves as determined, but from another as free (2005; p.58) There is no space to treat the complex philosophical issues involved here, even in a summary way. Appiah's suggestion however does nothing to show what motivates the universal ethical principles of good professionalism. In the Kantian jargon we would describe taking a bribe, for example, "as if" this was something one should treat as of moral importance, even if from the broader perspective whether or not one held to these values had no ultimately determining effect on the social outcome. The latter, on this reading, would be fully explained without recourse to such parallel or epiphenomenal events such as one's reasons for action.

Appiah's approach is unhelpful because our concern lies precisely in the relative roles in behaviour, in motivation, of on the one hand formal moral principles attaching to the abstract autonomous individual, and on the other hand of overarching identity-giving narratives. I will therefore assume that the project of seeking how to integrate professionalism in traditional African culture is indeed a worthwhile one and turn to seeing how our approach could effect how we see one particular aspect of contemporary African scene so far as concerns nations and development, and that is the question of mercenaries.

2. THE EXAMPLE OF MERCENARIES

2.1 THE MERCENARY IN A UTILITARIAN MORAL CLIMATE

Recent developments in the way states pursue their military goals have brought to the fore the question of the ethical status of mercenaries. Whatever one's answer to this, it is a fact that organizations styling themselves 'private military companies' do in fact exist, and have been used by various governments around the world. In the 2002 Green Paper submitted to the British parliament (Green Paper 2002) reference is made in particular to the use of private military companies by the governments of Sierra Leone and Angola. Such cases, it goes on to say, are rare, but there may be an increase in private contracts for training or logistics from states which cannot afford to keep large military establishments. It is also

important to note, they say, the use of private military companies by the U.S. to recruit and manage monitors in the Balkans.

In some cases to be sure there have been mercenaries involved in actions that clearly are not justifiable. But this is also the case for many operations by conventional forces, so this is not an argument for or against. A colleague of mine has recently suggested that from a utilitarian point of view, it would make good sense for governments to employ mercenaries rather than regular conscripts in military operations, for two reasons: often they might be simply more efficient; and secondly, any military engagement threatens the lives of those engaged and it is the duty of the state precisely to protect the lives of citizens.

What are we to say about this idea? We have been suggesting the importance in development ethics of sustaining overarching moral traditions; in this the state has a primary role to play, as a natural ethical unit inspired by those traditions. It is tasked with ensuring the flourishing of citizens but also to make reference to those outside its borders, who have a place in the ethical story. The unwillingness of citizens to participate in a particular military conflict (or, as suggested above in the context of a utilitarian moral climate, in any war) shows a disaffiliation from the moral narrative, the loss of a sense in which the state is more than simply a "gang" for the benefit of its members, even, to use St Augustine's term for the Roman Empire in its decadent phase, a magna latrociniae, a great band of robbers. In a talk already referred to above, South African President Mbeki (2006) argues for the importance of talking about the country in terms of its "soul", its moral character as a goal for which to struggle. Individualism, disaffiliation from the value of human solidarity, is fostered by a commercial mentality. Mbeki argues that allegiance to the non-contractual organisations of kinship, neighbourhood, profession and creed should not be replaced wholesale by contract-type relationships. To this we can add that in the context of development and of a globally skewed structural distribution of power it is seriously misleading to limit ethics to utilitarian benefits to individuals abstracted from their embeddedness in cultural traditions and values. War, furthermore, is such a grave matter that utmost caution has to be taken that it is ethically justified, and the unwillingness of citizens to take part in the conflict themselves would seem to indicate a gap between authorities and people that throws into doubt the legitimacy of the declaration of hostilities..

Be that as it may, there might of course be other reasons for deeming that private military companies should be made legal; just as in many countries (and this is my colleague's point) what was previously thought should be illegal, the practice of prostitution, is now legalized and brought under the rubric of 'legitimate commercial activity' (the term used for practitioners is 'sex-workers'), whatever we might think about the morality of gaining money from this kind of work. The question can be raised as to whether there is something wrong with being a mercenary: this would be of direct relevance to our topic because we have suggested that remaining rooted in the cultural and ethical traditions is of vital importance to a country's development. Is the condemnation of this kind of activity simply outdated, just as trade and commerce were previously considered not quite respectable activities, in view of the fact that one was treating others not at all in terms of their role in relation to one's relevant social whole but simply as potential consumers.

So is there something wrong with being a mercenary? We have been talking, in the context of development, about the need for a growing sense of the common good. This refers to a good which is good for me as well as for you, what one might call (recalling MacIntyre's notion of a social practice) internal goods of the society rather than goods of competition in which if I benefit you lose out. Now to put it at its most bland, we could say simply being a decent human being is one of those goods, leaving it open to how one fills in the term, 'decent'. Clearly this would mean that the person's intentions were just, and that their aim likewise could be judged reasonable, and that they acted habitually in this way. In other words we are calling on an Aristotelian-type analysis to help us here, and this is partly because Aristotle of course thinks of the individual as a 'zoon politikon'.

A second reason for invoking this kind of theoretical framework is the fact that it was out of this philosophical tradition that there came the method of analysing the ethics of engaging in military action in the form that has come down to us, namely the Just War theory. Could a mercenary be considered justified within the Just War tradition? This is the second question we will ask. And thirdly, we will ask whether there is something about this particular area of life (soldiering) that entails certain normative constraints which would rule out mercenaries. Just as in the case of prostitution one could argue there is a normative connection between the activity of sex and, say, friendship or family, here we can ask whether there is some such connection between soldiering and being a citizen. Is the notion of membership of a social practice the appropriate framework for considering this issue? To take the South African case, is the mercenary part and parcel of the new vision of an efficient and professional African culture, or should he or she be confined to the historical past along with the perpetrators of racist violence?[7]

I am concerned to elucidate the question whether virtue actually matters in this area of life, namely soldiering. The larger question has to do with what categories one uses to theorize about development in general. Is virtue somehow an internal aim of good soldiering? Do we need to rethink our notion of good professionalism in this way? I am not concerned with throwing stones at the mercenary – if all that matters is getting the job done, then it is hypocritical to blame those who have to do the dirty work while leaving untouched, at least if they are successful, those who make use of these services. (Similarly, to use the analogy with prostitution, there would be no whores if there were no johns and no pimps – or are the latter 'just doing their job'?)

2.2 DEFINING THE TERM 'MERCENARY'

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[7] The background to this question is first, the increasing use by the government, in the last years of Apartheid, of semi-legal and covert military forces; and secondly, the integration, after the 1994 elections, of the Umkhonto we Sizwe (literally, Spear of the Nation) liberation forces with the former SA Defence Force (now the SANDF). These factors led to the formation of private military companies after the demise of Apartheid, the most well-known of which was "Executive Outcomes".

But first a note about terminology. The definition of a mercenary as someone who engages in military combat for money or 'private gain'[8], misses the point, for two reasons: first, other soldiers are also paid; and secondly, the definition seems to make assumptions about the mercenary's motives. A better description would refer to: soldiering not out of obligations incurred through citizenship, but because of professional contractual obligations of a private nature[9].

I want to take the best possible case of mercenary, in other words we make no reference at this stage to his motives (we do not assume he is necessarily only interested in money[10]). We restrict our discussion to what we may term 'private warriors', meaning specifically a mercenary who is in some sense a professional soldier, i.e. abides by the rules of engagement in war (the jus in bello principles - no intentional or direct harming of civilians, acceptance of the normal signs of surrender and just treatment of prisoners, and so on).[11] This would exclude 'terrorists', for example, since they do not abide by these rules, even if they were fighting for a just (but 'private') cause, and persons employed as hitmen by syndicated crime gangs and mafias, whether national or international. It would also exclude any privately contracted armed persons within the state, such as the car guards so prevalent in South Africa today, security company personnel, and so on, operating within the law.[12] The latter groups are not engaged in soldiering, i.e. representing a state or putative state or government; there is no general assumption that other forms of achieving the ends of social order or justice (whether intra-state or inter-state) have broken down; there is no enemy.[13]

One is not speaking here of evaluating the moral worth of any particular person's particular actions, and further, everything said here is ceteris paribus, or as Aristotle says, 'for the most part'. In an infinitely complex world anything is logically and psychologically possible. Blanket condemnation of women who stray from the norm (particularly in a corrupt and hypocritical society) is very critically seen by Jacobean playwright John Ford. In 'Tis Pity She's a Whore it is the incest prohibition which is transgressed but the point being made is more general, and the title brings to mind the final remark of Shakespeare's memorable character Othello who at the end of that play remarks, "But Iago the pity of it, Iago, the pity of it." The context is of course the unjust condemnation of Desdemona. In any particular

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[8] As defined by the Further Protocol to the Geneva Convention.

[9] A volunteer rather than conscripted professional soldier is not a mercenary since he or she is *representing* the citizens of the country and is doing a job under the constraints of the state as an ethical community; the fact that he or she is also doing this *as a career* corresponds to the need for any social practice to be accompanied by "institutional goods", in MacIntyre's term.

[10] A *lucrepath* in Baker's term; see Dean Baker (2005).

[11] This is not to say that professional or conscripted soldiers always abide by these provisions (the carpet bombing of Germany by the Allies would be a case in point.

[12] I take it that insofar as the state is *unable* to police these private police, its legitimacy would be thrown into question, and these private groups could very well be seen as the germ of a new more adequate and popular state which has the allegiance of its citizens.

[13] In South African law, to take one example, such security personnel have to justify each use of firearms against another person according to the law that applies to all. If a purported criminal is shot by a security guard then the police open an attempted murder or murder docket.

case, knowing the circumstances is everything. We don't want to suggest the nightmare of a 'moral police' enforcing blanket application of moral laws (intended as abstract expressions) and leading to a condemnation of anyone supposed to deviate from the 'true path'. Rather, we are intending to build up a picture of what kind of social institutions would best facilitate people flourishing as free human individuals.

2.3 SKILLS AND VIRTUES: ARISTOTELIAN DISTINCTIONS

In his analysis of properly praiseworthy acts, Aristotle argues that an act is meritorious to the extent that it embodies deliberate choice of that act which avoids both the impulse to excess and the impulse to deficiency. Such impulses – say, towards fight or flight, or to indulgence or insensitivity - are part and parcel of the human make-up but so is our capacity to think about what we are doing (at least if we have had a measure of childhood training in good habits). Employing the latter capacity is employing prudence (practical wisdom, sophrusone), and prudence is always understood within the context of a good, flourishing human life, exemplified in the fulfilled man. Courage is a mean between extremes, and so is temperance, but of some things, such as adultery, there is no mean; one is not supposed to be adulterous with neither too many women; nor too few, but instead just the correct number. No, ethics cannot be completely cut off from the excellences attached to our roles as human beings, as men, women, citizens, soldiers, householders, parents, and, in general, various ways of relating to others in different kinds of social practices (kinds of 'friendship' in Aristotle's terminology). Flourishing and 'friendship' go hand in hand. The job of political leaders is to facilitate these social practices, not simply to suppress crime. And these social interactions are 'by nature': no one would choose to live without friends. We are social animals, and have natural drives or tendencies (involving our basic needs) towards forms of society. We are 'attracted' or drawn towards forming sexual friendship as well as towards the citizen-and-state kind of relationship (for 'state' gives us the chance to be self-sufficient and hence to a large extent self-determining, a central component of flourishing as a human person).[14]

In the classical Greek tradition the idea of virtue was close to the idea of a skill, and at first (say, in Homer) attached to various social roles, such as warrior, household manager, etc. At issue between Socrates and the Sophists was whether one could learn a skill (for example rhetoric or the art of politics) apart from learning to appreciate the proper good that use of the skill achieves. Aristotle agrees with Socrates that the first without the second could not possibly be worthy of praise or admiration in any way. In certain human activities, what matters is only the product, and hypothetically a person without meaning to but seated at the piano could hit the right notes by accident, to produce the music which we enjoy. We would still praise the music. What we praise in the case of a virtue however, as distinct from a skill or art, is not the product alone but also the intention. What is crucial is whether or not the agent chooses the act for its own sake, rather than, say, for the sake of vainglory (Nichomacean Ethics, 1105a – 1105b). It is not enough simply that they achieve the end. The private soldier achieving victory "within the rules of engagement" would be a necessary but

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[14] See Book 1 and 2 of Aristotle's *Politics* for this explanation of the state.

not sufficient condition to make the act ethical or an act of virtue. Thus the issue in question in our case could be phrased, 'Should the mercenary (skilled in the art of war) also be thought of as a warrior (possessing the virtues called for in war, particularly courage) and thus a valued member of society?' And this raises the question as to the motive of the agent, a question brought to the fore in the Just War theory.

2.4 APPLYING THE JUST WAR THEORY

The Just War theory is a virtue ethic.[15] In this ethical framework, the focus is not so much on the end to be achieved, nor on the principle of the act, but on the nature of the act itself: for example, is it an act of cowardice, rashness, or courage. The principle of double effect lies at the heart of this approach to military action: the virtuous soldier does not directly intend the killing of the enemy, but instead intends justice (last resort proviso). What is of concern is that the act be proportional and not disproportional to the (just) end intended. The kind of end that it is supplies also the standard for judging the act.

But killing is not proportional to the private ends of contractual warriors, whatever these might be – say, supporting a middle-class family: this end is not grave enough to justify killing. Killing is only a proportionally appropriate act when military action for the just cause (restoring justice and peace) has been embarked upon by the proper authority, as a last resort, with a reasonable chance of success.

Let us describe the state as a social practice with internal goods constitutive of that practice (this would entail some normative idea of a nation or regional culture, at least as an imagined ideal), then the professional or conscripted soldier acts in a way that is judged by these precise standards, i.e. he or she acts as a citizen. The latter category somehow makes sense to her, in her action. Could the private military company constitute a similar social practice? Not really. If the Just War theory is to persuade broadly, in the case of the citizen soldier the enemy has to be seen as people that in the future I will have to share a world with, my country and their country, my culture and their culture. That idea moderates my possible action to secure victory. (I am not saying that this normative framework is typically fostered by military chiefs; on the contrary the enemy is often and unjustly demonized.) In the case of the employee of the military company, there is a disengagement from all this. This may be exacerbated by the fact that the mercenary is typically engaged in combats far removed from his own home territory. Even if there is a commitment to the rules of war, rules always have to be applied, and in order to apply them well, virtues are required. It is as if one were aiming at the good of friendship, but one only knew the rules (say, no deception) in an external kind of way. Or one was aiming at good scholarship but had no intuition about how

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[15] Aquinas' formulation of this principle is to be found in *Summa Theologica*, IIa IIae, Q.64, art.7, on the question of whether killing is permissible in self-defence. The act of self-defence, he says, has two effects, 'one is the saving of one's life, the other is slaying of the aggressor.' However the act would be wrong if it were out of proportion to the end – in this example, using more force than was necessary; and also if it were done out of 'private animosity'. The just war theory flows from this (IIa IIae, Q.40, art.1).

the rule forbidding plagiarism made sense: one simply knew the rule was there, perceived as obstructing one's smooth path to good scholarship, yet another hurdle to jump! An act of killing which aimed directly at achieving the technical goal of military success abstracted from the good of citizen-in-state-among-other-states would therefore not be an act of virtue but of vice. It is a disordered act, even if not that of a 'lucrepath'.

A further point is the fact that the appropriate authority who initiated the military action and called in mercenaries de-legitimizes the cause, for it de-legitimizes the claim of this group to represent a nation of citizens, to 'speak for them' in the matter of a cause of injustice serious enough to elicit the response of the citizens to take up arms, and/or to enforce the conscription obligation. (This is not the case for states that see themselves as part of a supranational entity, to whom they have delegated their duty to their citizens to defend them militarily, if necessary.)

Since a person acquires virtue through acts of virtue and no other way, the typical mercenary would, other things being equal, not be virtuous, a 'decent' human being and valued member of the society, living in accordance with the traditions critically appropriated in present-day circumstances.

2.5 OVERVALUING THE SKILLED PROFESSIONAL

This argument is going to stand or fall to some extent with a whole approach to 'professionalism'. Could the mercenary properly be considered a good 'professional', rightly praised for getting the job done well, valued in our society as in a previous age the warrior was valued for his particular skill or virtue, namely courage, exemplified in soldiering.[16] This in spite of such warriors not being the best or most decent persons around, and having no real appreciation of the overall moral vision. In Aristotle's treatment of this issue, he remarks that such persons would have a kind of virtue (a kind of courage) and indeed from the point of getting the job done, they would not seem to be hobbled by the necessity of ensuring that one's action is strictly proportional to one's goal, namely just peace.

It is quite possible that the best soldiers may not be men of this sort [i.e. completely virtuous] but those who are less brave and have no other good: for these are ready to face danger, and they sell their life for trifling gains. (Nicomachean Ethics, 1117b)

In other words, the 'best' professional (meaning here the most effective in terms of a narrowed set of performance criteria) may be someone who lowers their (moral) sights. Persons of moderate rather than complete virtue, it could be argued, do meet the criterion of courage, the mean between rashness and cowardice, zealously pursuing goals for which the

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[16] In the film 'Lord of War', the central protagonist is a gun-runner (played by Nicholas Cage) who is blind to the harm he is doing, and when asked why he continues, simply says, 'Because I'm good at it'.

virtuous can't muster enthusiasm. But they fail, as we have seen, in their appreciation of the ends.[17]

For Aristotle, then, one can speak about a mercenary being 'good' in some sense, or exhibiting 'courage' but this is like speaking of courageous burglars or (his favoured example) adulterers who 'undertake many risks for the sake of their sensual desire' (Ethics, 1116b). As Aquinas makes clear in his commentary on this text, Aristotle is referring to mercenaries, 'who are prepared for danger not by reason of any good of virtue' but for money and the hope of booty (Commentary, para. 593). True virtue is to be found not in these soldiers who calculate the odds and flee when 'the danger exceeds their skill.' 'They are the first to run away, while those possessing the fortitude of the citizen, refusing to leave, give up their lives' (Ethics, 1116b). They think it disgraceful to flee in these circumstances. Their self-understanding as citizens alerts them to the need to uphold the common good (in this case overriding the good of the individual who is risking his life). There is no virtue without the virtue of practical reason, and this, as Aristotle and Aquinas argue, is reasoning in view of the more adequate moral vision, which citizens, but not mercenaries (qua mercenaries), have.

3. CONCLUSION: PROFESSIONALISM AND THE ETHICAL TRADITIONS

We conclude then that reference to an orienting ethical narrative and its accompanying vision of human flourishing is always important in applied and professional ethics, and should be taken into account in any number of contentious issues about whether or not a certain action is permissible. Ethics has to do not simply with human rights, nor simply with what can be done in the spaces still left open after political calculations have been done, but finally with what makes for the flourishing of good persons. This is at least the legacy of African traditional cultures, where such personal flourishing entails a self-transcending and an intrinsic community dimension. And it is probable, as Hans Kung (1997) suggests, that this can be reasonably affirmed of all great ethical traditions, and hence for an emergent global ethic.

I have argued that the case of post-Apartheid South Africa is instructive for deepening our understanding of professional ethics in the context of development. While South Africa has put a large emphasis on individual human rights and formal moral principles, there has also been a movement towards articulating and drawing upon a common ethical narrative, on nation-building. It is only within the latter context that principles are actually motivating, and that professions will preserve and expand their integrity. In a commercial society and utilitarian moral climate the external goods of competition will otherwise tend to become all-motivating, eclipsing the internal goods and corrupting the professions. This seems to be the

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[17] We can think here of any professional, a lawyer for example. Is the 'best' lawyer one who disregards the ends of justice but uses their skills solely so as to achieve the lesser goal of the successful defence of their client, whether actually guilty or not? I discuss the case of the lawyer in my forthcoming article, "Does Character Matter?" *Theoria.*

case for the military profession. In the absence of a constitutive connection between soldiering and being a citizen (a participant in a nation articulating its identity), the profession loses its ethical character. This was discussed in the context of Just War Theory as rooted in Aristotle's understanding of virtue. The rules of war, the conditions for just war, are internally related to the acts of soldiering. In other words, without grasping and appreciating the ends of the war (say, defense of one's homeland), as a citizen does but a mercenary does not, the agent, even if conforming to formal rules of conduct, is likely to be not at all acting virtuously. In the context of building an ethical community, this does indeed matter.

In Ross Leckie's scholarly fictionalization of the life of Hannibal, he has the Carthaginian, who had been schooled from childhood to see Rome as the ultimate enemy, and is about to embark upon his winter crossing of the Alps, hesitate for a moment as a passage from the Nicomachean Ethics comes to mind:

> 'We call an object pursued for its own sake more final than one pursued because of something else…and happiness more than anything else is thought to be just such an end…something perfect and self-sufficient.' I remember feeling of it as of many passages [in Aristotle] that there was some great truth there, but one I could not comprehend. (1995; p.123)

His inability to think in terms of ordering goods in the Aristotelian sense in favour of the truly worthwhile and praiseworthy, is perhaps the mark of a man of action – not a fully rounded person, and a danger to himself as well as to others. Maybe he is a skilled professional, an effective fighter, but he has lost all sense of what it is all for. And that is the point of this paper: the need for professionalism in Africa should be understood in such a way as to preserve the best in the tradition, namely a critical idea of what constitutes the good life, the flourishing of individuals together.

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