



Morality, ethics, deontology, legitimacy, legality

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Valeurs de l'Armée de Terre

It seems useful to briefly mention the meanings of a few terms.

Morals and ethics

The first term is of Latin origin. It refers to the science of good and evil. It is a theory of human action as being subject to duty and having good as its goal. It often materializes in a set of rules of conduct.

Ethics is not very different, and indeed the two words have been used indiscriminately until very recently. It is a term of Greek origin that can be defined as a set of moral conventions specific to a milieu, a culture, a group. It is a corpus of fundamental values specific to individuals which, because they are shared, can constitute the common reference of a social body.

The two words thus cover two very close realities: they designate, as it were, codes, more or less formal, intended to govern human behaviour. Why are they no longer used in the same way today? A first explanation is that the term "morality" suffers from a negative connotation: "to moralize" ...

A more fundamental difference comes from the fact that ethics, according to some authors, does not pose the question of good and evil, which is the question of morality. This is why our modern world probably prefers the word ethics because it avoids referring to consciences and therefore to the religious or philosophical foundations that can enlighten them, to focus on rules, behaviour and actions ... Put differently : the function of morality would be to define a demarcation between good and evil, whereas ethics would simply record the position of a given act in relation to this dividing line...

The following definition, borrowed from Alexandre JAUNAIT, seems to be the one that best meets our military needs in the context of this issue. An ethical field is "a set of questions, practices, actors, which permanently define the boundaries of their activities"; implied "according to a moral logic which must tend towards the good".

... Tending towards the good? It would no doubt be useful to address this notion of the good here. For some, there is a natural law which means that every man naturally has within himself the perception of good and evil, which are two absolutes, and whose perimeters cannot vary. Others believe that it is a relative, cyclical and evolutionary notion, the contours of which human law has the task of updating. In both cases, it is the reference to which ethics applies.

Lhe deontology

Deontology is of a different scope, as it is directly related to a profession. It is a set of duties imposed on professionals in the exercise of their profession. It thus constitutes a form of "private law" in the sense that the prescriptions it lays down are addressed to the professionals concerned only.

It is also distinguished by the fact that it is related to the law: because it is translated into codes or regulations, based on objective criteria and drafted in a very precise manner, it has normative status. It has the force of law for the population concerned.

Another difference is that it is not necessary, in order to comply with the rules of ethics, to reflect on the values that underlie these rules, or even to share them. For what matters in matters of ethics is compliance with the rule.

Ethics and Professional Conduct

As you can see, ethics and deontology are of different essences:

- For deontology, no reflection is indispensable or even necessary on the consequences of the action decided upon because the deontological rules apply and are imposed in a uniform manner to everyone;
- On the contrary, ethics requires reflection on the values that motivate actions and on the choice of conduct adopted. On the contrary, ethics requires reflection on the values that motivate actions and on the choice of conduct adopted by each individual, including within a group; there can be no ethics without freedom, because, from an ethical point of view, the individual remains responsible for the consequences of his or her choices and actions.

To put it simplistically, deontology is a kind of reference for legality, whereas ethics sets the framework for legitimacy;

Llegitimacy and legality

A recurrent concern for the military in operation, when it wishes to remain within an appropriate ethical and deontological framework, is therefore to know how to preserve

the dual legitimate and legal character of its action.

Legality is the character of what is in conformity with the law. Although it may appear simple, it presents a difficulty for military personnel who do not apply the same law according to their situation, in peacetime or in wartime....

Legitimacy is the quality of what is just, equitable, reasonable. Legitimacy is the quality of what is just, equitable, reasonable... Legitimacy is the quality of what is just, equitable, reasonable... As far as military action is concerned, the common acceptance of the term is that of conformity with collective interests. It implies the existence of some form of merit based on consensus....

Legitimacy is therefore a matter of feeling, of an acute awareness of one's duty, of the perception that one can have of the superior interest of the community one serves, of the Nation; it is a relative notion and can be a matter of fact marked by the environment, by passion, by uncertainty, by the imprint of one's own destiny; it is sometimes clearly identifiable only after the event...

Legality is an objective notion; it finds its foundation in the law and in regulations; it is in theory simple to identify; it is a matter of reason. It is mechanical and consists in respecting precepts laid down by texts.

To inscribe one's personal commitment in a perspective of legitimacy is a matter of honour; respect for legality is more a matter of discipline.

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