RESEARCH ESSAY

ETHICS AND NON-COMMISSIONED OFFICERS: A CRITICAL LINK!

By

Colonel R.R. Romses

Advanced Military Studies Course 1 / Canadian Forces College

30 November 1998

© Her Majesty the Queen in Right of Canada as represented by the Minister of National Defence 1998.

INTRODUCTION

> *The most telling feature of the incidents involving the Canadian Airborne Regiment at Petawawa and in Somalia were that neither officers nor senior non-commissioned members called a halt to destructive, murderous events…*
> *Report to the Prime Minister*[1]

This statement is profoundly telling and provides sad commentary of a military under strain and suffering from numerous leadership and management shortcomings. This was also reflected by the Report of the Commission of Inquiry into the 1992-1993 deployment of Canadian Forces to Somalia. Some would further state that the Canadian Forces appear to be suffering the symptoms of a breakdown in discipline.[2]

The Somalia affair, Bacovici Hospital incident in Bosnia, and numerous other scandals that have plagued the Canadian Forces over the past six years have resulted in a great deal of soul-searching concerning the behavior of its members and of the military profession itself. The serving members of the Forces are acutely aware, with a deep sense of unease, that the military may have lost its way. At the root of this sense of unease is the fear that the military may have lost its ethical compass.[3] Without a healthy ethical environment, leadership will fail, decision-making will be less than adequate, and control will deteriorate. Furthermore, basic trust and confidence in the leadership will becom

findings delve, almost exclusively, into the responsibilities and shortfalls of officers, at various leadership levels, within the Canadian Forces. Based on the principle of accountability, this was only appropriate. However, it would be inappropriate to believe or consider that the ethical role of our non-commissioned members is unimportant, or indeed, minor.

The aim of this paper is to argue that non-commissioned officers are a critical link in the ethical decision making chain. This will be accomplished by first describing the nature of military ethics, particularly as it relates to the individual and all leaders. Then, the need for military ethics will be outlined, followed by a description of the fundamentals of the Canadian Defence Ethics Program. These two sections will highlight the special need for military ethics and the relevance of the Canadian Defence Ethics Program to members of the Canadian Forces. Ethics and the role of non-commissioned officers will be discussed and then related to the 1992-1993 Somalia affair. These sections focus on the non-commissioned officer. The paper will conclude by highlighting the importance of non-commissioned officers in the ethical decision making chain.

A non-commissioned member by definition means any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded to the Canadian Forces.[5] For the purposes of this paper the term non-commissioned officer will refer to any member holding the rank of Master Corporal to Chief Warrant Officer (Master Seaman to Chief Petty Officer in naval terminology).

NATURE OF MILITARY ETHICS

To appreciate the nature of military ethics one must first understand the definition and concepts of ethics in general.

Ethics. For the purposes of this paper the following definition of ethics will be used: the study of good and evil, of right and wrong, of duty and obligation in human conduct, and of reasoning and choice about them. In this essay, I will use ethics and morality interchangeably, as ethics is often referred to as theory, and morality as behavior.[6] As a moral philosophy then, ethics is about trying to separate right from wrong, honor from shame, virtue from vice. It also entails the obligation of acting wisely and resolutely upon the judgements we make. Ethics derive from customs, from rules, from goals, and from circumstances. A mature, settled sense of ethics understands and incorporates all sources into wise decision-making.[7] Aristotle once tried to tell us - "we are the product of our practices. Without serious, substantial education we will not have the conscience necessary to act as we ought."[8] Thus, from the above it can be argued that military personnel as human beings, and regardless of rank, must be capable of reasoning, determining right from wrong, and capable of reflection about the nature of virtue (goodness) and its implications for action.[9] Further, inculcating ethical awareness has been and remains vital.

Reasoning. When dealing with ethics, one is involved in the process of moral reasoning. Socrates believed that ethical dilemmas are not solved simply by reference to

what others think. Instead, the ethical person must above all maintain responsibility for his or her own fate. An individual's reasoning powers must brought to bear, and he must bear ethical responsibility for what he chooses to do in given circumstances. The notion, therefore, that a soldier was "only following orders" or that an individual acted a certain way only because others did, is never an acceptable mode of ethical reasoning. Thus, ethics has to do with the power of man to reason, and, as such, ethical questions are best approached through the use of reason and not emotions.[10]

Determining Right from Wrong. A basic ethical principle which runs through virtually all treatments of ethics is that one ought always to do what is morally right and never what is morally wrong. Often, it is much easier to know what one ought not to do than to know what one ought to do. Ethics require some actions and prohibit others. It is the task of the human being as a moral agent, through the use of his reason and ethical principles, to decide and to understand why under a given set of circumstances he must do something or not do something. It is in the solution to such problems that ethical action is found.[11] Two approaches to help an individual determine right from wrong are the utilitarian and deontological approaches. The utilitarian approach, as outlined by Pu, essentially states that an act is right if, and only if, it can be reasonably expected to produce the greatest balance of good or the least balance of harm. The deontological approach, on the other hand, states that an act is right insofar as it satisfies the demands of some overriding principle or principles of obligation.[12]

Choice and Judgement. Ethical choice consists of the ability to choose one obligation over the other in circumstances that prohibit doing both. Ethics has to do with the use of reason in choosing what one ought to do. Reason is combined with judgment, which helps the individual determine how his ethical obligations apply in particular circumstances. Humans generally make two kinds of ethically related judgements: those concerning moral obligations about what people ought or ought not to do; and those concerning moral values, that is, about what things are seen as good or evil in themselves. Making judgments about how one ought to act is important because in so doing we imply that this same ethical judgment ought to be made by others in similar circumstances. Thus, we not only make judgments about how we ought to act but also about how others ought to act. As moral agents, ethics is not only a guide to our actions, but also serves as the basis for judging how other members of our profession should act. Although an ethical judgment is intensely personal in terms of the consequences for the individual making it, once it is made there must be the clear implication that behavior or actions in particular circumstances are justified as appropriate for others to do in the same circumstances. For this reason alone, it is clear that a proper ethical perspective is necessary for leaders at all levels within the military.[13]

Responsibility. An important aspect of ethics is the proposition that individuals can never escape responsibility for their ethical choices, acts, or consequences. Indeed, to abandon one's ethical judgement to another or to subordinate ethical judgement to another is to cease to be human. Therefore, the idea of absolute obedience to one's superior can never be applicable to the relationship of one human being to another.

As ethical agents, everyone is equal and, in principle, can be held equally responsible for observing their ethical obligations. As human beings, individuals always remain as ethical agents, and there is no escaping the awesome responsibility to act ethically. Another reason why ethical responsibility cannot be escaped is determined by Western tradition of custom and law, which affirms that one must bear responsibility for one's acts. Events such as the execution of General Yamashita, or the Nuremberg trials bear this out.[14]

Professional Ethic. Harte (1989) refers to a professional ethic as a code that consists of a set of rules and standards governing the conduct of members of a professional group. The code may be formally published, or it may be informal, consisting of standards of conduct perpetuated by training and example.[15] These are applied in many professions including medicine, law, business, and education. Military ethics, while they can be usefully compared with these, have an important difference. They guide and constrain actions that in most other contexts are condemned (i.e. the intentional killing or injuring of other human beings and the destruction of property).[16]

Professional Military Ethic. Based on the professional ethic, it follows that the professional military ethic can be defined as an ethical code governing the conduct of military members in the delivery of their specialized services. In that sense, it directs people in what they ought and ought not to do in their dealings with others. Unlike many professional codes, though, the Canadian professional military ethic is informal. It is not written down but is maintained by custom and oral tradition.[17]

An Ethical Perspective. Military ethics form the core for a profession that is engaged in a very special task sometimes requiring the sacrifice of human life as well as the deliberate taking of human life. It deals with those values and expected rules of the profession that are appropriate to actions taken within the military environment – specifically, relationships between people and the rightness or wrongness of interpersonal behavior.[18] Given the military's unique nature, soldiers must adhere to the highest standards of personal and professional integrity. There will always be ethical tension in the military because its primary purpose is armed service – occasionally carried on in circumstances seemingly hostile to the very idea of virtue.[19] Soldiers must not only know what is ethical but, as importantly, do what is ethical. In reality, they may not be sure what the proper action is. Other times they may know the right thing but lack the virtue to carry it out. There can be severe physical or mental pain from failure to know what is right or failure to do what is right. Even doing the right thing can be painful.[20] Without ethics, the soldier can easily slip into a moral morass - a value-free technician who applies his skills in a moral vacuum simply because they are ordered by the state. He can also lose sight of his special obligations and come to regard his personal goals and needs as the sole determinant of right and wrong. In this case, he falls into the trap of ethical egoism - he becomes an entrepreneur who uses his position of special trust and confidence primarily for his own career enhancement. Either road leads to ethical ruin, to say nothing of military ineffectiveness. Without a strong ethical compass, the soldier not only can become a destroyer of humanity, but, under stress, he may also collapse psychologically, for he can lose sight of the reasons why he is practicing his profession.[21] For this reason, ethical education and inculcation must be carried out at all rank levels

within the military. Given that leaders at all levels will set the ethical standard within units of the military, officers and non-commissioned officers alike have an especially important role to play in the education/inculcation process.

NEED FOR MILITARY ETHICS

The need for ethics in any area of human endeavor is self-evident. Without some standards and judgements of behavior, peaceful human interaction becomes impossible. The military has a need for a special set of ethics. At its most basic, the military is a profession, and nonmembers recognize it as a profession. At the very least, a profession requires a special set of obligations and requirements that make membership in one profession different from that in another. Given the life and health risks that soldiers are likely to face, the requirement to observe obligations even to death truly constitutes a special and unique sense of ethics, obligation, and responsibility.[22]

The military, however, has a greater need for ethics than any other profession because the military task involves the systematic application of social violence. The consequences of unethical behavior within the military environment are potentially far more devastating than within civilian life. Society can tolerate a wider scope of unethical behavior, even among its other professions, largely because the consequences of that behavior are likely to be restricted to a small number of people. The consequences of unethical action in the military can be catastrophic for they can immediately affect hundreds or, even, thousands of human beings. Thus, the special nature of the military task, the systematic application of violence against other human beings, makes the

development of ethical standards for its members necessary. Only a sense of ethics, of right and wrong, of limit and perspective, and of special service can prevent the degeneration of the military profession into a senseless purveyor of violence. Over time, such a force can become increasingly out of step with the society it serves, becoming one more self-interested pressure group within it and inevitably a threat to it, if not by overt action, then by poor example.[23] Put another way, a "soldier without an understanding of ethical standards can be as dangerous as a political leader without an understanding of military power".[24]

Any failure of ethics in an armed force presents a serious problem in civil-military relations. Whenever the ethical foundations of the armed forces are weak and unsure, there is no assurance about how the military will react, especially in a crisis. According to Richard Gabriel, a military culture that is under ethical stress will display several related traits:

> "the organization will profess an external code of ethics that is contradicted by internal practices; internal practices encourage and conceal violations of the external code; prospective whistle-blowers are intimidated into silence; the few courageous outspoken men have to be protected from organizational retaliation; collective guilt finds expression in the rationalization of internal practices and those whose role it is to reveal corruption rarely act, and when forced to do so by external pressures, they excuse any incident as an isolated rare occurrence."[25]

Within a Canadian context, informed observers commented on similar symptoms within the Canadian Forces for many years leading up to the various scandals of the early 1990's. Given the many reforms now underway, it is difficult to judge the extent to which the Canadian military is still infected with this ethical malaise.[26] What is key, however, is that it cannot be presumed that soldiers will be able or motivated to engage in

reflective moral thinking at key junctures. It is necessary that there be some form of prior training and preparation at all rank levels for these situations and that there be institutional structures within the military to provide support and guidance for those attempting to cope with moral quandaries.[27]

Further, the volunteer nature of the Canadian Forces and the reasonably rapid turnover, particularly of non-commissioned members, will continuously bring into the military large groups of men and women with diverse ideas of morality and ethics. The military cannot isolate itself from the influences of civilian society. Professional effectiveness and cohesiveness may be eroded by the infusion of large groups of people with moral and ethical backgrounds that may differ considerably from military concepts of ethics and morality. For this reason, the military profession must set a clear moral and ethical pattern linked with the best patterns in society.[28] This will only be accomplished through effective education and leadership. By providing education in ethics one reinforces the importance of ethics and at the same time signals to the profession, as well as to those outside it, that military ethics is to be taken very seriously. This, in turn, also ensures that the novice to the profession is informed of the special obligations required of a member of the profession.[29]

In summary, there is a need for military ethics, for without it a military force will end up in a moral morass. A sense of military ethics gives the profession of arms some importance beyond the ability to destroy, and only a sense of ethics can limit human destruction by clearly establishing a proper concert between means and ends. Only ethics

can place destruction in perspective and prohibit soldiers from using violence beyond reason.[30]

CANADIAN DEFENCE ETHICS PROGRAM

Genesis. Beyond the military scandals making the headlines in the first half of the 1990s, the Canadian Forces were confronted by numerous other significant challenges. These included the changing nature of peacekeeping operations, adjusting to the Canadian Charter of Rights and Freedoms, reduced military budgets, downsizing, restructuring, and adjusting to new ways of doing business. All of these issues imposed further stress within the military and led to a growing concern related to the strength and vitality of the military's ethical culture. Given Canadian public expectations of high moral standards from Canadian Forces members, there was a clear need to re-emphasize ethical decision-making and integrity within the Department of National Defence. As a result, the Defence Ethics Program was endorsed in February 1994 and provided a visible and expressed ethical focus for the Canadian Forces.[31]

Program Assumptions. The primary focus of an ethics program in a democratic society is to ensure that the military, as an institution of democratic government, continues to respond to the needs of its society. The Canadian Defence Ethics Program makes three basic assumptions concerning Canadian society and the role and function of Defence within that society. First, Canada's modern democratic society is characterized by a multitude of comprehensive belief systems, be they religious or secular, humanistic

or philosophical. Second, these comprehensive belief systems exhibit an overlapping consensus of values and principles, expressed in a document like the Canadian Charter of Human Rights and Freedoms, which serves as the basis for what could be called public or societal ethics. Third, within this overlapping consensus, there is a common core of defence principles and values that reflect the unique and separate character of the Canadian Forces as a fundamental institution of Canadian society.[32]

Program Type. The Defence Ethics Program is a normative (top-down) program that uses a value-expressive approach to ethics. This approach states, in general terms, what is desirable, rather than specifying in detail what should be done. It is not, therefore, a professional code. From the point of view of this program, defence ethics exist within a Canadian context and deal with right and wrong and how the military personnel ought to conduct themselves within a democratic society. It has as a fundamental assumption that any decision or action that could affect other people has an ethical dimension, and this reality entails a duty to consider and protect their rights and interests.[33]

Role and Mandate of the Defence Ethics Program. The role and mandate of this program is fourfold: first, at the collective level, to help develop an ethical culture throughout the Canadian Forces and the Department of National Defence; second, at the individual level, to promote an ethical mind set in all situations; third, to improve individual reasoning abilities concerning the ethics of any issue; and fourth, to develop an awareness of ethical risk factors and vulnerabilities.[34] Although having a virtuous

mandate, the success of this program will ultimately only be as effective as its weakest link. This means that leadership at all rank levels has a key role to play in both practicing and educating others in ethical excellence. Should the continuum of leadership have weak links, problems are likely to occur.

Statement of Defence Ethics. This statement prescribes ethical principles and obligations governing members of the Canadian Forces when performing their professional roles and duties. It is intended for use as a normative guide to professional conduct, as an aid to working through ethical questions and problems encountered during day-to-day work, and as a framework for developing ethically sound policies and programs. It consists of obligations and principles. There are six core ethical obligations (loyalty, honesty, courage, diligence, fairness, and responsibility) which reflect the relative importance of the military's obligations to the human community, Canadian society, and lawful authority. The ethical obligations are intended as standards of conduct that have equal weight and that the military should strive to meet in performing its professional roles and duties. There are three principles, on the other hand, which are presented in hierarchy (i.e. Principle I takes precedence over Principle II etc.) and are intended as universally valid aids for establishing priorities when ethical obligations conflict or do not lead to clear and ethically unambiguous choices.[35] The principles are:

- Respect the dignity of all persons. At a minimum, adhering to this principle requires respect for the intrinsic worth of every person and the treatment of all persons with tolerance and consideration. In other words, we must treat others

always as “ends”, and never as objects or mere means to an end. Conversely, we cannot torture, do violence to, brutalize, injure, coerce, bully, deceive, manipulate, use as expendable, treat unjustly, harass, or otherwise ill-treat anyone. These obligations are binding in all circumstances, with only one exception – in the context of war (i.e. norms pertaining to the lawful use of armed force constitute an ethically justifiable exception to the general rule);

- Serve Canada before self. This principle asserts that the legitimate collective interests of society take precedence over purely organizational interests and personal interests; and

- Obey and support lawful authority. This principle not only requires a duty to comply with and support government legislation and policy in one’s professional role, but, by extension, a duty to obey and support the lawful policies, directives, and orders of superiors in the chain of command. It reduces military personnel’s discretion concerning what they can do, however, by its very nature, the chain of command creates a tension between military personnel’s duty to carry out the orders they receive, and each person’s ultimate responsibility for their actions under the law. [36]

Defence Ethics and the Individual. Ethics is not only a collective responsibility but must ultimately rest with the individual. The first responsibility of individuals is to be ethical by example. For Canadian Forces personnel, this means behaving in

accordance with the principles and obligations contained in the Statement of Defence Ethics. Individuals are also responsible for promoting and reinforcing high standards of ethical conduct in units and work groups. This may require them to question policies and practices that do not meet ethical standards, to voice concerns about perceived unethical behavior, and ultimately to report flagrant and serious ethical violations to an appropriate authority, if there is no other recourse. There is no doubt that unethical behavior and ethically questionable behavior, when allowed to subsist unchecked or uncorrected, corrupts the defence ethics environment.[37]

Canadian Forces 1998 Ethics Conference. The theme of the Canadian Forces 1998 ethics conference was "Voice and Ethics". During his introductory address the Chief of Defence Staff, General Baril, highlighted the importance of creating an environment that encourages everyone to voice concerns and take responsibility for action. He stated that a cultural shift was taking place within the Canadian Forces with respect to the ethical responsibilities of leaders and subordinates. In the past, the officer wielded enormous power and handled almost everything relating to subordinate troops, from counseling to discipline. Now, a culture is evolving which is characterized by a sharing of responsibility for the care of subordinates, including the sharing of how their ethical concerns are addressed. Subordinates can now go outside of their immediate operational chain of command for help, if they wish, and specialist resources are assuming partnership roles in their care. Instead of being perceived as an intrusion on the authority of leaders, these specialist resources must be seen and used as enablers and tools of leadership. This represents a major adaptation on the part of leadership,

including perhaps, a more humble and realistic attitude. To truly accept such a shift, leaders must acknowledge that the direct chain of command is not always trusted and that leaders make mistakes. However, if the Canadian Forces values its members, they must be trusted and their choices respected when it comes to having their concerns dealt with.[38]

Based on this review of ethics, the Canadian Defence Ethics Program, and the comments of the Canadian Forces Chief of Defence Staff, it is clear that within the military, ethics can no longer be perceived to be the domain of officers only. All rank levels have ethical responsibilities. Leaders within the Canadian Forces, however, have a particularly important role, given that they become the de facto ethical role models to subordinates, have educational responsibilities, and help foster the environment that ensures those military members can address ethical concerns. Amongst our leaders, what then is the role of non-commissioned officers in ethical decision making?

ROLE OF NON-COMMISSIONED OFFICERS

Article 5.01 of Queen's Regulations and Orders details the general responsibilities of all non-commissioned members. Those of particular relevance to non-commissioned officers include: the observing and enforcement of various regulations, rules, orders, and instructions; promoting good discipline, welfare, and efficiency of all who are subordinate to the member; and reporting to the proper authority any infringement of the pertinent statutes, regulations, rules, orders, and instructions governing the conduct of

any person subject to the Code of Service Discipline.[39] Those terms underlined above bring focus to the important role that all non-commissioned officers play with regard to discipline. If, as suggested in the introduction, the Canadian Forces appear to be suffering the symptoms of a breakdown in discipline, then attention must be devoted to ensuring the ethical well being of not only our officers but also our non-commissioned officers. Ethics is about obligation, duty, and responsibility. Those non-commissioned officers who hold a personal and professional creed have the charge of trying to inculcate it in those to whom and for whom they are responsible.[40] Officers and non-commissioned officers have a responsibility to be true to friends but not to the point of betraying professional duty.[41] Thus, a proper ethical focus will help ensure leaders at all levels "not pass a fault".

Over and above these legal responsibilities, it must be understood that non-commissioned officers are the link connecting soldiers to their officers and officers to their soldiers. Because of their experience, maturity, and knowledge, they not only set the example in matters of discipline, drill, dress and deportment, but also (particularly at the Sergeant rank and above) serve a special function. They have an important responsibility in teaching newly joined officers hands on skills in the mechanics of soldiering and leadership. Small wonder then that General Bernard Montgomery in 1942 referred to non-commissioned officers as the backbone of any unit.[42] Even today, Canadian Forces Publication B-GL-300-000/FP-000 refers to them as the backbone of the army; however, this role can be extended to the Canadian Forces as a whole.[43] Thus, in their responsibilities both up and down the chain of command, non-commissioned

officers are key leaders who must strive to develop a rapport that is based on honesty, trust, respect, and candour.[44] It is only by understanding both the legal and associated responsibilities that one can begin to appreciate the importance of non-commissioned officers and, therefore, why they are a critical link in ethical decision making. Not only do they have tremendous influence over our soldiers, perhaps more so than officers, they also have influence over the development of young officers. Clearly, if their level of ethical conduct is low, then there is just cause for concern given that these leaders have substantial power and influence over others.

As leaders with a direct impact on both junior officers and soldiers, it seems only natural that if they engage in obviously unethical behavior then trust and confidence will break down.[45] Further, they will be unable to create an environment of trust, to set standards, or encourage students to voice ethical concerns and listen to them.

Non-commissioned officers must also function as teachers of ethics, so their understanding of this subject will have to go beyond that of those below them. In fact, non-commissioned officers may be more important as teachers to the enlisted ranks than are commissioned officers, given that they traditionally spend more time with them. Thus, they have more time to teach ethics and other things both by example and in lesson form. Additionally, because non-commissioned officers are not so distant from those under them in rank, soldiers often relate to them better than they do with higher-ranking personnel. It would, therefore, be a great mistake to rely exclusively on commissioned officers to espouse ethics. If a sergeant can teach soldiers the rules about how to behave

on a firing range or guide a lieutenant under his tutorship on the mechanics of soldiering and leadership, then they can also teach the military importance of obedience, truth-

enforced at all rank levels. In view of this, non-commissioned officers will play a vital role in the process and this, in turn, reinforces the important role they now play in ethical decision making.

SOMALIA

The Canadian Forces participated in a peace enforcement mission in Somalia during the December 1992 to June 1993 period. During this deployment of Canadian troops, events transpired that impugned the reputations of various individuals, Canada's military, and Canada itself. Those events, well known to most Canadians, included repugnant hazing activities prior to deployment involving members of the Canadian Airborne Regiment, the shooting of Somali intruders at the Canadian compound in Belet Huen, the beating death of a teenager in the custody of soldiers from 2 Commando, an apparent suicide attempt by one of those Canadian soldiers, and, after the mission, alleged instances of withholding or altering key information.[50] These events led the Canadian Government to conduct a Commission of Inquiry into the deployment of troops to Somalia. The final report of the commission was wide-ranging and led to numerous recommendations, many of which the Canadian Forces are today endeavoring to implement.

It would be inappropriate to blame non-commissioned officers for the Somalia debacle, as officers not only made key errors but also were ultimately accountable. However, one wonders if the situation could have been avoided had the non-

commissioned officers had better training and development in ethics. When documentation associated with the Somalia Inquiry is reviewed, the disciplinary problems in-theatre were foreshadowed by similar breaches in Canada.[51] These included hazing incidents, the burning of a duty sergeant's car, damaging of property, drunkenness, and unauthorized pyrotechnic explosions.[52] Subsequent investigations brought to light a "wall of silence" mentality by some non-commissioned officers towards authority and responsibility.[53] In Somalia, immediately prior to the death of Shidane Arone, Master Corporal Matchee was heard to remark that in Somalia the police would shoot the prisoner and that "in Canada we can't do it but here they let us do it, and the non-commissioned officers are aware of it."[54] Further, at least three non-commissioned officers of Sergeant and Master Corporal rank witnessed the assault and another Sergeant was informed the assault was occurring. None of them took any action to prevent the beating or death. These incidents suggest that the non-commissioned officers had lost their moral authority by not exercising discipline or setting the example.[55]

Of particular note from the Somali Commission, was the observation that a need exists to demonstrate that all soldiers live by the military ethos and personify its core values. In short, the military needs to reclaim the ethical high ground.[56]

The Somalia Commission expressed concern regarding the difference in training in ethics received among the ranks, particularly the lower ranks. A review of the Non-Commissioned Members General Specification[57] and Junior Leaders Manual on

Leadership[58] gives reasonable cause for this concern. The Non-Commissioned Members General Specifications detail those responsibilities which every non-commissioned member is required to discharge and define the minimum knowledge and skill level required by rank level. Regretfully, ethics is not one of those tasks. While leadership is, a review of the Junior Leaders Manual on Leadership (A-PD-131-001/PT-001) confirms that ethics is not articulated within the manual and, therefore, not yet imbedded doctrinally. On a positive note, elements regarding the Geneva Conventions are required. Also, since 1993 a variety of additional training and educational programs have been introduced including aboriginal awareness, cultural values, and ethics.[59] Further, non-commissioned member courses such as the Junior and Senior Leadership Courses have incorporated ethics in their curriculum. Unless, however, ethics are firmly rooted into our doctrinal manuals and the general specifications for non-commissioned officer development, their importance will inevitably wane and old lessons will once again have to be learnt the hard way. An historic example of this is the Mainguy Inquiry into the mutiny aboard three Canadian naval ships in 1949. It found that one of the main causes was the failure of the non-commissioned officers to condemn unethical behavior among the crew. This has similar overtones to the Canadian Airborne Regiment over 40 years later.[60]

A further issue is whether a code of ethics for all members of the Canadian Forces, or for leaders, would be helpful. Martin Friedland in a study for the Somali Commission of Inquiry suggests that this should be considered.[61] Anything that would

assist Canadian Forces officers, non-commissioned officers, and members to act in an ethical fashion and facilitate proper moral decisions should not be overlooked.

CONCLUSION

This paper has argued, and I believe demonstrated, that non-commissioned members, particularly non-commissioned officers, are a critical link in the ethical decision making chain. All military personnel, regardless of rank, must be capable of moral reasoning, determining right from wrong, and capable of reflection about the nature of virtue and its implications for action. Further, individuals cannot escape responsibility for their ethical choices, acts, or consequences. Given the military's unique nature, soldiers must adhere to the highest standards of personal and professional integrity and not only know what is ethical but do what is ethical. Only a sense of ethics, of right and wrong, of limit and perspective, and of special service can prevent the degeneration of the military profession. Without a strong ethical compass soldiers can become destroyers of humanity and lose sight of the reasons why they are practicing their profession. Given that leaders at all levels will set the ethical standard within units of the military, non-commissioned officers have an especially important role to play.

In recent years the Canadian Forces has developed the Canadian Defence Ethics Program, which is orientated to all ranks of the military. The education and inculcation of ethics amongst our non-commissioned members will, however, largely fall to our non-

commissioned officers. For this reason alone, it can be said non-commissioned officers are a critical link in the ethical decision making process.

Further, based on the cultural shift in ethical responsibilities which the current Canadian Chief of Defence Staff is articulating, it is clear that ethics can no longer be perceived to be the domain of officers only. Given the important role which leaders must play in order that this cultural shift be effective, the role of non-commissioned officers (as the link connecting soldiers to their officers and officers to their soldiers) must again be seen as a critical link.

Discipline stands out as a key responsibility of those detailed in Queen's Regulations and Orders. Therefore, non-commissioned officers, as leaders in the chain of command, have an obligation on behalf of the Canadian Forces to ensure a high standard of discipline within their realm of influence. Only by maintaining a clear threshold of ethical conduct and decision making will non-commissioned officers, or any leader, be able to prevent erosion of discipline and create a climate in which people can excel. Because discipline requires the support of all ranks, non-commissioned officers are, once again, a key link.

Both non-commissioned and commissioned officers must also function as teachers of ethics, so their knowledge of this subject will have to go beyond that of those below them. Despite the concern expressed by the Somalia Commission regarding the difference in training in ethics received among the ranks, particularly the lower ranks,

ethics are still not firmly rooted into the Non-Commissioned Members General Specifications or into key junior leadership doctrinal manuals. Further, the Canadian Forces do not yet have a code of ethics for leaders or members. The requirement for one should be given serious consideration. Though numerous improvements have been made, including the development of the Canadian Defence Ethics Program and various ad hoc training and educational programs, their importance will inevitably wane and old lessons may have to be relearned. Thus, the importance of recognizing non-commissioned officers, as key links in ethical decision making must be made and recognition provided by updating key publications. This will ensure a proper and on-going understanding of ethics by our non-commissioned members.

In conclusion, all military members must have firm ethical moorings. If, as a professional military force, the Canadian Armed Forces wishes to avoid repeating past blunders, such as the Somalia debacle and the numerous scandals of the 1990's, then the military must resolve to conduct itself in an ethical manner. Non-commissioned officers will have an important part to play in this process and are, therefore, critical links in the ethical decision making chain.

NOTES

[1] J.L.Granatstein, "For Efficient and Effective Forces" in Report to the Prime Minister - A Paper Prepared for the Minister of National Defence, M. Douglas Young (Ottawa: DND Canada, March 25 1997) 10.

[2] Ibid 10.

[3] Richard A. Gabriel, To Serve With Honour (Wesport: Greenwood Press, 1982) 3.

[4]L.D. Zens, "Military Ethics: The Need for an Officers' Code" (unpublished paper for Exercise New Horizons, Canadian Forces Command and Staff College, Toronto, Ontario, 1997/98) 3.

[5] Department of National Defence, Queen's Regulations and Orders, Vol. 1, (Ottawa: DND Canada) 4.

[6]James H. Toner, True, Faith, and Allegiance: The Burden of Military Ethics (Lexington: The University Press of Kentucky, 1995) 9.

[7] Ibid 21.

[8] Ibid 21

[9] Ibid 21.

[10] Gabriel, "To Serve With…" 27.

[11] Ibid 27.

[12]Wenek, K.W.J. "Ethics – The Big Picture", presentation given to Advanced Military Studies Course at Canadian Forces College, Toronto, Ontario, 25 September 1998.

[13] Ibid 28.

[14] Ibid 40-41.

[15] K.W.J. Wenek, "Officership and Professional Ethics" in A/PS/GSP/ANTH – Advanced Military Studies Course Admiral/Generalship Programme Anthology (Toronto: Canadian Forces Command and Staff College, 7 August 1998) 296.

[16] N. Fotion and G. Elfstrom, Military Ethics: Guidelines for Peace and War (Boston: Routledge and Kegan Paul, 1986) 3.

[17] Wenek, "Officership and Professional…" 296-297.

[18] Gabriel, "To Serve With…" 23,25 and 26.

[19] Toner "Truth, Faith, and Allegiance…" 4.

[20] Ibid 19.

[21] Ibid 24.

[22] Gabriel, "To Serve With…" 56-57.

[23] Ibid 57, 228-229.

[24] Toner "Truth, Faith, and allegiance…" 152.

[25] Douglas L. Bland, National Defence Headquarters – Centre for Decision (Ottawa: Public Works and Government Services Canada Publishing, 1997) 48.

[26] Ibid 48.

[27] Fotion and Elfstrom, "Military Ethics: Guidelines…" 5.

[28] Sam C. Sarkesian, "Moral and Ethical Foundations of Military Professionalism" in Military Ethics and Professionalism, ed. by James Brown and Michael Collins (Washington: National Defence University Press, 1981) 2.

[29] Gabriel, "To Serve With…" 211 and 223.

[30] Ibid 227.

[31] Department of National Defence, Defence Ethics Program: The Fundamentals of Canadian Defence Ethics, (Ottawa: DND Canada, http://www.dnd.ca/crs/ethics/fundamental-e.htm) 1.

[32] Ibid 2-3 and Zens, "Military Ethics: The Need…" 6.

[33] Department of National Defence, "Defence Ethics Program…" 4.

[34] Ibid 4.

[35] Ibid 5 and 6.

[36] Ibid 5 and 6.

[37] Ibid 12.

[38] Maurice Baril, "Speaking Notes for General Maurice Baril, Canadian Chief of Defence Staff", Voice and Ethics Conference, Ottawa, Ontario, 20 October 1998, (http://131.137.96.10/eng/archive/speeches/ethics_s_e.htm) 1 and 6.

[39] Ibid Chapter 5 page 1.

[40] Toner, "Truth, Faith, and Allegiance…" 67.

[41] Ibid 37.

[42] John A. English, The Canadian Army and the Normandy Campaign (New York: Praeger Publishers, 1991) 318.

[43] Department of National Defence, B-GL-300-000/FP-000 Canada's Army, (Ottawa: DND Canada, 01/04/98) 52.

[44] Ibid 52-53.

[45] Wenek, "Officership and Professional…" 303.

[46] Fotion and Elfstrom, "Military Ethics: Guidelines…" 74.

[47] Department of National Defence, Dishonoured Legacy – Report of the

Commission of Inquiry into the Deployment of Canadian Forces to Somalia, Vol. 1, (Ottawa: Public Works and Government Services Canada, 1997) 83.

[48] Wenek, "Officership and Professional…" 300.

[49] Baril, "Speaking Notes for…" 5-6.

[50] Department of National Defence, "Dishonoured Legacy – Report…" Vol.1. xxx.

[51]Jean-Paul Brodeur, Violence and Racial Prejudice in the Context of Peacekeeping (Ottawa: Public Works and Government Services Canada Publishing, 1997) 78.

[52] Department of National Defence, "Dishonoured Legacy – Report…" Vol.1. 247.

[53] Ibid 248.

[54] Ibid 323.

[55] Ibid 320-324.

[56] Department of National Defence, Dishonoured Legacy – Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, Executive Summary, (Ottawa: Public Works and Government Services Canada, 1997) ES-46 and 47.

[57] Department of National Defence, Canadian Forces Manual of Non-Commissioned Member's Occupational Structure, Vol. 1, Annex A to Ch. 3 (Ottawa: DND Canada, 1995-01-31) 3A-7 to 3A-32.

[58] Department of National Defence, Junior Leaders Manual – Leadership, Vol. 1. (Ottawa: DND Canada, 78-10-24).

[59] Department of National Defence, "Dishonoured Legacy – Report…" Vol. 1. 84.

[59] E.R. Mainguy, L.C. Audette, and L.W. Brockington, Report on Certain Incidents which Occurred on Board H.M.C.S. Athabaskan, Crecent, and Magnificent (Ottawa: Department of National Defence, 1949) 7.

[60] Martin L. Friedland, Controlling Misconduct in the Military (Ottawa: Public Works and Government Services Canada Publishing, 1997) 20-22. Numerous other individuals such as Richard Gabriel, Lieutenant-Colonel C.A. Cotton, and the authors of various Canadian Forces Command and Staff College papers have long argued the need for a formal code.

ANNOTATED LIST OF WORKS CITED

Baril, Maurice. "Speaking Notes for General Maurice Baril, Canadian Chief of Defence Staff." Voice and Ethics Conference, Ottawa, Ontario, 20 October 1998. These notes detail General Baril's comments at the 1998 Canadian Forces ethics conference.

Bland, Douglas L. National Defence Headquarters – Centre for Decision. Ottawa: Public Works and Government Services Canada Publishing, 1997. This is an interesting study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. The focus of the study is National Defence Headquarters and it explores the crucial aspect of civil-military relations encompassed in policy-making, command and administration. Of interest is its discussion of a system in trouble and concerns related to ethics.

Brodeur, Jean-Paul. Violence and Racial Prejudice in the Context of Peacekeeping. Ottawa: Public Works and Government Services Canada Publishing, 1997. This is a study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. The focus of the study is review violence and racial prejudice within the Canadian Airborne Regiment from a historical perspective, prior to deployment to Somalia, in theatre, and post–deployment.

Brown, James and Collins, Michael. Military Ethics and Professionalism. Washington: National Defence University Press, 1981. This book is a collection of essays edited by various authors related to military ethics and professionalism.

Canada, Department of National Defence. B-GL-300-000/FP000 Canada's Army. Ottawa: DND Canada, 01/04/98. A Canadian Forces publication which

establishes the doctrinal foundation for the professional competency of all ranks in the army and serves as the basic source document for all instruction and training leading to that end. It is well written and concise.

Canada, Department of National Defence. Canadian Forces Manual of Non-Commissioned Member's Occupational Structure. Vol.1. Ottawa: DND Canada, 1995-01-31. A Canadian Forces publication which provides detail related to non-commissioned member occupational structure. Of particular relevance to this paper is Annex A to Chapter 3 which details the general specifications for non-commissioned members. It identifies the common duties and tasks performed by all non-commissioned members and the associated knowledge and skill required by the tasks.

Canada, Department of National Defence. Defence Ethics Program: The Fundamentals of Canadian Defence Ethics. Ottawa: DND Canada, http://www.dnd.ca/crs/ethics/fundamental-e.htm, August 1997. This paper provides an introduction to the foundations of the Defence Ethics Program, a detailed look at the Statement of Defence Ethics, explains how the program can contribute to individual moral development and why the defence ethics environment is important. It is a concise and useful overview of the Department of National Defence Ethics program.

Canada, Department of National Defence. Dishonoured Legacy – Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. Ottawa: Public Works and Government Services Canada, 1997. The entire report of the Somalia Commission consists of an Executive Summary and five volumes

of conclusions and recommendations reached by the Inquiry.

Canada, Department of National Defence. Junior Leaders Manual – Leadership. Vol. 1. Ottawa: DND Canada, 78-10-24. A Canadian Forces publication which provides doctrine related to junior leader leadership.

Canada, Department of National Defence. Queen's Regulations and Orders. Vol. 1. Ottawa: DND Canada. This volume provides Canadian Forces regulations and orders specifically related to administration. It provides a general framework and definitions under which the Canadian Forces operate by authority of the National Defence Act.

English, John A. The Canadian Army and the Normandy Campaign. New York: Praeger Publishers, 1991. This book provides a study of the Canadian Army and the Normandy campaign from a high command perspective. Appendix A provides notes by General Montgomery on what a Commander should look for when visiting a military unit.

Fotion N. and Elfstrom G. Military Ethics: Guidelines for Peace and War. Boston: Routledge and Kegan Paul, 1986. An extremely detailed book related to ethics and the military. It discusses issues related to ethics and the military in peacetime, immediately preceding war, while fighting a war, and post-war issues.

Friedland, Martin, L. Controlling Misconduct in the Military. Ottawa: Public Works and Government Services Canada Publishing, 1997. This is an interesting study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. The focus of the study is to look at a range of military structures and institutions that provide controls on behaviour and analyze how they can be

improved to make members of the military more accountable for their conduct, without at the same time diminishing their effectiveness as a fighting force.

Gabriel, Richard A. To Serve With Honour. Wesport: Greenwood Press, 1982. This is an outstanding book which details the military ethic and proposes an honour code for the United States military.

Granatstein, J.L. "For Efficient and Effective Forces." Report to the Prime Minister – A Paper Prepared for the Minister of National Defence. Ottawa: DND Canada, March 25 1997. This paper provides an assessment of various Department of National Defence issues and provides advice related to them (i.e. the management and command of the Canadian Forces, military ethos and discipline, etc.). It provides an excellent overview of the issues confronting the Canadian military in the 1990's.

Mainguy, E.R., Audette, L.C., and Brockington, L.W. Report on Certain Incidents Which Occurred on Board H.M.C.S. Athabaskan, Cresent, and Magnificent. Ottawa: DND Canada, 1949. This investigative report provides an assessment related to incidents which occurred on three Canadian naval ships in 1949 and provides recommendations to resolve the issues.

Toner, James H. True, Faith, and Allegiance: the Burden of Military Ethics. Lexington: The University Press of Kentucky, 1995. A very good book which attempts to provide an understanding of the military profession and ethics.

Wenek, K.W.J. "Officership and Professional Ethics." A/PS/GSP/ANTH – Advanced Military Studies Course Admiral/Generalship Programme Anthology. (Toronto: Canadian Forces Command and Staff College, 7 August 1998) 296-310. This is

an excellent paper written by a Canadian author which concisely outlines military professionalism, the military ethos, officership, and military ethic.

Zens, L.D. "Military Ethics: The Need for an Officers' Code." Unpublished exercise New Horizons paper, Canadian Forces Command and Staff College, Toronto, Ontario, 1997/98.