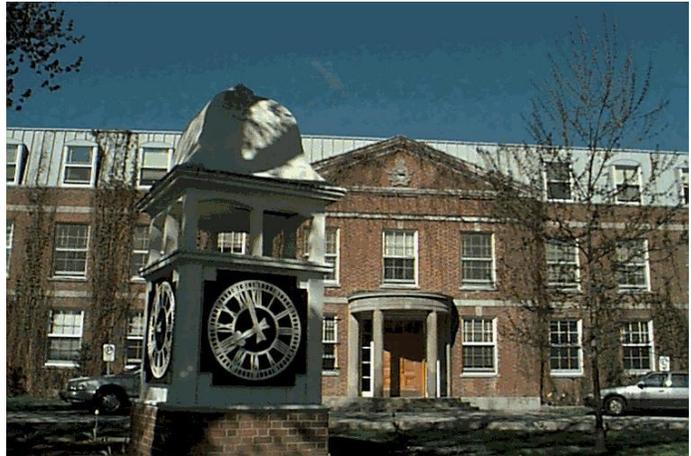


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A CRITICAL ANALYSIS OF CONTEMPORARY DEFENCE ETHICS

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JCSP 39

Master of Defence Studies

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A CRITICAL ANALYSIS OF CONTEMPORARY DEFENCE ETHICS

By Major G.J. Lawless
Par le major G.J. Lawless

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ABSTRACT

This work was inspired by the Leadership and Ethics course provided by the Canadian Forces College to the members of the 39th serial of the Joint Command Staff Program. Within this program, the ethics training that was provided was found by this author to be largely unsatisfying. This dissatisfaction was not immediately apparent during the initial and more general lessons about the basic ethical theories employed by the Canadian Forces in the development of its Statement of Defence Ethics; but became rapidly so when these theories were then applied to certain ethical questions and perceived ethical failures in combat. Particularly dissatisfying was the analysis of the actions of Captain Robert Semrau, who was convicted of Disgraceful Conduct for the mercy killing of a Taliban fighter. It was not that the analysis and judgment on this former officer appeared necessarily incorrect, but there remained some initially intangible thing about the various ethical analyses of this event and others that were frustrating.

What made this dissatisfaction so frustrating was that while this author could not bring himself to agree with the judgments and analyses offered about this event, it was also not readily apparent what the problems with these analyses were. Thus, unveiling the precise nature of these problems is the purpose of this paper. Within this work, this is accomplished in three broad phases: first, the current spectrum of defence ethical discourse is discussed and critiqued; second, significant analysis is given to the basic ethical theories employed within this discourse; and finally, a more robust discussion of what these ethical theories are attempting to articulate is given. Once these three issues are addressed, the precise problem with these analyses is explained; recommendations are made about how the ethical training offered to members of the Canadian Forces should be modified; and further recommendations are made concerning how

those intellectuals engaged in the ethical analysis of defence/combat issues could better approach their subject.

THE PURPOSE OF THIS RESEARCH

The importance of ethics in professional and private life is not questioned in Canada. Government, industry and the military are all expected to conduct their affairs to the highest possible ethical standard, and when they do not, formal boards of inquiry are conducted to reveal, critique and punish their ethical failures. Specific to the Canadian Forces (CF), since the Somalia Inquiry revealed certain depravity within some of its membership, the training of Canadian soldiers in ethics has become formalized and given the highest organizational priority. Additionally, many books and papers have been written on military and combat ethics, and as the subject has become more popular, it has begun to merge with more traditional academic pursuits such as just war theory. This focus on the importance of ethics in war is good; however, what this research has found is that many of the authors pursuing this subject have only the most superficial understanding of ethical theory. This is resulting in two negative consequences: first, it is impeding the proper judgment of ethical actions in combat, and second, it is causing the ethical training provided to our soldiers to be of marginal utility.

So what is meant by the accusation that these authors have only most superficial understanding of ethical theory? Generally speaking, their approach to ethical training and judgment in military operations involves only the direct application of the normative ethical principles developed by Aristotle (Virtue), Immanuel Kant (Deontology), and the joint works of Jeremy Bentham and John Stuart Mill (Utilitarian). These normative ethical theories are the most popular western secular ethical theories available, so their use within the study of our military ethics is logical. However, by blindly applying these theories without due consideration or understanding of what grounds them; without understanding their motivations, roots and history; these normative ethics can be both applied incorrectly and applied with false confidence.

With this in mind, the first purpose of this research is to reveal the meta-ethical grounding of these theories so that they can be applied correctly and with proper understanding of their strengths and weaknesses. It is the second and ultimate purpose of this research to introduce a better approach to ethical understanding and judgment; one that does not just blindly apply the rules of some accepted authority, but rather, one that understands the source and meaning of human moral sentiment. To be clear, this paper does not contend that the current set of ethics espoused by the CF is in some way corrupt. Indeed, the CF currently promotes a robust ethical code that accurately reflects the norms of the society it protects.¹ However, it is the position of this paper that in being ignorant, or at least silent, about the meta-ethical underpinnings of this ethical code, the ethical training being provided to CF members is of low utility. More importantly, without adequate attention being given to this meta-ethical framework, this ethical code is also encouraging and justifying judgments of war time ethical failures that are founded on insecure rational grounds.

Unfortunately, this paper will need to introduce some esoteric ideas and concepts that are expected to be unfamiliar to the intended audience of defence practitioners and analysts. Key among these will be the difference between a normative and a meta-ethical theory, the historicity of human actions and ideas, dialectical cultural evolution, the existential analytic, and hermeneutics. While the provision of deep understanding in each of these subjects is simply too ambitious for a work of this size, it is believed that sufficient understanding can be given to allow the lay reader to understand the arguments and conclusions of this work. With this in mind, we should perhaps begin by clarifying the difference between normative and meta-ethics.

¹ "National Defence and the Canadian Forces - Statement of Defence Ethics." Statement of Defence Ethics. Department of National Defence, last modified July 18, 2012, accessed February 21, 2013, <http://www.dep-ped.forces.gc.ca/dep-ped/code/stmt-enc-eng.aspx>.

Essentially, normative ethics (or what is normally referred to simply as Ethics) concerns itself with how one *ought* to act, and a meta-ethical theory considers the more general, underlying nature of any such Ethic. So where Ethics attempts to answer the question ‘What is the right thing to do?’ meta-ethics instead asks ‘Why is it that I consider this the right thing to do?’ For instance, one may decide that they should act in some certain way because it is believed to give the greatest good to the greatest number of persons; but this says nothing about why a person believes that a majority of persons should have a greater right to a thing considered good than a minority. The answer to that kind of question is the subject of meta-ethics.

From this starting point, having differentiated between a rule and why one believes in a rule, the results of this research will be presented in three main sections. In the first section, current writings and ideas in the area of defence ethics will be examined and critiqued. In the second section, the historicity of the normative ethical theories used by the authors of the first section will be examined so that the limits of these theories can be properly understood and applied. Then in the final section, a deeper philosophical approach to Ethics will be presented, which should enable both better ethical training for our soldiers and a better intellectual framework for the judgment of ethical failures in combat. At its most fundamental level, this paper aims to look behind the curtain of what we call Ethics, so that we may properly understand what we mean when we call something *good* or *bad*, so that we may train ourselves to have more resilient ethical standards, and so that we may be enabled to judge the ethical actions of others with a proper understanding of what it is that we are judging.

ASSESSING CONTEMPORARY THOUGHT IN DEFENCE ETHICS

The quantity of academic writing on the subject of defence ethics is legion. This is understandable, because recent history is replete with examples of high profile combat ethical difficulties and failures. Consider the Nazi concentration camps, the nuclear attacks on Hiroshima and Nagasaki, the massacre of My Lai, the murder of Shidane Arone, and of course Abu Ghraib. Each of these events, to varying degrees, speaks of an event that is ethically flawed according to the modern western viewpoint, and as a result, each of these events has been the subject of tomes of ethical analysis. Reading these works is important to establishing a real trend in the analytical approaches of these analysts, but this paper will focus on only one event and one general text on defence ethics. The event that will be considered is the case of Captain Robert Semrau, and it was selected because of its recent and direct importance to CF ethical discourse. The defence ethics textbook that will be used is Richard Gabriel's book *The Warrior's Way: A Treatise on Military Ethics* and it was chosen because it is the primary text used to educate senior officers of the CF on ethics. Most importantly, in focusing on this one event and this one work, we may also view a style of reasoning and approach that is reflective of those found within other academic studies within this field.

Now, it would be unfair to imply that Captain Semrau's actions are comparable with the preceding list of ethical violations, as his case is not so obviously contrary to western societal values. For those unfamiliar, Captain Semrau was charged and convicted of Disgraceful Conduct by a CF court, for the killing of a Taliban fighter who had been severely wounded and appeared certain to die. At the time, Captain Semrau was leading a team of mentors working with the Afghan National Army (ANA). Semrau's team had just been attacked by a group that included this fighter, and the battle that ensued resulted in the wounds that this fighter received.

Once these hostilities were over Captain Semrau's team was eager to move on, and while some of the details of this period are not clear, before leaving, Captain Semrau decided to return to the wounded fighter and fire two rounds into him, thus ending both his life and his perceived suffering.²

Normative ethics do not exist to dictate matters of taste. If one prefers salty snacks over sweet, ethical theory does not presume to offer judgment or guidance. Rather, these ethical theories exist to help us navigate moral dilemmas, and a dilemma is any problem that provides two choices, where neither appears satisfactory. Some examples could be whether or not to give to charity, whether or not to tell your spouse what they really look like in those pants, or whether or not to steal food when starving. In each of these cases, we likely feel an immediate preference towards one choice or the other, yet we also concurrently feel and acknowledge that this preferred choice is somehow imperfect.

When not concerned with academic rigor, it can also be common to just immediately perceive something as fully good or evil, without recourse to any normative ethical edict. One would be hard pressed to find a published ethical analysis of Nazi concentration camps. Clearly, there would be marginal utility in such an endeavor because almost no one needs to be convinced that the Nazi's acted unethically. Since there is no perceived ethical dilemma in a concentration camp, the ethical failure of a concentration camp seems clear. As a result, one may simply label these actions as evil and expect that no one worth considering will contest the statement. From the perspective of ethics, Western actions in Japan during the same period are more interesting. It is possible that some readers may not consider the attack on Hiroshima to be much of a moral dilemma, though many of these will be in opposite judgment than they were to the issue of

² Michael Friscolanti. 2010. "A Soldier's Choice." *Macleans*: 20.

holocaust, but a moral dilemma is generally perceived here because this event is not so easily accepted or rejected by the established intellectual framework through which we understand the world. The case of Captain Semrau is different. When faced with the choice to permit the Taliban fighter to live longer in his current state, or else be killed, the decision that Captain Semrau made has not been easily or consistently judged by the majority of Canadians either inside or outside the military.³ For this reason, wherever one's sympathies may lie, the Semrau affair has become recognized as a clear moral dilemma, and so it is most appropriately analyzed through normative ethical theory.

Initially charged with second degree murder, attempted murder, negligent performance of a military duty as well as disgraceful conduct; all charges but the last were acquitted by the CF court. Contrasting the civilian mood over this event, Peter Worthington of the *Toronto Star* described Semrau as having behaved "honourably, humanely, and decently"⁴ whereas international law expert Michael Byers critiqued that Semrau had "disregarded the rules of international humanitarian law... and instead chose to follow his own moral code."⁵ Within Canadian military circles, Major General (ret'd) Lewis MacKenzie described Semrau's actions as 'appropriate'⁶ whereas Brigadier General Dennis Thompson, "speaking on behalf of CF leadership during the sentencing phase of the court martial, described Captain Semrau's actions as 'completely unacceptable' and recommended that he be discharged from the CF."⁷

Lieutenant-Colonel (ret'd) Peter Bradley, PhD, who conducted his doctoral studies in psychology but teaches both psychology and ethics at the Royal Military College of Canada,

³ Peter Bradley. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.

⁴ Peter Worthington. 2010. "Semrau Breaks Silence." *Toronto Sun*, July 21, 2010, 3.

⁵ Richard J. Brennan and Bruce Campion-Smith. 2010. "Capt Robert Semrau found Not Guilty of Murder." *Toronto Star*.

⁶ Bryn Weese. 2010. "Mercy Killings on the Battlefield are Rare but do Happen." *The Kingston Whig Standard*: 9.

⁷ Peter Bradley. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.

published a formal normative ethical analysis of Captain Semrau's actions using the precepts and methods of the Code of Values and Ethics published by the CF.⁸ In direct reflection of the three normative ethical systems that the CF employs to justify its own ethical code, (Utilitarian, Deontological, Virtue) Bradley's analysis is framed by consideration of the following three basic questions: having established the relevant stakeholders, what options are available and what positive and negative consequences can be reasonably expected from each option; what principles should guide one's actions; and finally, what obligations does one have towards the stakeholders and what are the values, virtues and motives behind the actions being considered?⁹ From this baseline, what then follows is a credible ethical analysis of the incident, which is rigorously conducted using a variety of the decision-making frameworks taught within the CF's ethics curriculum,¹⁰ all of which will probably leave at least half of the readers feeling wholly unsatisfied and unconvinced with Bradley's conclusion.

This is because there is something fundamentally mysterious about ethical questions. Depending on one's intellectual starting point, one may either readily admit to this narrative or else initially feel that such a statement appears unsound,¹¹ but whatever one's initial reaction to this statement, it remains that the human response to ethical questions really does seem to defy strict rational analysis. Specifically, what cannot be avoided is the fact that when one reads of or experiences an ethical event, they will normally be immediately struck by an ethical sense of the matter,¹² and any follow on ethical analysis of the event will either be rejected or else only serve to reinforce their initial reaction. In this case, it could be that the killing of the Taliban fighter

⁸ Peter Bradley. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.

⁹ Peter Bradley. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.

¹⁰ Peter Bradley. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.

¹¹ Graham Harman. 2007. *Heidegger Explained: From Phenomenon to Thing*. Peru, Illinois: Carus Publishing Company. pp. 3

¹² Graham Harman. 2007. *Heidegger Explained: From Phenomenon to Thing*. Peru, Illinois: Carus Publishing Company. pp. 45

was the wrong choice, the right choice, or that the situation is simply too difficult to judge and so should not be. Moreover, this sentiment will not appear as some superficial notion to the individual, but rather will be aroused more like a strong conviction that ignites feelings of defensiveness if criticized. Thus, after reviewing the article by Professor Bradley, however accurate and articulate in his reasoning, his arguments will tend to either make one feel more justified in their own original attitude towards the issue, or else one will feel that however sound Bradley's line of reasoning may be, some essential element must be missing because the conclusion he draws seems certainly wrong, either in its judgment or its certainty.¹³

The deeper part of this idea, which considers why individuals have strong sentiments such as these arise within them in the first place, must be left for later. However, it can be spoken of now that another integral part of this dissatisfaction is due to the limits of rationality itself. Try as we might, it is so far impossible to fashion any argument that does not rest on a supporting premise that must be accepted without proof.¹⁴ In this way, when explaining some event or issue, we must always reach out to some criteria that we expect others to presume as being equally obvious and without need of proof. However, when discussing issues of ethics, it is only to the audience that immediately agrees with the apparent conclusion that one need not justify most or all of one's basic assumptions. In this way, while Bradley may appear sound in his reasoning of the event through the lens of CF ethical doctrine and to an audience in general agreement with his conclusion; for those not in this camp, it is not difficult to see the significant quantity of assumption that underlies his argument. Consider the following excerpt:

¹³ Noam Chomsky and Michel Foucault. 2006. *The Chomsky-Foucault Debate on Human Nature*. second ed. New York, NY: The New Press. pp. 32.

¹⁴ Many sources could be given for this, but one particularly interesting one may be found in Douglas R. Hofstadter. 1999. *Godel, Escher, Bach: An Eternal Golden Braid*. second ed. New York, NY: Basic Books Inc. pp. 243-272.

Option 4 involves killing the wounded enemy to hasten his death. It is difficult to see how this could be considered treating the casualty with dignity and respect, particularly if we do not know the casualty's wishes in this regard. One might suggest that this action puts the man out of his misery, given that he is suffering and will likely die soon anyway, but there are definitional problems with terms like 'suffering' and 'die soon.' Who knows how much the casualty is suffering? The wounded fighter may be in shock or unconscious and therefore not suffering as much as we might think. Can the average patrol member determine when someone is suffering unbearably? How do we define 'unbearably'? There are also problems with the notion that the wounded enemy is going to die soon. Who knows who is going to die and when? If he is going to die soon anyway, why not wait until he dies of his wounds? Medical evacuation might not be available now, but if we care for the casualty and extend his life for a few hours, perhaps evacuation might be available later. Given all these questions, there are too many problems with this option to let it pass the test of ends. Turning to the test of universalizability, our principle could be stated as: Whenever a soldier in combat encounters an enemy who is mortally wounded and there are no medical resources available to treat or evacuate the casualty, the soldier should kill the wounded enemy. This principle violates the Third Geneva Convention on the treatment of prisoners of war, the CF code of conduct Rule 7 on the treatment of the wounded, and the *Criminal Code of Canada*, so it cannot be accepted as a universal law for all combat soldiers to follow. The action under consideration in Option 4 fails both tests.¹⁵

Within this one section, there are no less than six assumptions made. These are: that the Taliban fighter's wishes were in question, that his degree of suffering was unclear, that a patrol member present at the scene is unlikely capable of practically discerning the magnitude of the fighters suffering, that medical evacuation could possibly have been realistically provided, that the test of universalizability is appropriate to this specific event, and finally, underlying the rest, that this physical situation is one where Captain Semrau should realistically have been expected to be able to conduct a set of normative analyses such as these to guide him through his ethical dilemma. To those in disagreement with the conclusion reached, what is perhaps most troubling about this article is the tone of absolute certainty in judgment over the analysis that Bradley projects. Sadly, in this regard Bradley is not at all unique.

¹⁵ Peter Bradley. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.

Richard Gabriel's book "The Warrior's Way: A Treatise on Military Ethics" is the text used to educate senior officers of the CF on ethics. As such, it seems safe to assume that the CF considers this book to be the best available for such a purpose. However, having been schooled as a military historian, Gabriel's book stands as a testament to what damage an academic can inflict on a subject when writing outside of their area of expertise. The book opens with the following assertion:

It is not sufficient that a soldier only observe the ethical values of the profession. To be an ethical soldier, to act ethically, and to exercise ethical judgment, the soldier must know *why* certain things are right and wrong, *why* he or she clings to certain values, and *why* he or she chooses to do one thing over another¹⁶.

Such an opening actually sounds quite promising. If a soldier can be made to understand *why* they think the way that they do, then perhaps they can also understand *how* this thinking may be temporarily altered within certain extreme circumstances, and so possibly be enabled to make the same ethical decisions that they would otherwise know to be correct, when acting within the emotional nightmare of combat. Disappointingly, whatever Gabriel intended to be understood by this statement, it is not this; and clearly such instruction is not what this book offers.

For instance, while admitting that "the horror of war drives human beings mad"¹⁷ Gabriel concurrently and repeatedly insists that in order for soldiers to be professional, they must be capable of, and expected to carry out normative ethical analyses in the heat of battle in order to best determine what courses of action are available to them.¹⁸ Beyond the fact that certain

¹⁶ Richard A. Gabriel. 2007. *The Warrior's Way: A Treatise on Military Ethics*. Winnipeg, MB, Canada: Canadian Defence Academy Press. pp. 1.

¹⁷ Richard A. Gabriel. 2007. *The Warrior's Way: A Treatise on Military Ethics*. Winnipeg, MB, Canada: Canadian Defence Academy Press. pp. 45.

¹⁸ Richard A. Gabriel. 2007. *The Warrior's Way: A Treatise on Military Ethics*. Winnipeg, MB, Canada: Canadian Defence Academy Press. pp. 30.

choices appear more or less congruent with a particular normative ethical theory and so must be followed, no insight is given about the *why* of this assertion. Neither is any instruction or advice offered about how such a heroic intellectual exercise might be accomplished. Rather, underlying the text of the book is Gabriel's assumption that the current normative ethics embraced by western military forces are both adequate for universal application, and simple and straightforward enough to be able to be applied in any circumstance. Making the matter worse, unlike Bradley who at least makes sound arguments based on coherent assumptions not necessarily shared with the reader, Gabriel cannot even seem to find agreement with himself. As only one example, consider that despite condemning incidents where a particular soldier's act of killing may have been technically legal and yet was clearly (at least to Gabriel) unethical¹⁹, most of Gabriel's stock reasoning used to justify his assertions are founded on the assumption that certain stated actions are 'clearly' unethical simply because some governing law states that they are.²⁰

Moving beyond Bradley and Gabriel, military/combat ethics is now being brought to new and even more confused lows. Consider that there is presently a developing area of study that is concerning itself with the question of whether or not soldiers should be held personally responsible for having participated in a war that is later determined to have been unjust.²¹ So, not only are soldiers expected to conduct ethical algorithms in battle, they must now also accept responsibility for the decisions made by their political masters. All of this is troubling. At one level, what is bothersome about these texts is that rather than satisfying the goal of empowering

¹⁹ Richard A. Gabriel. 2007. *The Warrior's Way: A Treatise on Military Ethics*. Winnipeg, MB, Canada: Canadian Defence Academy Press. pp. 17.

²⁰ Richard A. Gabriel. 2007. *The Warrior's Way: A Treatise on Military Ethics*. Winnipeg, MB, Canada: Canadian Defence Academy Press, There are many examples of this, but one Gabriel's general preference for deontology is described on pg 27.

²¹ David Rodin. 2010. "Note of CCADD Discussion: Should Soldiers be Held Responsible for Participating in an Unjust War?" Oxford Institute for Ethics, Law and Armed Conflict, December 7, 2010.

soldiers with a firm understanding of how to conduct themselves ethically when confronted with ethical dilemmas inside nightmarish circumstances, these works are more likely to create confusion, doubt and fear in the soldiers mind. Without any intellectual tools given to reconcile how a soldiers instincts on what to do in a situation may be perfectly in line with an accepted normative ethical edict in peacetime, yet can then be dramatically out of step with this same edict in war, the soldier is really no better off than had they not been given any ethics training at all. Worse, much worse, these texts also generate insecurity in the soldiers mind over how they may be judged after having been placed in unimaginably difficult situations requiring them to make unbelievably difficult decisions.

Bradley and Gabriel write with an authority and confidence that ethical errors in war should be as clear to the participants as they are to the spectators, that the performance of complex normative ethical analyses under severe mental duress is a reasonable expectation, and that mistakes in this area indicate character flaws in soldiers worthy or harsh judgment and punishment. I disagree. However, such disagreement is empty if it does not offer a way forward, and so as a first step, a deeper consideration of the normative ethics we tend to use in our ethical discourses should be the next order of business.

THE HISTORICITY OF OUR NORMATIVE ETHICAL THEORIES

The term historicity is likely new to most readers. In some contexts it simply refers to a time-place bounded historical actuality. For example, the historicity of John Lennon is not in doubt, whereas the historicity of the city of Atlantis is. However, this is not what is meant here by the term. Instead, it is meant in the philosophical spirit of the term. Martin Heidegger speaks of all events in history experiencing a primordial temporality,²² which to say, that they can only be properly understood within the context of the time in which they occurred. Michel Foucault used the term ‘archeology’ in a similar regard, in that he felt a period of history actually defines what kinds of thoughts and ideas are *possible* for a civilization.²³ So by connecting the events and ideas of history with the physical and/or intellectual environments of the period where they occurred, a deeper and more nuanced understanding of those events and their relationship with today can be generated. Such is the objective here. By placing normative ethics into a historical context, a better appreciation of the value and limits of these ethics in today’s context should emerge. However, before commencing with this exercise, let’s first consider the more general attributes of all normative ethical theories.

What are normative ethics? If they are proscriptive, meaning that they mandate what is to be considered acceptable and unacceptable by a group, then under what authority are they able to do this? The criminal code of Canada is a proscriptive set of laws that were written under the recognized authority of Canada’s legal system, and rare should be the person that feels our legal system has no right to proscribe these laws; but is saying that some action or inaction is illegal the same as saying that it is unethical? Does what we feel to be ethical or unethical find its

²² Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 429.

²³ Lisa Downing. 2008. *The Cambridge Introduction to Michel Foucault*. New York, NY: Cambridge University Press. pp. 9.

source in these laws, or do these laws simply try their best to reflect what the majority of Canadians already feel to be appropriate or inappropriate? Which underwrites which?

Some legal questions in Canada fit more universally into the minds of the Canadian population than others. For instance, it is illegal to steal in Canada, and although some citizens do steal (and it is easy enough to imagine specific instances where stealing could be acceptable) such a directive against theft is not controversial. However, if Canadian law were changed to permit theft generally, it is unlikely that this decision would be met with immediate moral acceptance; but is it possible that as a result of changing this law, over time the Canadian population could grow to accept some theft as ethical?

Consider that when abortion was legalized in Canada, there was at first a tremendous and passionate moral outcry against it; but while this sentiment does still remain alive in certain circles today, its impact and extent has been so dramatically reduced that the notion of pregnancy termination is now accepted as being ethical by the majority of western citizens.²⁴ Undoubtedly, written law and moral sense are somehow connected, but how? While the passing of a law may have an intellectually normalizing effect on a population over time, this process of acceptance appears much more complex than the simple matter of a population altering its very sense of right and wrong simply in order to comply with new or modified laws that have been published.

The key to the question of how written law and moral sense are connected is found in the idea of human reason. Forgoing for the moment the question of what human reason might be; what can be said concerning the above is that normative ethical/legal edicts must be seen as being reasonable by a population in order to be accepted by them. Legalizing theft would be

²⁴ Katha Pollitt. 1997. "Abortion and American History." *The Atlantic Monthly* 279 (5): pp. 113.

unreasonable to today's Canadian population, and it is difficult to imagine how this idea could be brought to appear reasonable in the future, so perhaps such a legal modification would have little chance of being accepted now or over time. On the other hand, legalizing abortion appeared unreasonable to many when first introduced yet only remains an unreasonable idea to a minority of the population today. However, unlike theft, abortion was considered to be a reasonable proposition from the beginning by a sufficiently vocal and influential portion of the population, so that over time and as a result of a great deal of public advertising, education and debate about the competing rights of women vs. the unborn child, the majority of Canadians have now come to view the killing of the latter in support of the rights of the former as reasonable.

What is also true is that what one period of time may find perfectly reasonable may not be seen so perfectly by preceding or proceeding populations. Indeed, "what one generation finds ridiculous, the next accepts; and the third shudders when it looks back on what the first did."²⁵ Consider the evolution of what has been considered acceptable in combat over the last century. Likewise and in this manner, normative ethics has historicity in that each can only be properly understood as reflections of what was thought to be reasonable at a particular moment in time. The purpose of the next section is to provide some context to this assertion.

The Normative Ethics of Pre-Historical Tribes

One of today's foremost thinkers on the subject of ethics is Peter Singer. His most famous work is aimed at motivating humanity to adopt more humane practices towards animals, but he has also contributed significantly to furthering our fundamental understanding of the moral sense. Singer begins with an analysis of the apparent contradiction that exists within the idea that humans have evolved through a process of natural selection. If this is true, if humanity

²⁵ Peter Singer. 2002. *Animal Liberation*. New York, NY: Harper Collins Books. Pp. 24.

is a product of some 'survival of the fittest' mechanism, then how is that something like altruism can exist within us?²⁶ Does this instinct not act directly against personal survival?

Singer believes that altruism is not inconsistent with survival because it is a necessary product of our capacity to reason, and that this reasoning capacity has enabled us to solve problems, avoid dangers and plan ahead. However, in addition to these basic survival skills, reason has also enabled us to recognize other humans as potential partners in survival. Then, in recognizing others as potential partners, or more simply, recognizing others as being like oneself, this would in turn encourage human partnerships to expand to those beyond the immediate circle of experience; thus driving individuals to exist as families, and families to exist as tribes, and tribes to exist as communities and communities to exist as nations and so on.²⁷

Singer further points out that tribal cooperation must have occurred similarly to the way modern cooperation occurs, that is, through a process of humans reasoning with one another. In fact, the only way that humans seem able to communicate at all with one another, is by presenting their ideas in ways that represent a shared understanding between themselves and their interlocutors, and then from this shared space, attempting to draw new and agreeable conclusions. This movement from what is shared to what is new would be undertaken through a reasoning process that each would need to recognize as valid. This is not to say that what is reasonable in one moment of history would necessarily be considered reasonable in another. Reasonableness can and does vary wherever there is a distance in either time or space, and so too does the rigor and accuracy of the reasoning carried out; but in all cases and for all time, what

²⁶ Peter Singer. 1981. *The Expanding Circle: Ethics and Sociobiology*. New York, NY: Farrar Strauss and Giroux. pp. 14

²⁷ Peter Singer. 2013. "Project Syndicate: A World of Ideas. Are Humans Getting Better?" Melbourne, March 11, 2013. pp. 144

has been considered reasonable by any group has been brought into being through a process of reasoning.²⁸

So what does this say about our moral sense? In some ways, it does not say much. It is certainly not proof that our moral sense has anything to do with our capacity to reason, but it does say that if we ever wished to communicate what our personal moral sense was telling us with another, either to confirm agreement or to argue a point, then the communicative process of doing this would necessarily have had to be based on some appeal to reason. As even today, particular modes of morality and ethics are far from uniformly and universally accepted, it is a certain bet that from the dawn of man, we have been arguing about what constitutes right action. Thus, while we cannot know for certain what specific kinds of ethics pre-historic tribes may or may not have accepted, we can see how from the very beginning, moral agency would have become linked in a dramatic way to our notion of reason and to what is considered to be reasonable.

Ancient Greece: the Pre-Socratics

Prior to a certain point, the history of Greece is a murky subject. No one knows for certain, for instance, what the origin of Greek mythology is. Much of it is attributed to the writings of Homer and his contemporaries, which predate Plato by about 300 years, but it is likely that many of these writings were simply the placing of stories from the Greek oral tradition onto scrolls so that they could be read instead of needing to be memorized and recited. What is clear about this period is that Greek culture was dominated by the stories of these Greek gods, goddesses, titans, heroes and heroines. In this way, the moral sense of Greece in antiquity was

²⁸ Peter Singer. 1981. *The Expanding Circle: Ethics and Sociobiology*. New York, NY: Farrar Strauss and Giroux. pp. 16

articulated much differently than it is today. What is clear is that this population did not have a sense of an interior life; an interior life is in fact a more recent idea than many realize; and so instead of seeing themselves as independent actors in the world, they simply saw themselves as only acting and responding to the will of nature around them, or perhaps more accurately, to the will and whim of the gods that made nature intelligible to them. This is not to say that these people did not consider right and wrong action, but such notions were linked to the ideal of living in accordance with, and with acknowledgment and gratitude towards the gods, rather than abiding by any particular or universal ethical principles.²⁹

By the time of Socrates/Plato, Greek civilization was reaching its zenith in terms of its political, military and economic prosperity. This in turn had a direct impact on the modes of thought held by the Greek citizenry. How precisely this took place is not clear. In fact, radical cultural transformations, though they do occur with regularity and also exhibit similar structures of development, remain a mystery even today when one attempts to find a precise cause for the transformations genesis.³⁰ Regardless, during this period there appears to have been the first recognition that the behaviour of the gods depicted in these mythological stories was troublesome. Indeed, these characters were behaving in ways that now appeared to be morally outrageous; there was murder, patricide, matricide, rape, theft, lies and other abhorrent deeds that the values of this more modern civilization found to be completely against the moral sense that they now found growing within themselves.³¹ This inability to reconcile the behaviour of the gods with what these individuals now found to be proper resulted in a skepticism that seriously questioned the veracity of these myths, and more fundamentally, even questioned the very nature

²⁹ Olinto Pegoraro. "Ethics and Historicity." *Council for Research in Values and Philosophy* 5 (1): March 5, 2013.

³⁰ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 102

³¹ Philip A. Pecorino. "The GREEKS, Classical Period, Culture, and History." *Sunny Suffolk Education*: January 25, 2013.

of the relationship that individuals were supposed to have with the world around them. In short order, this led the more influential thinkers of this era to seriously examine the basis for the moral order in a radically different way.³²

Before turning to these thinkers, it is important to point out three aspects of this point in history. The first aspect is that prior to this period of prosperity, the behaviour of the mythological gods was *not* troublesome to the Greek population. However morally repugnant these tales may appear to a modern reader, or even to Socrates, the fact that these stories were not considered in this way for centuries prior to this point in history cannot be forgotten. Certainly, one should not project a modern moral sense onto these people and presume that they actually did know that the behaviour of these characters was flawed; but that they somehow also felt that these behaviours must be simply forgiven or overlooked because humans cannot judge gods.³³ Many scholars have indeed done this, but such a line of reasoning is prejudicial towards these people in the truest sense of the term. According to the reason of that age, these stories of the gods were accepted as models for how they themselves were to behave. The behaviour of the gods was akin to the way of nature, and so Homeric Greeks felt that the way to live was not by questioning nature, but rather that the best life possible would result from just getting in sync with it.³⁴

The second aspect is that the period of time within which these tales evolved from being sacred to being somewhat outrageous, is relatively short. Something occurred in the population to modify its mode of thinking, and within this change came a new moral perception. There

³² Philip A. Pecorino. "The GREEKS, Classical Period, Culture, and History." *Sunny Suffolk Education*: January 25, 2013.

³³ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 85.

³⁴ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 60.

have been several points in history where such transformations have taken place, and the purpose of this section is to discuss a number of them. Unfortunately, the precise nature of how this process comes about remains a mystery to all of us, but the basic structure of these transformations is relatively consistent, and follows a three-fold structure.³⁵ This three-fold structure is described by different philosophers and historians using different terminologies, but to pick only one nomenclature, this process can be thought of to unfold dialectically; that is, following a path of thesis, anti-thesis, and synthesis.

In this case, the behaviour of the mythological gods is presented as a past expression of the Homeric moral sense, and this expression represents the initial thesis. Then, the new sense of moral outrage that the Platonic era witnesses of this behaviour feel becomes the anti-thesis. What remains is to reconcile the two feelings. Somehow, a new morality must be established that articulates this new moral sense in terms of what is already understood. If it is not framed in terms of what is already understood, it will be unintelligible and therefore useless to the audience. This act is the synthesis, and it is a process dependent on reasoning, which must be able to accomplish this articulation in a way that appears reasonable to the audience.

Finally, and perhaps most importantly to this case, it is only as a part of the articulation of this synthesis that the new moral sense becomes articulated. The unarticulated moral outrage which constituted the anti-thesis of this transformation indicates that the moral sense of this population was changed fundamentally, *prior* to this new morality being able to be articulated. Of course, this one instance cannot be considered sufficient proof that moral sense always

³⁵ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 101.

precedes that sense's articulation, but it should be kept in mind when considering other similar historical examples.

The Dawn of Modern Philosophy

The process through which the Platonic Greeks articulated this new moral sense resulted in a radical shift in the way that they perceived their place in the world. In beginning to become generally appalled by many of the behaviours exhibited by their mythological gods, this in turn meant that the way that they had previously related their lives to these stories was now also seeming incorrect. No longer could they simply accept their place in the world the way that they previously had. How could the best life be attained by obediently and gratefully getting in sync with characters such as these? Instead of just taking nature and their place in it for granted, the Greeks of this period now began to seriously question many of the things that had previously given their lives meaning³⁶.

The process through which they did this is best articulated by Plato in his description of how Socrates interrogated the Sophists. Sophists were the high profile teachers of this era, and these men made their money by traveling and teaching the art of 'living well' through instruction in mathematics, culture, rhetoric and polemics. The proclaimed purpose of this instruction was to teach 'excellence' and 'virtue', which was what the mythological gods were previously thought to represent; but really, most of this instruction was instead aimed at developing ones skills in rhetoric, or argument. This skill had become particularly important during this period,

³⁶ Philip A. Pecorino. "The GREEKS, Classical Period, Culture, and History." *Sunny Suffolk Education*: January 25, 2013.

because commensurate with the advances that had been made in their political mechanisms, Greek culture had become particularly litigious.³⁷

Socrates rose up in direct opposition to the Sophists. What was good about the Sophists was that they were able to begin an articulation of how the Greeks could modify the way in which they related to their mythological gods. They did this through an attempt to perceive the gods not as perfect beings, but as flawed characters that, despite their sometimes morally outrageous behaviour, still represented very many of the excellent and noble characteristics that remained representative of what constituted a good life.³⁸ However, it was the way in which they did this that Socrates found frustrating. Specifically, Socrates was frustrated by the fact that these Sophists taught their art through a process of rhetoric that was, on a superficial level, appealing and convincing, but which he also found to become empty and impotent when contemplated more fully.

It would be inappropriate to refer to the method that Socrates used as logic, because logic as we know it today was not formalized until the period of Aristotle, but it was these methods used by Socrates to reveal the inconsistencies and emptiness of the Sophists teachings, that would become the seeds for this new field of study. For this reason, the genius of Socrates is perhaps best understood historically, through the lens that modern logic has given us.

The most basic logical argument is the syllogism, and a syllogism is a series of one or more premises that support a conclusion. The usual format for a syllogism is to state something like ‘if A, and if B, then C’; where A and B represent the premises of the argument and C represents the conclusion. The argument is considered to be valid if both A and B are true and

³⁷ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 91.

³⁸ Gisela Striker. 1987. "Greek Ethics and Moral Theory." *The Tanner Lectures on Human Values*. pp. 189.

also support the conclusion. The argument is considered to be not valid if either A or B is false and/or if they otherwise do not support the conclusion.³⁹ Now, recall that from time immemorial humans have appealed to each other through the use of their reason and what they consider to be reasonable. Seen in this light, logic is really nothing more than a formal articulation of this ancient process. However, the power of this more formal logic is that it brings to light very many of the details within such reasoning that would have previously been hidden.

Specific to the case of Socrates, what he began by doing was to probe and question the premises used by the Sophists within their rhetoric until some fallacy or inconsistency was found. Once this was accomplished, their entire argument would unravel and a new conclusion could be built up on these newly agreed upon, more secure premises. This process represented a radical shift in the way humans thought. It was not that humans were previously to this point unreasonable, but the power, precision and articulation of this kind of reasoning was now dramatically improved. This is also not to say that our reasoning had, at this point, become perfect. It remains even today that at the root of all arguments, there needs to be premises that are accepted by the interlocutors; but being accepted and being 'true' are two different things. Eventually, all arguments must reach a point where the evidence given to support the case is seen by all as 'self-evident', and beyond this point no further justification is required; but it remains that what is accepted as 'self-evident' by a group of people is totally dependent on the time and place of the proposal.⁴⁰

The power of this new method of reasoning ignited a veritable intellectual revolution in Greece. Believing that they could now understand the world on completely different grounds

³⁹ Irving M. Coppi. 1978. *Introduction to Logic*. New York, NY: Macmillan Publishing Company. pp. 6.

⁴⁰ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 98.

than they had before, this new breed of ‘philosopher’ now expected that through a pattern of logical and disinterested inquiry and argument, one could now discover objective, universal, and timeless truths about nature and human moral and ethical excellence.⁴¹ The undisputed champion of this pursuit in this age is Aristotle.

By formalizing this new process of inquiry, Aristotle invented the field of logic as it is known today. Then, using this logic to probe the nature of human moral agency, Aristotle noticed that if one repeatedly behaves according to certain principles, one will eventually begin to have these principles construct a new mode of thinking for them. For example, one who repeatedly practices corrupt behaviour will eventually become a corrupt person with corrupt thoughts; but if one instead desires to be righteous, then they can only do this by consistently acting righteously. In this way, by defining human good in terms of human action, Aristotle showed that a man will become what he is through what he does, and that this in turn means that he will behave a certain way because of what he has become.⁴² Aristotle then proceeds from this ground to define and recommend moral behaviours that accords themselves with certain prescribed virtues and avoids other proscribed vices, but on what grounds were these virtues and vices chosen?

Obviously, a complete account of the process that Aristotle employed to derive his virtues would be inappropriate to this paper, but recall that what Aristotle is attempting to do is to articulate the dialectical synthesis of the moral outrage that the Greek citizens had begun to feel towards their inherited mythology. As with any dialectical synthesis, Aristotle’s synthesis needed to be both intelligible and acceptable to his audience, and to be this it must conform to

⁴¹ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 112.

⁴² Aristotle. 1996. *The Nicomachean Ethics*. Translated by S. Watt. Hertfordshire, UK: Wordsworth Editions. Book 2, Chap 2, Para 6, pp. 34.

what they considered to be reasonable. In this case, what would have made the most sense to Aristotle's audience would have been an articulation that used their knowledge of their historical mythologies as a starting point, and then somehow accounted for the sense of moral outrage that these stories were now generating within them. The reason that this is so is because it is only within this historical box of intelligibility that mutually agreed upon self-evident premises could be found. Although the Greek mode of thinking had changed, and although a new moral sense had been found, the articulation of this new moral sense could only become intelligible to the Greeks, and this includes Aristotle himself, if it remained based on the primary source of intelligibility that the Greek population had; the mythologies.

The Virtue based ethics that resulted from Aristotle reconciling these mythologies to his contemporaries are still embraced today. They are codified within the CF ethical doctrine and Bradley appeals to them in his condemnation of Captain Semrau, but on what grounds is this so? For the ancient Greeks, the virtues were based on what they perceived to be good in their mythological gods, and the vices were based on what they perceived to be bad. For us, our virtue based ethics are based primarily on those virtues that Aristotle determined to be worthy of promoting within the process that has just been described. So does this then mean that the CF is prescribing an ethical code that is based on what a man from antiquity found to be appealing or degenerate within his ancient mythological theology? No, not exactly. While we do today embrace the virtues that Aristotle presented, we do not make these virtues intelligible to us through our understanding of Greek mythology. Setting aside the convention that the term 'mythology' necessarily implies a story that is not true, today we make Aristotle's virtues intelligible to us through an appeal to our understanding of more modern mythologies. These

mythologies may be Christian, Muslim, Buddhist or secular, but the point remains that a virtue based ethic is not self-sufficient.

No virtue can justify itself, nor can any virtue convince another to accept it, without first appealing to what that person already feels within themselves to be true. Furthermore, virtue based ethics are also inadequate because there are so many recognized occasions when a particular virtue can be quite apparently the wrong thing to do. Being truthful to Nazi soldiers about Anne Frank hiding in your attic is only one of a potentially infinitely long list of examples. So what does this mean? Despite these contradictions, the point remains that in general, the idea of virtuous behaviour is appealing to most people. Also, despite these contradictions, in the majority of fathomable practical cases, a virtuous response to an ethical dilemma will result in an action that will be perceived by most as right and as ethical. So for this reason, a virtue based ethic as a normative ethic *seems* appropriate. However, as we have seen, virtue based ethics are also meta-ethically empty because all that underwrites them is parochial endorsement. This means that despite the temptation to use a particular virtue as a common self-evident basis for grounding an argument, the meta-ethical emptiness of this premise means that virtue ethics should only ever be used as a rough guide to right behaviour and should not be used to condemn any action without substantial consideration of other relevant factors.

The March to the Enlightenment

Following Aristotle, there were no radical transformations in how humanity was able to understand its moral sense until Rene Descartes. Until Descartes, humanity continued to perceive itself as having a primarily external existence. What this means is that humans would continue to define themselves and their ideas in terms of the objects and events that framed the

environment that they lived within.⁴³ However, this does not mean that for the next two thousand years it was only Aristotle's virtue based ethic that dominated the Western moral sense.

In the same way that Greek prosperity planted the seeds that grew to become the logic and virtue based ethics of Aristotle, many other less radical moral transformations also unfolded between this period and the time of Descartes, and each of these acted as reflections of the experiences of their age. For instance, as Greek civilization fell and the Roman Empire grew in size and influence, the people of Greece experienced a dramatic decrease in their material standard of living. This process led to the birth of an ethical code known as Cynicism, where external goods were perceived to only be precarious goods of fortune and so the only real goods that could be rightly sought were the subjective ones; these were the eternal goods, like virtue or contentment through resignation.⁴⁴ Another similar moral philosophy known as Stoicism rose during the same period and for the same reasons, but differentiated itself from Cynicism in its belief that human happiness was still possible and was also a desirable aim; but that such happiness could only be achieved through the same focus on subjective goods that the Cynics preached.⁴⁵ Meanwhile, for any group of people occupying the same time but in a different place, the completely opposite moral philosophy of Hedonism began to grow alongside the tremendous gains in power and opulence achieved by the Roman Empire. This new wealth and strength enabled many to gorge themselves on the sensual elements of existence such that in this context, the premises and conclusions of Cynicism and Stoicism would seem absurd. However, such a style of living could also have detrimental effects on an individual's physical and emotional well-being, and so this philosophy soon began to repel some instincts in the same way

⁴³ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 137.

⁴⁴ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 223.

⁴⁵ "Philosophy: Ethics, Cynicism and Stoicism." Abstract. 2013 *Lander Education: Philosophy* (January 2013).

that Platonic era Greeks found themselves repelled by the mythological actions of their gods. This led to the development of Epicurean ethics, which amounted to a more tempered view of hedonism, though it still maintained a strong focus on sensual pleasure.⁴⁶

Such modifications to moral theory are interesting for a number of reasons. First of all, while each of these philosophies are different from one another, each one was able to rationally and coherently justify its position to an audience by reference to particular self-evident truths that were found outside of the individual, within the external environment that these people found themselves living. Certainly, while there would have been common ground shared between the Cynic and the Stoic, as well as between the Hedonist and the Epicurean, those truths that a Cynic believed to be self-evident would have been radically different, even unintelligibly different, from what a Hedonist found to be self-evident.

The second interesting aspect of this phenomenon is that in each case, the moral theory being promoted appears to have been articulated only after the moral sense had been established within the group. Cynicism and Stoicism were not established during rich times when their audience was feeling secure and excited at life's opportunities. Rather, each of these was formed as an expression meant to articulate a way of coping with the fear and misery found inside their particular period and location. Hedonism, on the other hand, was not promoted during austere times of suffering, but rather came about as an articulation and justification of the new material desires that its intended audience had already been developing. In this way, each of these moral philosophies can be understood to have been developed as a response to some change in the moral sense, or more specifically, some unarticulated moral anti-thesis, that was now present within the population.

⁴⁶ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 233.

The final interesting point shared among these philosophies is that they are all meta-ethically unsatisfying. Virtue based ethics have already been described as being meta-ethically empty, but it is important to realize that this claim could only have been made from the vantage of temporal distance. Meaning, so long as this normative ethic stood alone as the only normative ethic, this underlying emptiness could not have been disclosed. It is only when Aristotle's virtue based ethics is placed alongside the spectrum of its re-interpretations, in the forms of Cynicism, Stoicism, Hedonism or Epicureanism, that this emptiness can then become evident. For example, consider that when a single authority gives a single interpretation of something, and this interpretation is convincingly built from a foundation of mutually held self-evident premises, it cannot, within this context, become apparent that any of these premises are flawed. Such a possibility will quite literally be invisible. Rather, it is only when other competing interpretations are built from these same premises that the premises themselves become disclosed as being contingent rather than self-evident.

Unfortunately there was no mind present in this period that could reconcile these ethical divergences with some new and deeper underlying premise that everyone could again recognize as self-evident. As a result, in showing these philosophies to be meta-ethically empty, because they were developed and assessed by their agreement with some internal and undisclosed source of moral sentiment and not by some logical function that can stand in all circumstances, the ideas of skepticism, which posits that there can never actually be any rational ground for preferring one course of action to another, because all referential self-evident truths can never be rationally grounded, began to grow.⁴⁷ This created a significant degree of moral angst among the Western civilizations of this period, and this angst developed concurrently with both the fall of the Roman

⁴⁷ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 224.

Empire and the rise of the Catholicism. As the reader should now be able to recognize, this thesis/anti-thesis turmoil set the stage for yet another transformation, and as with the previous transformations that have been discussed in this paper, this too is best understood dialectically.

The dialectical thesis within this crisis was the notion that the way of living the best life possible could be accomplished by living in accordance with the virtues. The anti-thesis of this position was that life according to these virtues could take dramatically different forms, according to dramatically different interpretations of what the behaviour of the mythological gods could teach us.⁴⁸ Furthermore, each of these interpretations could be equally well justified through appeals to what came to the respective adherents as self-evident from their environment. As a result, it was these claims of self-evident truth that became unclear, and so people began to ponder the pretexts under which certain virtues or vices could be justified as such. Well, to this question, Catholicism had the perfect response. By using religious revelation as justification for the self-evident premises of any argument, the Catholic Church was able to firmly ground all moral reasoning and so defeat the angst caused by radical skepticism.⁴⁹ This grounding lasted for over one thousand years, and while it is sometimes referred to as the 'dark ages' because this supernatural grounding of ideas has been seen by many as a way to stifle and control independent thought, in actuality, this period is no different than any other period that has been dominated by a philosophy formed from what the population experienced as true within the environment that they lived within.

⁴⁸ Gisela Striker. 1987. "Greek Ethics and Moral Theory." *The Tanner Lectures on Human Values*. pp. 199.

⁴⁹ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 286.

The Enlightenment and the Beginnings of the Modern Approach

As was previously stated, it is impossible to locate the precise causes of radical transformations in human thought. Perhaps this is because these transformations do not have precise causes, or perhaps it is because in the same way that an eye cannot look back upon itself, so too does a mind have great difficulty examining itself. What we do know about the period preceding the enlightenment is that a number of jarring historical events took place. First, in the last half of the fourteenth century, fully one third of the world's human population perished as a result of the bubonic plague.⁵⁰ It is easy, even today, to acknowledge how profound this event must have been to the population at that time. Particularly when considering that these individuals did not understand disease as we understand it today, but rather would have looked to God as the source of such an enormous punishment, the psychological impact inflicted by this epidemic must have been devastating.

Second, only one century later, Christopher Columbus discovered new lands across the Atlantic Ocean, and in so doing proved that the earth was not flat. When considering this event across the great temporal distance from today, the depth of this discovery can be easily missed. What must be kept in mind is that for all time until this point, the world had been presumed to be flat. It is difficult, if not impossible to imagine what such a revelation might look like today. Relativity and quantum mechanics may come close, but since so few people really understand the conclusions that these fields have uncovered, and since modern people have largely come to expect the unexpected from the fields of science, this comparison is probably not sufficient. Quite literally, the earth had been disclosed as being fundamentally different from what it had always been presumed to be, and to have such an essential understanding of the world proven to

⁵⁰ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 133.

be false could have created untold skepticism in many of the other ideas considered to be self-evident at the time.

Finally, on the heels of these two profoundly jarring events, the works and methods of Aristotle were rediscovered. This was a critical event because when Aristotle's works were applied to the task of re-evaluating the now suspect self-evident truths of the time, the great minds of this period came to develop the scientific method of analysis.⁵¹ The scientific method, which called for a completely dispassionate and analytical probing of phenomena, unlocked tremendous power of man over nature. Furthermore, the implicit demand to have scientific results verified independently by others before these results could be accepted, motivated the cooperation of large numbers of similarly motivated thinkers to work in single directions, and this led to the creation of the first universities.⁵² So the culminating effect of all of these events is that immediately after having their fundamental assumptions of the world shaken, mankind now became enabled to focus its combined intellectual power like never before, and this caused a rate of increase in the knowledge and control of nature that was exponentially faster than at any other point in history. Soon, this newfound power over the physical world inspired other thinkers to begin to apply the scientific method to the non-physical subjects of philosophy.

The first to attempt this was Rene Descartes, and he began by demanding a rational explanation for everything around him. What he found was that he could not explain anything. When contemplated in terms of the scientific method, it is possible to doubt every single thing, because it could all simply be an illusion. Well, maybe not everything. It remained that while all of nature could be illusory, this illusion still had to be perceived and understood by

⁵¹ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 455.

⁵² Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 456.

something, and this something would then have to be real. As a result, Descartes showed that he could only be certain of his existence because of the presence of his thoughts. These and these alone could not be an illusion, and so he derived his great philosophical discovery: *cogito ergo sum*, or translated; I think therefore I am.⁵³

In many ways, this is not a particularly strong philosophy. After all, syllogistically, ‘I think therefore I am’ has the subject contained within the predicate, so this is really no different than claiming ‘the car is blue, therefore the car exists’. Further, while this discovery may prove Descartes existence to Descartes, it could not prove his existence to anyone else. Neither could it prove to him the existence of other people. They would all have to remain as potential illusions. What this discovery did do however, was to disclose the interior aspects of being human. Although we take this concept for granted today, to the point that we tend to blindly project this perspective onto persons who simply were not aware of it, it was Rene Descartes who first set up our Modern World to be one in which people and things could become thought of as subjects and objects.⁵⁴

Descartes began his philosophical meditations with the hope of being able to establish an understanding of ethics that could be as intelligible, timeless, and as logically grounded as the scientific discoveries he had made. However, in discovering that beyond becoming self-certain of his own existence, what he found was that science could tell him nothing about the hidden

⁵³ Rene Descartes. 1951. *Meditations on First Philosophy*. Translated by L. J. Lafleur. New York, NY: Macmillan University Press. pp. 25.

⁵⁴ Hubert Dreyfus and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc. pp. 105.

world of ethics, and so Descartes concluded what any other mind of that era would likely conclude: the world of ethics is dictated by God.⁵⁵

David Hume read Descartes and became inspired to inquire further into mankind's moral sentiment by means of empirical analysis. Agreeing that the reason cannot probe one's ethical sense fully, Hume began his inquiry with his determination that ethics is a subject best understood through an analysis of the passions rather than the reason.⁵⁶ In this way, Hume posited that one's moral sense is given by their feelings of approval or disapproval for a particular action, and so, moral judgment is really nothing more than a judgment of accord or disaccord between a particular act and the way one *feels* about it.⁵⁷ Further, the way one feels about an action is determined by the virtues that they have nurtured within themselves, which is largely a return to Aristotle's views on ethics. The strength of this theory is that it does describe accurately the way that people experience their moral sense, but like Aristotle's virtue based ethic, it is also and for the same reasons meta-ethically empty.

From the Enlightenment to a Deontological Ethic

Immanuel Kant was not satisfied with either Descartes' or Hume's reasoning on ethics. In fact, Kant felt that these ideas were dangerous, because in having an ethical system that was not rationally supported; moral relativism would be the easiest and most likely philosophy to fill this lacuna.⁵⁸ Kant did acknowledge the findings of both Descartes and Hume in that he also felt that reason alone was insufficient to probe reason. However, where Descartes claimed that this

⁵⁵ Rene Descartes. 1951. *Meditations on First Philosophy*. Translated by L. J. Lafleur. New York, NY: Macmillan University Press. pp. 75.

⁵⁶ David Hume. 2007. *A Treatise of Human Nature: A Critical Edition*, edited by David Fate Norton, Mary J. Norton. Oxford: Clarendon Press. pp. 45.

⁵⁷ David Hume. 2007. *A Treatise of Human Nature: A Critical Edition*, edited by David Fate Norton, Mary J. Norton. Oxford: Clarendon Press. pp. 40.

⁵⁸ Adam C. Scarfe. 2012. "Skepticism Concerning Causality: An Evolutionary Epistemological Perspective." *Cosmos and History: The Journal of Natural and Social Philosophy* 8 (1): 227. pp. 238.

area of inquiry must remain the sole domain of God; and where Hume found that by understanding our moral sense to grow from our passions, that at least our moral reason could be somewhat understood without direct appeal to God; Kant wished to make our understanding of human reason and our moral sense much more rigorous.

He began by analyzing the reason from the point where Hume left off. Understanding moral reason as stemming from the passions was unsatisfying because without any account of the source of these passions, our understanding was really no better off than it was under Descartes. Instead, Kant posited a system of a priori truths that constitute a baseline of knowledge that all humans must have. While Kant's description of what he means by an a priori truth is a bit obscure, it is probably close enough to think of them as those self-evident truths that are hard wired into everybody. In the context of a logical argument, these a priori truths would be those self-evident truths that would never need to be justified, no matter what audience one was arguing with. In this way, Kant believed that although the external world can only be known to us through doubtable sensations, because these sensations do become ordered and made intelligible to us through some internal mental process, this process appears to be necessarily founded upon a pre-given system of a priori truths that create a framework of understanding common to every human.⁵⁹ Then, beginning from this postulation of a priori elements underlying all human understanding, Kant began his work to develop a system of ethics secure from the threat of moral relativism.

When analyzing Kantian ethics, the first noteworthy point that one is likely to notice is that it does not give specific directions on what actions to perform and what actions to avoid.

⁵⁹ Adam C. Scarfe. 2012. "Skepticism Concerning Causality: An Evolutionary Epistemological Perspective." *Cosmos and History: The Journal of Natural and Social Philosophy* 8 (1): 227. pp. 242.

Indeed, Kant recognized that specific prescriptive ethics tended to unravel when put into particular circumstances. We already mentioned the weakness of the virtue of truthfulness in the particular case of Anne Frank, but one could imagine many more. In an attempt to circumvent this weakness, Kant proposed first that the only intrinsically good thing is a good will.⁶⁰ From this, he attempted to derive a universal law that could be followed, which would ensure that genuine good will was always underlying ones actions. What resulted is Kant's principle of the categorical imperative.

The categorical imperative is a rich philosophy that has many underlying associated ideas. Of these, probably the most important is the idea that humans must always be treated as ends, and never as a means to some other end.⁶¹ Indeed, it is this idea that grounds our modern ethical ideas on the use of torture. For instance, while torturing one individual may save very many other individuals, Kant's decree that no person can be used as a means to some other end, regardless of how good that other end may be, clearly prohibits this action. Of course, this is also precisely the kind of specific application that Kant was trying to avoid. Kant did not presume nor pretend to have the sort of moral or supernatural authority required to make specific universal decrees such as this. Rather, what Kant really wanted was a rule that could be used as a general guide for an analysis of the underlying moral intent of our actions. Invoking Kant's theory otherwise is a gross misapplication of his philosophy.

The categorical imperative underwent a number of formulations, each progressively more rigorous than the previous. In its final state, what the categorical imperative implies is that we should act as though whatever action we take were to become an absolute rule for all persons

⁶⁰ Immanuel Kant. 1989. *Foundations of the Metaphysics of Morals*. Translated by L. W. Beck. New York, NY: Macmillan University Press. pp. 26.

⁶¹ Immanuel Kant. 1989. *Foundations of the Metaphysics of Morals*. Translated by L. W. Beck. New York, NY: Macmillan University Press. pp. 42.

being called to act in the same circumstances.⁶² Stated as such, the categorical imperative does seem to represent precisely what Kant set out to accomplish. Of course, not everyone would agree with this. One easy criticism is to consider the actions of a masochist. A masochist likes physical pain, so then a masochist may inflict pain on others and still be acting ethically proper according to Kant's deontology. However, such a criticism fails to understand Kant's initial premise, which is that the only intrinsically good thing is a good will. Seen in this light, then perhaps our masochist really is acting properly, so long as they genuinely are inflicting pain on others out of the kindness of their heart. Taken to the extreme, if a radical nihilist launched a nuclear strike that wiped out all of humanity, then on account of their having performed this act in accordance with their good will, Kant would necessarily be required to assess them as having acted ethically.

This is absolutely not to say that the categorical imperative is subject to moral relativism. Far from it. One who is not a masochist cannot inflict pain on others ethically, and one who is not a radical nihilist cannot commit murder/suicide and have a clear conscience (so to speak). However, this is also not to say that the categorical imperative is meta-ethically satisfying either. Even if all humans do have an underlying a priori framework of understanding, the steps that Kant takes from this ground towards the establishment of the categorical imperative are not empirical. The notion that a good will is the best tool to assess the moral value of an action does speak truth to many people, it certainly spoke truth to Kant, but this truth is not rational, it is emotional. In an attempt to ground ethics on more rational grounds, John Stuart Mill and Jeremy Bentham tried a different approach, that is, to ground moral action on human happiness.

⁶² Immanuel Kant. 1989. *Foundations of the Metaphysics of Morals*. Translated by L. W. Beck. New York, NY: Macmillan University Press. pp. 70.

An Alternative to Deontology: Utilitarian Ethics

Utilitarian ethics are easy fodder for philosophical critics. Bertrand Russell, as one of the more prolific critics of this moral theory, states that this theory's 'proof' is "so fallacious that it is hard to understand how (they) could have thought it valid."⁶³ Such criticism, while easy from the strict perspective of logic, which was Russell's specialty, is unfair because it does not do justice to the spirit of what Mill and Bentham set out to accomplish.

Where Kant set the ground for the evaluation of an ethical act on one's intentions underlying that act, Mill and Bentham felt that these kinds of evaluations could be more specific. After all, who is to say what ones will may or may not be? An internal state such as this must always remain disclosed only to the actor, so while Kant's deontology is appropriate for judging one's own actions, applying this methodology to the judgment of others requires a significant amount of conjecture. So much so, that it really cannot be practically used in this manner. By grounding their normative ethic on human happiness, Mill and Bentham attempted to develop an ethic based on the one final end that they believed all action could be seen to be ultimately directed towards: human happiness.

So on what grounds did Mill and Bentham decide to use human happiness as the primary determinate for grounding their system of ethics? Why not consider health, or peace, or wealth, or some other thing considered generally good by humanity instead? Well, health, peace, wealth, and almost every other thing that one can imagine are normally only considered to be good in so far as they support human happiness. Consider that one wants to be healthy in order to be happy, one wants to be wealthy in order to be happy, one wants to live in peace in order to be happy, and so on. Conversely, there is no other 'in order to' associated with one's wish to be happy,

⁶³ Bertrand Russell. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge. pp. 744.

rather, we all tend to see being happy as good in itself. For instance, one does not wish to be happy in order to be wealthy; in fact, if required, one should sacrifice wealth in order to be happy.

It is true, this line of reasoning is not empirically or logically sound; but it is also true that the fact that this line of reasoning is not logically sound will probably only be apparent to a logician like Russell. As with Kant's claim, the truth of this postulate is emotional and not rational. It is just that because Kant was so much more rigorous in the development of his deontology than Bentham and Mill were in the development of their utilitarianism, that this criticism towards Kant is commensurately harder to uncover and so more easily forgiven.

So what then are utilitarian ethics? Well, there are really two kinds: rule utilitarianism and act utilitarianism. Both of these styles of utilitarianism ground themselves on fostering the most good for the most people, and what is considered to be good is defined by Mill and Bentham as that which produces human happiness. From this ground, rule utilitarianism judges the amount of good that an action accomplishes with reference to some law. In this way, rule utilitarianism judges the actual laws that one follows as being more or less ethical than others, based on how much happiness they support or create. Act utilitarianism on the other hand, judges what actions result in the greatest benefit to the most people, and therefore judges one's actions according to the same criteria irrespective of any laws that may be in place.⁶⁴

Utilitarian ethics are beneficial in that they help to articulate our moral sense in a way that is grounded on something more easily disclosed and more intelligible than Kant's notion of good will. However, like every other ethic that has been discussed so far, the premise of this

⁶⁴ Roger Crisp and Jonathan Riley. 1998. "Mill's Utilitarianism." Chap. 1, In *Routledge Philosophy Guidebook to Mill on Utilitarianism*, 1. London, UK: Routledge. pp. 4.

theory falls apart when considered in the particular. Specific to the concept of happiness, who is to judge that a minority's happiness should be sacrificed for the benefit of a majority's happiness? Is this not an articulation in support of mob rule? Then, when considered like this, does utilitarianism still speak to our internal moral sense? No it does not.

Evaluating the Journey So Far

Given the complexity and scope of this paper, it may be appropriate to pause here and consolidate what we have covered before proceeding. After acknowledging that the CF ethical code does accurately reflect the norms and attitudes of the population that the CF serves, it was criticized that these ethics were being instructed to members of the CF in a manner that is of low utility, and that they are also being poorly applied to judge ethical dilemmas in combat. Both of these failures are claimed to be rooted in either ignorance or silence about the meta-ethics that underlie each of the normative ethical theories that the CF code is based on. Then, as an example of how weakly this code was being applied to judging ethical actions in combat, consideration was given to Professor Bradley's analysis of Captain Semrau's mercy killing of a Taliban fighter in Afghanistan. With respect to the low utility of how these ethics are being taught to CF personnel, consideration was given to the book written by Richard Gabriel on defence ethics, which is used to instruct senior officers of the CF on ethical theory. Following this we introduced another, more extreme example of where such meta-ethical ignorance or silence can lead, exemplified by a new area of analysis that considers placing moral and legal culpability directly onto the soldiers who have participated in wars later determined to have been unjust.

Bradley, Gabriel and the CF ethical doctrine all use virtue based ethics, the categorical imperative, and utilitarianism as the framework for their position. In order to disclose the

underlying meta-ethics for each of these philosophies, we have examined the historicity of each in order to understand what each of these philosophies was attempting to articulate. As we have seen, virtue based ethics were derived as a means of reconciling the moral outrage that the Greeks of Aristotle's age began to feel when exposed to the mythological stories of their past, with the way that they had previously related to these stories. Those actions that felt right and noble to them became classed as virtues, and those actions that now appeared repellent to them became labeled as vices. The conclusions derived by Aristotle were emotionally true for his audience, but were not empirically true. For this reason, the virtues he promoted were found to be significantly malleable when applied similarly within different socio-political environments. As one's environment became altered in this way, so too did the way that one felt towards these virtues; and so the virtues themselves could become interpreted and applied differently in order to still accord with the new moral sense that the population had developed and now felt.

The categorical imperative and utilitarianism make stronger attempts at being empirical than Aristotle's virtues. This is because these normative ethics were developed during a period when the scientific method was found to be amazingly powerful in understanding and manipulating the physical world, and so these philosophies attempted to capitalize on this strength and applied the scientific method to the non-physical realm of one's moral sense. However, as we have seen, these theories can also only be seen as more rigorous articulations of our same mysterious moral sense. Despite any tangential pretense towards being empirically formulated, both the categorical imperative and utilitarianism only speak emotional truths. In this way, they both do *seem* right to us when considered in the general; yet ultimately they both fail miserably when considered in the particular. Either through ignorance or silence about the weaknesses and subjectivities contained within each of these theories, as disclosed through a

meta-ethical understanding of what underlies each philosophy; the failure of both Gabriel and Bradley is that they are attempting to employ them as if they were a scientific law.

This is not to say that each of these normative ethics is not a powerful tool that can be used to help articulate our moral sense. The problem is that as tools, witnessing Bradley and Gabriel employ them is much like watching a child with a hammer. They give no consideration to the mystery of our moral sense; there is no nuanced understanding about the depth of complexity that exists within a moral dilemma; there is not even an indication that there is any understanding of the intended limits of these theories. Instead, it is as though they believe that these theories are some kind of supernaturally sanctioned algorithms that can be easily applied to the human experience regardless of the circumstance, to derive timeless and bullet proof solutions for any ethical decision. If these were the private conclusions of men publically engaged in other intellectual pursuits, it would be disappointing but understandable because ethics are tricky business; but that these are the public conclusions of men of influence, who claim to be experts in the field of ethics, is unforgivable. So what should be done? To begin with, a better understanding of our mysterious moral sense is in order because without this, all ethical theories can appear corrupt. This kind of ignorance then invites radical skepticism, moral relativism, and ultimately nihilism; all of which are much worse than even the works of Bradley and Gabriel.

**TOWARDS A DEEPER PHILOSOPHICAL UNDERSTANDING OF ETHICS:
UNCOVERING OUR MYSTERIOUS MORAL SENSE**

The most profound analysis of how human beings come to understand themselves and the world around them can be traced through the works of Kant, Hegel, Kierkegaard, Husserl, Heidegger, and Gadamer. Unfortunately, a proper accounting of these ideas is well beyond the allowable limits of this paper, but for anyone wishing to truly understand the nature of our moral sentiment, an in depth understanding of these works is indispensable. What will be covered here is an overview of the methodology employed by these thinkers, as well as a basic presentation of their major conclusions; but before considering these, it should first be shown what these thinkers were, to an increasing degree, reacting against.

The Limits of Scientific Discovery

The scientific method unleashed powers of intellectual and industrial production that cannot be properly compared with any other advancement in human discovery. For this reason, since the initial advent of science, there has been a tendency to employ the scientific vernacular whenever a sense of authoritative truth is sought, even when its application is not entirely appropriate. As only one relevant example, which should speak well to the likely audience of this paper, consider the method of determining courses of action within the Operational Planning Process. The usual methodology employed for this act involves the creation of a table known as the Decision Matrix. First, the Decision Matrix can be comprised of whatever variables the commander or his/her staff deem to be appropriate to the scenario. Then, a numerical weight is assigned to each considered variable that is applicable to all of the contemplated courses of action. These weights are then used to determine a score for each course of action, and the one that earns the highest score is the course of action that is chosen. However, it must be kept in

mind that in creating and employing the decision matrix, the specific weighting assigned to each variable can always be changed to better correspond with whatever a commander or their staff *feels* to be more appropriate to the situation.⁶⁵

Having such a decision matrix helps the planning staff to consider as many variables relevant to the situation as possible, and it also enables them to engage in a planning process that is both logical and rational. However, whatever appearance that this process of choosing a course of action may share with a scientifically derived conclusion, there is simply too much information within this process that is based on guesswork and instinct for this conclusion to be considered empirical. The advantage of this process over other inappropriate applications of the scientific vernacular is that because these officers who are involved in selecting the course of action are also the same officers who determined the way that the Decision Matrix was scored, there should be no illusion to them that the conclusion derived actually does have the strength of empirical truth. However, had these officers instead been provided with a decision matrix from an external source that they believed was capable of providing such a table empirically; then the insecurity of their derived conclusion might not be so obvious to them.

For science to function properly there must be a clear physical distance between the observer and the observed, and also, that which is being observed must be fully transparent in all of the areas being measured. When this separation and transparency exists, science can function well, but to the degree that this is either not possible or is impeded, so too does the effectiveness of scientific inquiry begin to falter. Consider that the discovery of physical laws is possible only because we are able to observe and reliably and accurately measure phenomena that are

⁶⁵ *The Canadian Forces Operational Planning Process (OPP) Change 2, Canadian Forces Joint Publication 5.0 (CFJP 5.0) 2008. Toronto, Canada.*

completely external to ourselves and acting within a controlled environment. In the case of the decision matrix, not all of the criteria that need to be considered are observable or reliably measured. One may be able to count the number of forces that an opponent has, but the general capability of these forces as well as their predicted reaction to stimuli must remain as conjecture, and the degree to which one relies on conjecture over observation inversely determines the empirical strength of the conclusion.

This is the danger of technocratic solutions to non-physical science questions. A technocrat will present some conclusion based on the personal authority that they claim for themselves, and generally speaking, they will present this conclusion in as much of a scientifically analogous fashion as possible, so as to give it the appearance of being an empirical fact. A striking example of today is the economic argument that globalization is increasing the quality of life for those living in the developing world. This argument is made by technocrat economists by using measures of GDP. As GDP increases, so too does the proclaimed quality of life for those individuals living in that location. However, when one considers that as a sustenance farmer, one earns no income, but as a factory employee working and living in an urban ghetto, one earns some measureable monetary figure, it is easy to see how the increase in that person's quality of life can be empirically argued to be infinite even though the reality of the situation is the complete opposite.⁶⁶

Well, in comparison to the effect of GDP on one's quality of life, how much less distance and transparency is there between an individual and their moral sense? When a mind considers itself, is an empirical explanation ever even possible? There are many who still do believe that

⁶⁶ John Ralston Saul. 2005. *The Collapse of Globalism and the Reinvention of the World*. Toronto: Penguin Canada. pp. 36.

this is possible, such is the strength of their faith in the scientific method, but this faith really must be understood as blind. Increasingly, even scientists are recognizing the limits of their observational apparatus. Universal grammar, as one example, suggests that the human capacity for language is given at birth, and the limits imposed by this a priori language construct both permits our ability to make our environment intelligible to us, and also limits what kinds of knowledge we are capable of obtaining. This finding is then used to suggest how, despite the dramatic advances in science over the last several centuries; virtually no progress has ever been made on other subjects, such as the nature of how we can come to understand anything in the first place, in the entire recorded history of our species.⁶⁷ Certain areas of inquiry are quite literally beyond our capacity for understanding.

Seen in this light, Professors Bradley and Gabriel are simply practitioners attempting to apply what they perceive to be a technocratic device, to provide an empirical solution to some of the most troubling matters of today. Like the officers who receive a Decision Matrix from someone that they feel is capable of deriving such a thing empirically, Bradley and Gabriel do not understand the weakness and subjectivity of the tool they are using, and so also misunderstand the weakness and subjectivity of their own conclusions. Their motivation for doing so is understandable. The military conflicts of the last century have contained actions which are totally shocking to the moral sensibility of most Western minds. These events, in respect to our attitudes towards war, are in many ways similar to the way that the Greeks of the time of Socrates found themselves reacting to their mythological stories. Considered in this way, Bradley and Gabriel can be understood to be attempting to propose a dialectical synthesis that articulates our new moral outrage in a way that connects with our past so as to become

⁶⁷ Noam Chomsky and Michel Foucault. 2006. *The Chomsky-Foucault Debate on Human Nature*. second ed. New York, NY: The New Press. pp. 52.

intelligible to us. The moral outrage that we feel towards some combat events is real, our faith in the power of science is also real, but what stands erroneous is the blind application of the latter to explain the former. There is a better way.

Martin Heidegger: Understanding Our Existential Analytic through the concepts of Presence, Readiness and Dasein

Where science attempts to construct an understanding of the world from the bottom up, hermeneutics requires that we consider our understanding of the world from the top down. In order to explain this, consider Martin Heidegger's favorite tool for analogy, the hammer. A scientific understanding of a hammer would begin by describing the physical nature of the hammer. On the one end, there is a wooden shaft that is comprised of long chain carbohydrates coated in a transparent compound to prevent these carbohydrates from separating when placed under physical pressure. On the other end there is a metal form, comprised of a homogenous structure of large atoms, which are substantially denser than the carbohydrate structure to which it is attached. Science could go further and describe myriad other attributes, such as the hammers center of gravity, weight, shape, etc. However, consider for a moment what the results of this analysis would be if this scientific inquiry were conducted by someone who was not familiar with hammers. Could any amount of scientific data ever tell this person that what they were describing was a device used for hammering?⁶⁸

The answer of course is that no, it could not. A hammer can only be understood as a relation to a system of other things, so named by Heidegger as the *referential totality*.⁶⁹ Consider that without a corresponding notion of nails and wood and carpentry, a hammer as a hammer is

⁶⁸ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 68.

⁶⁹ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 72.

completely unintelligible. So too are nails, wood and carpentry. What this means is that all of these things that we tend to take for granted in our ordinary understanding of the world, simply cannot be explained in a way that discloses our most essential understanding of them, at least not through any kind of empirical description. Furthermore, if we return to our scientific description of the hammer, we should quickly be able to recognize that concepts like atoms and carbohydrates and weight are all also equally contingent upon other referential systems, all of which are unable to disclose ordinary intelligibility through strict empirical analysis. If the earlier accusations that our normative moral theories may be emotionally true but are not empirically true seemed dubious, then now seeing how even the ordinary intelligibility of the most mundane aspects of our physical world cannot be understood empirically either, one should better understand the nature of what the problems there were.

Heidegger refers to the physical descriptions, not related to the understanding of a hammer as a hammer, as the hammers *presence*.⁷⁰ He then refers to the more ordinary intelligibility that discloses a hammer as a hammer as its *readiness*.⁷¹ So when a human goes out into the world, they do not generally see the presence of an object, what they see is the objects readiness. For instance, when one looks in a tool box for a hammer, they do not experience the finding of an object of metal attached to a piece of wood that they then determine to be a hammer. No, what one finds is simply a hammer, and the attributes constituting the hammers presence are concealed, meaning that one does not actually notice those aspects of the hammer. Unless of course the hammer is broken, in which case the defective part becomes immediately disclosed, or else if one intentionally looks at the presence of the hammer, if for instance looking

⁷⁰ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 8.

⁷¹ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 140.

to distinguish a two pound hammer from a three pound hammer.⁷² Instead, what one finds in their ordinary experience of the world is a world of readiness, not a world of presence.

So, if the presence of a hammer is understood in terms of its readiness, how then is it that a hammers readiness is understood? Well, the term that Heidegger uses to denote a human being is *Dasein*, which literally translated from German means there-being. Heidegger uses this word to describe human beings because he believes that humans experience themselves as always being thrown into some context determined by the world that they live in. Similar to Kant's a priori framework of understanding, or Chomsky's Universal Grammar, Heidegger describes that humans have a primordial familiarity with the world;⁷³ and in this way, a human being never just exists, but always only exists within some context of 'being there' in the world around them, in a way that they are able to uniquely make sense of for themselves.

The way that Heidegger proposes that humans are able to uniquely make sense of the world around them, is to always interpret the world in terms of some private 'in-order-to' that defines the way that they take a stand on themselves. In fact, this is how Heidegger differentiates human beings from all other known beings: human beings are always existentially concerned with themselves in a way that asks *how well they are doing*.⁷⁴ This existential concern is based upon how well or unwell some deep and perhaps unconscious position that they have taken for themselves is or is not being supported.⁷⁵ This stand, which is always trying to be

⁷² Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 62.

⁷³ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 61.

⁷⁴ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 70.

⁷⁵ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 12.

supported, is Dasein; and the way that it is or is not being supported, among other things, corresponds to the moods that one feels.⁷⁶

We can summarize and bring together all of these points by describing Heidegger's *existential analytic*. The existential analytic is the three-fold structure of *Dasein*, *readiness* and *presence* that Heidegger claims that we use to make the everyday world intelligible for ourselves. Moving from the top down, a human being in the world always starts with an already given *primordial familiarity* of how to interpret and order the sensory inputs they receive from the world. This is not such a difficult concept. It is very similar to our earlier discussion where we had Peter Singer employ the idea of reason when he described how pre-historic tribes would have tried to influence one another; or when Kant described an a priori framework of understanding; or when Chomsky developed a theory of Universal Grammar to describe how we acquire language. Next, humans make their interpretation of the world unique by seeing everything in terms of an ultimate in-order-to that they, perhaps subconsciously, use to bring meaning to their life and intelligibility to the world. Dasein is never actually defined in a specific sense, because doing so diminishes the depth of what it really is, but for clarity here, one would not be too far off to consider an example Dasein to be something like 'good mother' or 'obedient servant of God' or 'destined for greatness' or some other such thing. What is important to keep in mind is that this Dasein is something that uniquely develops within an individual and is to a great degree the function of what one has experienced to that point in their life. Then, in support of ones Dasein, one enters the world and finds a system of already disclosed readiness that one can use to support Dasein. Presence, the lowest form of being,

⁷⁶ Martin Heidegger. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc. pp. 8.

underlies readiness but is only disclosed when readiness is found to be broken or else if one looks away from an objects readiness in order to intentionally see the presence of an object.

If one is unfamiliar with the philosophy of Martin Heidegger and especially if one also has a limited knowledge of the works of the philosophers whose ideas helped ground his ideas, then all of this information will seem incredibly abstract and it may not be readily apparent what relevance it has to this discussion. However, what we are beginning here to uncover could not be more relevant. The reason for this is that by describing the intelligibility of the world in terms of the existential analytic, Heidegger is beginning to provide the first rigorous description of how it is that individuals separated through temporal, geographical, or existential space can come to form fundamentally different understandings of the world. When one considers how different the Dasein of a Stoic would have been from an Epicurean, as well as precisely why each Dasein would have become so different from the other in the first place, then one will then be enabled to genuinely understand how each of their normative ethical philosophies could retain equal claims to truth while still being nothing alike, and yet be secure from the threat of moral relativism.

Hans Georg Gadamer: How Humans Derive Meaning from the World

Since Heidegger and Gadamer are both interested in developing a philosophy that explains how humans engage with and interpret the world around them, it is sometimes difficult to tell where the philosophy of one ends and the other begins. This is perhaps natural, as Gadamer was a student of Heidegger and so founded almost all of his own work on Heidegger's theories, but where Heidegger's focus remains locked on discovering the essence of human experience, Gadamer's work is primarily concerned with how humans interpret these experiences. More simply, Heidegger study's how it is that a human experiences an event, and Gadamer study's how the experience of that event becomes meaningful. Gadamer's

hermeneutical philosophy is long and rich, but in order to simplify his work into the essentials of discovering how Gadamer believes that humans derive meaning from their experiences, we will focus our attention on the following six categories of his philosophy: facticity, Kairological time, fore-structures of understanding, prejudice, the hermeneutical horizon, and dialogue.

Gadamer and Heidegger both use the term facticity to refer to the richness of meaning that exists beyond an empirical description of something. The easiest way to explain this is to consider what science can say about a thing, and then contrast the scientific discovery of a thing with how different ordinary human understanding of that same thing is. Take for example, a piece of music. Science can describe a sample of music in terms of specific measures such as notes, rhythm, harmony, volume, style, length, etc. However, what can science say about how that music is experienced by an observer? The reason that science struggles in this regard is because it is a tool that has been developed for the purpose of revealing the kinds of truths that will last for all time. In terms of its scientific measures, any sample of music studied will be eternally the same. However, in terms of how a listener relates to this same sample of music, the response that this music elicits may be dramatically different between individuals. The key point here is that the relative perception of beauty within the music is equally true to each person, but this kind of truth is different than scientific truth. It is not that one kind of truth is somehow more true than the other, but rather it is simply that in order to find eternal truth, science must reduce its analysis to a thing's presence, where the referential totality that establishes that truth is very static; whereas for an individual interpretation of beauty, one must instead consider a thing's readiness acting on a Dasein, and this kind of consideration requires the acknowledgement of a

dramatically larger and temporally dynamic referential totality. Meaning at this level, is facticity⁷⁷.

Kairological time for Gadamer is similar to Heidegger's existential analytic. Where the existential analytic describes a three-fold structure of presence, readiness and Dasein to describe how a human experiences a thing, Kairological time uses a threefold structure of past, present and future to describe how a thing begins to take on meaning for a human. Indeed, by using chronological references to describe a thing, Gadamer believes that at the level of human meaning, a thing should not be thought of as a thing at all; rather, Gadamer sees all things as events. Consider Heidegger's hammer. When one observes a thing with the appearance of a hammer, one instantaneously draws from a past volume of referential knowledge to create the immediate recognition of the thing as a hammer, and then, in projecting this expectation for how this hammer may be employed in the future, the human arrives at a sense of meaning for the hammer within the particular present moment. Thus, someone who is looking for a hammer, someone with no immediate need for a hammer, someone who is fond of hammers, someone who has been hurt by a hammer, and someone who is unfamiliar with hammering will all create different meanings for themselves that are all equally legitimate. Yes, in terms of scientific measures, the meaning of the hammer will be static for all individuals, but we have already shown how shallow such meaning is. In terms of its meaning at the level where a human ordinarily experiences a hammer, the hammer can be totally different to different individuals. So by viewing objects as events, Kairological time permits us to frame how an object begins to become meaningful for a human.

⁷⁷ Graham Harman. 2007. *Heidegger Explained: From Phenomenon to Thing*. Peru, Illinois: Carus Publishing Company. pp 26.

Fore-structures of understanding are related to Kairological time in that they are a more robust articulation of what we draw from our past repository of experiences and project onto an object in order to make an initial meaning that can then be confirmed, denied or modified.

A person who is trying to understand an event is always projecting. He projects a meaning for the event as a whole as soon as some initial meaning emerges. Again, the initial meaning emerges only because he is experiencing the event with particular expectations in regard to a certain meaning.⁷⁸

So it is not that we initially experience an object/event as something naked that must then be clothed with subjective understanding; rather, the event is always immediately perceived as meaningful via the mind's projection of meaning through its referential totality. This projection is emitted from whatever fore-structure of referential totalities a particular observer already holds, and it can explain things like why, for instance, some people love clowns and others are terrified of them.

Prejudice, according to most reader's fore-structure of understanding, will be a negative term that refers to narrow mindedness at best and violent hatred at worst. However, the word prejudice really only means a provisional judgment and not necessarily a false one.⁷⁹ In fact, a person's prejudices are essential to how that individual creates their everyday understanding of the world. Life as it is lived by humans would be impossible if everything encountered was subjected to Cartesian doubt. The way that humans interact in the world is primarily through a familiarity that is already formed and acts pre-linguistically, meaning that we need not even think about it. When one approaches a door, they do not need to think about how to open it, when one opens a book, they expect to find words, when one drives through a seedy

⁷⁸ Hans-Georg Gadamer. 1989. *Truth and Method*. Translated by D. G. Marshall Weinsheimer. New York, NY: Crossroad Publications. pp 269.

⁷⁹ Hans-Georg Gadamer. 1989. *Truth and Method*. Translated by D. G. Marshall Weinsheimer. New York, NY: Crossroad Publications. pp. 273.

neighborhood at night and sees a woman standing on a corner dressed for the beach, they immediately have a strong feeling about her line of work, without recourse to analytical consideration. Prejudice is not wrong; it is natural and necessary for enabling a normal human existence. What is wrong, perhaps, is the unwillingness towards having one's prejudices modified. If one is not willing to have their prejudices change when new experiences call for them to be changed, then that is a problem of a different kind.

The hermeneutical horizon is in many ways similar to a physical horizon. Within a physical horizon, one is able to judge an object's position and size with reference to other items within that same horizon. Imagine, for example, a child's drawing of a man on a piece of paper. When the image of the man remains isolated, we may make presumptions about the position and size of the man represented, but these will only be guesses. Now, if the child then draws another image, say of a palm tree that only rises to the man's waist, then we may conclude that the man is a giant in the tropics. If the child draws an image of a penguin that is taller than the man, then we may conclude that the man is in Antarctica and is diminutive. In the same way, within a hermeneutical horizon, an individual is only able to understand events through reference to those other events that have created the prejudices that populate their personal hermeneutical horizon. This hermeneutical horizon constitutes for Gadamer, an expansion of the idea that Heidegger referred to as the referential totality, and it is the means through which absolutely everything is understood and becomes meaningful to a human.

Applying this concept to the discussion of ethics, the hermeneutical horizon is important in two ways. First, if it can be said that each individual can only interpret the world according to their personal hermeneutical horizon, then what can be said of truth in general? Can there be such a thing as truth, or must it always be subjective; and if it is subjective, does this then mean

that ethics is doomed to suffer from moral relativism? We will return to this point soon, but consider for a moment that where a man may enter a house from a freezer and think it is warm, and another man may enter the same house from a sauna and feel that it is cold, neither man may reasonably hold the others opinion. Instead of understanding truth empirically, truth is better understood as simply a thing that is internally consistent within the referential totality of the hermeneutical horizon that it exists within. This is true at all three levels of being, but where presence is much more static than readiness or Dasein, the concept of truth must also be recognized as becoming increasingly more fluid when applied to these two higher levels of being, and yet remain no weaker in its claim to truth.⁸⁰

Second, if truth is fluid at higher levels of being, then why do communities of Dasein come to hold the same ideas of truth, and can anything be done to generate or encourage common ideas of truth? Well, if truth is determined by the hermeneutical horizon, then what we are really asking is how these horizons can become similar. According to Gadamer, in order to expand or modify a hermeneutical horizon, some new event must be experienced in such a way that it makes a special impression of lasting importance on the individual.⁸¹ When this occurs, it is like a new object is placed within the physical horizon through which that individual sees the world, and so if individuals within a community have largely similar life experiences, then it should be expected that they will develop similar horizons. However, if these horizons are not initially similar, they can also be encouraged to become so through a process that Gadamer refers to as dialogue.

⁸⁰ Jean Grondin. 1994. *Introduction to Philosophical Hermeneutics*. Translated by Joel Weinsheimer. New Haven: Yale University Press. pp. 11.

⁸¹ Hans-Georg Gadamer. 1989. *Truth and Method*. Translated by D. G. Marshall Weinsheimer. New York, NY: Crossroad Publications. pp. 53.

Dialogue, for Gadamer, is a very specific way of communicating that can occur between Dasein. What differentiates hermeneutical dialogue from ordinary dialogue is the openness that each Dasein must have towards being influenced by the other.⁸² As was stated earlier, hermeneutic prejudices are not solid but can be modified when some new experience alters a previous understanding of an event. Likewise, Dasein may experience new perspectives by coming into contact with another's hermeneutic horizon and so have its original prejudices modified. In this process, it is said that the participating Daseins horizons may be fused, and so each may then move forward with a new and broader horizon.⁸³ Tangentially, this process is important when considering how to best approach inter-cultural understanding, but it achieves direct importance here when one considers what will happen to a hermeneutical horizon when acting within the nightmare of war. What effect will this experience have on one's prejudices, on their horizon, and on their personal conception of truth? Most importantly, what will this do to their moral compass?

⁸² Hans-Georg Gadamer. 1989. *Truth and Method*. Translated by D. G. Marshall Weinsheimer. New York, NY: Crossroad Publications. pp. 303.

⁸³ Hans-Georg Gadamer. 1989. *Truth and Method*. Translated by D. G. Marshall Weinsheimer. New York, NY: Crossroad Publications. pp. 389

**TYING IT ALL TOGETHER:
NEITHER SUBJECTIVE MORALS, NOR A SCIENCE OF ETHICS, BUT
HERMENEUTICS**

The aim when covering the historicity of the normative ethical theories employed by the CF was to show that all of these normative theories have been attempts at articulating the internal moral sense of the person that created them and the people that adopted them. The point of briefly reviewing the works of Heidegger and Gadamer was to give some indication of where this internal moral sense might come from, how it may be formed, and how it might be changed. When one returns to the historicity of our normative ethical theories and examines them in the light of hermeneutics, it is easy to see how the hermeneutical horizons of each culture and each philosopher might induce the normative theory produced. As the horizon of the ancient Greeks changed, they came to view their mythologies differently and so required a new narrative to make sense of them. Then as civilization crumbled and was rebuilt, so too would these cultural horizons have been altered dramatically, and this is why such radically different ethical theories would have appeared equally rational and true to these different groups. Finally, with the arrival of strong empiricism, hermeneutical horizons would have shifted again and so our culture and our representative philosophers would have strived to create ethical theories with the same lasting force and foundation as our scientific theories.

Beyond explaining the historicity of our ethical theories, hermeneutics also shows us that moral relativism is really just a phantom. Indeed, moral relativism is a philosophy that is almost always attributed to others, and even then, is almost always attributed as a criticism.⁸⁴ This is because it is unlikely that such an internal moral sense could arise out of an existential analytic to

⁸⁴ "Moral Relativism." December 9, 2008. *Stanford Encyclopedia of Philosophy*: January 25, 2013.

induce a Dasein to genuinely develop such a horizon. This is not to say that moral relativism is not problematic, particularly where one has empiricist prejudices and believes that knowledge in this area can be like scientific knowledge. For such a mind, the fact that different people and different cultures do have different ideas about ethical behaviour, it must genuinely appear that there can be no genuine right or wrong, and that these kinds of ideas must either be illogical or illusory. However, what will prevent this person from genuinely believing that moral relativism is true is the strength of their own internal convictions about these very things. As an empiricist, it will not likely occur to them that ethics can be like light or temperature or size or some other true relation, because where these other measures are easily apparent, the hermeneutic horizon is hidden.

This is also not to say that because ethics can be validly different among people or cultures, that they should not be judged. Quite the contrary, when a criminal has developed an ethic that impedes the society in which that criminal lives, then that society rightly confines and attempts to rehabilitate that individual. Similarly, if one society witnesses in another society an ethic that it finds truly abhorrent, then it is reasonable to consider it to be a moral obligation for the one society to attempt to modify the other. However, recognizing now how the internal moral sense is established in the first place, it should also be recognized that such a modification will be much more effective if it is attempted through hermeneutic dialogue rather than forcible imposition; though this too may be appropriate as a last resort when the ethical distance is extreme or considered dangerous. However, the aim of this discussion is not to examine Just War theory, but rather, it is to discuss the CF ethics doctrine and how it relates to judging soldier actions in combat. With this in mind, let's return to the case of Captain Robert Semrau.

Bradley reasoned that the actions of Semrau were unethical because this act of mercy killing could not be justified by any of the normative ethics promoted by the CF. It should now be clear that this kind of analysis is prohibitively narrow-minded. Deontological, Utilitarian and Virtue based ethics are nothing more than attempts to articulate an inner moral sense. These normative ethics cannot rightly be applied empirically; they are not supernatural algorithms for right behaviour; and they are not even laws in a legal sense. Instead, they are the conclusions that Kant, Bentham and Mill, and Aristotle used to articulate their own inner moral sense, which rose out of their own existential analytic and formed their own personal hermeneutic horizon. Insofar as these normative ethics also reflect the moral sense of any society that promotes them, these theories do have value. However, when and where these theories no longer do this, they will lose their value entirely. For this reason, any ethical judgment that is based solely on the blind application of these normative ethics represents a judgment misapplied. Like Bradley, such judgment can only be applied by making many broad assumptions that one assumes will be shared by the reader. If one is talking about a case like the Nazi concentration camps, then it is quite likely that the assumptions made will be shared, but when speaking on an issue that is divisive or in doubt, then the chances of ones assumptions being shared by all readers is remote. However, this is all beside the point. The presence of these assumptions alone speaks to the weakness of this polemical approach. It gives this kind of judgment the appearance of certainty, but with only a little critical analysis, the argument can be unraveled completely.

However, if these normative ethics do represent an accurate articulation of the inner moral sense of the majority of Canadians, then using them to frame why Canada perceives the actions of this soldier to be unethical *is* appropriate. The crucial difference in this judgment is that it more accurately accuses Semrau as having acted against the morality of the nation that he

serves, rather than simply acting contrary to some philosopher's personal articulation of the abstract. Such a judgment need be more nuanced as well. Judging this kind of action empirically denies what the moral sense really is. Within our own legal system, we regularly differentiate between the criminal mind and the healthy mind that has suffered some traumatic event, which then caused that person to act in a way otherwise defined as criminal.⁸⁵ Likewise, Semrau should be judged holistically, and an account should be made for the circumstances that he existed within at the time of the incident. Doing this involves analyzing two different aspects of Semrau's mercy killing. The first is whether or not what Captain Semrau did reflects an individual who should not be accepted within Canadian society? The second is whether or not what Captain Semrau did reflects an individual who should not be accepted within the Canadian Forces? Before answering either of these, we need to give some further consideration to what Semrau's hermeneutical horizon could reasonably have looked like at the time of the mercy killing.

The reason that our legal system permits leniency for crimes of passion is that it recognizes that an individual will not be thinking in the manner that they normally would, when, for example, they have just witnessed something horrific. For this reason, what a person may do to an individual whom they have just witnessed murder their child, is not at all indicative of what that person would normally conceive of doing to another person in everyday life. The law does not articulate why this differentiation must exist, nor need it. The difference here should be pre-linguistically apparent to anyone familiar with the human condition, but given some hermeneutical understanding, we do actually become capable of articulating why this difference exists. Hermeneutics tells us that humans make the world intelligible to themselves through a

⁸⁵ Russell D. Covey. "Temporary Insanity: The Strange Life and Times of the Perfect Defense." *Boston University Law Review* 91: 1599. pp. 1601.

referential totality that becomes the hermeneutic horizon. Depending on what is present within this referential whole, the intelligibility derived can be fundamentally different between people. Furthermore, when circumstances radically and traumatically alter this ethical field of view, very suddenly things can begin to make sense that would have never otherwise made sense.

For this reason to Professor Bradley, as a likely empiricist sitting in the safety and comfort of his office, thinking and writing about battlefield mercy killing; Semrau's actions appear unethical. On the other hand, for Captain Semrau, being in the war zone of an alien land, and staring down at an eviscerated enemy soldier writhing in agony with no apparent possibility for help, it is easy to see why he may have felt differently about the matter. Semrau, having lived this reality, and then having that reality sandwiched before and after by an existence similar to that of Professor Bradley when he wrote his analysis, it is also easy to understand the likely reason that Semrau refused to speak publicly about what happened that day, why he offered no real defence of himself during the trial, and why when his sentence was pronounced he simply stood, saluted and walked out of the courtroom without talking to reporters.⁸⁶ If one supposes that Semrau's hermeneutical horizon would have led him to theoretically agree with Professor Bradley prior to his deployment, and then to agree with him again upon returning to Canada and regaining something similar to his previous hermeneutical horizon, it is possible to get a sense for the tremendous confusion and guilt that may currently exist in this officer's mind. Despite the fact that Semrau's actions at the time of the mercy killing may have seemed clearly correct and ethical to him in the moment, the resulting sense of guilt and confusion that could resurface outside of this temporal horizon could be devastating. Whether or not this supposition actually applies to Semrau himself is beside the point.

⁸⁶ Michael Friscolanti. 2010. "A Soldier's Choice." *Macleans*: 20.

The CF currently does nothing to prepare its soldiers for this reality. Yes, members of the CF are given training in ethics, but this training really amounts to no more than training in the application of the three normative ethical theories discussed here. Although these theories are not religious decrees, Richard Gabriel and most others who have taken it upon themselves to instruct soldiers on ethics seem to believe that they can be blindly referred to as if they were. This is clearly not the case, and continuing to do so will leave even more soldiers potentially feeling guilty, confused and abandoned after returning from the nightmare of war. Instead of presenting ethics in this way, normative ethical theory should instead be presented as what it actually is, as an imperfect yet useful articulation of the inner moral sense that our nation holds and promotes. Although many may still wish to believe that morals are empirical, presenting our ethics with a proper respect for their meta-ethical grounding will not diminish their truth claim, and it will open the possibility to discussing and training our soldiers for what to expect and how to react when their ethical perspectives suddenly and radically change within the trauma of combat.

Modifying in this way, the ethical training that CF soldiers receive, will also help to clarify when it is and when it is not appropriate to disobey commands in war. As a starting point, consider that when Captain Semrau was sentenced, the military judge stated that he felt the sentence would send a strong message to every soldier of the CF that they are obliged to obey orders and not their own moral code. The judge specifically stated that “decisions based on personal values cannot prevail over lawful commands.”⁸⁷ This appears to be a sound comment, but consider how it is that a soldier is to judge for themselves whether or not a particular command is lawful or not. Do we expect our most junior soldiers to be legal experts in the Law

⁸⁷ Michael Friscolanti. 2010. "A Soldier's Choice." *Macleans*: 20.

of Armed Conflict, or do we actually believe that our soldiers should be able to discern the legal from the illegal by ‘gut-checking’ their moral compass? If one believes the former, then I would propose that their belief is both idealistic and unrealistic. Not only do many junior soldiers probably not have the educational training or aptitude to be capable of this, but generally speaking, ones does not believe in laws simply because they are laws. No, we believe in laws because they conform to our inner sense of right and wrong and fairness. If one instead believes the latter, then they may be in opposition to this military judge, but I would propose that they are closer to finding a workable solution to this important problem. Such a solution must, however, be a part of a more genuine understanding of how one’s personal values develop and can be impaired.

A general framework for this training could be as follows. Upon entry into the CF, the deontological ethical norms would be presented and the reasons for this deontology would be established. It should also be pointed out that the ethics of a soldier who defends the nation and its values must necessarily be more robust and firm than what is expected from an ordinary citizen. Discussions and training of this nature would both explain the reasoning behind the deontology and begin to fuse the hermeneutical horizon of the member with that of the organization. From this point, further discussions and training should cover why Canadian values are what they are, why and how other value systems can also develop, and what might happen to one’s personal value system within a traumatic experience such as war. By establishing these concepts, our members’ tolerance and understanding for foreign cultures would be immeasurably improved, and we will begin to be able to address ethical actions in combat with some genuine utility. No more will these events be able to be described as actions by individuals who are simply ethically degenerate, just because the organization does not

understand the underlying ethical mechanism itself. Instead, these incidents can begin to be seen as the performance failures that they are, and similar to other performance failures, can be trained, fortified and rectified. Most importantly, by grounding our organizational discussion about ethics in a way that genuinely addresses what morals are, how they develop and how they can be changed; the CF ethical system will be edified, and more useful ethical discussions and judgments will be enabled. At the very least, pedantic ethical analysis, empty ethical sermoning, and ideas like holding soldiers personally accountable for participating in wars later determined to be unlawful, will cease.

BIBLIOGRAPHY

- The Canadian Forces Operational Planning Process (OPP) Change 2, Canadian Forces Joint Publication 5.0 (CFJP 5.0)* 2008. Toronto, Canada:.
- "Ethics." 1999. In *The Cambridge Dictionary of Philosophy*. Cambridge, UK: Cambridge University Press.
- "Moral Relativism." December 9, 2008. *Stanford Encyclopedia of Philosophy*: January 25, 2013.
- "National Defence and the Canadian Forces - Statement of Defence Ethics." Statement of Defence Ethics. Department of National Defence, last modified July 18, 2012, accessed February 21, 2013, <http://www.dep-ped.forces.gc.ca/dep-ped/code/stmt-enc-eng.aspx>.
- Philosophy of Psychology: Debates on Psychological Explanation* 1995., edited by Cynthia MacDonald, Graham MacDonald. Oxford, UK: Basil Blackwell Limited.
- "Philosophy: Ethics, Cynicism and Stoicism." Abstract. 2013 *Lander Education: Philosophy* (January 2013).
- Aristotle. 1996. *The Nicomachean Ethics*. Translated by S. Watt. Hertfordshire, UK: Wordsworth Editions.
- Bethke Elshtain, Jean. 2003. *Just War in the Age of Terror*. New York, NY: Basic Books.
- Bradley, Peter. 2010. "Is Battlefield Mercy Killing Morally Justifiable." *Canadian Military Journal*.
- Brennan, Richard J. and Bruce Champion-Smith. 2010. "Capt Robert Semrau found Not Guilty of Murder." *Toronto Star*.
- Cesserani, Giovanna. 2008. "Modern Histories of Ancient Greece: Genealogies, Contexts and Eighteenth-Century Narrative Historiography." *Princeton/Stanford Working Papers in Classics* 1 (1): 1.
- Chomsky, Noam and Michel Foucault. 2006. *The Chomsky-Foucault Debate on Human Nature*. second ed. New York, NY: The New Press.
- Christensen, Anne-Marie. 2007. "Depending on Ethics: Kiekegaard's View of Philosophy and Beyond." *Res Cogitans* 4 (1): 1.
- Cohn, Samuel. 2002. "The Black Death: End of a Paradigm." *American Historical Review* 107 (3): 703.
- Coppi, Irving M. 1978. *Introduction to Logic*. New York, NY: Macmillan Publishing Company.

- Covey, Russell D. "Temporary Insanity: The Strange Life and Times of the Perfect Defense." *Boston University Law Review* 91: 1599.
- Crisp, Roger and Jonathan Riley. 1998. "Mill's Utilitarianism." Chap. 1, In *Routledge Philosophy Guidebook to Mill on Utilitarianism*, 1. London, UK: Routledge.
- Crowe, Jonathan. 2005. "Existentialism and Natural Law." *Adelaide Law Review* 26 (1): 55.
- Descartes, Rene. 1951. *Meditations on First Philosophy*. Translated by L. J. Lafleur. New York, NY: Macmillan University Press.
- Downing, Lisa. 2008. *The Cambridge Introduction to Michel Foucault*. New York, NY: Cambridge University Press.
- Dreyfus, Hubert and Sean Dorance Kelly. 2011. *All Things Shining: Reading the Western Classics to Find Meaning in a Secular Age*. New York, NY: Simon and Schuster Inc.
- Duncan, Graeme. 1969. "John Stuart Mill and Democracy." *Political Science* 4 (1): 67.
- Foucault, Michel. 1995. *Discipline and Punish: The Birth of the Prison*. second ed. New York, NY: Random House Inc.
- Friedland, Martin L. 1998. "Military Justice and the Somalia Affair." *Criminal Law Quarterly* 40: 360.
- Friscolanti, Michael. 2010. "A Soldier's Choice." *Macleans*: 20.
- Gabriel, Richard A. 2007. *The Warrior's Way: A Treatise on Military Ethics*. Winnipeg, MB, Canada: Canadian Defence Academy Press.
- Gadamer, Hans-Georg. 1977. *Philosophical Hermeneutics*. Translated by David E. Linge. second ed. Berkeley, CA: University of California Press.
- . 1989. *Truth and Method*. Translated by D. G. Marshall Weinsheimer. New York, NY: Crossroad Publications.
- Gimmler, Antje. 2003. "The Discourse Ethics of Jurgen Habermas." *Gesellschaftswissenschaften Und Philosophie*.
- Grondin, Jean. 1994. *Introduction to Philosophical Hermeneutics*. Translated by Joel Weinsheimer. New Haven: Yale University Press.
- Habermas, Jurgen. 1996. *Moral Consciousness and Communicative Action*. Translated by Christian Lenhardt and Shierry Weber Nicholson. New York, NY: SUNY Press.
- . 1987. *The Theory of Communicative Action*. Boston: Beacon Press.

- Harman, Graham. 2007. *Heidegger Explained: From Phenomenon to Thing*. Peru, Illinois: Carus Publishing Company.
- Hegel, G. W. F. 1998. *Phenomenology of Spirit*. Translated by A.V. Miller. Delhi: Motilal Banarsidass Publishers Private Limited.
- Heidegger, Martin. 1962. *Being and Time*. Translated by John Macquarrie and Edward Robinson. New York, NY: Harper and Row Publishers Inc.
- Hofstadter, Douglas R. 1999. *Godel, Escher, Bach: An Eternal Golden Braid*. second ed. New York, NY: Basic Books Inc.
- Hohan, Uday and Leo Maley. 2005. "Time to Confront the Ethics of Hiroshima." *History News Service*.
- Hume, David. 2007. *A Treatise of Human Nature: A Critical Edition*, edited by David Fate Norton, Mary J. Norton. Oxford: Clarendon Press.
- Ignatieff, Michael. 2004. *The Lesser Evil: Political Ethics in the Age of Terror*. Princeton: Princeton University Press.
- Kant, Immanuel. 1989. *Foundations of the Metaphysics of Morals*. Translated by L. W. Beck. New York, NY: Macmillan University Press.
- Korner, Stephan. 1984. *Metaphysics: Its Structure and Function*. Cambridge, UK: Cambridge University Press.
- Miyasaki, Donovan. 2007. "A Ground for Ethics in Heidegger's being and Time." *Journal of the British Society for Phenomenology* 38 (3): 261.
- Olshfski, Dorothy. 2005. *Accountability and Ethics in the Abu Ghraib Scandal*. Leuven, Belgium: The Ethics and Integrity of Governance Conference.
- O'Neill, Terry. "Roe Vs. Wade and the Evolving Language of Women's Empowerment." *Fem* 2.0: February 19, 2013.
- Pavlik, Gregory. 1995. "The Ethics of War: Hiroshima and Nagasaki After 50 Years." *The Freeman*.
- Pecorino, Philip A. "The GREEKS, Classical Period, Culture, and History." *Sunny Suffolk Education*: January 25, 2013.
- Pegoraro, Olinto. "Ethics and Historicity." *Council for Research in Values and Philosophy* 5 (1): March 5, 2013.
- Pollitt, Katha. 1997. "Abortion and American History." *The Atlantic Monthly* 279 (5): 111.

- Rodin, David. 2010. "Note of CCADD Discussion: Should Soldiers be Held Responsible for Participating in an Unjust War?" Oxford Institute for Ethics, Law and Armed Conflict, December 7, 2010.
- Russell, Bertrand. 1996. *History of Western Philosophy*. Abingdon, UK: Routledge.
- Saul, John Ralston. 2005. *The Collapse of Globalism and the Reinvention of the World*. Toronto: Penguin Canada.
- Scarfe, Adam C. 2012. "Skepticism Concerning Causality: An Evolutionary Epistemological Perspective." *Cosmos and History: The Journal of Natural and Social Philosophy* 8 (1): 227.
- Singer, Peter. 2002. *Animal Liberation*. New York, NY: Harper Collins Books.
- . 1981. *The Expanding Circle: Ethics and Sociobiology*. New York, NY: Farrar Strauss and Giroux.
- . 2013. "Project Syndicate: A World of Ideas. are Humans Getting Better?" Melbourne, March 11, 2013.
- Snidal, Duncan and Christian Reus-Smit. 2009. "The Oxford Handbook of International Relations." Chap. Constructivism, In , 311. Oxford, UK: Oxford University Press.
- Stoessinger, John G. 2011. *Why Nations Go to War*. 11th ed. Boston, MA: Wadsworth Learning.
- Stouffer, Jeff and Craig Leslie Mantle. 2008. *Leveraging Trust: A Force Multiplier for Today*. Winnipeg, MB, Canada: Canadian Defence Academy Press.
- Striker, Gisela. 1987. "Greek Ethics and Moral Theory." *The Tanner Lectures on Human Values*.
- Thames, Brad. 2004. "Gadamer's Hermeneutical Ethics: An Ethics of Life." *Seminar Papers for "Gadamer and Charles Taylor"*: 1.
- Thompson, Hugh. 2005. *Moral Courage in Combat: The My Lai Story*. United States Naval Academy, Annapolis, MD: Center for the Study of Professional Military Ethics.
- Waligore, Timothy. 2010. "Cross-Contextualism and Reparations: As Part of the Political Philosophy Reading Group." Queen's University, February 9, 2010.
- Walzer, Michael. 2000. "The Aftermath of War: Reflections on Jus Post Bellum." Chap. 2, In *Just and Unjust Wars*. third ed., 35. New York, NY: Basic Books.
- . 2003. "The Four Wars of Israel/Palestine." *Dissent*: 26.

- . 1980. "The Moral Standing of States: A Response to Four Critics." *Philosophy and Public Affairs* 9 (3): 209.
- . 2006. "Regime Change and just War." *Dissent*: 103.
- . 2002. "The Triumph of just War Theory (and the Dangers of Success)." *Social Research* 69 (4): 925.
- Weese, Bryn. 2010. "Mercy Killings on the Battlefield are Rare but do Happen." *The Kingston Whig Standard*: 9.
- Worthington, Peter. 2010. "Semrau Breaks Silence." *Toronto Sun*, July 21, 2010, 3.