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The Defence Ethics Program in CF Operations

By Col D.R. Sanschagrin

Abstract

The Defence Ethics Program (DEP) has been in existence for nearly ten years. It is far-reaching and comprehensive, addressing ethics across the entire spectrum of Department of National Defence (DND) and Canadian Forces (CF) activities. The DEP is well-suited to the corporate side of the DND and the CF, with extensive guidance on conflict of interest, acceptance of gifts, hospitality and sponsorship. When it comes to operational settings however, DEP guidance falls short. The DEP values-based approach to ethical decision making is time-consuming and necessitates a thorough understanding of DEP guidance and a relatively high level of ethical analytical sophistication, making it difficult to apply in operations, when issues are complex, stress is high and time is often constrained. DEP guidance related to use of force is particularly problematic. The DEP's confusing and extremely cautious approach to use of force does not lend itself well to helping resolve ethical issues related to operations, particularly in view of the CF's role in contemporary conflicts. There is a pressing need to undertake a rigorous assessment of the existing program to guide the way ahead to either adapt the existing DEP to better address operationally related ethics issues or to guide the development of a distinct, operationally-oriented, CF ethics program.

Introduction

The Defence Ethics Program (DEP) was stood up in 1997 to foster a strong ethical climate in the Department of National Defence (DND) and the Canadian Forces (CF). It is a comprehensive program, addressing ethics across the entire spectrum of DND and CF activities. It applies to DND civilian employees and CF members in Canada and abroad, in garrison, on exercise and when deployed on operations. The DEP, in attempting to be all-embracing, is not meeting the needs of the entire defence community. More specifically, when it comes to CF operations, DEP guidance is limited. Recent research suggests that the DEP is well-suited to non-operational settings; however, its utility in addressing ethical issues related to CF operations is questionable.[1] This paper will demonstrate that the DEP is not well adapted to addressing ethical issues related to CF operations.

The importance of ethics in the operational setting

Prior to discussing the DEP, it is worthwhile to gain an appreciation for the importance of ethics in the operational setting. The world was shocked by the highly publicized detainee abuse at Guantanamo Bay and Abu Ghraib prison, which placed the unethical behaviour of some American troops in the spotlight.[2] The Canadian Forces (CF) has

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[1] Michael H. Thompson, Barbara Adams D. and Jessica Sartori A., *Moral and Ethical Decision Making in Canadian Forces Operations*,[2006]).; John Robert Woodgate, "An Analysis of the Canadian Defense Ethics Program Decision-Making Guidance" (Master of Military Art and Science, U.S. Army Command and General Staff College), .

[2] J. A. Singh, "Military Tribunals at Guantanamo Bay: Dual Loyalty Conflicts," *Lancet* 362, no. 9383 (Aug 16, 2003), 573.; Cable News Network, "Report: Agu Ghraib was"Animal House" at Night," http://www.cnn.com/2004/US/08/24/abughraib.report/ (accessed 13/10, 2006).

seen its share of ethical lapses, as illustrated by the regrettable conduct of some members of the now disbanded Canadian Airborne Regiment in 1993 in Somalia, who tortured and eventually killed a defenceless 16 year old Somali boy.[3] Breakdowns in ethics, no matter how brief, can have devastating effects on Canadian public support for the CF, on Canada's international reputation and on soldier morale. When ethical misconduct makes the news, it overshadows the tremendous work that the CF is known for around the world. In the words of Dr. Michael Ignatieff, Director of the Carr Center of Human Rights Policy at Harvard University,

> What distinguishes a warrior is not the uniform that you wear, or your complex chain of command, or your formal training in the use of arms. It is your ethical discrimination. That is what distinguishes a warrior from a bandit, a mere killer, a terrorist.[4]

Ignatieff points out that in the contemporary conflict, where defeating the enemy is more about winning hearts and minds than winning the firefight, ethics is a force enabler.[5] Ignatieff writes that the hearts and minds business is ". . . the business of multiplying physical power, and transforming it into political and moral power simply by the way we behave out in the field."[6] As a representative of the government of Canada the CF has an obligation to all Canadians to conduct military operations ethically. Given the media scrutiny that comes with every CF mission, the slightest ethical transgression will be played out on television screens around the world in a matter of minutes, damaging Canada's reputation as a responsible middle power. But more than any of these very admirable justifications for a DEP is the responsibility the CF owes to the dedicated men

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[3] D. Winslow, "Misplaced Loyalties: The Role of Military Culture in the Breakdown of Discipline in Peace Operations," *Canadian Review of Sociology and Anthropology* 35, no. 3 (1998), 345-367.
[4] Michael Ignatieff, "Ethics and the New War," *Canadian Military Journal* 2, no. 4 (2001), 7.
[5] ibid.
[6] ibid., 10

and women who wear the uniform. Research suggests that higher moral development, one of the CF's values-based DEP's fundamental aims, may protect soldiers exposed to combat against post-traumatic stress disorder.[7] The importance of protecting the psychological well-being of those who serve is encapsulated in the words of Dr. Shannon French, of the U.S. Naval Academy, who writes,

> Everyone who cares about the welfare of warriors wants them not only to live through whatever fighting they must face, but also to have lives worth living after the fighting is done.[8]

In summary, there is compelling evidence that ethics is importance in operations, but is the DEP effective in helping CF members resolve ethical issues related to operational settings?

Does the DEP provide effective guidance for resolving ethical issues related to CF operations?

DEP Background

An examination of the DEP's relevance in CF operations necessitates a discussion of some background about the program. The Defence Ethics Policy Statement in Defence Administrative Order and Directive (DAOD) 7023-0 stipulates that,

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[7] G. E. Berg and others, "A Comparison of Combat's Effects on PTSD Scores in Veterans with High and Low Moral Development," *Journal of Clinical Psychology* 50, no. 5 (Sep, 1994), 669-676.
[8] Shannon E. French, "The Code of the Warrior: Why Warriors Need A Code," http://www.pacem.no/2003/1/norm/french/ (accessed 09/24, 2006).

> The DND and the CF are committed to the performance of official duties to the highest ethical standards by DND employees and CF members. The DND and the CF will provide support through a values-based ethics program that considers the unique circumstances of the DND and the CF.[9]

The Defence Ethics DAOD establishes a requirement for the DND and the CF to, ". . . develop and implement a values-based DEP . . ."[10] Whereas the requirement for the DEP is established in DAOD 7023-0 its implementation is fleshed out in the *Defence Ethics Handbook*. The *Handbook* defines ethics as being, "concerned with . . . right and wrong, and . . . principles and obligations that govern all actions and practices of institutions and individuals in society."[11] Ethics is really about how we ought to live and interact with one another as human beings. The *Handbook* goes on to say that this definition of ethics is predicated on the assumption that, "Any action or lack of action by individuals or institutions that affects directly or indirectly human beings involves ethics."[12]

The DEP is built upon a foundation of, ". . . values that are constitutive of democracy."[13] Three assumptions about the nature of Canadian society guide the DEP. The first assumption is that Canadian society includes numerous comprehensive belief systems, characterized as philosophical, religious or secular. The second assumption maintains that there is an overlapping consensus of values between these belief systems. One characterization of this overlapping consensus, in a Canadian context, are the principles

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[9] Canada, *DAOD 7023-0, Defence Ethics* (Ottawa: Department of National Defence, 2001) (accessed October 6, 2006).
[10] Ibid.
[11] Canada, *Defence Ethics Handbook* (Ottawa: Department of National Defence, 2000), 57.
[12] Ibid., 57
[13] Ibid., 26

and obligations embodied in the Canadian Charter of Human Rights and Freedoms.[14] The third assumption is that within this overlapping consensus is a subset of fundamental values that guide the DEP. This set of principles and values, as articulated in the *Statement of Defence Ethics*, is the DEP's foundation.[15]

The Statement of Defence Ethics is attached as Appendix A.

There are three parts to the *Statement of Defence Ethics*. The first part calls for a commitment by DND employees and CF members to follow the ethical principles and obligations in the *Statement*. The second part presents three hierarchical ethical principles and the third lists six core ethical obligations. The three principles, "respect the dignity of all persons", "serve Canada before self" and "obey and support lawful authority", listed in order of precedence, represent the organization's commitment to universal ethical obligations owed to humanity, society and lawful authority. The six ethical obligations, integrity, loyalty, courage, honesty, fairness and responsibility, are weighted equally and ". . . embrace fundamental values that run through the military as a profession, the public service, and our democratic society."[16]

The first principle, "respect the dignity of all persons", is in harmony with the UN Universal Declaration of Human Rights and with the Canadian Charter of Rights and

[14] Canadian Heritage, "Your Guide to the Canadian Charter of Rights and Freedoms," Canadian Heritage, http://www.canadianheritage.gc.ca/progs/pdp-hrp/canada/guide/index_e.cfm (accessed 10/10, 2006).
[15] Ibid.
[16] Ibid., 35

Freedoms.[17] It most certainly represents a core Canadian value and is arguably a fundamental value of people everywhere in the civilized world. Expressed from the perspective of the well-known German philosopher, Immanuel Kant, ". . . individuals . . . should never be treated as means, but rather as unique and individual ends in themselves.[18] The second principle, "serve Canada before self", is an essential underpinning to public service in a liberal democracy, clearly affirming that, " . . . the legitimate collective interests of society take precedence over purely organizational [or institutional] interests, and similarly, that [organizational or] institutional interests take precedence over purely personal interests."[19] The third principle, "obey and support lawful authority", is a fundamental characteristic of respect for the rule of law and the delegated authority of the chain of command. For a full discussion of the six obligations interested readers are directed to the *Defence Ethics Handbook.*[20]

The *Defence Ethics Handbook* explicitly establishes the Statement of Defence Ethics as the core of the DEP. The *Handbook* articulates the expectation that CF members and DND employees will,

> … use the Statement of Defence Ethics in the fulfillment of their individual and organizational responsibilities for the defence of Canada. The Statement is intended for use as a normative guide to professional conduct, as an aid to working through ethical issues encountered during day-to-day work, and as criteria for developing ethically sound policies and programs.[21]

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[17] United Nations, "Universal Declaration of Human Rights," http://www.un.org/Overview/rights.html (accessed 10/10, 2006). Canadian Heritage, "Your Guide to the Canadian Charter of Rights and Freedoms," Canadian Heritage, http://www.canadianheritage.gc.ca/progs/pdp-hrp/canada/guide/index_e.cfm (accessed 10/10, 2006).
[18] Jacques P. Thiroux, *Ethics : Theory and Practice*, 6th ed. (Upper Saddle River, N.J.; London: Prentice Hall; Prentice_Hall International, 1998), 163.
[19] Canada, *Defence Ethics Handbook*, 34
[20] Ibid.
[21] Ibid., 32

Given the existence of a multitude of ethical theoretical frameworks and the many different methodologies available to develop an ethics program, the *Handbook* defends the DEP's normative values-based program through a discussion of the competing options. The *Handbook* contends that there are three broad methodologies to developing a defence ethics program: a compliance-based approach, a preventive-based approach, and a values-based approach.[22]

Compliance-based approaches espouse strict adherence to rules. Simply stated, in a compliance-based ethical environment, members look for a rule to guide their behaviour. Some of the problems with pure rule-based ethics are:

- A requirement for an elaborate set of rules that need constant upgrading to keep pace with change;
- The growth of a large volume of rules as new issues emerge;
- The inability to foresee every eventuality;
- The inability to resolve conflict when different rules are at odds with one other;
- A lack of concern with the consequences of blind obedience to following the rules;
- The requirement for strict oversight to monitor compliance with the rules; and most importantly,

[22] Ibid.

- Compliance-based approaches do not stimulate the members of the organization to reflect on ethical issues and internalize core institutional values, nor do they enhance moral development.

Preventive-based ethics programs target specific high-risk areas of an organization and focus on improving ethical behaviour in those areas. For example, health services organizations generally consider patient confidentiality a high risk area. To mitigate this risk these types of organisations generally expend significant effort to foster ethical behaviour in this area. Although the preventive-based approach still focuses on compliance with rules, it also emphasizes the values that underlie the rules so as to encourage positive ethical behaviour. A preventive-based ethics program is a step forward from the pure rules-based approach; however, by focusing attention only on specific high-risk areas it may not cultivate the development of an ethical climate throughout all areas of the organization.[23]

The top-down, normative values-based DEP ". . . maintains a dynamic balance between judgements based on compliance and judgements based on ethical values."[24] The DEP is top-down because the organization's senior leadership establishes how members should conduct themselves. This is in contrast with a bottom-up approach, in which the broad membership of an organization determines its values. As illustrated in Figure 1 below, dynamic balance refers to two distinct zones of values, one that is primarily compliance based, and the other, values based. The compliance zone establishes an expectation that

[23] Ibid.
[24] Canada, *Introduction to Defence Ethics: Student Manual*, second ed. (Ottawa: Department of National Defence, 2005), 20 (accessed October 2, 2006).

the organization's members will conform to the rules, laws and regulations established by legitimate authority. It essentially limits individual freedom of choice in specific areas. The values zone conveys ". . . in general terms what is desirable, rather than specifying in detail what should or should not be done."[25]

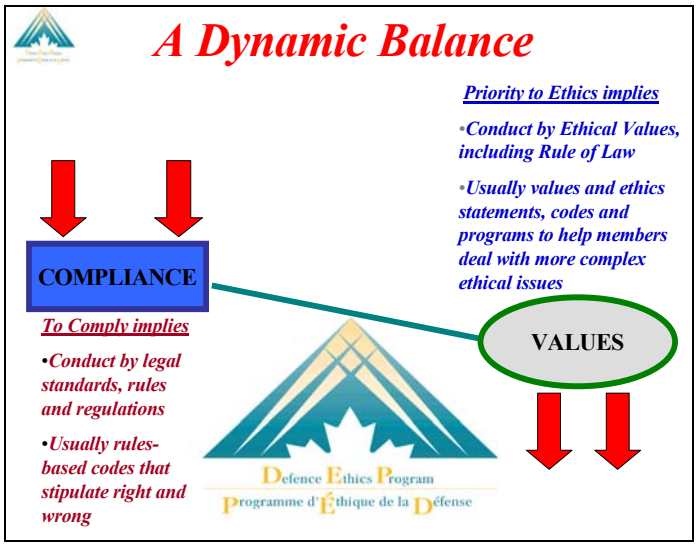

Figure 1 – DEP Dynamic Balance Between Compliance and Values

Source: Canada, Introduction to Defence Ethics: Student Manual[26]

One of the DEP's key objectives is to, ". . . help DND employees and CF members raise, discuss and resolve ethical issues."[27] Although not mentioned specifically in the DAOD, the *Defence Ethics Handbook* makes it clear that this objective applies across the entire spectrum of the duties of CF members, including diverse activities such as day to day administration, staff work in operational headquarters, training and deployments.[28]

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[25] Canada, *Defence Ethics Handbook,* 29
[26] Canada, *Introduction to Defence Ethics: Student Manual*, 21
[27] Canada, *DAOD 7023-1, Defence Ethics Program* (Ottawa: Department of National Defence, 2001) (accessed October 6, 2006).
[28] Canada, *Defence Ethics Handbook*

The *Statement of Defence Ethics* is most visibly translated from theory into practice through the DEP decision making model. The DEP basic decision making model, first introduced in the *Handbook*, in 2000, was recently updated in November 2005 in the second edition of the *Introduction to Defence Ethics Student Manual.* The basic decision making model, depicted graphically below in Figure 2, is a four step process: perception, judgement, intent-commit and action.

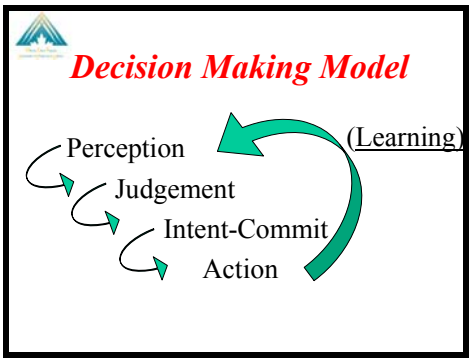

Figure 2 – DEP Decision Making Model

Source: Canada, *Introduction to Defence Ethics: Student Manual*[29]

The DEP decision making model describes a number of well-known theoretical frameworks that help guide ethical judgement.[30] The *Student Manual* advises that to resolve an ethical dilemma, one of the *Statement of Defence Ethics* values is assigned priority or one theoretical framework is selected over others. The *Student Manual* summarizes ethical decision making in the following way:

[29] Canada, *Introduction to Defence Ethics: Student Manual*, 34
[30] Ibid.

> In general, one resolves an ethical dilemma by identifying a basis for assigning more worth to one of the critical values or systematic approaches than to the other competing values or approaches. Depending on the type of dilemma, this strategy may allow us to choose an option that will cause the least harm or injury, or an option which supports a specific ethical obligation, or develop a new option that overcomes the dilemma situation by incorporating various aspects of the other options.[31]

Ultimately, the decision making process is guided by the overarching hierarchical principles, meaning that the first principle takes precedence over principles two and three and principle two is given priority over principle three.

The DEP and CF Operations

Although the DEP has not been evaluated in an actual operational environment it has been examined through an analysis of its performance on case studies. In his 2004 masters thesis, John Woodgate applied the DEP decision making model, the United States Command and General Staff College (CGSC) ethical decision making model and the Royal Netherlands Army (RNA) ethical decision-making model to three situational case studies.[32] Refer to Appendices B and C for the CGSC and RNA decision making models respectively. Woodgate undertook a ". . . subjective qualitative analysis" of each of the models' effectiveness in resolving ethical dilemmas in one non-operational and two operational hypothetical case studies.[33] Woodgate's analysis considered each model's results (i.e. the decision produced by the model), how well each of the models

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[31] Ibid., 41 A full explanation of the DEP decision making model is outside the scope of this paper. Interested readers are directed to the *Introduction to Defence Ethics Student Manual* for a more complete discussion

[32] John Robert Woodgate, "An Analysis of the Canadian Defense Ethics Program Decision-Making Guidance" (Master of Military Art and Science, U.S. Army Command and General Staff College)

[33] Ibid., 24

clarified the ethical dilemma and the utility of each of the models in evaluating courses of action (COAs).

Woodgate's analysis demonstrated that DEP decision making guidance produced the same result, (i.e. resulted in selection of the same COA), as the other two models, however, DEP written guidance was more difficult to apply than the other two structured models. With respect to problem clarification, Woodgate points out that, unlike the CGSC and RNA models, which pose specific questions to focus the decision maker's thinking on ethical issues, DEP guidance is vague, placing the onus on the individual to formulate their own questions to elucidate the problem. In addition to concerns with issue clarification, Woodgate argues that a major drawback of the DEP is its limited ability to evaluate COAs in operational scenarios. Woodgate contends, whereas the CGSC and RNA methodologies provide very specific evaluation criteria to assess COAs, the DEP values-based approach, rather than helping resolve conflict between values, actually creates conflict between the *Statement of Defence Ethics* principles and obligations and leads to confusion. Woodgate argues that, given the conflict and ambiguity created when *Statement of Defence Ethics* obligations clash, effective use of the DEP values-based approach to ethical decision making necessitates a thorough understanding of DEP guidance and a level of ethical analytical sophistication beyond that of the average CF member.[34]

Woodgate's most serious concern with the DEP overall is its extremely cautious approach to use of force. The DEP addresses use of force in its discussion of the first

[34] Ibid.

ethical principle in the *Statement of Defence Ethics*, "respect the dignity of all persons".

The *Defence Ethics Handbook* states,

> . . . an exception to the harm-avoidance obligations of Principle I is justifiable if the controlled use of violence primarily serves the interests of justice, human rights, and other ethical principles and if military operations are conducted according to the international laws of war.[35]

In its discussion of harm-dilemmas, undoubtedly critical when considering use of force, the *Handbook* advises,

> . . . the first requirement is to re-examine the options available and try to identify any non-harmful alternatives. If every reasonable option has been exhausted and possible injury is unavoidable, the appropriate course of action is usually the one that causes the least harm or injury.[36]

Woodgate points out that this tentative approach to use of violence is unrealistic in light of the types of missions that CF members are likely to be involved in given the present geopolitical environment and current CF operations. Woodgate also warns that, at the tactical level, hesitation or failure to apply deadly force when required may place the lives of CF members at increased risk on operations.[37]

Although there has not been an investigation of the application of the DEP in the field during a CF operation, a recent study conducted for Defence Research and Development Canada (DRDC) by Thomson *et al* provides some valuable insights into the moral and ethical decision making process in operational settings. The research team conducted ". . . guided, but unobtrusive conversational . . ." interviews with fifteen senior CF officers about their experiences with ethical dilemmas on operations.[38] During these interviews,

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[35] Canada, *Defence Ethics Handbook*, 34
[36] Ibid., 40, 41
[37] Woodgate, *An Analysis of the Canadian Defense Ethics Program Decision-Making Guidance*
[38] Michael H. Thompson, Barbara Adams D. and Jessica Sartori A., *Moral and Ethical Decision Making in Canadian Forces Operations*,[2006])., 8

> Participants were encouraged to speak freely and openly about moral and ethical dilemmas that they had faced in operations, and were asked to explain both the factors that impacted on their decisions as well as describing the process by which these decisions were made.[39]

In the Thomson *et al* study the most frequently mentioned ethical issues were those involving competing obligations, followed by harm dilemmas.[40]

The *Statement of Defence Ethics* is clearly articulated as the DEP's keystone. The DEP advises that resolution of ethical dilemmas is guided by the three overarching hierarchical principles. Woodgate's work suggests that when an ethical dilemma is subjected to the DEP decision making process conflict generally arises between the *Defence Ethics Statement* obligations. Most importantly, when the ethical dilemma involves use of force or harm the DEP's first principle, "respect the dignity of all persons", is violated. The DEP offers no guidance on how to realign the remaining principles and obligations when the first principle, which is supposed to take precedence over all others, is taken out of the equation. Decision makers confronted with use of force or harm issues, arguably the most significant ethical dilemmas related to operations, are thus left to their own devices to sort them out. It is obviously problematic to attempt to resolve operational ethical dilemmas with an approach that relies heavily on a hierarchical set of principles that will be immediately transgressed when considering use of force.

Use of force is fundamental to any military organization. This is made clear in *Duty With Honour: The Profession of Arms in Canada,* which states, "Through their commission,

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[39] Ibid., iii
[40] Ibid.

officers are given particular authority and responsibility for decisions on the use of force."[41] *Duty With Honour* comments further on use of force in the following passage:

> While they must act resolutely, and sometimes with lethal force, the concept of humanity forbids any notion of a carte blanche or unbounded behaviour. . . Performing with humanity contributes to the honour earned by Canadian Forces members and helps make Canadians at home proud and supportive of their armed forces.[42]

Clearly, the CF is required to use force, but its use must not be indiscriminate. Through its failure to deal effectively with use of force the DEP's utility in dealing with ethical issues related to contemporary CF operations is seriously handicapped. Interestingly, the DEP's limitations appear to have been recognized by some of the experienced CF officers interviewed in the Thomson *et al* study in that they mentioned specifically that they believed the DEP was not geared for operations.[43]

Consideration of other models

In view of the DEP's limitations one might consider adopting an alternative model for use in the operational setting. As tempting as it might be to grab another model "off the shelf" a look at the weaknesses of the two other models in Woodgate's analysis is in order. While Woodgate concludes that the DEP is of limited value in dealing with operational ethical issues, he also points out shortcomings in both the CGSC and RNA models. Woodgate suggests the heavily rules-based CGSC model may lead to blind

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[41] Canadian Defence Academy - Canadian Forces Leadership Institute, *Duty with Honour: The Profession of Arms in Canada*Department of National Defence, 2003), 15.
[42] Ibid., 29
[43] Michael H. Thompson, email to author, 22 September 2006.

obedience to rules and result in actions that are legally correct but immoral. By positioning consideration of rules early in the decision making process, the CGSC model may entice users into making a quick determination based on rules before considering other elements of the issue. Unlike the CGSC model, which considers legality first, the RNA model places it last, presumably to mitigate the temptation of simply resorting to following a rule before exploring other dimensions of the ethical dilemma. Woodgate's main criticism of the RNA model is that, although it places considerable emphasis on determining which COA is most justified, it offers no guidance on how to determine which COA is in fact, most justified.[44]

The DEP's values-based approach to ethics mitigates the shortcomings inherent in a pure compliance-based or preventive-based approach. A values-based approach affords more flexibility, nurtures moral development and promotes internalization of core values. Unfortunately, the DEP's decision making model, established on values, purchases its flexibility and inducement to think about ethical issues at a significant cost to ease of use, speed and effectiveness at evaluating COAs. The DEP's limitations are particularly evident when applied to ethical dilemmas in operational scenarios. Woodgate concludes that the DEP falls short in operations because it is trying to be all things to all people. Although the DEP is supposed to apply across the full spectrum of DND and CF activities, a review of DEP core documents reveals an unmistakable bias towards corporate or management issues, as evidenced by its well-developed guidance on conflict of interest, acceptance of gifts, hospitality and sponsorship.[45] It is also worth mentioning

[44] Woodgate, *An Analysis of the Canadian Defense Ethics Program Decision-Making Guidance*
[45] Canada, *DAOD 7023-1, Defence Ethics Program*

that operational scenarios are noticeably absent in the case studies included in the recently updated *Introduction to Defence Ethics Student Manual*.[46] As one would expect, given its corporate bias, the DEP decision making model performed extremely well in Woodgate's non-operational scenario.[47] Where do these concerns regarding the DEP's guidance in operational settings lead us?

The Way Ahead

Although it appears that there may be significant limitations in the DEP's ability to provide effective guidance for resolving ethical issues related to CF operations it is important to note that research on the DEP is extremely sparse. Before rushing out and adopting a completely new approach to ethics in operations it would be prudent to undertake a rigorous assessment of the existing program. The DEP must be evaluated by a larger audience and subjected to a wider range of operational scenarios. Ideally, the DEP should be investigated in a deployed setting. Only then will the CF be able to determine whether the DEP is effective in resolving operational ethical issues. It may be that the DEP can be adapted to deal effectively with operational issues. Alternatively, a distinct operational ethics program may be required. Pending completion of this work there are a number of steps that can be taken to make best use of the DEP as it exists today.

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[46] Canada, *Introduction to Defence Ethics: Student Manual*
[47] Woodgate, *An Analysis of the Canadian Defense Ethics Program Decision-Making Guidance*

One way to get the most out of any decision making tool is to practice using it. Woodgate alludes to the importance of practice when he acknowledges that his previous experience with the CGSC model, ". . . made application of that model much easier from the start."[48] The importance of gaining practice with a decision making model is echoed by Verweij *et al*., who point out that soldiers, ". . . must be trained in ethical thinking to such a degree that he/she is . . . capable of taking a morally responsible decision when under pressure."[49] Finally, in a Thomson *et al* 2006 DRDC sponsored workshop on CF training for moral and ethical decision making in operations, participants were adamant regarding the requirement for both formal ethics training and regular practice with the decision making model.[50]

The Thomson *et al* lead moral and ethical decision making workshop provides additional insights to guide the CF's ethics education and training efforts. Workshop participants, all currently serving CF members with operational experience, stated emphatically that all CF members must participate in operationally focused ethics training. Participants argued a one-or two-day annual ethics course, held in a classroom, is not sufficient preparation for the complex environment of contemporary CF operations. These experienced CF members asserted that the training needs to be intense and repeated regularly such that ethical decision making becomes instinctive. Participants affirmed, in the time-constrained chaos of operations, regular practice with the moral and ethical

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[48] Woodgate, *An Analysis of the Canadian Defense Ethics Program Decision-Making Guidance*, 51
[49] Verweij, Cloin and Tanercan, *Ethical Decision-Making in the Military Decision-Making Process*, 6
[50] Michael H. Thompson, Kenneth L. K. Lee and Barbara Adams D., *CF Training for Moral and Ethical Decision Making in an Operational Context*,[2006]).

decision making model will ". . . prevent fatal moments of hesitation."[51] Participants in the DRDC workshop insisted that effective moral and ethical decision making necessitates training that is representative of the situations CF members are likely to encounter in operations. They argued that formal classroom instruction must be complemented with operationally oriented, scenario-based case studies, live scenario-based training and computer simulation. These approaches to training provide CF members with opportunities to put classroom theory into practice and to gain experience working with the decision making model. Scenario-based activities also add authenticity to training by exposing participants to the impact of factors such as group dynamics, time constraints, rules of engagement (ROE) and resource limitations. Working through the scenarios as a group also fosters collaboration and team-building. Workshop participants also stressed that moral and ethical decision making training is most effective when delivered by CF members with operational experience. Operationally experienced CF members contribute to learning ethics in a number of ways. They have credibility, they possess the experience necessary to provide realism and richness to the scenarios and they serve as strong role models for junior CF members.

To be most effective, operationally oriented ethics training must be complemented by more formal ethics education. A basic understanding of ethics theoretical frameworks will provide CF members with an ability to explore ethical issues from a number of different perspectives. Ethics education will also foster the adoption of a common lexicon, facilitating discussions of complex issues. Although there is considerable value in involving operationally experienced CF members in ethics education and training, the

[51] Ibid., 20

complexity of ethical issues also calls for the participation of individuals with a formal ethics background and conceptual knowledge to ensure that key learning objectives are met.

Formal education and training is certainly important to developing sound moral and ethical decision making in CF operations. This being said, moral and ethical decision making is also influenced in a number of indirect ways. The DRDC workshop participants suggested a number of more subtle mechanisms to foster sound moral and ethical decision making. Firstly, they recommend a mentorship program to provide opportunities for junior CF members to learn from senior CF members with operational experience. Secondly, the workshop participants argue that moral and ethical decision making must be reflected in the CF personnel evaluation process to ensure that future CF leaders possess strong ethics. Thirdly, they suggest that the CF must capture the ethical challenges experienced in current operations through a formal lessons-learned program. Lastly, the workshop participants called attention to the importance of indoctrinating CF ethos to developing ethical behaviour.[52]

The connection of CF ethos to ethical behaviour was clearly recognized by the DRDC workshop participants, who concluded, ". . . the central unifying theme underlying [moral and ethical decision making] MEDM within the CF is adherence to the CF ethos."[53] *Duty With Honour* defines the military ethos as ". . . the foundation upon which

[52] Ibid.
[53] Ibid., 13

the legitimacy, effectiveness and honour of the Canadian Forces depend."[54] The military ethos,

> . . . comprises values, beliefs and expectations that reflect core Canadian values, the imperatives of military professionalism and the requirements of operations. It acts as the centre of gravity for the military profession and establishes an ethical framework for the professional conduct of military operations.[55]

The 2003 Defence Ethics Survey Report also signals the importance of a shared military ethos in moral and ethical decision making. The Report notes that an individual's ethical judgement is guided to a great extent by how co-workers act in comparable situations. Individuals tend to demonstrate ethical values they see exhibited by their co-workers.[56] This phenomenon, known as social consensus and espoused by Thomas Jones in his issue-contingent model, plays a significant role in moral and ethical decision making.[57]

> *Social Consensus* refers to the degree of social agreement that a proposed act is ethical or unethical. For example, when most people consider an act is wrong, it exerts greater moral intensity to avoid it than when people's opinions vary greatly on the degree to which the act is ethical or unethical.[58]

Based on the finding that social consensus was a strong predictor of ethical judgment and intent across all four rank groups (junior NCMs, senior NCMs, junior Officers & senior Officers) the 2003 Ethics Survey recommends consensus building as a key undertaking

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[54] Canadian Defence Academy - Canadian Forces Leadership Institute, *Duty with Honour: The Profession of Arms in Canada*, 24
[55] Ibid., 24
[56] S. Durnson, R. O. Morrow and D. L. J. Beauchamp, *2003 Defence Ethics Survey Report* (Ottawa: Department of National Defence,[2005]).
[57] T. M. Jones, "Ethical Decision Making by Individuals in Organizations: An Issue-Contingent Model," *Academy of Management Review* 18, no. 2 (1991), 366-395.
[58] Durnson, Morrow and Beauchamp, *2003 Defence Ethics Survey Report*, 28

for CF leadership.[59] Clearly, senior officers and NCMs need to ensure that the organization is lead in such a way that the values adopted by CF members are those espoused by the CF.

One of the key objectives of military ethos, identified in *Duty With Honour*, is to ". . . create and shape the desired military culture of the Canadian Forces . . ."[60] Given its central role in shaping CF culture, in governing conduct and in guiding moral and ethical decision making, CF leadership at all levels must make every effort to develop military ethos. The Chief of the Land Staff has issued clear direction to Army leadership regarding the paramount importance of military ethos as evidenced in this passage from Land Forces Command Order (LFCO) 21-18:

> The aim of CLS direction . . . is to ensure that the military ethos that underpins Army professionalism . . . remains more than just a statement of values or a checklist of idealized beliefs. The CLS intention is that the soldier ethos remains a living spirit- one that finds full expression through the essential unity and ethical certainty of values, beliefs, expectations, and conduct. A healthy ethical climate is fundamental to the military ethos. It provides the Canadian soldier with the inherent ability to 'know what right looks like' and Army leadership, at all levels, to accept the individual and command responsibility to distinguish between right and wrong and to display the moral courage and leadership to act. Ethical intervention, like military justice, must be seen by our soldiers to take place.[61]

Participants in the Moral and Ethical Decision Making in Canadian Forces Operations workshop recommend undertaking activities aimed at reinforcing the military ethos early and often in the careers of new CF members such that it

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[59] Ibid.
[60] Canadian Defence Academy - Canadian Forces Leadership Institute, *Duty with Honour: The Profession of Arms in Canada*, 25
[61] Canada, "LFCO 21-18 Army Ethics Program (AEP) - Polices and Procedures," Department of National Defence, http://www.army.forces.gc.ca/lf/English/5_10_1_3.asp (accessed 10/10, 2006).

becomes integral to their self-identity.[62] Interestingly, the importance of self-identity in guiding the ethical decision making process was noted by a number of the senior officers interviewed by Thomson *et al* in their study of moral and ethical decision making in CF operations. When confronted with an ethical dilemma some of these CF officers indicated that they were guided by their identity as soldiers, as commanders, and as Canadians, all reflections of a deeply ingrained military ethos.[63]

Some general observations from the 2003 Ethics Survey offer additional insights into how the CF can enhance ethical decision making. The survey concludes,

> . . . initiatives and training efforts should concentrate on: (a) building *Social Consensus* on courses of action related to ethical issues/dilemmas; (b) emphasizing the potential harm of unethical decisions to the organization, its members and society at large (*Magnitude of consequences*); and (c) working out the likelihood of the effects of selected options occurring (P*robability of Effect)*. In a similar vein, policy formulations that clearly outline unacceptable behaviour and the negative consequences of that behaviour help to develop a consensus among CF members and DND employees about what is ethical and what is unethical. Finally, by providing opportunities for CF and DND personnel to openly discuss their views on ethical issues, such as in "Focus on Ethics" sessions, a social consensus can be achieved on how to respond to issues that are ethically problematic. In the same vein, groups of organizational peers should discuss the ethical issues they commonly face and attempt to reach a consensus on best courses of action.[64]

Although much of the discussion in this paper is situated at the tactical level, ethics are no less important at other levels of command. At the strategic level, the CF must insist on government direction that recognizes the ethical dimensions

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[62] Thompson, Lee and Adams, *CF Training for Moral and Ethical Decision Making in an Operational Context*
[63] Thompson, Adams and Sartori, *Moral and Ethical Decision Making in Canadian Forces Operations*
[64] Durnson, Morrow and Beauchamp, *2003 Defence Ethics Survey Report*, 31

which define the boundaries of military intervention. Development of ROEs must include an ethical check to minimize ethical dilemmas downstream at the tactical level. Throughout the operational planning process (OPP) headquarters staff must be mindful of ethics such that assigned operational tasks are ethically sound. When they articulate their intent operational commanders play a vital role in shaping the ethical climate for the campaign by communicating clear, unambiguous expectations regarding ethical behaviour to tactical level commanders.

Conclusion

The DEP has been around for nearly a decade. It is far-reaching and comprehensive, addressing ethics across the entire spectrum of DND and CF activities. Although the DEP attempts to be all things to all people its management slant is obvious in its well-developed guidance on conflict of interest, acceptance of gifts, hospitality and sponsorship. While it is well-suited to corporate issues, DEP decision making guidance is not well-adapted to addressing ethical issues related to CF operations. The DEP's cautious approach to use of force is problematic in operations, particularly in the asymmetric environment, where lines between combatants and non-combatants are often blurred and adversaries' use of unconventional measures presents CF members with a complex array of ethical challenges. Although research on the DEP is scant, it is certainly suggestive of important limitations in operational settings. Additional research in this area is needed to guide the CF's efforts at enhancing ethical decision making

related to operations. Whatever direction the CF takes regarding the DEP, it is clear that education and practice with operationally oriented, scenario-based case studies and live scenario-based training are vital to the success of any ethics program. Canadian citizens are proud of its armed forces and the CF is trusted the world over as professional, capable and effective. In contemporary conflicts, when vanquishing the foe is more about winning hearts and minds than inflicting casualties on the battlefield, the most powerful weapon in the CF armamentarium may well be our ability to act ethically. The DEP will be a success when an ethics evaluation becomes ingrained into everyday CF practice. Ethics must be considered at all levels of CF operations. Beginning at the strategic level, when interpreting and clarifying government direction, through the development of ROEs and the operational planning process, to the communication of the commander's intent, and finally at the tactical level, the role of ethics is critical to CF mission success.

APPENDIX A

STATEMENT OF DEFENCE ETHICS

THE CANADIAN FORCES AND THE DEPARTMENT OF NATIONAL DEFENCE HAVE A SPECIAL RESPONSIBILITY FOR THE DEFENCE OF CANADA. THIS RESPONSIBILITY IS FULFILLED THROUGH A COMMITMENT BY THE DEPARTMENT AND ITS EMPLOYEES, AND THE CANADIAN FORCES AND ITS MEMBERS, TO THE FOLLOWING ETHICAL PRINCIPLES AND OBLIGATIONS:

PRINCIPLES:

RESPECT THE DIGNITY OF ALL PERSONS
SERVE CANADA BEFORE SELF
OBEY AND SUPPORT LAWFUL AUTHORITY

OBLIGATIONS:

Integrity	• We give precedence to ethical principles and obligations in our decisions and actions. We respect all ethical obligations deriving from applicable laws and regulations. We do not condone unethical conduct.
Loyalty	• We fulfil our commitments in a manner that best serves Canada, DND and the CF.
Courage	• We face challenges, whether physical or moral, with determination and strength of character.
Honesty	• We are truthful in our decisions and actions. We use resources appropriately and in the best interests of the Defence mission.
Fairness	• We are just and equitable in our decisions and actions.
Responsibility	• We perform our tasks with competence, diligence and dedication. We are accountable for and accept the consequences of our decisions and actions. We place the welfare of others ahead of our personal interests.

APPENDIX B

UNITED STATES CGSC ETHICAL DECISION-MAKING MODEL

- Step 1. Define the problem.
- Step 2. Know the relevant rules and values at stake.
- Step 3. Develop and evaluate possible COAs.
    a. Does the COA violate an absolute obligation or prohibition? If yes, reject it; if no, consider criterion b.
    b. Do the circumstances favor one of the values in conflict? If yes, submit that value's COA to the criterion of c; if not, submit the COAs

APPENDIX C

ROYAL NETHERLAND ARMY ETHICAL DECISION-MAKING MODEL

The ethical decision-making model contains the following steps:

1) What is the core problem? (Reformulate the core problem as a statement or question. In cases where there are several problems, list them in order of priority and then establish the core problem).

2) Who are the parties to the dilemma and what are their interests?

3) List the possible solutions and assess them on the basis of the following questions:
- Have I considered all interests of the parties, and what priority have I accorded them?
- Which solution do I think is the most justified, and why?
- Is the solution legal?

4) Take a decision.

Source: D. Verweij, G. A. A. M. Cloin and E. C. Tanercan, "Ethical Decision-Making in the Military Decision-Making Process" (accessed September 24, 2006).

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