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Research Essay

**THE PROFESSIONAL MILITARY OBLIGATION OF
RELIEVING AN INCOMPETENT SUBORDINATE
COMMANDER:**

AN ETHICAL COMPLEXITY

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INTRODUCTION

In an ideal world, there would be no need to evaluate human behavior in an ethical context, since everybody would do the right thing. In the real world, however, today's military commanders find themselves continuously facing dilemmas of varying types and degrees. The challenge in understanding and applying the concept of what is right or wrong will always exist. The case of relieving an incompetent subordinate commander may seem benign at first glance, but if one takes the time to expand on the various implications of such an act, it obviously becomes tangled in a myriad of considerations.

When all factors are considered, it leads to a clear acknowledgement that the act of relieving an incompetent subordinate commander is not a mere simple task, but rather a very complex ethical challenge that each superior commander must firstly be able to recognize and secondly, address properly.

The military leaders are indeed facing such decision dilemmas in their everyday responsibilities. To help them arriving to the right decision they are continuously in the search of a formal process that would facilitate such achievement. While there are decision tools available to the general decision-makers, the issue of ethical decision making raises yet another dimension to the matter at hand. The practitioner deals with ethical decisions on a daily basis and in most cases without realizing it. It would therefore be fair to say that as practitioners, we seldom have a chance or the time to deeply reflect on those factors that affect the ethical decisions we make everyday.

The general focus of this paper is to examine the factors that must be considered in the ethical decision of relieving an incompetent subordinate commander. The paper will demonstrate that the superior commander, in fulfilling his professional responsibility, should apply both the deontological and utilitarian perspectives of ethical decision making in order to fully explore all options to be considered in arriving at the decision.

After a very brief overview of ethical decision theory to situate the reader, the next step will be to establish the professional status of the military profession and its associated obligations. A short discussion on military competence will follow, to make the point that it is very important for the superior commander to recognize his obligations towards identifying the level of incompetence of his subordinate commander. The first portion of the paper will provide an essential foundation towards ethical thinking. The paper will then focus on the factors and implications of relieving the incompetent subordinate commander using both the utilitarian and deontological ethical decision making approaches. Let's first introduce the scenario.

SCENARIO SETTING

The time is December 1998, Canada has just announced that a land force peacemaking contingent will be dispatched overseas to participate in a United Nations mission. After some deliberations, the selected contingent commander is assessed as incompetent and his superior commander must decide whether to relieve him or not from command. This scenario is hypothetical, and should not be related to any past or current events. As such, it will provide for hypothetical discussion and speculative arguments.

ETHICAL DECISION MAKING THEORY

Relieving an incompetent subordinate commander is an interaction between people/individuals, and as a result, becomes an ethical issue. The word ethics itself can lead to various interpretations but a commonly accepted version is:

Ethics is the critical study of standards for judging the right or wrong of conduct. But it is also about doing what is right. People must both know what ethics is and be capable of doing ethics. In a general sense ethics is the name we give to our good behavior. We feel an obligation to consider not only our own personal well being but also that of others and of human society as a whole.¹

For a moral philosopher, ethics is reserved for the systematic study of what constitutes right conduct, whereas morality is used to refer to both the studies of morality and morality itself.² In making his decision, the superior commander will have to consider aspects of morality that will be described in the analysis of the decision process later in the paper.

One typically speaks of legal or medical ethics, but of personal morality. As used here the word ethics refers to the principles, rules, and standards of proper conduct defined by an organization or profession, in this case the U.S. Army for the governance of its own members. Morals refer to personal rules and standards of conduct based on authorities recognized by the individual, which may include family, religious, organizational or philosophical values.³

Military ethics is therefore the military application of such moral/ethical conduct by soldiers, sailors and aircrew in the conduct of their military duty. An important aspect of the military life is the anti-individualistic approach of the military, because the basis of conduct for each military member is to serve society before self. This is a most dramatic difference given the strong desire of modern democratic societies to protect individual rights and freedoms.⁴

Ethical decision making is a very complex process, and the two principal approaches are the deontological and the utilitarian theories. To avoid leaving the reader reaching for a basic understanding of the two ethical theories that will be the subject of the analysis later under the thesis argument, a very brief description of each one will now be provided.

¹ Toner, James H. True Faith and Allegiance: The Burden of Military Ethics, (Lexington, The University Press of Kentucky, 1995) 9.

² KWJ. Wenek, "On Value Systems and the Hierarchy of Principles in the Statement of Defence Ethics: Extract from A Statement of Values for the Defence Ethics Program": Discussion Paper March 1996.

³John, W.Brinsfield, "Army Values and Ethics: A Search for Consistency and Relevance", Parameters: Journal of the US Army War College, Carlisle Barracks, Autumn 1998.

⁴ Malham Wakin, War, Morality, and the Military Profession, (Boulder and London: Westview Press, 1986) 184.

UTILITARIAN. Utilitarianism is based on the principle of consequences. The qualification of right or wrong of an action depends on the consequences that this act will generate. In other words the end justify the means. The consequences are held to be those that should be *reasonably expected* as the outcome, instead of the *actual* which cannot be known until after the fact or the *intended consequences* that may be totally different than reality.⁵

From a utilitarian point of view, the process is as follows:

- You first identify the likely outcomes for each possible course of action; (courses of action in this case being "relieve" or "not relieve" the incompetent subordinate commander)
- Calculate the net good or utility of each course of action; and
- Select the course of action that generates the best possible outcome, regardless of the act itself.

The course of action that generates the consequences representing the greatest good for the most people will automatically be selected as the best, without further comparison or judgement considerations.

DEONTOLOGICAL. On the other hand, from the deontological point of view, the criterion for right or wrong lies in the morality of the act itself. In this case, the end does not justify the means, and the consequences have no bearing in the selection of the act. Harm or even the least good outcome can be a viable option if it is the only one that satisfies the morality requirements of the act itself.

The ultimate criterion of morality is not to be found in the consequences of the action but in certain features of the act itself, or in the rule of which the act but an example. Thus, ends do not justify the means,

⁵ Louis P. Pojman, Ethics, (Belmont CA, Wadsworth Publishing, 1995) 110-113.

and acting unjustly or violating someone's rights is wrong even if such action maximizes social utility. Truly ethical behavior appeals to principles, maxims, or rules of behavior, which are to be universally applied because they are valued in their own right. An act is right if it conforms to the relevant moral obligation; it is wrong if it violates the relevant moral obligation.⁶

In order to make the decision on the morality of the act, in addition to satisfying the overriding precepts such as "Never lie", "keep your promises", "never kill" etc, Kant suggests three criteria. The *Categorical Imperative*, the *Principle of Ends*, and the *Principle of Autonomy* tests.⁷

Similarly to utilitarians, deontologists will identify the various courses of actions available, but they will ignore the possible outcome and consequences. The next step in attempting to validate the applicability of the decision under deontological rule is to apply three tests as described by Kant:

- The Categorical Imperative test, where you must determine if the decision to be taken could be applied as universal law; "Do unto others as you would have everyone do unto others"⁸
- The second is the Principle of Ends test. To confirm that people are never used as a mere means. "So act as to treat humanity, whether in your own person, or in that of any other, in every case as an end and never as merely a means"⁹ ; and

⁶ Ethical theories handout by SME.

⁷ Louis P. Pojman, Ethics, (Belmont CA, Wadsworth Publishing, 1995) 147-150.

⁸ Ethical theories handout by SME.

⁹ Louis P. Pojman, Ethics, 147.

- The third is the Principle of Autonomy test. Would any other rational superior commander in that same position also make the same decision¹⁰

The various factors and implications associated with both of those theories, when making the ethical decision of relieving the incompetent subordinate commander, will be the subject of a detailed analysis in the following sections of the paper.

A most critical aspect of the requirement to make this necessary decision lies in the status of the military as a profession, and the acknowledgement of its various inherent professional obligations.

MILITARY AS A PROFESSION

At its most basic, the military is a profession; it proclaims itself to be a profession, its members feel it is a profession, and non-members recognize it as a profession.¹¹

From the title of this paper, we advanced the idea that relieving an incompetent subordinate commander was a professional obligation. Before proceeding further, therefore, one must examine the concept of profession and military profession in particular. There is a great deal of literature on this matter and most importantly considerable agreement.

The modern officer corps is a highly professional body. It has its own expertise, corporatness, and responsibility. The existence of the profession tends to imply, and the practice of the profession tends to engender among its members, a distinctive outlook on international politics, the role of the state, the place of force and violence in human

¹⁰ Louis P. Pojman, *Ethics*, 150.

¹¹ Richard A. Gabriel, *To Serve with Honor: A Treatise on Military Ethics and the Way of the Soldier*, (Westport: Greenwood Press, 1982) 57.

affairs, the nature of man and society, and the relationship of the military profession to the state.¹²

Huntington identified three basic characteristics qualifying the military as a fully professional entity. The special and unique expertise is identified in the military training required which is restricted to the military. The commitment to the general social aspect is found in the requirement for the education of the officer corps, and lastly, the professional-client relationship is identified in the acceptance that the military serves the society at large by providing a national state of defence.¹³

As discussed by Gabriel, true professionals are called upon to ensure that appropriate *obligations* are fully understood and fulfilled in all respects. The professionals will in many instances complete such obligations, not in addition to their personal requirements, but in many cases, instead of such personal interests. In fact, this behavior is very typical of the military profession. The professional status of the military way of life carries special obligations that cannot simply be discarded because of inconvenience. In many instances, these obligations will be hard to comply with and in some cases almost impossible to handle.

There is an ongoing argument among academics and practitioners on the requirement for the formal establishment of codes and principles to govern the compelling obligations facing all military personnel on a daily basis. Gabriel¹⁴ in 1982, proposed such "Soldier's Code" of ethics in the form of ten statements. "Simply phrased, a profession that has no codes of ethics to specify obligations and values for its membership is not a true profession"¹⁵

¹² Anthony Hartle, Moral Issue in Military decisions making, (Lawrence: University Press of Kansas, 1989) 10.

¹³ Lloyd J. Matthews, and Dale E. Brown, The Parameters of Military Ethics, 105.

¹⁴ Richard A. Gabriel, 140.

He has been a strong proponent of formulating and publishing established codes and principles to govern the behavior of armed forces personnel in the conduct of their duty.

¹⁵ Richard A. Gabriel, 83.

More recently, however, a Statement of Ethics for the Canadian Forces has been promulgated. The 1996 Statement of Defence Ethics incorporate both the fundamentals principles, namely; *Respect the dignity of all person, Serve Canada before self, Obey and support lawful authority*. In addition, it also includes the six basic ethical principles for all professional military members of the Canadian Forces, *Loyalty, Honesty, Courage, Diligence, Fairness and Responsibility*.

MILITARY OBLIGATIONS

As mentioned above, being a profession implies a certain number of "obligations" that each member of the said profession has to undertake and fulfill. The next step in this examination of the ethical complexity of the decision to relieve the incompetent subordinate commander will be to understand what obligations are, and how they influence the professional military officer in the accomplishment of his/her duties.

The military professional does not have the luxury of discarding his military obligations, nor does he/she have the option of eliminating obligations on the basis of additional ones he/she must assume. All such military obligations will at some point compete and the military member will have to establish a hierarchy of obligations that allows him to satisfy as many as possible, in the correct order.¹⁶

During his presentation at the Canadian Forces College this past September, Mr. K. Wenek identified the six spheres of military obligations as follows: unit, service, state/society, pows/non-combatants, people in general, family/friends.¹⁷ The review of military obligations by Professor Nicholas Rescher was similar but he also added historical examples of military professionals facing such conflicting obligations to demonstrate the need to establish priorities. No list could be completely exhaustive but Rescher limits himself to five such obligations, namely: the *chain of command, the service, the nation, civilization and humanity at large*.

¹⁶ Nicholas, Rescher, In The Line of Duty: The Complexity of Military Obligation, (Colorado Springs, USAFA, 1990) 7-9.

¹⁷ Lecture at the CFC by Mr. K. Wenek, "Ethics", Friday 25th September 1998.

It would be timely at this point to demonstrate the extent of military obligations through some historical events. This process will show a dimension too often underestimated in assuming the compelling and complex requirement to understand the possible scope of military obligations.

In September 1943, while German General Heinrich von Henneken was in command in Denmark, he received orders to round up all Danish Jews for deportation. His view was that the use of German Army units to conduct such an operation would injure the prestige of the Wehrmacht both at home and in other nations. His arguments and lack of cooperation created a delay and allowed almost all the Danish Jews to move to Sweden. This was a clear case of the interest of the Service being placed ahead of that of his chain of command¹⁸. A case could also be made about his consideration towards humanity.

The military obligation to the nation is highlighted in the German Army response to Chilean Army General Augusto Pinochet who had declared that the once proud German Army had been brought to ruin due to its democratization movement. Smartly responding to Pinochet's remarks the German spokesmen said; "The soldier of today has to be a citizen ... a duty to the Service and its strictly military values has to be balanced and coordinated... with a duty to the Nation"¹⁹

The military obligation to humanity is witnessed in the actions of German general Dietrich von Choltitz who had been ordered to set up a house to house defence of Paris because of the Allied advance in France. The general quickly realized that this plan would lead to enormous loss of lives, including many innocent civilians as well as the destruction of Europe's most beautiful city.²⁰

Another military obligation is to the country. In their attempted assassination of Adolph Hitler, the conspirators were not attempting to reach personal gain or benefits,

¹⁸ Nicholas Rescher, In The Line of Duty: The Complexity of Military Obligation, 10

¹⁹ Nicholas Rescher, 11.

²⁰ Nicholas Rescher 13.

but rather to protect the interests of the Nation, their country. "...while these officers indeed violated their pledge of loyalty to Reich and Fuhrer, they nevertheless acted out a deep sense of obligation to their country, their national traditions, and their higher duties".²¹

It is obvious that we have reviewed extreme cases where the obligations were situated at a much higher level than at which most military officers will ever find themselves during their careers. The reality of today's dilemmas, including the decision of relieving the incompetent subordinate commander, will generate situations where conflict of obligations will emerge, and priorities must be established.

The fact is that at one point or another, every officer faces difficult choices among competing obligations. For the exercise of command responsibilities over the actions and situations of other people can all too easily create a condition of conflicting obligations --though (mercifully) usually of a minor and un-dramatic kind. But even in their milder forms, such experiences will bring home to you that the complexity of military obligation is not an abstract theoretical exercise, but something real that grabs you in the heart, the chest, and the stomach.²²

It will be demonstrated later in the paper, that the superior commander will face different levels of obligations. Therefore, he must understand the requirement to prioritize when making his decision to relieve or not to relieve the incompetent subordinate commander.

All military obligations can be classified into three distinct categories. The first one refers to obligations *UPWARD*, that is within the chain of command and towards higher echelons, superiors. Obviously, the *DOWNWARD* category deals with the required responsibilities towards subordinates. The third category of obligation must take

²¹ Nicholas Rescher 14.

²² Nicholas Rescher 15.

us outside the chain of command and make the commander's obligation reach *OUTWARD* to elements of humanity and other people such as civilians in combat zones, and POWs to name two examples. The aim of the commander must be to eliminate or at the least minimize any level of collateral damage that could be inflicted on this *OUTWARD* population at large. Compliance with such an obligation is no longer optional (if it has ever been so) but rather compulsory and regulated at an international level in Laws of Armed Conflict.²³

In his article concerning this type of obligation categorization, Walzer interestingly makes his point that *OUTWARD* obligations do not extend to opposing nations. The dropping of the bomb on Hiroshima is a case in point. If we accept President Truman's argument that he had addressed all his responsibilities on the hierarchical obligations by stating that thousands of American lives had been saved, what happened to his full range of *OUTWARD* obligations towards all those innocent Japanese civilians?²⁴ One could say, from a utilitarian perspective, that dropping the bomb was using innocent civilian Japanese as a mere means to achieve the ends, and from that point of view the argument is presented as acceptable. The same, however, can not be said from the deontological perspective.

The theory and clear understanding of the professional military obligations confronting the commander in his daily activities have been briefly reviewed. The extreme cases of military obligations discussed earlier would suggest that the case of the incompetent subordinate commander is probably closer to the average expected dilemmas of today's leaders. For this reason, it essential that we analyze more closely some of the obligation factors associated with this specific case.

OBLIGATIONS AND TOLERANCE. The military obligations facing an operational commander are complex. He has to clearly demonstrate a dedicated sense of loyalty, integrity, courage, honesty, fairness, and responsibility. He faces obligations towards his

²³ K W J Wenek, *Officership and Professional Ethics*, Kingston: Royal Military College of Canada, 1993.

²⁴ Michael, Walzer, "Two Kinds of Responsibility", (*Parameter: Journal of the U.A. Army War College*, Vol. XI, No.1, March 1981) 44-46.

superiors for the accomplishment of his mission; he has obligations towards all his subordinates for their well being and care while under his command. Implied within those principles resides his obligation to fully develop his people to their maximum potential. It is his duty to maximize the creation of an environment where they will truly reach their professional achievement.²⁵ "The careful commander, however, will not extend beyond limits in attempting to provide such a learning environment."²⁶

The resulting discussion should obviously focus on the issue of tolerance and the "Zero defect" syndrome.²⁷ "For those who deal with complex organizations, changing missions, and people of various aptitudes, perfection or "Zero defects" is impossible."²⁸ The commander must be able to distinguish between a genuine attempt and incompetence that leads to failure. There has to be some room for honest mistakes under circumstances acceptable to the profession as an organization.²⁹ As pointed out by Adams, total intolerance would have prevented Admiral Nimitz to rise to his well-known war time accomplishments, if the grounding of his vessel while he was an ensign had not been tolerated to some degree.³⁰

A discussion of tolerance towards fulfilling obligations would not be complete without introducing the subject of "Auftragstaktik". This was a hotly debated system of command used for decades in which superior commanders assigned missions to their subordinates and entrusted them with using their initiative and judgement to achieve the desired results. It implied that the best method would be selected regardless if it falls outside the orders of the superiors, as long as the mission (purpose) is achieved. Clearly this is a system where superiors are committed to building the subordinate's competence.

²⁵ Reimer, Dennis J. "Leadership for The 21st century: Empowerment, environment and the Golden Rule", (Military Review, Fort Lavenworth, Jan/Feb 1997) 2-3.

²⁶ The U.S. army introduced a process during the Vietnam War allowing almost all their officer to obtain combat Command experience. That process resulted in 6 months tour for officers and 12 months tour for troops creating enormous moral problems.

²⁷ Dennis Reimer, 4.

²⁸ Malham, M. Wakin, War, Morality, and the Military Profession, 192.

²⁹ Field Marshall Slim, 127.

³⁰ David, A. Adams, "Chances Second Chances", 3.

As an ensign and commander of his vessel in 1908 he ran his ship aground but was given a second chance and became one of the most famous U.S. Navy Admirals of the Second World War.

The level of tolerance of such a system allowed for failures and indeed used failures as a learning experience.³¹ Obviously it was based on an obligation of the superior commander to take an active part in the formation of his subordinates and to entrust them with the completion of the desired mission on their own.³²

The various responsibilities of the commander will continue to demand complete competency on his part. He must act to successfully complete his mission, properly report to his superiors, ensure that his units are properly trained to the desired level of readiness and last but not least, ensure the well being of his subordinates.³³ Regardless of the level of leniency that one would want to include in the decision making process, the ultimate military principles will continue to be, first, adherence to ethical foundations (Principles), second, the absolute accomplishment of the assigned mission (Purpose), and third, the attention and care of the subordinates (People) who are obeying their commander under "unlimited liability".³⁴

In fact, the matter of competence is the source of the obligation of the superior commander. One of the first difficulties would be to identify incompetence.

PROFESSIONAL COMPETENCE

The superior commander must be able to recognize the incompetence of the subordinate commanders. Failure to do so would suggest his/her own incompetence.

Unequivocal integrity on the leader's part, the only lasting way to command respect. Clear sense of morality and ethics. Consistency of character. Wisdom- knowing the difference between integrity and bluntly outspoken honesty at the expense of national-security secrecy deeds.

³¹ In contrast, the belief that any institution, organizations or military unit is judged on a required flawless, errors free record and /or performance is not new. This perception had reached such proportions that it was commonly understood as a prerequisite for promotion and selection for command in the U.S. Navy. Needless to say such desire for perfection can only lead to increased breakdowns in personal ethical behavior and lead to a level of incompetence

³²Faris, R. Kirkland, "Self-Care, Psychological Integrity, and Auftragstaktik", (JSCOPE 1997, (<http://www.usafa.af.mil/jscope/Kirkland97.htm>), 1997) 2.

³³ Robert A. Fitton, "Military Leadership and Values" (Military Review, October 1983) 59.

Decisiveness. High degree of knowledge; must be well trained. Excellent organizational and mission-execution skills. Clear, consistent communication to subordinates, especially when mission must change. Regard for safety, well-being and professional development of subordinates. Willingness and integrity to stand behind one's subordinates.³⁵

It is very clear that any military leader who possesses the above leadership qualities and is capable of putting them into practice is likely able to achieve his mission and goals. The skills of command, however, must be continuously practiced and continually honed toward excellence. Commanders do have a moral obligation to continuously upgrade their skills regardless of their level of experience.

To satisfy the requirement of obligations to his superiors, to his subordinates and to the humanity and all other people not directly in his hierarchy, the commander has a moral obligation to be professionally competent in all possible senses of the word.³⁶ While clearly identified by Wenek,³⁷ and included in the newly promulgated statement of defence ethics as professional obligation and traditional military value, competence is not found in the list of leadership qualities or other necessary attributes listed in the Somalia Affair Report, a rather surprising omission!

Leaders will invariably deal and make decision about people; they must maintain complete integrity at all times, and service interests shall take precedence over all personal interests and in many cases replace such self-aspirations. Not acting in this manner and order implies a level of incompetence that must be addressed by the superior commander.

³⁴ James, H.Toner, True Faith and Allegiance: The Burden of Military Ethics, 68-69.

³⁵ Antje, Mays, A Common Professional Ethics based on Core Values, (The Citadel, (<http://www.usafa.af.mil/jscope/ANTJE98.HTM>), JSCOPE 1998) 1.

³⁶ KWJ. Wenek, Officership and Professional Ethics, (Kingston: Royal Military College of Canada, 1993) 307.

The consequences of incompetence in a profession other than military are bound to have less tragic results.³⁸ Indeed, the role of the military leader is to take people into battle and face possible death, unlimited liability,

"...but the expectation that the soldier will carry out his duty even unto death, that he will live up to his clause of unlimited liability, is very real in the military. Consequently, the forces that compel an officer to fulfill his obligations to himself, his command, his superiors and his profession are categorically different from those that press the corporate official to fulfill his obligations."³⁹

Without further elaborating on the complexity of the issue of incompetence, we will now establish the scenario for which the ethical decision analysis will be conducted. The reader must understand that a further elaboration into incompetence would provide enough scope for an entirely separate paper.⁴⁰

As briefly introduced at the beginning of the paper, there are two main ethical decision making theories, utilitarian and deontological. The intent of the analysis will be to apply both theories to the decision of relieving the incompetent subordinate commander, and evaluate the factors that must be considered, as well as the utility of each approach.

UTILITARIAN DECISION MAKING APPROACH

This theory is based on the consequentialist principle. The rightness or wrongness of an act is totally based on its consequences. In other words, the end justifies the mean. The theory further identifies the consequences as the "reasonable expected

³⁷ Karol WJ, Wenek. A Draft Statement of Values for the Defence Ethics Program: Background for CRS workshop, (NDHQ, January 1996) 6.

³⁸ Lewis, Sorley, "Competence as an Ethical Imperative", (Army, August 1992) 43.

³⁹ Gabriel, Richard A., To Serve with Honor: A Treatise on Military Ethics and the Way of the Soldier, 61.

⁴⁰ Samuel, D. Maloney, "Ethics Theory for the Military Professional", Air University Review, (March-April 1981). This article provides a very good discussion on various aspects of incompetence. It describes the various dominant factors in ethical failures and the major areas of problems. This is not to say that incompetence is only linked to ethical behavior.

outcome" of an act. This distinction clarifies the fact that actual outcomes are not known before hand and that intended outcome may not turn out to be linked to actual ones.⁴¹ "An act is right if and only if it can be reasonably expected to produce the greatest balance of good or the least balance of harm".⁴²

In our scenario, the two possible courses of action are to relieve the incompetent subordinate commander or not to relieve him. As utilitarians would do, lets review the consequences on factors such as mission, the subordinate commander himself, his subordinates, his unit/regiment, his country, and the superior commander himself.

Consequences on Mission. Having identified his incompetence, it would be fair to establish the reasonable expected outcome as likely mission failure, should we decide not to relieve him from his command. On the other hand, having him relieved will cause the reasonably expected outcome to be mission success. (An expectation of a competent replacement over which the superior commander may or may not have some control is assumed). Regardless of the means the most balanced good would be the successful accomplishment of the mission.

Consequences on the subordinate commander. Being relieved will invariably cause embarrassment and a loss of self-confidence, and self esteem on the part of the subordinate commander. The impact of being relieved from command will also likely generate career consequences that could be irreversible. He will likely loose his sense of belonging to his unit and regiment, and could render a less than acceptable attitude in his behavior and work completion in his new workplace. Given the maximum good produced by accomplishing the mission he becomes the means to achieve the end.

Consequences on subordinates. If he is not relieved, his subordinates could be subjected to less than adequate leadership, and could be exposed to unnecessary risk during the operational mission including possible casualties. On the other hand, they

⁴¹ Louis P. Pojman, Ethics, (Belmont CA, Wadsworth Publishing, 1995) 109-113.

⁴² Ethical theories handout provided by Lcol Bradley as subject matter expert for this paper.

would enjoy proper direction and care from a competent commander. On cases where the reason for being relieved is not known to the troops, the requirement to provide explanations should be considered. Such action would eliminate the speculations that would undoubtedly be generated.

Consequences on peers/regiment. A known incompetent commander who is not being relieved will cause frustration and concerns among his peers who could be called to assume the command position as competent commanders. Not relieving him could also be expected to cause embarrassment to the regiment and his unit depending on results achieved during the mission. In an international military effort, the embarrassment would also be felt at the national level, obviously an unacceptable scenario.

Consequences on superior commander. By relieving the incompetent subordinate commander, the superior could be perceived as draconian or as acting too severely. On the other hand, in the presence of incompetence with no action taken, he could become labeled as lacking courage to take the necessary action or avoiding his responsibilities. The likely expected outcome for relieving a known incompetent commander would certainly be a sense of approval and support.

A comparison of consequences under the Utilitarian approach clearly indicates that the relieving of the incompetent subordinate commander would be selected as the course of action, bringing the *most good* for the *most people*. In this case it would be in the form of better performance from the troops, avoidance of any embarrassment (unit/country level) and most importantly, a likely mission completion. These would be reasonable expected outcome from the decision to relieve.

This utilitarian approach, however, does not consider impacts on the incompetent subordinate commander himself as a criterion for judgement of the act as right or wrong. Indeed, he becomes the means to reach the desired end. In a scenario where unlimited liability plays a role, one could argue that this approach has merit and would probably lead to a proper decision. Under a different scenario, however, where the possible

expected outcome would not involve unlimited liability consequences, the utilitarian approach requires further consideration before to adopt the results of its sole application to the decision.

The utilitarian approach to ethical decision-making is not without drawbacks and limitations. First, measuring goodness/utility could become very difficult. Second, utilitarians do not consider people as having rights. In the case of the subordinate commander, utilitarians would not hesitate to make him the means to achieve the ends, disregarding personal impacts. Thirdly, utilitarians will ignore fundamental principles (not lying, stealing, killing etc.) as long as the reasonably expected outcome provides the maximum good for the most people. Lastly, in a case where the outcome is reasonably expected to be the same for two different acts, utilitarians have no means to decide between the two actions.⁴³ Should the outcome be the same from relieving or not, utilitarians would have no means to make the final decision. Some of those limitations do not apply to the case under analysis, but could become important to consider in different other situations.

We could therefore advance that the utilitarian approach is very definitive and non-flexible.⁴⁴ Nevertheless, it provides the superior commander with an analysis of the various consequential factors that will play a role in the final consideration, leading to the decision to relieve or not to relieve the incompetent subordinate commander. We will now look at the other ethical decision making approach, and analyze the various factors and considerations that it will generate.

DEONTOLOGICAL DECISION MAKING

From a deontological point of view, "the moral obligation to act is prime".⁴⁵ Taken to extreme, it would be "do what is right, though the world should perish".⁴⁶

⁴³ Louis P. Pojman, Ethics, (Belmont CA, Wadsworth Publishing, 1995) In his section on utilitarianism, he provides a discussion on other criticism of this ethical decision theory, which will not be presented here.

⁴⁴ There are in fact two utilitarian dimensions. The first one is called act utilitarian and never take any principles into consideration. The second one, called Rule utilitarian will take general moral rules in consideration so as to produce the most good in the long run.

⁴⁵ Chris, D.Osborne, "Senior Leader Ethics: A Sword not a Shield", 2.

Before proceeding further and apply the deontological approach to our scenario, it is essential for the reader to realize that there are two types of deontology. The first type is called deontological absolutism, and its principle is that under the categorical imperative, there are no exceptions. On the other hand, deontological pluralism considers that moral obligations are not absolute. Under that perspective, moral obligations have relative weight and must be considered individually in order to determine the necessary hierarchy to decide what is the right course of action.⁴⁷ Hence, the essentiality of the issue of hierarchical obligations introduced earlier in the paper as part of the foundation of the analysis that will be done from a pluralistic deontological perspective.

To continue our deontological analysis toward the decision to relieve or not to relieve the incompetent subordinate commander we now need to apply the three tests as proposed by Kant and introduced earlier. The categorical imperative, the principles of ends, and the principle of autonomy tests.

Under the *Categorical Imperative* criterion, the question becomes, could the relieving of the junior commander be considered as Universal Law and therefore apply in all cases? Arguably it could be accepted that in operational scenario cases involving unlimited liability consequences with costly casualties (or high risk of), the act of relieving the incompetent will pass the test, and such action would be considered as universal law. As discussed earlier in the obligations and tolerance section above, the same conclusion would not necessarily be reached in many other cases where different levels of tolerance could be accepted to satisfy other various obligations of the superior commander. Allowing mistakes and tolerating an acceptable level of incompetence to fulfill the superior commander to develop his subordinate, under certain circumstances, must apply as discussed earlier. In such a case, relieving the incompetent subordinate commander would fail the universality test.

⁴⁶ Chris, D. Osborne, 2.

⁴⁷ Ethical theories handout by SME. W.D. Ross is considered as the primary source for this type of deontological ethical thinking.

The second test as proposed by Kant is the test of *Principles of Ends*. Relieving the junior commander in deontological ethics, translate into using him as the mean to achieve the desired end. On the other hand, if he were not relieved, then his subordinates (those of the incompetent subordinate commander) would be treated as means to achieve the end. This conflicting situation becomes a difficult dilemma for the superior commander. As mentioned earlier, the cases involving unlimited liability consequences could be argued in favor of the troops (deontological pluralism) but other situations would lead to difficult decision making. If the implications of the decision had outward obligation impact, then it could be argued that the unit, the service, the nation or even humanity at large could become a mere means to achieve the desired ends.

The third test involves the *Principle of Autonomy*. Would another superior commander in the same situation take the same decision?⁴⁸ The unlimited liability case of our scenario seems to indicate that it would lead towards similar decision as for the previous two tests. The non-unlimited liability (tolerated risks) situations, however, such as training in peacetime clearly differ. Superior commanders come from various social backgrounds, different education levels, not to mention the differing approaches from one military service to another.

The deontological approach obviously adds an element of possible flexibility to the process, but is by no means a theory that covers all possible molds of ethical decision making. In fact, the rule-deontologist shares some of the non-flexibility of his utilitarian counterpart. The overarching concept of obligation prioritization of the pluralist deontologist becomes the power factor of deontological thinking in ethical decision making.

THE ETHICAL DECISION

Utilitarian would therefore consider that the impacts on the various entities and individuals playing a role in the decision-making process, have no consequences or

⁴⁸ The implication here 10.02 164.850.i/MCID 16 BDC 12 0 0 12 148.3dr84.850.i/MCID 16 BDC 60845982 12 148.3dor d.850.i/

bearing on the decision itself, as long as the outcome results in the *most good* for the *most people*. This very rigid approach is sometimes presented with a certain level of tolerance with the concept of Rule based utilitarian. Under this rule-utilitarianism concept, some basic principles such as, not lying, keeping promises etc are considered as valid, and are taken into account in the decision with the understanding that the *most good* for the *most people* will still be the expected outcome, but in the long run. This concept, however, is very much debated as to its consistency with the basic utilitarian theory and has not been included in the analysis of this paper.⁴⁹

In the case of relieving the incompetent subordinate commander, the utilitarian approach made the decision-maker consider all consequences, but maintained the primacy of mission success and limited unnecessary casualties as leading factors in making the correct decision. We have seen, however, that under less imposing consequential scenario, this theory would still not provide any tolerance in the act itself, but would continue to seek most good for most people in all cases.

From a different perspective, the deontological approach provided the decision-maker with the capability to create a hierarchical listing of obligations that became the object of evaluations prior to decision-making. This approach would allow to superior commander to modify his/her obligation hierarchy depending on the available and acceptable levels of tolerance. In the case of our incompetent subordinate commander under operational conditions, however, the final result was still to relieve him after careful considerations of all factors.

There seem to be indications that both utilitarian and deontological theories could arguably converge towards the same conclusion for the requirement to relieve the incompetent junior commander when unlimited liability consequences are involved. This consensus fades rapidly as we leave the possible mission failure or casualties scenarios. Indeed, the solutions to those multiple scenarios would likely be a complex analytic

⁴⁹ Pojman, 114.

combination of both utilitarian and deontological considerations in the part of the decision-maker.

The chief difficulty in practice with the various approaches to deciding what is right or best is that there is no single philosophy, formula, or decision rule that will work in all cases. Different approaches used in combination not infrequently yield contradictory solutions. To look for a sure answer in a formula or rule, or to hide behind any form of received wisdom, is a mistake however. To be morally conscious is to be aware of your personal responsibility for your actions and of the various forces and influences acting on you. In that sense, our ultimate recourse always in matters of right and wrong is to think for ourselves and use the best and most humane reasoning of which we are capable.⁵⁰

CONCLUSION

The only possible way to put to bear our best and most humane reasoning towards ethical decision-making is to ensure that the decision-maker has identified all possible influencing factors of the decision. As demonstrated in this paper, the superior commander should always apply both the deontological and utilitarian approaches of ethical decision-making, in order to fully explore all options to be considered in arriving at the decision. The essentiality of both the utilitarian and deontological decision making approaches resides in the fact that they will provide that most complete analytical identification of all factors to be taken into consideration.

In order to recognize the requirement to apply the process, the superior commander must be able to distinguish between carelessness, negligence and honest mistakes. He must also establish the level of incompetence involved and assess if tolerance should be considered and acceptable in any given situation. There will be situations where tolerance must be given some room, in order to fulfill certain obligations

⁵⁰ Wenek, KWJ. On Value Systems and the Hierarchy of Principles in the Statement of Defence Ethics: Extract from A Statement of Values for the Defence Ethics Program (Discussion Paper March 1996) 14.

in the part of the superior commander. The operational combat requirements of deciding and/or risking the lives of subordinates sailors, soldiers and aircrew in the accomplishment of the mission, however, leaves no alternatives but to demand the highest level of competency. Demanding anything less would be in itself an incompetent act.

Needless to say, the simple act of relieving an incompetent subordinate commander is far more complex than one would be tempted to believe at first glance. The superior commander must adhere to the creed of his profession and must satisfy all his military obligations. As a professional he does not have the luxury to pick and choose the obligations he wishes to address, and simply discard the inconvenient ones. He must recognize the hierarchy of all military obligations facing him in each circumstance, and apply the military ethical principles that will guide him in making the right decision.

All professional military commanders involved in ethical decision-making in the conduct of their duties and responsibilities have at their disposal the required tools to evaluate the necessary factors that will influence their decisions. The utilitarian and deontological ethical decision-making theories exist to serve that very purpose.

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