LOOK BEFORE LEAPING TO ACTION: FURTHER QUESTIONS FROM THE EXTERNAL REVIEW INTO SEXUAL MISCONDUCT

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PREFACE

Can the analytical framework previously developed to address an earlier Joint Command and Staff Programme research question analyzing the ethical and moral failures experience of Abu Ghraib be applied to another example of institutional failure? The *Eternal Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces* will be used to identify and link the causes of failure in addressing sexual misconduct with a view to assess the potential of the analytical framework as a tool to examine potential cases of institutional failure. If the potential utility of the model is demonstrated, additional research and test applications may be done to support a potential thesis or extended research project at a later date. Accordingly, this essay shares points of explanatory commonality with the initial case study.

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Introduction

On 27 March 2015, Marie Deschamps presented the results of her investigation as the External Review Authority (ERA) on the question of sexual misconduct and sexual harassment within the Canadian Armed Forces (CAF). The purpose of the *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces,* (hereafter referred to as the '*ERA Report')* was to review the policies, procedures and programmes of the CAF relating to inappropriate sexual conduct and to make recommendations to improve the tools available to reduce the prevalence of sexual misconduct within the CAF.[1] The request by the Chief of Defence Staff for a review was partly in response to media reports that seemingly contradicted the seemingly positive findings stemming from the *2012 Harassment and Diversity and Employment Equity Survey* where positive trends regarding harassment and sexual harassment were noted. In 1998, media reports spotlighting a disturbing frequency of sexual misconduct led to reforms aimed at reducing the issue of harassment and sexual misconduct.[2] That the issue should arise after having been ostensibly dealt with suggests deeper issues are at work. The *ERA Report* identified a deep rooted prevailing misogynistic military culture as the root cause: this essay suggests that the root causes are in fact more complex. In addressing those issues, three questions emerge for the 21st century leader: how can military processes, policies, procedures, traditions, and institutions become exposed to

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[1] Marie Deschamps, "Mandate" *External Review into Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces* dated March 27, 2015, p.4. (*ERA Report*)

[2] Noémi Mercier and Alec Castonguay, "Our Military's Disgrace" Maclean's, 16 May 2014 retrieved at http://www.macleans.ca/news/canada/our-militarys-disgrace. Last accessed May 24, 2015.

effective ongoing constructive criticism, how can the requisite cultural change be effected, and thirdly, how to address a plurality of governance needs while maintaining an operational focus?

Defining failure

The reactive approach by the CAF in addressing sexual misconduct has been portrayed as a military institutional and leadership failure. Leadership is a complex activity and proactive approaches are at the core of leadership. Despite the CAF having instituted a significant array of policies and procedures and mandatory training on the issues of harrassment, sexual harassment, and supporting topics related to rights and responsibilities of service members, the External Review Authority (ERA) found that these current approaches are ineffective and in needed of revision.[3] Addressing the issue of sexual misconduct might be easier said than done; it is a complex problem requiring broad and sustained leadership across the breadth and depth of the institution. Understanding of issues must address a broad range of factors and perspectives: behavioural, social, cultural as well as tasks, organization, institutional and legal contexts. These factors and perspectives are summarized in table form (attached, Table 1) and organized in the form of a tool that might be used to analyze the institutional failure.[4] The table is organized to reflect the functional requirements to which CF leaders must adhere to lead people and the institution, a need that reflects both behavioural and social factors. As military service is also a collective endeavour, levels of operability go from individual up to national levels (Column A). Factors for consideration (B) include behavioural

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[3] *ERA Report*, p. iv
[4] Table, description and explanation derived from Thomas Fowler, *Leadership and torture at Abu Ghraib: Sympathy for the Devil?* Unpublished essay Canadian Forces College dated 26 Nov 2012

elements (B1), social and institutional considerations (B2) environmental influences

(B3), legal contexts (B4) as well as the influence of dynamic elements of time and space

(C). Issues are considered in terms of direct, mediate and proximate influence that may

suggest priorities and then deductions, outcomes and tasks (D) are tabled as an aid for

decisions.

The correlation of the factors and considerations incorporated into the table to the

major leadership function of 'Leading the Institution' are easily made, less so aspects

regarding the function of 'Leading People.' This reflects the qualitative differences

between leading people and leading organizations identified in *Duty with Honour,* the

keystone CAF publication defining military ethos and professionalism.[5] An

understanding of both behavioural influences and the social contexts is essential in order

to both identify risks and to be proactive in purposefully influencing the performance and

conduct of individuals and groups. This requirement is catered to a degree by both the

levels of analysis as well as the social and behavioural factors use in the tables.

Admittedly, there are also other limitations. First, from the perspective of causal

determinism, as an analytical and predictive tool, the tables do not imply certainty, only

theoretical outcomes. The influences of judgement, circumstance, and matters beyond

reasonable control are not catered for. As well, while, the selection of factors is

substantiated by behavioural science, doctrinal leadership, some operational experience

and training, the tool suffers from a lack of extensive testing.

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[5] Canada. *Duty with Honour. The Profession of Arms in Canada*. (Canadian Defence Academy. Queen's Printer, Ottawa, 2009), p.49

Dissecting the *ERA Report*

The *ERA Report* is not without limitations. The methodology is, in some respects, flawed. The restriction of the report from remarking on individual cases limits investigation into causality and assigning direct blame is therefore difficult to assess. The terms of reference are specific on the need to direct attention on existing policy and procedures. The time available for investigation and resources allocated to the task were somewhat limited. The *ERA Report* itself adopts a narrow philosophical approach to the issue of social-sexual behaviours by using a Kantian 'categorical imperative' perspective. While zero tolerance for sexual misconduct may resonate as a moral and ethical stance, the logic of an 'extensive and pervasive hostile work environment' cannot follow when scope and scale of the issue is define usual weak adverb qualifiers as 'heard' 'some participants' 'appear to become' within the text.[6] Correlation does not imply causation and the conclusions are drawn in places through an improper, or ambiguous, use of words.[7] The research rigour is questionable. Consultations were not designed to reflect CAF demographics, nor were comments limited to a specific time frame.[8] Given the strength of the CAF is near 124,000 and as of January 2014 women represent 14.8 percent of the manned strength,[9] to have conducted meetings with 700 servicepersons (gender split not identified) one cannot logically claim to take at face value when a interviewed participant claims "…there is not a female who has not had a problem."[10] In effect, the report approaches the topic from a 'balance of probabilities' rather than a

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[6] For example in "Executive Summary" *ERA Report*, p ii
[7] Aristotelian verbal fallacy
[8] Ibid., p.6
[9] _____. *Women in the Canadian Armed Forces* Backgrounder March 6, 2014 Project number: BG-14 006 retrieved at http://www.forces.gc.ca/en/news/article.page?doc=women-in-the-canadian-armed-forces/hie8w7rm, last accessed 24 May 2015
[10] *ERA Report*, p.15

standard of 'beyond a reasonable doubt' making the scope and scale of the issue difficult

to quantifiably assess. The *ERA Report* is also not without bias – the perspectives are in

part limited by the terms of reference but also from the perspectives of the author and the

assistants whose backgrounds are based in law and arbitration and not the wider fields of

sociology and organizational behaviour.[11] It is not surprising then that the discussion on

areas of law, policy, and procedure are concrete and succinct, those matters dealing with

wider sociological and behaviour issues less so. While the question of sexual misconduct

is very serious, by emphasizing only sexuality at the detriment of the types of negative

and hostile behaviour that also serves to undermine the ability to people to work together

regardless of gender, orientation, or ability.[12] Additionally, given that the aim, purpose,

and scope of the report was deliberately limited to the CAF, excluded from consideration

and understanding is the impact on the organization's culture is the fact that Canadian

society is struggling with the same issues. Canada is not alone; the US, UK, Australian,

and New Zealand (ABCA) armed forces and societies as a whole share similar

concerns.[13] It is not without irony that the solutions presented by the ERA stem from

those very same nations who have been no more successful at tackling the issue of sexual

misconduct.[14] The prescription to engage in cultural change is easy to prescribe, but the

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[11] Ibid., p. 5

[12] Jana Raver and Michele Gelfand, "Beyond the Individual Victim: Linking Sexual Harassment, Team Processes, and Team Performance" *The Academy of Management Journal* Vol. 48, No. 3 (Jun., 2005), pp. 387-400. See also Rosa Erhenreich Brooks, *Dignity and Discrimination: Towards a Pluralistic Understanding of Workplace Harassment,* Monograph Georgetown University Law Centre, 1999

[13] Dave Lazzarino, "Some Edmontonians Don't Feel Safe Riding Transit" Edmonton Sun, May 22, 2015 Cover. The article reports Edmonton Transit Authority research claiming 80 percent women fear sexual harassment on Edmonton Transit Services as a significant barrier to increasing ridership.

[14] Australia is presented in favourable terms regarding high levels of female representation as compared to the CAF, and reporting procedures (ERA Report p,) Yet, The Australian Defence Force, for example, seems to share similar problems in scope and scale with sexual misconduct. The Defence Abuse Response Taskforce (DART) which has since assessed more than 2,400 complaints of abuse, paid $28 million in compensation and referred 63 matters to police. The Chairman of DART Len Roberts-Smith has stated that he believed the problem of abuse within the military is bigger than it has been publicly

solutions offered, while attractive, are yet to be wholly proven.[15] In making argument that

the underlying sexualized culture is hostile to women and LBGTQ, the ERA makes a

clear argument that: "Cultural change is therefore key."[16] While few would argue against

changing a misogynistic culture, culture itself is not just a causal factor but also a

dependant variable affected by other factors. Therefore, a broader consideration must be

taken if the issue of sexual misconduct is to be permanently addressed.

The path to failure

An analysis of *The ERA Report* using the analysis model (Table 2) is interesting

for what the report includes as well as for what it does not mention. Environmental

considerations are largely missing, ignoring the potential impact of the unprecedented

operational levels undertaken by the CAF during the last twenty years. If the ethical and

moral stance against sexual misconduct is held to be qualitatively described as a

categorical imperative, then institutional bureaucracies are equally 'utilitarian' in their

fundamental approach, striving to balance any number of demands against limited

resources including time. While the American political metaphor, about 'draining the

swamp'[17]comes to mind initially, the reality is that there are any number of swamps to

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acknowledged. http://www.dailymail.co.uk/news/article-2652937/Fresh-allegations-sex-abuse-four-former-female-cadets-Australian-Defence-Force-Academy-unveiled-ABCs-Four-Corners.html#ixzz3b7FgcGej. See also Defence Abuse Response Task Force, *Report on abuse at the Australian Defence Force Academy*, Commonwealth of Australia, November 24, 2014, and Australian Human Rights Commission. *Review into the Treatment of Women in the Australian Defence Force Audit Report 2014* Australian Human Rights Commission, 2014

[15] The number of proven effective primary reduction strategies are limited, Sarah Degue identifies only two objectively researched programmes out of 140 that have demonstrated success. See "Part One: Evidence-Based Strategies for the Primary Prevention of Sexual Violence Perpetration" *Preventing Sexual Violence on College Campuses: Lessons from Research and Practice*. Division of Violence Prevention, Centers for Disease Control and Prevention, April 2014, p.5

[16] "Executive Summary" *ERA Report*, p. i

[17] The common adage "When you're up to your neck in alligators, it's easy to forget that the initial objective was to drain the swamp..." is a cynical response to the simple ideas that the best way to be rid of

tackle at any given time. Though one cannot dismiss the critical importance of addressing

sexual misconduct, pragmatically, not all issues can take top priority at any given

circumstance.

In reviewing Table 2, the preponderance of identified causes are grouped at the

individual, unit, and CAF levels of analysis, reflecting the division of responsibilities

contained within the framework of the *National Defence Act* (NDA) and *Queens*

Regulations and Orders (QR&O).[18] Distinct clusters can be found under Institutional,

and legal-political factors, that taken together, imply systemic failures attributable to the

collective organization, vice individual failure. Armies win and lose while individuals

suffer the consequences of failure; therefore, military service is an interdependent and

team enterprise where accountability is both individually and collectively shared across

the group. This creates a conundrum as individual accountability under law does not

address collective leadership issues. Leaders are in charge, and individually accountable

for the actions of their subordinates, but 'one dines from the plate that is served.' A range

of factors outside of individual control may influence determinations of culpability.

These factors are not limited to, but may include, operational tempo, organizational

culture, expectations, perspectives, and beliefs of the organization.

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mosquitos is to drain the swamp, by analogy the labour solution to the problems of capitalism is to get rid
of capitalists. Getting rid of sexual misconduct is as easy as getting rid of sex in the workplace - perhaps
easier said than done.

[18] Responsibilities of failures lying with the Commanding Officer we deemed 'unit concerns'
given the distribution of authority identified within the National Defence Act and Queen Regulations and
Orders. This is somewhat artificial, given that commanding officers are individually held accountable for
their actions and responsibilities that could be considered 'individual' in character.

According to CF leadership doctrine, leaders have functional responsibility to both lead people and to lead the institution.[19] Effective leaders are "…expected to question, if not challenge the status quo, to demonstrate initiative, and generally to make things happen."[20] In order to do so, it follows that the effective application of knowledge, skill, authority, and influence is required. Military organizations seem uniquely well adapted to be responsive to a leader's demands. Authority and responsibility are defined by rank and position, staff systems based on function and specialization provide advice and oversight functions, a culture of teamwork inspires trust and decision making processes are disciplined, systemic and reinforced through years of acculturation and professional development. There is a high premium placed on competency that is reflected on promotion based on merit. So what went wrong? Ironically, one can partially attribute failure to the very strengths of military systems. These 'strengths' also create 'weakness'; the re-emergence of allegations of widespread sexual misconduct within the CAF, is both instructive and illustrative.

The causes for failure identified within the *ERA Report* can be grouped into areas that military organizations characteristically promote: high levels of deference to authority, bureaucratic/staff systems compartmentalized by function and specialty, high levels of trust, and finally, systemization of planning and operational processes. The concepts are purposefully promoted by military organizations to exercise control and provide predictability in the otherwise chaotic and fluid nature of managing in a conflict environment. Governments, also impose bureaucratic behaviours also to exercise control

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[19] *Duty with Honour* pp. 48-49
[20] Ibid p.52

and conformity to policy and direction. As a result, the CAF and the Department of National Defence engage in a symbiotic and reinforcing environment of institutional bureaucracies. This is a fine state of affairs if the functional role, purpose and values of both organizations are harmonious; it is fractious and inefficient if not. For example, while CAF members are exempt from the provisions of the *Canada Labour Code*, Commanding Officers are accountably in administering the intent of *Part II* through a Departmental Occupational Health and Safety program whose values, purpose, and mandate derive from the very Act that the military is legally exempt. This only underlines the complex and diverse environment of competing demands that military leaders must address. No leader, familiar with the evolution and growth of rules, regulations, and directives within the CF, would doubt the challenge posed in QR & O to be "…acquainted with, observe, and enforce….all other regulations, rules, orders, and instructions that pertain to the performance of the officer's duties…"[21] Sadly, given real limits on time, resources and manpower, compromises will be made including action on other policy areas. This is the first step towards increased risk for failure, be it on operations or the need for sustained action on sexual misconduct.

Commanders and staffs must effectively filter raw information, process it into meaningful data while at the same time consciously consider factors that may act to shape how they observe and decide. Contemporary military operations are complex; no one individual remains an expert in all matters. Therefore, military decisions are often group decisions: a conscious weighing of options across specialities, considering options

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[21] Canada. Queen's Regulation and Orders for the Canadian Forces. Retrieved at http://www.admfincs-smafinsm.forces.gc.ca/qro-orf/vol-01/index-eng.asp, QR &O 4.02

deriving the best decision for which the commander can accept responsibility. The key is

maintaining awareness. This can be achieved through a common situational

understanding; however, when the situation is not understood, bureaucratic approaches

such as relying on administrative instructions and policy are applied to issues such as

human resource policy. One only need review the broad range and depth of the *Defence*

Administration and Orders and Directives (DAOD) to gain an appreciation for the

reliance of DND and CAF on procedural conformity. No one person would accept that

sexual misconduct is appropriate within the workplace yet, there is a range in perception

in what does in fact constitute sexual misconduct.[22] The issue of the role and place of

what constitutes appropriate sexual behaviour is being made more complex in an

increasingly sexualized environment within wider society.[23] It is not surprising to find a

very prescriptive definition provided in an area of social uncertainty, hence also the ERA

to note that the fixed DAOD definitions regarding sexual misconduct are far more

prescriptive than evolving and nuanced rulings made by civil courts.[24] Ironically, entire

legal careers are made on arguing these nuances contained within case law, a condition

not afforded leaders within the CAF and perhaps a point lost on the ERA.

     The ERA noted that a broad range of policies and supports are in place, but were

deemed ineffective.[25] Clearly the procedural responses did not suffice as expected. In an

organization where promotion is based on merit, all too often, merit is assigned based on

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[22] *ERA Report*, pp. 37-42

[23] See, Dawn M. Szymanski, Lauren B. Moffitt, and Erika R. Carr, "Sexual Objectification of Women: Advances to Theory and Research" *The Counselling Psychologist* 39(1) 6-38, 2011 and Peter Jochen and Patti M. Valkenburg "Adolescents' Exposure to a Sexualized Media Environment and Their Notions of Women as Sex Objects" *Sex Roles* February 2007

[24] *ERA Report*, p. 38

[25] Ibid. p.75

the successful mastery of institutional systems and processes. Institutionally, militaries are bureaucracies, dependent of specialists from a wide range of fields in order to function. The decision to monitor sexual misconduct through the *2012 Harassment and Diversity and Employment Equity Survey* reflects both a preference of systematic collection and interpretation of data by staff experts to inform measures of efficiency and effectiveness, though the validity of such a process to measure policy effectiveness was seemingly not questioned, at least not by the very leaders who commissioned and accepted the results of the report which provided data that seemingly contradicted trends observed for the nation as a whole.[26] Conformity to desired expectations can lead to the unquestioning acceptance of the 'facts'.[27] Yes, decisions do require staff input; commanders will have to understand and to accept the challenges stemming from organizational behavioural issues. This includes the diffusion of responsibility, social conformity, pluralistic ignorance, and deference to authority. These are all factors that work against an internal challenge capacity required for critical understanding. Just how, and when, is it appropriate for staff to cry 'the Emperor has no clothes'?

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[26] *Harassment and Discrimination Prevention-* Chief of Defence Staff Guidance, 508501 DGMP. March 11, 2014 the content of which seems to contradict the findings by Shannon Brennan and Andrea Taylor-Butts, *Sexual Assault in Canada,* Canadian Centre for Justice Statistics, Statistics Canada at http://www.statcan.gc.ca/pub/85f0033m/85f0033m2008019-eng.htm that indicate that sexual misconduct is grossly under reported across all sectors of Canadian Society. See also "Addressing sexualized violence at Dalhousie: Behind the numbers" *Dal News* February 8, 2015

[27] The CAF is not alone in the uncritical acceptance of data as reported by the CBC on data discrepancies regarding sexual misconduct. See Timothy Sawa and Lori Ward *UBC sex assault reports out of sync with police statistics* at http://www.cbc.ca/news/canada/ubc-sex-assault-reports-out-of-sync-with-police-statistics-1.2950264. Retrieved May 24, 2015

Diffusion of responsibility is a social behaviour where an individual or persons are less likely to accept responsibility for action or inaction when others are present.[28] Characteristically, it is behaviour by individuals within groups where specific responsibility has not been given. Often, people operate under the belief that others will, or should, intervene, therefore dismiss their responsibility to take action. It is more likely to occur under conditions of perceived anonymity.[29] Within military organizations, responsibility is dispersed within organizations that reflect both specialization and compartmentalization of tasks. While all leaders have responsibility to address shortfalls, in accordance with the strong hierarchical features of the military,[30] most are loath to intervene across respective chains of command. In effect, a rigid staff system may serve to diffuse the perceived need to act. While specific terms of references can assign responsibilities, rapidly changing environmental circumstances, for example, times of significant operations or significant organizational change, may invalidate policy approaches and remedies thereby adding stress to the organization and individuals within it. Under pressure, and without a strongly grounded professional ethos, value based judgements become impaired. It becomes difficult to determine what constitutes appropriate behaviour (knowledge which is needed to act accordingly) in the absence of direction. The annual posting cycle, managed readiness policy, critical manning shortfalls in key areas attributable to operations, and resource shortages are reflected in all areas of CAF operations. In many respects, while the CAF is meeting its operational tasks as

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[28] Social theory repeated from Fowler, *Leadership and torture at Abu Ghraib: Sympathy for the Devil?*

[29] J.M. Darley and B. Latané, B. "Bystander intervention in emergencies: diffusion of responsibility." *Journal of Personality and Social Psychology*, (8, 1968) p.378

[30] The disciplinary features for the administration of discipline are a good example- powers to hear and dispose of punishment are determined by the Commanding officer of the offender, not by the senior officer present.

assigned, it is coming at a cost. Managing the institution has become increasingly complex and difficult. While it is easier to dismiss inattention to 'keeping within one's assigned arcs' the daily reality for most is that fluid circumstances channel leadership's attention to the immediate tasks at hand; the wider nuanced issues can fall to the side and the system seemingly moves on autopilot.

The question emerges then, to what extent was the 'system' just running on 'autopilot' governed by an uncritical acceptance of existing norms? Both conformity and deference to authority are features of military organizations, as they provide predictable behaviours needed to achieve desired outcomes in complex organizations and complex situations. Deference to authority is a social behaviour; it involves what is authorized, what is deemed to be approved, what is accepted, what is justifiable. Authority and leadership is not the same thing, and the degree of authority differs based on personality types, organizational culture, and perceived knowledge and skill.[31] Ironically, these same prized behaviours can act to limit the possibilities for constructive response in changing circumstances. With a shortage of specialists, increased employment of reservists and rapid personnel and operational tempo, questions regarding the efficacy of sexual misconduct policies, procedures, and education programmes were deferred under the assumption that those in place were adequate and effective.

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[31] Emily Hamilton and Vicki Lucas, *Deference to Authority/ The Problem with Hierarchy.* Webinar, recorded on Wednesday, May 9, 2012,

In the 1950's Solomon Asch began a series of experiments that demonstrated that individuals' own opinions are influenced by those of a majority in the group.[32] These experiments are often interpreted as evidence for the power of conformity and normative social influence.[33] Conformity can be both positive and negative in effect. For example, negative behaviors are more likely to occur when a member of a group is surrounded by those similarly motivated individuals, driven by the effects of group membership and the diffusion of feelings of personal responsibility for the consequences. As a result, they are less likely to feel responsible for any antisocial behavior performed by their group.[34] Inaction need not be conscious or deliberate. This may be considered in conjunction with, what in social psychology is called, pluralistic ignorance. Pluralistic ignorance occurs when a majority of group members privately reject a norm, but assume incorrectly that most others accept it.[35] Lack of public opposition then helps perpetuate a norm that may be, in fact, disliked by most people.

Leaders are expected to look beyond the norms, but when the leadership is under pressure what happens? The very broad definitions provided by the civil courts regarding sexual misconduct, while suitable for divining winners and losers within an adversarial legal system applied to address a broad range of circumstances, may not necessarily mesh with CAF operational culture. The lack of clear prescriptive direction is as powerful an

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[32] Fowler, The behavioural explanations first used in *Leadership and torture at Abu Ghraib: Sympathy for the Devil?* and repeated here for conceptual clarity.

[33] J.C Turner and E.J Lawler. "Social categorization and self-concept: A social cognitive theory of group behaviour" *Advances in group processes: Theory and research* (Greenwich, CT: JAI press. 1985) pp. 77-122.

[34] E. W Mathes. and A. Kahn, "Diffusion of responsibility and extreme behavior." *Journal of Personality and Social Psychology*, (31, 1975) p. 883.

[35] Damon Centola, Willer Robb, and Michael Macy "The Emperor's Dilemma: A Computational Model of Self-Enforcing Norms." *American Journal of Sociology* (no. 110, 2005). P.1009

authority as direct orders in any military system doctrinally inculcated in the operational

concept of 'mission command.' Effort is focused on outcomes, the specifics determined

by local circumstance. In rapidly changing circumstances, subordinates are often left to

their own devices including setting priorities in the face of extant circumstances.

Granted, a disciplined approach is demanded, after all, military systems are also

hierarchical in structure and response to authority is expected. Yet, the *ERA Report*

clearly describes a divide in perception between senior officers that strongly disapproved

of sexual misconduct, junior officers either unwilling to act or passively complicit in its

occurrence, and that of non-commissioned leaders actively complicit in its perpetuation.[36]

If the adage that loyalty by the troops is to the sub-unit, those of non-commissioned

officers to that of the unit, and officers to the CAF as an institutional, then the ERA has

described a schism within the institution where the senior leadership is focused upward

and inwards, inattentive to events transpiring down on the parade square. It is time to

revisit not only the military ethos as written in *Duty with Honour*, but also how it is

actively promoted and applied.

Questions for leaders

The CAF must look at the issue beyond the narrowly defined approach advocated

within the *ERA* Report. The CAF is not alone in wrestling with the topic of sexual

misconduct. Clearly the issue is endemic and, while the moral imperative to act is

unquestioned, the means to address the issue must be nuanced and address the range of

contradictory ideological, philosophical and socio-cultural values and perceptions. Social

and structural norms need to be changed, and change needs to be effected from within,

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[36] *ERA Report*, pp. 14-19

not awaiting the next news story with 'legs.' The question of sexual misconduct is very serious, but emphasizing only sexuality is to the detriment of addressing all types of behaviour that undermine the ability of people to work together as effective teams. To do so, leadership within the CAF must be flexible and proactive; two qualities clearly defined within *Duty with Honour*. Yet, this essay brings forward three further questions which remain unanswered by that keystone document. First, how can military structures and norms (including processes, policies, procedures, and traditions) become exposed to effective ongoing internal constructive criticism without threatening the essence of the culture and ethos required to serve the nation? Secondly, how can effective cultural change be effected? Thirdly, what is to be done to rectify the schism between the culture created by structural bureaucratic processes that serve the institution, and the ethos of leadership that demands a clear focus downwards and outwards, as well as upwards and inwards to the centre? Effective military leaders will have to find clear answers to these questions.

TABLE 1 Critical Path to Failure: TEMPLATE

Level of Analysis (A)	Factors B — Behavioural (B1)				Institutional (B2)					Environmental (B3)				Legal-Political Framework (B4)			Time and Space (C)	Deductions, Tasks, Outcomes, Priorities (D)
	Deference to Authority	Operant Control	Moral Compass	Organizational Culture	Mission and tasks	Degree of Acculturation	Training	Operational Procedures and policies	Organizational Resources	Up Tempo	Threat Perception	Cultural Homogenity vs heterogeneity	Threats to Security	Laws and regulations	Conventions, Treaties, Customary Practices	Accountability Framework		
Individual	Consider: attitudes, beliefs and relationships, context framework. What is the prevailing perspective and perception. How is it being demonstrated?	Consider: Power relationships. How is it being demonstrated?	Consider: moral and ethical perspective. What is implied?	Consider: cultural perspective. How are they between and implied?	Consider: Mission analysis. What are the tasks?	Consider: time in unit. State of training.	Consider: What training policies are in place? Branch, Occupation. How was it provided? effect?	Consider: degree of integration across levels. What resources have been allocated? What coordination?	Consider: means effects on resources, priorities. What needs to be needed, simplified?	Consider: impact of threat on perception and possible relationships.	Consider: cultural complexity physical security perceived, fracture lines in and out, organizational groups, hostility.	Consider: Not only QR&O, Criminal Code. What rules are in place, for whom and what effect?	Consider: NDA, authorities reports to whom and for what reason. Data collection, as well as ability to achieve them.	Consider: What is in place, understood and how will they be effected?	Consider: who priorities and effects over time.	Consider:
	exercise of the control over others. How are they manifested?	What are the conditions? How are they manifested?	How is it between being demonstrated?	perspective at play, how long they have been together?	Component. What are the tasks? Are they appropriate control?	How have they been brought together?	Are they being employed and command control?	How have been and outcomes.	surpluses or deficiencies being achieved, complexity and complications.		independence. What are these arrangements, rules needed, monitored and what is needed?	What rules authorized collection, how they applies.	Application. Military justice systems. What checks and balances are in place, who monitors.			

	Behavioural (B1)	Institutional (B2)	Environmental (B3)	Legal-Political Framework (B4)	Time and Space (C)	Deductions, Tasks, Outcomes, Priorities (D)
Small Group						
Sub-unit						
Unit						
Formation						
Theatre						
CF						
Department						
Government						
Nation	Consider: Power, moral and ethical, cultural perspective analysis. What are the perspectives and how is it between being demonstrated, implied, represents how lives, how does this affect perception?					

Direct, Mediate and Indirect Factor

TABLE 2 Critical Path to Failure: External Review into Sexual Misconduct and Sexual Harrassment in the Canadian Armed Forces

Legend: **Direct**, **Mediate** and **Indirect**

Level of Analysis [A]	Behavioural (B1) Deference to Authority / Operant Control	Moral Compass	Organizational Culture	Mission and tasks	Institutional (B2) Degree of Acculturation	Training	Operational Procedures and policies	Organizational Homogenity	Op Tempo	Environmental (B3) Threat Perception	Cultural Homogenity vs heterogenity	Threats to Security	Legal-Political Framework (B4) Laws and regulations	Conventions, Treaties, Customary Practices	Accountability Framework	Time and Space	Deductions, Tasks, Outcomes, Priorities (D)
Individual	17,18,19,20,24,29,30,32,4,58 / 58	11,18,19,21,45,49,29,61	12,18,19,21,22	12,18,19,2	14,17,18,20,80,82	15,68,75,80,82	29,30,60	15,77,85		29,15,16	15,16	32,45,46		21,45,46,58,60,61,21,29,31,32	58,60,61,32	31,32,33	
Small Group	16,31	11	11,12,21		14,20	58,80,82,83	32	15							21,31		
Sub-unit	31	11			16											31	
Unit	16,31	11,30,44	32	85,14,17		68,70,75						44		74,62,85		31,32,33	
Formation		11															
Theatre																	
CF	18,24 / 18,0,21	11,17,18,21,9,21,22,25,26	12,16,17,1		18,58,14,68,75,80		28,29,30,32,33,37,43,74	24,77,83,85				32,52,43,44,45,8,60,74	18,31,38,43,44,45,4,45,52,5,34,38,52,62,63,72	18,19,21,2,6,31,38,4,29,31,32,34,38,62,63,72			
Department												46	46		31,78		
Government		16							78	78							
Nation																	

Consider: prompts (by column)

- **Deference to Authority / Operant Control** — Consider: Power attitudes, beliefs and relationships, context of and...ps. What is the exercise of prevailing... How are they manifested? How over control they others. What are the conditions being demonstratives, how does this affect... How are they understood together?
- **Moral Compass** — Consider: moral and ethical perspectives. What are the prevailing perspectives and objectives and how do they differ between and... How are they being understood together?
- **Organizational Culture** — Consider: cultural perspective. What are the perspective and how do they differ... How are they brought together, conditions? Are they appropriate control?
- **Mission and tasks** — Consider: Mission analysis. What are the tasks. How are they... What are the deficiencies or surpluses exist? and complications.
- **Degree of Acculturation** — Consider: time in unit, training. Components, Branch, Occupation has been provided/effect? How was it delivered? they being employed? Are they appropriate control?
- **Training** — Consider: State of training. What policies are in levels of: resources and how long they have been... Suitability, function, What needs to be simplified, what deficiencie being achieved, complexity and complications.
- **Operational Procedures and policies** — Consider: What degree of gender integration deliverable decision making, processes and outcomes. How are they being allocated? What resources needs to be... objectives being achieved, complexity and complications.
- **Organizational Homogenity** — Consider: degree of means matching decision making, processes and relationships.
- **Op Tempo** — Consider: effects on impact of complexity, decision perception and priorities, relationships.
- **Threat Perception** — Consider: impact of threat on perception and possible relationships fracture lines: in and out groups, hostility.
- **Cultural Homogenity vs heterogenity** — Consider: cultural Not only physical security. What is organizational applies independently... what are these and what is understood, what is security achieved?
- **Threats to Security** — Consider: Not only physical security. Criminal Code. What is in place, what for what needed, and what is security achieved?
- **Laws and regulations** — Consider: NDA, QR&O, Criminal Code. What is in place, what rules are authorized, how they... what is understood effected.
- **Conventions, Treaties, Customary Practices** — Consider: What authorities are in whom and for what reason. rules are as well as ability to Data collection, achieve them.
- **Accountability Framework** — Consider: who reports to and effects over time ability to achieve. What is needed monitored and how effected. And what is Military justice systems. What checks and balances are in place, who monitors compliance?
- **Time and Space** — Consider: priorities and...

Side notes:

ERA Report emphasis on 'CF Culture' possibly misplaced: it is not only a causal factor but it is a dependant variable dependent on on decision processes, controls and environmental factors such as operational tempo, mission and tasks, legal frame work and wider societal factors not remarked upon within the report.

The numbers refer to page numbers within the ERA Report where the attributed effect is to be found

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