Sandhurst Occasional Papers
No 10

‘Fit and Proper Persons’: Officership Revisited

Dr Patrick Mileham

Central Library
Royal Military Academy Sandhurst
2012
The Author

Dr Patrick Mileham (Alamein Company, RMAS, Intake 36, 1964-65) served with the Royal Tank Regiment until 1992. Subsequently a University Reader in management and leadership, he is now a consultant, researcher and writer particularly on the moral component of military capability, professionalism and officership.

Author’s Note

This article is reproduced here much as it appeared in the 2011 Wishstream, Journal of the Royal Military Academy Sandhurst. It is written in an informal style to attract the attention of Officer Cadets who, during their eleven months commissioning course have an exceptionally high reading load.

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Introduction

‘What are officers for?’ is a question lurking in the small print of almost anything and everything that happens at Sandhurst, during the daily frenzy of education, training and otherwise osmotic processes of our alma mater. There used to be a mercifully short answer. Any attempt at defining ‘officer qualities’ back in the dark ages before respectable officers became ‘good at their books’, meant that if you had an urge to understand (or even challenge) OQs, you clearly didn’t have any. ‘Serve to lead’, as printed on the Sandhurst tin, we knew as a worthy motto - horses first, soldiers next, officers last. We didn’t quite understand how dashed clever was that 1947 ‘fix’ of the perennial problem in a liberal democracy - how to get egalitarianism and meritocracy in trim.

My aim in this paper? With the recent public scrutiny of the Murdoch clan, as ‘fit and proper persons’ to conduct their business in ‘the public interest’, as well as the Summer 2011 riot season, with the constabulary’s seemingly acute class consciousness against ‘an officer class’\(^1\) - their words not ours’ – it seems fit and proper to look critically at what we mean by ‘officership’ in today’s Army. Actually the Army does not formally recognize the term, only Sandhurst. Nevertheless I venture to suggest my remarks apply not only to the whole of the Regular Army, but also the Royal Navy, Royal Marines, Royal Air Force and Reserve Forces, who surely see their officials of at least equal standing.

\(^1\) ‘Recent events’, wrote the former Chief Constable of Hampshire, ‘demand that the Home Office also look at the concept of officership….an approach developed by the Army’, in The Times, 22 July 2011.
'How does British Army Officership match up to others nations' officership ?' Officer cadets from Sandhurst take part in the Sandhurst Cup, an international military skills competition at Westpoint. (Photo Sgt Ian Forsyth.)

You can find the term officership in the heavyweight *Oxford English Dictionary* dating from 1856. The entry states ‘rank or position of an officer, a staff of officers’. The latter phrase can be interpreted as ‘the staff’, ‘chain of command’ or ‘officer corps’. ‘Position’ can be taken as ‘standing’, and that’s what Samuel Huntington conceived of its use when he captured the term to describe the civil-military relationship for his seminal 1957 book, *The Soldier and the State*. The US Army has used the expression ever since, and so have the Canadian Forces. It is spreading. For example you will hear officership taught (in English) to students at the Baltic Defence College Estonia, attended by officers of upwards of twenty nations, but not yet at Dartmouth, Cranwell or the Defence Academy.

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Officership was added to the RMAS syllabus in 2004, following a research report\textsuperscript{3}, to complement ‘command, leadership and management’ (CLM). Command is well understood, so more or less is leadership. Take my word for it, ‘management’ was a dirty word in the Army I served in - until the First Gulf War of 1990, to be precise – when the Combat Arms suddenly recognized it was to do with war-winning / disaster-averting ‘goods and services’. ‘Sustainability’ became the new pukkah word (in the long established British Principles of War, replacing the boring word ‘administration’), giving ‘management’ utter respectability.

So what does officership mean? Is it a fit and proper word? Sandhurst exposes it in two out of three seminal documents. Firstly the symbolic compendium of quotations \textit{Serve to Lead} (issued to every officer cadet over the past sixty years), is a good start. Next, \textit{The Queen’s Commission: a Junior Officer’s Guide}, gives descriptive and normative guidance in the use of the word officership, but something less than analytical definition. Doyen of Academy Sergeant Majors, J.C. Lord, found the best advice (amongst the extracts quoted) from US essayist, philosopher and poet R.W. Emerson. ‘Trust men and they will be true to you’. Albeit of different etymology, truth and trust are co-habitants of the same page in every English dictionary I have found. Is that a coincidence one wonders? They do seem to go well together, both in sound and association. Are they, perhaps, the chief ingredients of ‘integrity’ - the Army ‘value’ soldiers\textsuperscript{4} have a problem with, since they haven’t heard it before they joined?

\textsuperscript{3} MOD(Army), Report for DAPS, \textit{The British Army Officer}, by Patrick Mileham, December 2003.
Finally there is the Sandhurst Anthology of Officership, descriptions and quasi-technical descriptors which completes the literature on the subject for officer cadets. (I apologise for my intrusion in that document and in the references here, but I seem to be the UK default writer on the subject.) You will look, however, in vain to find officership anywhere in Army or defence doctrine and other non-Sandhurst British publications. In my view this is a howling omission. But be encouraged, it’s sort of all there and I shall show you where. Read on.

**Risk - phenomenon and fact.**

So what is the defining characteristic of the work of the Armed Forces, indicating that we need to find a deeper meaning of the word officership? I believe the first reality is to be found in the phenomenon we call ‘risk’. General Sir John Hackett, Australian born, British cavalry officer, airborne commander at Arnhem, and later university principal, wrote about risk as the defining characteristic of the profession of arms in a liberal democracy.

“*The essential basis of the military life is the ordered application of force under an unlimited liability. It is the unlimited liability which sets the man who embraces this life somewhat apart. He will be (or should be) always a citizen. So long as he serves he will never be a civilian*. “

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He was not writing normative doctrine or legal principle, but describing a hard to explain universal moral truth. It is at the heart of the debate about the obligation for the military to conceive of themselves as being categorically ‘different’ from other institutions. It is an analogy, but it also describes the substance of soldiering and service in the Armed Forces. Basically we have to ask who is responsible for the actualities of risk and risk assessment on operations, and of course beforehand in manning and training the Armed Forces? The answer must be the chain of command - or ‘staff of officers’ in the OED - and every individual officer without exception. While we can legitimately ask the rhetorical question about how unlimited are the risks taken on operations, we know we cannot in truth give a categorical answer.

A definition is helpful. ‘The word risk’, writes Peter L. Bernstein, ‘derives from the early Italian risicare, which means to dare. In this sense, risk is a choice rather than a fate’\(^6\). Danger is more passive, less-than probable, random and a fatalistic conception and fact of being harmed. Commissioned and non-commissioned officers in the chain of command and military hierarchy are the people who make choices routinely at the operational and tactical levels of command. Taking risks and making choices for other people - subordinates, superiors, comrades and also opposing combatants and civilians - relies on professional competence of a high order, firm principles, personal conscientiousness and utter trustworthiness.

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Such persons or ‘office holders’ are ‘agents’, making significant choices in what is known as the process of ‘agency theory’, making things happen. It’s the same dynamic in what leaders do. Many ‘causal chains begin... with the agents themselves’ having power ‘to affect the ...world by producing actions’\(^7\). Thus we would like to think all military actions and their effects – whether starting new causal chains or interrupting existing ones - are controlled by officers, within the Mission Command process and the way people personally lead. The noun, ‘initiative’ springs to mind, the verb ‘initiate’ springs into action, hopefully of the right sort. That is what is looked for at the Army Officers’ Selection Board. It is also what appears in each individual’s ‘Services Joint Annual Report’ (SJAR) document for all ranks, determining how far he or she can be trusted, and as a fit and proper person to be promoted.

A good commander, being a formal holder of military office of whatever rank, is responsible for knowing everything he or she ought to know, and doing everything he or she ought to do. Happily, the British Army is highly professional and usually has very great success in all it does on operations. Sadly sometimes things go wrong. For instance in the Baha Mousa Inquiry Report 2011, one finding was that the CO ‘ought to have known what was going on in his battalion’, even if he was not present. This is the extra obligation, a liability that extends far, and applies increasingly as the ranks reach upwards in seniority. In sum the ‘unlimited liability’ statement was conceived of by Hackett because the work of the Armed Forces is about death, injury and destruction, as well as just war, fighting justly and actions preparing for a just peace.

I mentioned above an omission in our formal definition of officership. Army Doctrine Publication (ADP) Operations includes a well-thought out section on ‘The safeguarding role of officers’, meaning handling risks and making all sorts of choices. It is also about governance, institutional ethics, the rule of law and adherence to regulation in peacetime locations. Yet the ADP fails to mention ‘officership’, our word crying out to be used, because guardianship or trusteeship is the substance of what it means. QED, officership is already in the British Army lexicon, Sandhurst section. Spread the word.

Values, standards and leadership.

In essence officership is to be found at the heart of what the Armed Forces, nation and international community believe is the true value attributed to the profession of arms, what it stands for and does in practice. The ‘Principles of War’ are taught at Sandhurst and other colleges. Then there is the teaching of ‘just war’ (jus ad bellum), ‘ethical principles’ in war (jus in bello), as well as the use of ‘hard’ and ‘soft power’ and everything in between. The ‘Army’s Values and Standards’ (V and S) are likewise taught (and equivalents elsewhere), being the long understood military virtues in the Aristotelian tradition of ‘virtue ethics’. Officers are employed to personify and embody these virtues, but so are non-commissioned officers and soldiers. The virtues and principles compared internationally are almost all expressed as abstract nouns, grist to the mill of officers. Soldiers are not good at abstract nouns. How to do them - as verbs - is the substance of being a good soldier,

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8 MOD DCDC ADP Operations, 2010, paragraph 0239.
sailor or airman. We become good people, Aristotle believed, and good soldiers, by doing things that are good and right by thought and by habit. This will be reflected more or less truthfully in your SJAR ‘pen picture’, which requires your reporting officer to show real evidence of your actions in making a judgment on how far he or she trusts you.

A glance at Army Doctrine Publication Operations is useful. You will see that there is not just one list of military virtues, the SOLIDC list of ‘Selfless commitment’, ‘Respect for others’, ‘Loyalty’, ‘Integrity’, ‘Discipline’ and ‘Courage’ (C2DRIL is the RN’s version of the same abstract nouns) - but also a
subsidiary list of nine more⁹ - ‘Determination’, ‘Patriotism’, ‘Duty’, ‘Sacrifice’, ‘Initiative’, ‘Humanity’, ‘Ingenuity’, ‘Humour’ (hopefully at RMAS a full 360 degree sort of humour, it was mainly 180 in my day) and ‘Trust’. I would promote the last named – ‘Trust’ (being both noun and verb) – to the first list, even if it means one more military ideal for soldiers to learn for the V and S Military Annual Training Test No 6 (MATT 6). It’s the verb emanating from the spirit of ‘Integrity’. Furthermore, it is the central word in the act of leading and what the theory and practice of leadership is all about.

Why is officership different from leadership, if indeed there is a difference? I believe the answer is that the two terms are corollaries each of the other, two sides of a coin, so to speak, the difference between ‘form’ and ‘substance’ Leading is substantial, personal, about raw, real human beings, individual, emotional, subjective and informal. (If it is not subjective and informal but structured, then believe me the activity is something else - like command, management or Mission Command.) If you want a metaphor, the flow or currency of leadership is like a cash transaction. On the other hand officership is general, formal, objective, institutional, the position or rank of an officer. To extend the metaphor, it is about the expected share price (share price can go down as well as up) or credit rating (you guard this keenly) of the appointment in the chain of command, and also the person filling it.

Furthermore the relative positions in the officership hierarchy establish the formal professional relationship between persons who hold appointments.

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⁹Ibid., pp. 2-19 to 2-25.
I do not feel I am risking my reputation for veracity that whenever I have an appropriate audience, I state my belief that the hallmark of the British Army is the strength of both the formal and personal relationships between the platoon commander and his platoon sergeant, the company commander and his CSM and the Commanding officer and the RSM. But the next question is why should anyone actually trust anyone else, formally and informally, particularly when lives are at stake? Why should anyone believe in anyone else, in the military context? Why should anyone believe there is to be credence, credibility and confidence of the other person’s position or rank?

**Fiduciary duty.**

After recent international research, I have now reached a firm conclusion about officership and the formal position of military professionals in a liberal democracy. It is all about public expectation. In our context expectation has as its corollary the substance of trust, being also central to an understanding of leadership which I set out to explain in a previous Wishstream article.11

I believe the military officer fulfils or should fulfil, what is known as a ‘fiduciary role’, performed in a number of important, sometimes vital, ways. I further contend that the substance of fiduciary trust is at the very centre of officership, which I define as the ‘concept, character, practice and quality of

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the individual holding military role and office’. The expectation is significant, extra-ordinary, exceptional, powerful. It is about the true and trusted reliability and probity of the person fulfilling ‘the office’, formally, objectively, normatively, and of course personally. An officer has the duty of ‘a fiduciary’, a public trustee.

Forget stereotypes, prototypes, archetypes as well as models, frameworks and paradigms. We are considering facts and real people, who they are and what they do. Appointments to hold a commission directly from the head of state or constitutional commander-in-chief, place military office holders, and indeed the complete hierarchy of ranks in armed forces, under an extreme obligation of service to the nation. Following the oath of allegiance to the head of state or constitution, a commission is granted to certain selected persons. It denotes a public office. It is a type of legal document granted only to very special categories of public officials, including judges, diplomats, commissioners and ministers. Taking for example the Queen’s Commission the crucial words are ‘We reposing especial trust and confidence in your loyalty, courage, and good conduct, do... appoint you...’ by name....

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13 For members of the British, Canadian, Australian and New Zealand Armed Forces.
'How does one explain ‘fiduciary duty’ to such professionals as these?’ Soldiers of 1 Royal Anglian train at Camp Bastion, Afghanistan 2011. (Photo Cpl Steve Bush.)

The US commission, which is almost identical to the British, adds the word ‘fidelity’, which is clearly coterminous with the word ‘fiduciary’. It repeats for emphasis the especial expression ‘confidence’\(^\text{14}\), meaning mutual faith between people. All three words come from the same Latin word, fides, meaning faith, faithfulness in human and institutional relationships.

The word fiduciary needs further examination. The law books state by way of definition that ‘The distinguishing obligation of a fiduciary is the obligation of loyalty….’ and that ‘the fiduciary role gives rise to a relationship

\(^{14}\) For Naval readers, it is well recorded that Nelson wished to use the expression the verb ‘confides’ in his famous signal before Trafalgar. ‘England confides that every man will do his duty’. His Flag Lieutenant persuaded him that that would involve too many flags, and ‘expects’ was more economical.
of trust and confidence\textsuperscript{15} - those very same words expressed in commissioning documents. ‘Obligation’ means the same as ‘liability’. In essence these fiduciary roles and relationships bind individuals morally, as well as legally, as trustees, placing other people’s interests above their own, being the substance of altruism, faith, trust, confidence and justice.

So recipients of commissions are categorically ‘especially’ trusted, indeed doubly trusted, above and beyond ordinary standards of trust, because of their anticipated or proven qualities. On behalf of the nation they are required faithfully to perform tasks, sometimes paradoxical in nature and substance, maybe of moral and legal dubiety, of a stark and risky nature, often without clear limits.

That is why individuals are singled out for commissioned and warranted\textsuperscript{16} service, being fit and proper persons charged with generating and sustaining the highest levels of trust and good faith within military organisations, and as far as humanly possible personifying all other military virtues. Their fiduciary activities should equally be recognized as a matter of faith by those they serve – superiors and subordinates, governments and people, throughout their service, in everything they do. Furthermore while the fiduciary duties of ‘a trustee’ of a trust in the law of equity are limited, the ‘unlimited liability’ clause in the military code remains, beyond the mere call of duty. Officers are equally trustees or guardians of their military institution and

\textsuperscript{15} J. McGhee, Snell’s Equity, 21\textsuperscript{st} edn., Sweet and Maxwell, London 2005, pp., 148 and 150.

\textsuperscript{16} In comparing documents the Warrant works by virtue of it being linked to the officers’ Commission.
of their own, their subordinates’ and the nation’s conscience in the use of deadly force.

Furthermore I am not alone in believing that every man and woman in professional armed forces, so constituted, is a formal office-holder nearly to the same extent as commissioned officers. In Britain a crown servant includes every member of the armed forces. By legal definition a crown servant is a person who ‘owes fiduciary duties to the Crown’, who as constitutional Commander-in-chief, like many heads of state, is the supreme military authority. The loyal oath of service is a legal procedure, but carries much meaning and significance. The commissioning and warrant officers’ warrant, as well as the oath, thus give every member a special status and professional obligation, indicating that they are also in a fiduciary relationship with the public. It is no less than the soldiers’ part of the ‘military covenant’.

Fifty years after Samuel Huntington defined the position of the ‘soldier in the state’ as expressed in the responsibilities of officership, we can now extend this obligation to all members of professional armed forces, which some nations already do, notably Canada. The concept of ‘fiduciary duty’ has

19 The position of Non-commissioned members (NCMs) of the Canadian Forces is explained in Daniel Lagacé-Roy ‘The non-commissioned Members as members of the Profession of Arms: The Canadian example’, in Patrick Mileham (ed), Take me to Your Officer. Officership in the Army, Strategic and Combat Studies Institute, Occasional Paper, no 54, 2008, pp.62-72. In the Foreword, the British Chief of general Staff, General Sir Richard Dannatt endorses the position for the British Army. ‘Officers, whether commissioned or non-commissioned, must be standard-bearers of the values and standards that define the British Army’. ‘Standard-bearer’ in this case is both literal and metaphorical.
been fully exposed to the US armed forces at a major conference.\textsuperscript{20} The general fiduciary duties, so expressed, also must be more or less consistent with practices within other liberal democracies and the relationships accord with the profession of arms across the nations, from which military coalitions are formed. All are members of what should constitute honourable institutions, comprising a highly trusted, internationally recognized profession.

**The moral compass?**

Finally some words are necessary about the officers’ role, commissioned and non-commissioned, with respect to what is conceived of as the ‘moral component’ of military capability and dynamics of fighting power. The other components are ‘conceptual’, and ‘physical’, the three being complementary and mutually force multiplying to contend with a violent world.

Violence, military force? Thinking about it, the whole Sandhurst syllabus is about learning to handle the phenomenon we call armed and lethal force, and the risks involved. Armed force is a hugely hazardous enterprise, insofar as it is about the psychological determination and strength of force used by one side to defeat the force of the other – a mixture of moral will-power and physical force. ‘Moral force’ is what Napoleon meant with his famous maxim ‘the moral is as three to one with the physical’.\textsuperscript{21} Emphatically it is not the

\textsuperscript{20} Martin Cook, doyen of US military ethicists brought the fiduciary concept into his keynote speech at the Fort Leavenworth Command and General staff College Ethics Symposium on 8 November 2011, with attribution to my paper presented at the same Symposium, Patrick Mileham, ‘Risk, Liability and Fiduciary Relationships in the Profession of Arms’.

\textsuperscript{21} See G.F.H.Henderson *The Science of War*, Longmans, London, 1906, p. 173. Sardonically Wellington, after watching the Corsican serial invader for a few years, noted ‘I suspect all the continental armies were more than half beaten before the battle was begun’.
same as ‘moral’ meaning ‘morality’ and ‘ethics’. True ‘morale’ includes ethical conduct in armed forces of liberal democracies, within the bounds of the ‘public conscience’. So the profession of arms is about the capability of deploying enough physical force to overwhelm the enemy, and also about risk calculation in fighting justly and being seen to fight justly.

Sir John Hackett’s already mentioned book, *The Profession of Arms*, is seminal to an understanding of officership. He also wrote elsewhere on officer education and liberal democracy.

“The officer is endowed with the power of coercion. In a society of free men this power cannot be safely bestowed on those who do not possess sufficient detachment and liberality of mind to use it wisely”.  

The word ‘conscience’ springs again to mind, since the quotation echoes Article 1 of the Universal Declaration of Human Rights (1948), ‘All human beings...are endowed with reason and conscience’. The society of free men – meaning international liberal democracy – is founded on international law and moral (ethical) behaviour namely ‘usages established amongst civilized peoples, the laws of humanity and the dictates of the public conscience’. Lionel Curtis writes of conscience being the ‘force that unites men’ whether in the ‘moral cohesion’ of military units or internationally, meaning humanity.

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23 The well-known Marten’s clause, used in the Preamble to the Hague Convention II of 1899, and repeated in other documents in the corpus of international law and understandings.
It means more than conscientiousness. If ‘trust men and they will be true to you’ is the basis of integrity, can one possess true integrity without a strong conscience? I suspect not. In sum the ethics of military service is enjoined by Field Marshal Montgomery in that the ‘true soldier is the enemy of the beast in man, and none other’. The expression moral compass is used. True north is a constant; magnetic north moves; grid north is for maps and charts. Make of the analogy what you will.

There is much more to be investigated about officership and the guardianship of the moral integrity and cohesion of Britain’s Armed Forces. Inter-Service comparisons, Joint-Service Officership, Senior Officership - which must be all about paradox, internal contradictions, double effect and double-jeopardy – can be considered before you attain the position and practice of generalship. The horses have gone, but there are soldiers and even would-be democrats (currently opponents) to think about in that resounding ‘Serve to Lead’ motto of ours. Note, two active verbs; no abstract nouns. Ideology of a sort; counsels of perfection? Yes, but why not? We are still looking for a true definition of integrity.

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