

AN ANALYSIS OF THE CANADIAN DEFENSE ETHICS PROGRAM
DECISION-MAKING GUIDANCE

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

AN ANALYSIS OF THE CANADIAN DEFENSE ETHICS PROGRAM DECISION-MAKING GUIDANCE by Major John Robert Woodgate, 74 pages.

The post-cold war operating environment, the strategic corporal phenomenon, the war on terrorism, and the increased public demand for ethics and professionalism in the Canadian Forces present significant challenges for the Canadian Defense Ethics Program. The problem is that ethical decision making for members of the Canadian Forces is becoming more challenging, while at the same time there is less tolerance for poor ethical decision making. The Department of Defense implemented the umbrella Defense Ethics Program in 1997 for both federal civil servants and military members. The program does not specifically address the unique professional challenges associated with military ethical decision-making. Thus, the central research question of this thesis asks if Defense Ethics Program guidance is effective. Three case studies tested Defense Ethics Program ethical decision-making guidance in comparison to two allied military decision-making models. Defense Ethics Program guidance proved effective in one case study involving a nonoperational ethical dilemma. In two case studies involving operational dilemmas, Defense Ethics Program guidance proved less effective than the two allied military decision-making models. If the Canadian Defense Ethics Program adopted an operationally oriented ethical decision-making model then it would provide more effective guidance for members of the military.

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ACRONYMS

BC	Battalion Commander
COA	Course of Action
CF	Canadian Forces
CGSC	Command and General Staff College
DEP	Defense Ethics Program
DND	Department of National Defense
DGDP	Directorate of Graduate Degree Programs
GDP	Graduate Degree Program
NORAD	North American Air Defense
RNA	Royal Netherlands Army
ROE	Rules of Engagement
TF	Task Force
UCMJ	Uniformed Code of Military Justice

CHAPTER 1

INTRODUCTION

Problem Statement

Good ethical decision making in the military profession has always been very important. At the same time, it has been argued effectively that war is the most difficult place to make good moral decisions (Waltzer 1977, xvii). In today's uncertain world, all military members are increasingly required to make decisions involving ethics. These decisions take on new importance with the phenomenon of the "strategic corporal," where each potential decision by a military member, regardless of rank, can become a strategic issue (Canada, DND 2000, 18). Making ethical decisions has also become more difficult in the contemporary security environment because of the spread of terrorism. The increased chances of combating terrorists who use unconventional, illegal, and unethical tactics make the need for ethical decision making by military members more relevant now than ever before (Ignatieff 2001, 9; French 2002, 6).

There are many obvious reasons for good ethics in society in general. In the life and death environment of the military, there are even more reasons. Two of the most famous military theorists of all time, Clausewitz and Napoleon, clearly recognized the importance of ethics in the military (Stockdale 1995, 2). In fact, some argue that there is a "special need" for ethics within the military because of the unique demands of the military profession (Gabriel 1982, 57). In addition to these traditional reasons for good ethics within the military, recent academic work shows that good ethical conduct has other benefits. For example, Michael Ignatieff argues that good ethical conduct and decision making can be a force multiplier in modern warfare (2001, 10). Shannon French

demonstrates that a warrior code and good ethics actually serve to protect military members, so that they can continue to function in society after the trauma of modern combat (2003, 2).

These are all important considerations for the Canadian Forces (CF), a small military that has learned from experience how important ethical behavior is during peacekeeping operations. In response to a need for better ethics training and awareness the Department of National Defense (DND) established the Canadian Defense Ethics Program (DEP) in 1997. The DEP is a relatively new program and has not been the subject of much critical review. The few reviews that have taken place have indicated that there are some areas of concern with the DEP. The first review was an audit by the Canadian Auditor General on the Proper Conduct of Business. The auditor general concluded that unless more leadership was shown from the top; it was unlikely that a uniform approach for program implementation would emerge and be carried out consistently throughout the DND and the CF (OAG 1999, executive summary). In addition, the *2000 Baseline Assessment of Ethical Values in the DND* found that there were a number of problem areas concerning ethical decision making within the DND and the CF. The assessment identified organizational fairness, organizational rules, care, and self-interest as areas that required special efforts for improvement (Canada, DND 2000, 8).

These two independent reviews of the DEP indicate that there are areas of the program that require improvement. The release of the *Canadian Public Service Values and Ethics Code* on 1 September 2003 and the *CF Profession of Arms Manual* on 15 October 2003 will only increase the requirement for good ethical conduct. Both of these

documents are new values and ethics foundation level guidance for the DND and CF and present increased training requirements and challenges for the Canadian defense establishment.

Research Question

Is DEP guidance on ethical decision making effective? The following subordinate research questions support the primary question:

1. Is it necessary to provide guidance on ethical decision making?
2. Is DEP guidance easy to apply to ethical dilemmas?
3. What do other military use for ethical decision-making guidance?
4. Is there a better process or model to use when making ethical decisions?
5. Does the DEP adequately address the ambiguity of a values based ethics program?
6. Does DEP guidance provide effective results, evaluation, and clarification of ethical dilemmas?
7. Is the DEP providing suitable ethics decision-making guidance for military members of the CF?
8. Is there a need for an operational ethical decision-making model in the CF?

The Canadian DEP

The environment in which members of the military must operate poses a severe threat to consistent moral behavior. (1989, 1)

Hartle, *Moral Issues in Military Decision Making*

In response to new conditions facing members of the DND and CF the DEP was officially established in 1997. The CF was facing new obligations and challenges in the post-cold war period. There were many challenging peace support missions in war-torn

countries involving complicated political problems and humanitarian crises. In the 1990s alone, the CF sent significant military contingents to the Former Republic of Yugoslavia, Rwanda, and Somalia. These missions required different types of training and decision making from that required of the relatively straightforward traditional cold war missions the CF had trained to conduct. There was no clear enemy in these new missions, and the use of force required careful consideration. There were several high-level incidents and subsequent investigations concerning the ethical conduct of Canadian military personnel during each of these missions. The Somalia mission in particular resulted in several highly public courts-martial and in increased pressure within Canada to train military members to higher ethical standards (Canada, DND 1997).

At the same time that the CF was trying to deal effectively with the challenging international security situation, the Canadian government was introducing new management techniques for the federal public service. These changes were in line with the revolution in business affairs and included the devolution of responsibility and the decentralization of control of many functions, including financial stewardship (Beauchamp 1997, 1). The new management challenges within the government, and in particular the DND, combined with the nontraditional missions that the Canadian military was participating in, increased the risk of ethical problems within Canadian Defense. These general conditions convinced the senior leadership of the DND and the CF of the need for a formal ethics program. Consequently, DND and the CF officially established the DEP in February 1997 (Beauchamp 1997, 1).

The DEP role and mandate are as follows:

First, it provides an ethical framework for the CF and DND. Second, it promotes individual awareness of the presence and the importance of what is ethical in all human situations. Third, it commits itself to the improvement of individual ethical decision-making abilities concerning the ethics of any issue that affects the defense of the nation. Finally it integrates a programmed approach to the many processes that are necessary to implement ethics in a complex organization. (Canada, DND 2000, 6)

The DEP carries out this mandate through various ethics-related activities including ethics training, ethics awareness, and ethics risk mitigation. Central to the program is the *Statement of Defense Ethics*, which provides the ethical framework for the program and sets the expectation that all members of the defense team will be persons of integrity. The program is values based and was chosen over the more common compliance or prevention based programs used in other militaries (Canada, DND 2000, 3). In fact, the Canadian DEP appears to be the only solely values based ethics program in use by a military today. The analysis chapter of this research thesis will further examine the rationale for a values based program. The DEP values are clearly communicated to all members of the Canadian Defense team through the *Statement of Defense Ethics*.

The Statement of Defense Ethics

The *Statement of Defense Ethics* articulates three ethical principles and six ethical values or obligations. The ethical principles are as follows: respect the dignity of all persons, serve Canada before self, and obey and support lawful authority. These principles are hierarchical, meaning that the first principle takes precedence over the second, and the second over the third. The principles are meant to be absolute, and thus behavior must never contravene the principles. In addition to the three ethical principles, the DEP outlines six values, which are considered as ethical obligations. These

obligations are as follows: integrity, honor, courage, honesty, fairness, and responsibility. These six obligations are all considered equal, meaning that one is not more important than the other. The *Statement of Defense Ethics* is attached as appendix A.

Defense Ethics Guidance on Ethical Decision Making

The DEP guidance on ethical decision making is drawn directly from the principles and obligations outlined in the *Statement of Defense Ethics*. To begin with, members of the DND must always ensure that decisions do not violate the three DEP hierarchical ethical principles. Department of National Defense members must also consider the six ethical obligations as guides when making ethical decisions. If the obligations come into conflict in a competing obligations dilemma, then the three hierarchical ethical principles are to be used as aids for prioritizing the competing obligations. The DEP also outlines general decision-making steps to follow when confronted with ethical dilemmas. The steps which should be followed when confronting any general dilemma are: perception, evaluation, decision, and implementation.

The DEP also provides guidance on how to deal with three specific types of ethical dilemmas, the harm dilemma, the uncertainty dilemma, and the competing obligations dilemma. The guidance offers clarification concerning the three ethical principles and six ethical obligations with regard to these types of dilemmas. In addition to this written guidance on dilemmas, the DEP provides an aid for dealing with dilemmas on a quick reference pocket card. The pocket card outlines the following five steps when confronting an ethical dilemma: consider your obligation to act, consider options you have available, choose the best option giving due consideration to rules, consequences,

values, and care for others. If unsure, the DEP directs members to seek advice and accept responsibility for their actions.

Despite all of the DEP guidance listed above, a detailed model for ethical decision making is not provided. Consequently, members must carefully consider DEP references to make decisions. Both the DEP ethical decision-making steps and pocket card are too general to be applied effectively without considering DEP source documents. DEP guidance is also not focused on making military operational decisions, but rather is designed to facilitate the full spectrum of ethical decisions facing all members of the Canadian defense team, both civilian and military. This is consistent with the DND and CF's intent for the DEP to be an umbrella program rather than a specific professional military ethics program. However, the DEP does not prohibit the development of subordinate programs or codes to meet the various needs of the services and elements of the CF.

Foreign Military Ethics Programs

In contrast to the Canadian DEP, many other militaries have chosen to provide a detailed model or code to assist their members with ethical decision making. Major Robert Roetzel, formerly of the US Army Command and General Staff College (CGSC), developed a detailed ethical decision-making model designed for use by US Army members in both operational and nonoperational situations (Roetzel 2001, 167). The model is used for instructional purposes at the US Army CGSC. The Israeli Defense Forces do not use a model to assist with ethical decision making, but they have a highly developed military ethical code that provides very specific direction for conduct while on

operations (IDF 2003, 2-4). The Royal Netherlands Army (RNA) uses both a detailed ethical decision-making model and a professional ethical code (Verweij et al. 2000, 6).

The use of ethics codes is also popular in the private sector to assist with decision making and “more than 84% of US companies and more than 2/3 of Canadian companies have ethics codes” (Berenbiem 1995, 13). In fact, even the Canadian government has recently issued a codified ethics and values program for the entire Canadian public service and the CF have recently published a codified ethos for the Canadian military. These are both distinct and separate initiatives from the DEP, which does not include an ethical code or operational decision-making process.

The *Fundamentals of Canadian Defense Ethics* states that there are no universal rules or models that will provide the correct answer in every situation; however, it acknowledges that models do help to make ethical decisions (Canada, DND 2002, 16-17). The importance of providing military members with detailed guidance on ethics and ethical decision making has many obvious advantages. Colonel Anthony Hartle concludes that “the professional military ethic becomes a matter of particular concern. The ethic needs to be a workable guide that cuts through . . . confusion and illuminates the standards applied to moral decisions” (1989, 1). The United States Army CGSC (Roetzel 2001, 167) and the RNA (Verweij et al. 2000, 6) provide this type of professional guidance through an ethical decision-making model to assist with military operational ethical decision making and training. The IDF and Royal Netherlands Army have also identified the usefulness of having a detailed code to offer guidance on ethical conduct during military operations (IDF 2003, 2-4).

Professional Ethics

The DEP has made it clear that while professional ethics are relevant, they are “not sufficient to provide a firm foundation for a values based approach to Defense ethics” (Canada, DND 2002, 8). While this may very well be accurate, the fact remains that professional ethics are important, especially for a profession like the military that has special responsibilities, and that draws its ethos from those responsibilities. DEP literature acknowledges that there may be a need to develop ethics codes or statements which are more consistent with the different organizational cultures and roles of the various components of Canadian Defense, such as the Canadian Army or Canadian Navy (Canada, DND 2002, 8). This is significant, because it indicates that there may be a need to expand the DEP to address the particular ethical needs of the Canadian war fighting community.

Professional Ethics in the Royal Netherlands Army

The RNA has made an interesting distinction between corporate ethics and professional military ethics. The RNA believes that professional ethics are necessary for the “training, development and professional practice of the individual soldier,” while corporate ethics are required more for the management of the organization as a whole (Verweij et al. 2000, 6). The RNA researchers have developed their ethical decision-making model specifically to assist with the training of professional ethics and operational ethical decision making, and have linked ethical decision making with their military operational decision-making process (Verweij et al. 2000, 4-5). The RNA also recently modified their model to stress the justness of a particular act or decision, instead of the legality of the decision. This is significant because it takes ethical decision making

to a higher level, more suitable to dealing with the intense ethical challenges encountered during military operations.

The RNA program for army ethics, which includes both a professional military ethics code and a detailed ethical decision-making model, is a comprehensive system of professional military ethics, which works well. This type of emphasis on professional ethics is missing from the DEP, despite the fact that a requirement for professional ethics in the CF had been previously identified. In 1997, the Somalia Inquiry Commission conducted an in-depth review of both professionalism and ethics within the Canadian military. The commission made extensive findings concerning Canadian military professionalism and values.

In particular, the commission found the Canadian military had become too civilianized and there was a need for Canadian military institutional values. The Commission concluded, “a major factor that has influenced the concept of professionalism within the Canadian military is a shift toward civilianization. This has been accompanied by the introduction of occupational values, as opposed to the traditional institutional values of the military” (Canada, DND 1997, 5). Clearly the Somalia Commission was concerned with the deterioration of military ethics and professionalism within the CF.

The Canadian Profession of Arms

The DND and CF acknowledged most of the shortfalls identified in the *Somalia Commission Report* and pledged to correct them. The DND and CF undertook an extensive reform program, with the restoration of Canadian military professionalism and ethics as a main theme. The creation of the Canadian DEP in 1997 was partially in

response to shortfalls identified in the *Somalia Commission Report*. The CF also established the first written *Statement of Canadian Military Ethos*, and recently published the revised Canadian Military Ethos in the *Canadian Profession of Arms* manual.

The *Profession of Arms* manual was officially released on 15 October 2003 after several years of research. The manual serves as a professional constitution for the CF and “defines who we are as a profession in the way our constitution defines who we are a people” (Morse 2003, 1). The manual codifies Canadian military values and outlines important ethical considerations for Canadian military professionals. The manual’s objective is to ensure that Canadian military personnel perform their military duties with honor (Canada, DND 2003, 1). This objective is closely connected to the objectives of the DEP. It is important that the impacts on the CF resulting from the new *Profession of Arms* manual are fully understood and compatible with the DEP.

The *Profession of Arms* manual presents new training challenges for the CF, especially the training required to perform military duty with honor as outlined in the manual. Some of the training challenges could be addressed through the adoption of a professionally oriented ethical decision-making process to complement the *Profession of Arms* manual and the Canadian DEP. Professional ethics are designed to ensure that members perform their duty in accordance with ethical imperatives required of the profession (Hartle 1989, 24). Now that many of the ethical imperatives of the military profession have been codified in the *Profession of Arms* manual, the time for professional military ethics within the CF has arrived. Over twenty years ago Richard Gabriel wrote the book *To Serve with Honor* (1982) whose central thesis was the need for professional ethics to facilitate honorable military service. To achieve honorable service, the CF

should embrace professional military ethics to improve operational ethical decision making.

There are distinct advantages associated with professional ethics and in particular with adopting an operational ethical decision-making model. To start with, professional ethical decision-making models normally offer clear guidance on the unique ethical dilemmas faced by a particular profession. For example, the physicians' Hippocratic Oath, not to do harm, gives physicians clear guidance on dealing with the difficult ethical decisions physicians often face (Hartle 1989, 25). In addition, it is generally accepted that ethical decision-making models improve ethical decision making. More importantly, professional ethics can reduce the risk of individuals solving competing values conflicts inconsistently, which for "a profession . . . can have devastating results" (Roetzel 2001, 173). These facts underscore the importance of both military professional ethics and ethical decision-making models.

Michael Waltzer has written extensively about military professionalism. Waltzer is a renowned ethicist who has published a professional military ethic. The CGSC and RNA models are two of the most well known military ethical decision-making models in use today. Both models reflect Waltzer's work to some extent. His significant work is not currently a part of the DEP. Waltzer's military ethic is particularly relevant to the problems encountered during military operations. This study will explore whether the military ethic of Michael Waltzer, as reflected in the CGSC and RNA ethical decision-making models, is more effective than DEP guidance for ethical decision making.

Significance of Study

This study is significant because no one has conducted a study of the DEP of this nature. As discussed in the problem statement, ethical decision making has always been critical, but is even more important today because of the spread of terrorism and the phenomenon of the “strategic corporal” (Canada, 2000, 18). Both of these developments, combined with a new emphasis on ethics in the Canadian defense establishment, add to the significance of this study.

Assumptions

Most military members want to do the right thing.

The theoretical basis for the DEP is sound.

Ethical decision making can be improved by process.

Definitions

Ethics can be defined as “a systematic attempt to make sense of our individual and social moral experience, in such a way as to determine the rules that ought to govern human conduct, the values worth pursuing, and the character traits worth pursuing in life” (De George 1995, 19).

Ethical Dilemmas can be defined as situations in which “a person can choose between two different courses of action that appear to be equally justified from an ethical or moral point of view” (Resnik 1997, 6).

Values can be defined as “things that are thought to be worth wanting, pursuing, or having” (Resnik 1997, 4).

Limitations

Limitations are weaknesses imposed by constraints or restrictions beyond one's control (CGSC 2003, 20). There are no restrictions on my research. Complete DEP documentation is available on the internet. One constraint is that the results of the *2003 Baseline Assessment of Defense Ethics* will not be published in time to be incorporated into this study.

Delimitations

Delimitations can be defined as constraints imposed on the scope and content so that the research is feasible (CGSC 2003, 20). The first delimitation is that the focus of this thesis is on DEP guidance on ethical decision-making, not on the DEP activities as a whole. The second delimitation is that the focus of this thesis does not include a comprehensive analysis of the theoretical underpinnings of the DEP.

CHAPTER 2

LITERATURE REVIEW

The subject of ethics and ethical decision making is a mature academic topic, with a comprehensive body of literature that dates back to the times of the ancient Greeks. However, the modern study of ethics can be divided into two main components, general ethics and special or applied ethics. It is useful to provide a general background of these two main components in the field of ethics for the context of this thesis. General ethics can be divided into three categories: descriptive ethics, metaethics, and normative ethics.

Descriptive ethics involves studying and describing the morality of a people, culture, or society. It also contrasts and compares different moral systems, codes, practices, beliefs, principles, and values. Metaethics, which is sometimes referred to as “analytical ethics,” concerns the study and meaning of moral terms using the logic of moral reasoning. It also provides useful clarification and distinctions on ethics terminology (De George 1995, 20-21). Normative ethics, the third category of general ethics, builds on the foundation provided by descriptive ethics to outline what is right or wrong in a systematic way.

Ethical theories come from normative ethics, and normative ethics are sometimes referred to as theoretical ethics. Ethical theories are primarily concerned with deriving a set of consistent norms accepted by a society (De George 1995, 19-23). An ethical theory should also provide a method of choosing among conflicting norms and making decisions on individual cases. The general ethics field consists of many different theories; however, they can be grouped into four broad categories: deontological ethics theories,

consequential ethics theories, virtue ethics theories, and situational ethics (Roetzel 2002, 168).

The second major category in the study of ethics is special ethics, which is often referred to as applied ethics. This thesis is specifically concerned with applied ethics in Canadian defense. There has been significant modern academic research on the subject of applied ethics, most of which has tried to bring further utility to the field of general ethics. Special ethics strives to apply general ethics in at least two ways. The first is by trying to provide solutions to specific problems or ethical dilemmas. The second is by trying to determine the morality of specialized areas of human activity, such as professional ethics. The applied ethics literature concerning professional ethics, developing ethics programs and ethical decision making are particularly relevant to this thesis and require in depth review.

Professional Ethics

Professional ethics is not a complicated concept. Simply put, professional ethics are specific ethics which apply to a given profession. In fact, the concept of professional ethics is directly related to the self-regulating prerequisite generally associated with professional status. Ethics is so important to professions that some have argued: “What distinguishes a profession from mere occupations is its special sense of ethics” (Gabriel 1982, 57). Professional self-regulation is often based on the ethics or formal ethical code of the profession. In fact, the *Profession of Arms* manual states that: “Professionals are governed by a code of ethics that establishes standards of conduct while defining and regulating their work” (Canada 2003, 6). Ethical codes are clearly connected to the concept of professionalism, and some have gone so far as to define professional ethics as

the “code which consists of a set of rules and standards governing the conduct of members of a professional group” (Hartle 1989, 24). By this definition, it is clear that the Canadian *Profession of Arms* manual is reviving the concept of professionalism within the Canadian military. However, the manual does not provide either a formal code of conduct or an ethical decision-making model to aid in operational decision making. Hartle goes on to argue that formal published ethics codes are so common today, because many professional groups believe they need a formal code to even be considered professional.

Professional ethics have also been described as unique or professional role related norms, which are different from universal human norms. Role related norms are only applicable to professionals who perform specific duties in society (Bayles 1989). This definition of professional ethics is more enlightening because it stresses that there are different norms for professionals who need to be acknowledged. This is also a theme of the *Profession of Arms* manual; however, professional ethics are not reflected in the DEP. Central to any explanation of professional ethics is the fact that different professions require different ethics. For example, the need for professional ethics in the fields of medicine or law is generally accepted today. Most feel that lawyers and doctors require unique professional ethics to help guide them in the critical work that they perform in society. The same argument has been made for the military. In fact, some have argued that military service is truly unique and that there is a special need for professional ethics in the military (Gabriel 1982, 57).

As the military is widely considered a profession, many researchers have naturally applied the concept of professional ethics to the military and advocated the need for

professional military ethics (Taylor 1989; Waltzer 1989; Hartle 1989; Dyck 1989; Gabriel 1982). As mentioned previously, the work of Michael Waltzer, who developed an acclaimed professional ethic for the military, has been successfully applied in several militaries. Waltzer has been able to provide specific guidance for ethical conduct while on military operations. Waltzer's work has recently been used to improve the ethical decision-making model used by the US Army CGSC (Roetzel 2000). Waltzer's guidance on ethical decision making in the military is relevant to this thesis and is included at appendix B for easy reference.

Ethics Programs and Codes

Professional ethics are often formalized in a code. There are both advantages and disadvantages of having an ethical code in the military (Dyck 1989, 107; Gabriel 1982, 119-131). An advantage of written ethical codes is that they assist military members in being knowledgeable of values and standards (Fogelman 1997, 2). On the other hand, it has been argued that ethical codes have an inherent weakness because they "easily foster a minimalist attitude towards morality" (Canada, DND 2002, 4). In addition, ethical codes can be interpreted differently depending on a person's experience, intellect, and maturity. While codes can be useful, they obviously have limitations and require careful consideration before being adopted.

Although, there is no consensus on whether professional military ethics should be codified or not, it is clear and logical that ethical codes offer authoritative guidance to military members. In particular, despite the problems attributed to ethical codes, some have argued that the clear guidance that stems from a code is a distinct advantage when confronted with ethical dilemmas (Taylor 1989, 126; Gabriel 1982, 120-121).

Consequently, written ethics codes are often considered an essential element of an ethics program.

In addition to having an ethics code, several authors have identified the importance of ethics training, supporting organizational design, and top management leadership in developing an ethics program (Steiner and Steiner 1994; Hoffman 1995). However, there is also research which argues that ethics programs have no effect on ethical behavior (Cleek and Leonard 1988) and in some case can have a negative effect if top leadership support is not present (Hoffman 1995). These mixed reviews on the benefits of ethics programs have led to an increased desire in both the private and public sector to confirm the effectiveness of ethics programs. The standard approach to validating an ethics program is to assess the ethical climate of an organization.

Evaluating Ethics Programs

The standard method of evaluating ethics programs is by examining the ethical climate of an organization. Victor and Cullen developed an ethical climate questionnaire based on three criteria from dominant ethical theories (1988, 104). Using these and other ethical decision-making criteria, Victor and Cullen have produced the standard measure of ethical climate for organizations. Their ethical climate questionnaire identifies five ethical climate types: caring, law and code, rules, instrumental, and independence (Victor and Cullen 1987). The DND has used the work of Victor and Cullen to determine ethical approaches and values used by DND members to build a defense ethics questionnaire to monitor and evaluate ethical decision making and the DEP (Canada, DND 2000, 12). The DND questionnaire also drew from Rest's 1986 model of ethical decision making (1986) and internal DND work which indicated that there are three predictors which influence

each step of the ethical decision-making process: the characteristics of the individual, the characteristics of the situation, and the ethical climate of the organization (Canada, DND 2000, 12). A problem with the approach used by DND is that individual questionnaires can be subject to social desirability bias because of the direct method used to gather data.

Recent research has indicated that organizational values can be measured without the use of questionnaires (Scott 2001, 45-46). Elizabeth Scott has advocated the use of a content analysis approach. Content analysis consists of an objective quantitative study of verbal and nonverbal communications within an organization. Communications consist of anything from annual reports to administrative orders. One of the strengths of a content analysis approach is that it demonstrates more clearly when organizational values are different from the sum of individual values in an organization. This distinction is important because values embedded in organizational policies are not necessarily values that the authors of that policy would support, but instead reflect the organization's official position. Another advantage of a content analysis approach is that it does not require cooperation from the organization, or individuals in the organization. Such analysis has been made easier through the use of scanning and of other computer technology (Scott 2001, 45-46).

Despite the mixed research results available concerning the effectiveness of ethics programs and how to measure success, there is some consensus that if an ethics program exists it must be more than just an ethics code or values hung on a wall (Hoffman 1995; Roetzel 2000, 167). The literature discussed above supports the need for effective guidance on how to make ethical decisions as a part of any ethics program. Common sense dictates that ethics programs should be designed to improve ethical decision

making. In fact, some have concluded that ethics programs are a waste of resources and will be perceived as ineffective unless they have a positive impact on ethical decision making within the organization (Trevino et al.1999, 3). Consequently, most researchers agree that if organizations want their members to make ethical decisions, then they must offer some guidance to members on how to make decisions.

Offering guidance on ethical decision making is a complicated undertaking. There are many factors involved in ethical decision making, such as moral reasoning, individual values and beliefs, individual ethical ideologies or theory, situational factors, and ethical climate (Canada, DND 1999, 11). These factors are often intensified by the circumstances of military service, especially during military operations. In this context, it has been argued it is necessary to provide guidance on ethical decision making or else individuals may reach completely different decisions, which seem ethical from their perspective (Roetzel, 2000, 168). It has also been argued that identifying ethical principles is not enough to help individuals make ethical decisions, because the use of principles requires a certain level of character development and interpretive thought (Steiner and Steiner 1994, 230). This type of mature character development and interpretive thought is not normally associated with young soldiers.

Ethical Decision-Making Models

Models have been developed to help deal with the complexities of ethical decision making. Many researchers have advocated the use of ethical decision-making models as a useful tool for making ethical decisions (Rest 1986; Trevino 1986; Cooper 1998).

Researchers looking specifically at the military have also confirmed the utility of using models to assist with ethical decision making (Nelson 1991; Scott 2002). Some military

researchers on this subject go even further and argue that ethical decision-making models help military personnel reach good ethical decisions in condensed periods of time, especially if the model has been used in training and personnel are familiar with the process (Verweij et al. 2000, 6).

To demonstrate how complicated and contradictory the literature that covers the subject of ethical decision making can be, one need only compare the theoretical approach offered by moral harmony theory vice that of stoicism. The proponents of moral harmony theory argue that there is a right answer to every dilemma, while stoics maintain that life is full of decisions and factors out of one's control and that consequently personal virtue and character are the only way to deal with the ever-present chaos of life (Stockdale 1995, 5). These contradictory theoretical solutions to ethical dilemmas are indicative of the confusion which soldiers face in making ethical decisions on the modern battlefield. At the same time the challenge of making good ethical decisions has been intensified by the nature of the contemporary operating environment.

The DND has provided ethical decision-making guidance to members of the defense team through the DEP. However, the DND and the CF have neither provided an operational ethical decision-making model nor adopted distinct professional military ethics for the CF. This may be as a result of reservations about the use of models and professional ethics. In fact, the *Fundamentals of Canadian Defense* states, "A decision-making model assists us in better understanding what is involved in decision-making and although practice in the use of a model has been demonstrated to improve the effectiveness of ethical decision making, it is important to remember that it is only a tool" (Canada, DND 2000, 17). Many militaries have identified the same increased need to

improve operational ethical decision making, yet have provided unqualified guidance in the use of models or provided authoritative professional guidance in the form of written ethical codes of conduct. The benefits of adopting a detailed operational ethical decision-making model by the CF are worth further review and will be the basis of this research.

CHAPTER 3

RESEARCH METHODOLOGY

This research method will apply the CGSC and RNA ethical decision-making models and the DEP guidance to three situational case studies. The CGSC and RNA models are used in the research because they are the most well-established military ethical decision-making models available. The models are also useful for comparison with the Canadian DEP guidance because they are used in Western democracies with similar modern volunteer Armies. The results of this research will provide evidence on the effectiveness of DEP ethical decision-making guidance in comparison to the other two models.

The case studies are not true accounts, but they are situations which military members could realistically face in today's contemporary operating environment. The first two case studies focus on ethical decision making in a complex military operational setting, while the third case focuses on an ethical dilemma in a nonoperational setting. The method of research is subjective qualitative analysis. The solution to each dilemma will be determined by applying the models and DEP guidance to each case study through the approach that a reasonable person would be expected to use for the dilemma in question. The results of this research will be compared and contrasted in Chapter 4 by identifying the strengths and weaknesses of each approach in resolving the dilemmas from the three case studies. The methodology will provide an unbiased assessment of the effectiveness of current DEP ethical decision-making guidance through comparison data with different ethical decision-making approaches.

Case Study 1

This case study is based on real circumstances resulting from the 11 September terrorist attacks. While the specific events are not real, the ethical dilemma in this case confronted North American Air Defense Command (NORAD) pilots during the 11 September attacks. Selection of this case study was based on its unique relevance to the contemporary operating environment.

The Terrorist Attack

The date is 11 September 2001 and the pilot of a Canadian NORAD alert fighter aircraft has been deployed to the skies above Toronto in response to terrorist attacks using hijacked aircraft on New York City and Washington, DC. The pilot has been advised that there is a small aircraft with approximately forty passengers and five terrorists aboard that has been hijacked in Canadian airspace and is headed for Toronto. The pilot has been issued rules of engagement which allow him to engage a hijacked aircraft if it is going to crash into a civilian target. He has also been informed the president of the United States has ordered the engagement of hijacked aircraft by NORAD aircraft and the Prime Minister of Canada is expected to do the same momentarily. The pilot has just detected the aircraft, which is headed in the direction of the Canadian National Tower, where approximately five-hundred civilian Canadians are at work or visiting. He immediately tries to contact his control station, but is unable to make contact because of communications problems. It is clear to the pilot the aircraft is headed directly at the tower and he must engage immediately if he is going to prevent the aircraft from crashing into the tower. How does the pilot decide what to do?

Application of the CGSC Ethical Model

Step 1: Define the Problem. The first step in the CGSC ethical decision-making model is to define the problem. The ethical problem in this case involves the potential killing of innocent civilian passengers on board the hijacked aircraft. The dilemma which the pilot is facing concerns the trade-off between preventing the consequences of the aircraft crashing into the tower and potentially killing a large number of innocent civilians vice the killing of innocent passengers on board the plane to prevent the attack.

Step 2: Know the Relevant Rules and Values at Stake. The second step of the CGSC model is to know the relevant rules and values at stake. In this case the pilot will have to know the rules of engagement. It is critical for him to have studied the rules of engagement in advance to be able to make the correct decision concerning engagement of the aircraft or not. In addition the pilot would have to consider which Army values are involved. The values of duty and courage are particularly relevant to this case. Duty is important because of the incredible professional responsibility, which accompanies the military mission described in the case. Courage is relevant because of the moral courage which is required to carry out these types of orders. Now that the rules of engagement have been identified as important to this dilemma, as well as the values of duty and courage, the process moves to step 3.

Step 3: Develop and Evaluate Possible Courses of Action (COAs). This step requires the individual to develop and evaluate possible COAs to resolve the situation. In this case there are really only two COAs. The first is to engage the aircraft and prevent the attack. The second is to not engage the aircraft and see what happens. Step 3 also consists of six sub-steps, designed to evaluate each possible COA. Application of all six

sub-steps of step 3 is done by answering the following questions from the CGSC ethical decision-making model:

Step 3a. Does the COA violate an absolute obligation or prohibition? If yes, reject it; if no consider criterion b. This essentially means that the COA cannot violate any known rules, regulations or professional obligations. Given the fact that the pilot is manning a NORAD alert fighter aircraft, and has been ordered into the air to defend against terrorist attacks, it is reasonable to assume the pilot would be obliged to engage the aircraft. If he chose not to engage the aircraft he may very well be in violation of his duty, and would have to face legal consequences.

Consequently, it is reasonable to assume the COA of not engaging the aircraft would likely violate a professional obligation, and that COA can be rejected at this point based on this criterion. The COA to engage the aircraft does not violate any absolutes or prohibitions. In fact, the US President has ordered similar engagements and the pilot has been given ROE which would allow him to engage the aircraft. The COA to engage now moves to step 3b for further assessment, while the COA to not engage can be discarded.

Step 3b. 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 for all values at stake to criterion c. This step requires the users to assess if the circumstance of the dilemma favors one of the Army values. This is done to assist in narrowing down the list of COAs for further analysis. As there is only one viable COA remaining at this stage in the process the COA to engage would now move on to the criterion of Step 3c.

Step 3c. If a COA has two effects, one good and the other evil: Do you intend the evil effect? Are you directly causing the evil effect as a means to achieve the desired good effect? If yes to either question, reject the COA; if no, consider criterion d.

The COA chosen does have both good and evil effects. The good effects would be to prevent the attack and further death, while the evil effects would be the deaths of the passengers on board the hijacked aircraft. However, a reasonable pilot would clearly not intend these evil effects by selecting the COA to engage the aircraft. The pilot's intention would be to do good by preventing the attack. In addition, the COA to engage would not cause evil directly as a means to achieve the good effects, but rather would cause evil only as a secondary consequence of trying to prevent the terrorists from conducting the attack. As the intent of the pilot is not evil, it becomes clear that the engagement of the aircraft remains an ethical COA, which can proceed to the next step.

Step 3d. Are the expected good effects of the COA sufficient to compensate for allowing the negative effects? If yes, consider criterion e; if not, reject it. This is a difficult question to answer when human lives are at stake; however, it can be assessed using Sidgwick's proportionality rule. The rule says that "one may not do harm whose contribution to achieving victory is slight compared to the amount of evil" (Roetzel 2002, 170). Certainly in terms of the number of lives saved, the good effects from the decision to engage the aircraft compensates for allowing the negative effects, because hundreds of lives could be saved. In addition, a terrorist attack would have been prevented, and may lead to fewer attacks in the future and a return to peace. Overall, the good effects of the COA do seem to out weight the negative effects, and the COA remains viable.

Step 3e. Which COA best develops one's personal virtue or character? The COA to engage the aircraft will improve the pilot's virtue and character. The pilot would be fulfilling his duty, which in itself is a virtuous act. The pilot would also be making a difficult personal and professional decision, which is also a character building activity. A reasonable person would assume that the pilot is developing both his virtue and character by selecting the COA to engage the aircraft.

Step 3f. At this point, review your tentative choice of a COA. Does it pass the "gut check" test? Does it generally sit right with you? Would you be comfortable with having your decision appear in the newspaper or on the TV news reports? If so, go to step 4; if not begin step 3 again.

In this case the COA to engage the aircraft does sit well. This is mainly because the act is a legitimate act of defense with no evil intent. In addition the COA would prevent considerable loss of life and material, which are both important considerations. Finally the COA is carried out to defend innocent citizens and the nation. It is a just act that most reasonable people would understand and support. Consequently the COA passes the checks described above.

Step 4. Choose the COA that now appears to best represent the Army's values. Without doubt the COA to engage the aircraft is the preferred COA because; no evil is intended, the good consequences of the COA outweigh the bad, it fulfills the professional obligation of the pilot and also improves the pilot's virtue. The COA to not engage the aircraft did not represent several of the Army's values and could result in dereliction of duty charges. The application of the CGSC ethical decision-making model to this case

study suggests that a decision by the pilot to engage the terrorist aircraft is the correct COA.

Application of the Royal Netherlands Army (RNA) Model

Step 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. Application of this step results in the following question: should I shoot down the aircraft and kill innocent passengers to prevent the terrorist attack on the tower to prevent the death of many more innocent people?

Step 2: Who Are the Parties and What Are their Interests? The second step of the RNA model is to determine who the parties are to the dilemma and what their interests are. The main parties to the dilemma in this case study are as follows: the terrorists, the passengers, and the people in the tower. The interests of the terrorists are simple. They want to create as much terror as possible to further their political aims. The terrorists will be successful if they are able to crash the aircraft into the tower causing as much death and destruction as possible. The interests of the passengers and the people in the tower are also straightforward. They are human beings who deserve and want to live their lives in peace. They have no active part in this conflict and are unfortunately in the wrong place at the wrong time.

Step 3: List the Possible Solutions and Assess? The following questions must be addressed in this step. Have I considered all interests of those involved and what priority have I accorded them? Which solution do I think is the most justified, and why? Is the solution legal?

The two possible solutions for this case study remain to engage the aircraft or to not engage the aircraft. In the engagement solution, the interests of the parties only involves the passengers and the people in the tower. The interests of the terrorists do not need to be rated because their interests are the opposite of all other parties and must be denied for justice to prevail. The real question concerns the interest of the passengers vice the interests of the people in the tower.

A reasonable person would likely rate the protection of the larger number of people working in the tower as the first priority. This assumption is backed up by utilitarian ethical theory, which advocates the maximum utility for the maximum number of people. When the question of interests is assessed, the solution to not engage the aircraft is problematic. If the attack takes place and all passengers and people in the tower are killed the only party's interests that will have been met are those of the terrorists. As the interests of the terrorist are evil they are only considered from the perspective of how to deny them. Consequently, the assessment of the various interests involved in the dilemma strongly favors the solution to engage the aircraft.

The answer to this first question also helps to determine which solution is most justified. Considering the potential consequences of the attack, such as the deaths of all passengers, the deaths of all people in the tower, possible dereliction of duty charges against the pilot, and finally victory for the terrorist's cause, the solution to engage the aircraft seems most justified. On the other hand, the solution to not engage the aircraft can only be justified in terms of not killing the passengers.

While this is still justification to not engage the aircraft, it is weaker justification. The solution to engage the aircraft on the other hand is the most justified option because

more innocent lives are saved and the terrorist attack would be defeated. The final question in this step involves determining if the solution is legal. The solution to engage the aircraft is covered by the pilot's ROE and is consequently a legal COA. The solution not to engage may be a violation of the UCMJ because the pilot has orders to prevent such an attack. Consequently, the COA to not engage the aircraft may be an illegal act.

Step 4: Take a Decision. The final step in the RNA process is to make a decision. Similar to the US model, application of the RNA model to this case study should also result in a decision to engage the aircraft by a reasonable person. The COA to engage the aircraft is the most justified under this model because: it denies the terrorist attack, preserves more human life, and allows the pilot fulfil his professional duty.

Application of DEP Guidance Model

As the DEP does not provide a detailed decision-making model for application to dilemmas, the analysis will use DEP guidance from the foundation *Fundamentals of Canadian Defense Ethics* publication. The guidance requires application of the three hierarchal ethical principles of the DEP to the dilemma as the first step. The COA selected cannot violate any of the three principles to be viable. The COA is then reviewed to ensure the six DEP ethical obligations are respected, before a decision is made.

Respect the Dignity of All Persons. The principle of respecting the dignity of all persons is considered the most important DEP principle, and application of this principle must be done first. This principle is central to the dilemma in this case study because the death or injury of innocent people may occur. The DEP guidance states, "At a minimum, adhering to this principle means that we cannot . . . do violence to . . . [or] use as expendable another human being" (Canada, DND 2002, 10). Considering this direction,

the COA to engage the aircraft becomes of immediate concern, because the pilot would be directly doing violence to other people and treating them as expendable. The engagement of the aircraft and consequent killing of the passengers aboard the aircraft appears to violate DEP guidance. The COA to not engage the aircraft creates less concern, but consideration must also be given for the lives of the people at work in the tower. Although the pilot is not doing them any direct harm, he could prevent harm to them by destroying the aircraft. After initial consideration of this first DEP principle, a reasonable pilot would have concerns about the suitability of both COAs, under this model, and would require further clarification.

DEP guidance goes on to state that an exception to the harm avoidance obligations of the principle of respecting the dignity of all persons “is justifiable if the controlled use of violence primarily serves the interest of justice, human rights, and other ethical principles” (Canada, DND 2002, 10). This direction indicates that engaging the aircraft could qualify as an exception to the original guidance quoted concerning not doing violence to others. The ethical justification for engaging the aircraft, outlined in detail during the application of the US and RNA model to this case study, was clear that the interest of justice would be best served by engaging the aircraft.

However, consideration must also be given to the DEP guidance to avoid treating others as expendable. The DEP does offer further guidance concerning this type of harm dilemma. The guidance states, “This dilemma identifies . . . those difficult situations . . . where any action taken will result in harm or injury to others. In such cases, the first requirement is to reexamine the options available and try to identify any nonharmful 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” (Canada, DND, DND 2002, 18).

In this case there are no other options and harm is unavoidable to the passengers. Consequently this clarification would allow a reasonable pilot to retain the engagement COA as a viable COA. However, the requirement to re-examine the options available and to select a COA that is the least harmful would require the pilot to think long and hard about the COA to engage the aircraft. The strong emphasis on the need to avoid injury contained in this direction may also lead some pilots to decide not to engage the aircraft in an attempt to develop other nonharmful options or buy time before making a difficult decision. At this point both COAs are still viable, but a clear thinking pilot would likely favor the COA to engage the aircraft, because he would be fulfilling his duty. The next step in the DEP process is to consider the other two DEP principles and applicable obligations.

Serve Canada Before Self. There is no violation of the second DEP principle of serving Canada before self by the selection of the COA to engage the aircraft. The COA to engage is clearly a selfless act. However, the COA to not engage the aircraft may violate this principle because it is the duty of the pilot to protect Canada from these types of terrorist attacks. The pilot would not be serving Canada well if he did not engage the aircraft for personal reasons or values. Consequently, this principle favors the engagement COA.

Obey and Support Lawful Authority. The COA to engage the aircraft does not violate the final DEP principle to obey and support lawful authority and in fact clearly supports it. On the other hand, the COA to not engage the aircraft could be perceived as a

violation of this principle. The pilot is operating under ROE which represent lawful authority. He has also been ordered into the air to protect against terrorist attacks. The COA to not engage would not respect the lawful authority that he is operating under. A reasonable person would drop the COA, not to engage at this point as it appears to violate both this principle and the principle of serving Canada before self. That said, a review of the COA to engage the aircraft in relation to the six DEP ethical obligations is the next step in applying DEP guidance to this case study.

Application of DEP Obligations. For the most part the application of the six DEP obligations to the COA to engage the aircraft raises no major concerns. The selection of the COA does not violate the ethical obligations of integrity, loyalty, courage, honesty, or fairness as outlined in the *Fundamentals of Canadian Defense Ethics*. In fact, the COA tends to embody these five obligations. However, DEP guidance on the obligation of responsibility states in part, “Any contemplated decision or outcome that can be justified primarily on the basis of justice, care, or mission accomplishment, but will, nevertheless cause injury or harm, must be avoided if possible” (Canada, DND 2002, 15). This once again emphasizes the importance of avoiding harm, if at all possible, even if justified for mission accomplishment. Clear analysis of this direction on responsibility by a reasonable person would confirm that avoiding harm was not possible in this case study, and the obligation of responsibility would be met by the selection of the engagement COA.

Final Decision. After careful consideration of this case study DEP guidance would also validate selection of the COA to engage the aircraft because it does not violate any DEP principles and embodies many of the DEP obligations.

Case Study 2

This case study is based on a similar scenario used to test students applying for the School of Advanced Military Studies at the United States Army Command and General Staff College, Fort Leavenworth, Kansas. It is set in a military tactical situation and involves a classical right versus right ethical dilemma for a battalion commander (BC).

New Orders

A battalion has been involved in combat against an attacking enemy. The battalion has one company task force which has been surrounded and will likely be destroyed by the enemy, unless the BC orders an operation to rescue them immediately. The battalion operations officer has already drawn up the orders for the rescue mission, and the BC is about to issue the orders, when he receives a radio transmission from the brigade commander ordering the battalion to move to another sector of the brigade area to conduct an immediate counterattack. The radio goes dead before he has a chance to explain the situation to the brigade commander. He has no way to contact the brigade commander. He must decide to either rescue his company or follow the orders of his brigade commander. He cannot do both missions. How does he decide what to do?

Application of the CGSC Model

Step 1: Define the Problem The ethical problem in this case study concerns whether the BC should go ahead with the planned rescue of the company or follow orders and withdraw to conduct the brigade-ordered counterattack.

Step 2: Know the Relevant Rules and Values at Stake. In this case, the BC has been given a lawful command by a superior. The Uniform Code of Military Justice

(UCMJ) requires that the BC follow the order (US, MCM 2002, Art 92, Rule 12.11). However, the BC has not had a chance to explain the situation to his brigade commander. Consequently, although the UCMJ applies, most reasonable officers would not simply follow orders without carefully considering the complete situation. The complicated professional nature of this case involves many of the Army values. In particular, the value of loyalty is in conflict between loyalty to superiors and loyalty to subordinates.

Step 3: Develop and Evaluate Possible COAs. As with the first case study, there are once again two possible COAs. The first is to follow orders and conduct the counterattack. The second is to conduct the rescue mission that the battalion was planning. An evaluation of each COAs is conducted by answering the following questions:

Step 3a. Does the COA violate an absolute obligation or prohibition? If yes, reject it; if no consider criterion b. In this case, counterattacking does not violate any absolute obligation or prohibition and, in fact, has been ordered by a superior officer. As mentioned above, the rescue COA may violate the UCMJ; however, that determination would likely be uncertain until the appropriate authorities know the consequences of all actions. The brigade commander may very well be pleased that the BC did not strictly follow orders once he is made aware of all facts. Consequently, a reasonable BC would keep both COAs open at this point in the process.

Step 3b. 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 for all values at stake to criterion c.

In this case, it is not clear if the circumstances favor one of the values in conflict. The circumstances of the dilemma make it unclear if the BC should be loyal to superiors or be loyal to subordinates. The conflict really concerns which type of loyalty is correct, not a conflict between values. As neither COA favors one of the Army values, both COAs need to be submitted to criterion c.

Step 3c. If a COA has two effects, one good and the other evil, do you intend the evil effect? Are you directly causing the evil effect as a means to achieve the desired good effect? If yes to either question, reject the COA; if no, consider criterion d.

While each COA could have both good and evil effects, neither COA intends evil, or is causing evil as a means to achieve good. Therefore both COAs remain viable and can be submitted to the next criterion.

Step 3d. Are the expected good effects of the COA sufficient to compensate for allowing the negative effects? If yes, consider criterion e; if not, reject it. The expected good effects for both COAs would be sufficient to compensate for allowing the negative effects. The rescue COA would preserve both life and combat power and prevent the enemy from making further advances in the battalion and brigade sector. The counterattack COA would support the higher commander's plan, which may be critical to the success and survival of other elements of the brigade. Although the exact negative effects of both COAs are uncertain, the BC is more acutely aware of the negative effects of not conducting the rescue mission, which would likely result in the destruction of the company TF. At this point, a reasonable BC would begin to favor the rescue COA because of the overwhelming good effects of the COA; however, both COAs remain viable.

Step 3e. Which COA best develops one's personal virtue or character? This is always difficult to assess because of the nature of this question. The decision to follow higher orders does not really develop personal virtue or character. It may very well be a difficult personal decision to follow orders in this case. However, the BC did not make the decision and he is not likely to be held accountable for any consequences of the decision. On the other hand, making a personal decision to disobey an order can build character and virtue. This is especially true in this case, knowing that BC would clearly be held accountable for a decision not to follow orders. Consequently, the rescue COA seems to best develop the BC's personal virtue and character.

Step 3f. At this point, review your tentative choice of a COA. Does it pass the "gut check" test? Does it generally sit right with you? Would you be comfortable with having your decision appear in the newspaper or on the TV news reports? If so, go to step 4; if not begin step 3 again.

The rescue COA passes these checks. The decision to conduct a rescue would sit right with most reasonable military commanders because it is a selfless act which may preserve the lives of subordinate soldiers. The counterattack COA, on the other hand, would not sit right with the conscience of many professional military officers. The inherent sense of responsibility for protecting soldiers would leave many officers with a feeling that the commander deserted his men. It also unnecessarily constrains the commander in using his initiative to deal with a situation that the brigade commander is unaware. Finally, the counterattack COA could have the feel of following orders blindly, without regard to the important ethical issue concerning the lives of the surrounded soldiers.

Step 4. Choose the COA that now appears to best represent the Army's values.

Given the above discussion, the rescue COA is the best choice because the good effects of the COA outweigh the bad; it improves the virtue of the BC and passes the newspaper and gut check. The counterattack COA is less appealing, because it does not improve the virtue of the BC and because it has the feel of following orders without due consideration for the surrounded TF.

Application of the Royal Netherlands Army Model

Step 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. This analysis would result in the following question: Should the counterattack be conducted as ordered or should the BC go ahead with the planned rescue mission?

Step 2: Who Are the Parties and What Are Their Interests. The parties to the dilemma are the brigade commander and the surrounded Company TF. The brigade commander's interests concern doing what is best for the brigade. The brigade commander ordered a counterattack which he feels is necessary. He is unaware of the situation in the battalion area, but he may have a better overall big picture of the tactical situation. The soldiers in the surrounded TF are fighting for their lives. The TF soldiers are primarily interested in surviving and reestablishing contact with the battalion.

Step 3: List Possible Solutions and Assess. The following questions must be addressed in this step. Have I considered all interests of those involved and what priority have I accorded them? Which solution do I think is the most justified, and why? Is that solution legal?

The possible solutions to the dilemma remain the same, to counterattack or to rescue. A reasonable BC would consider the interest of both the TF and the brigade commander in his decision. The interests of the TF seem to warrant priority over the interests of the brigade commander when compared. The situation of the TF is clear and desperate, whereas the exact reasons and necessity for the counterattack remain unclear.

Consequently, the solution to rescue the TF seems the most justified because the TF force will likely be destroyed if the rescue does not take place. The exact necessity of the brigade ordered counterattack is unclear. It may be necessary that the counterattack be conducted immediately but perhaps it could be delayed. Given the lack of specific information concerning the counterattack a reasonable BC would likely conduct the rescue and live with the consequences afterward. The solution to conduct the rescue would likely be illegal under the UCMJ because it involves disobeying the order to counterattack; however, the legality of the solution does not require it to be rejected under this model.

Step 4: Take a Decision. Given the above application, the RNA model would also support the selection of the rescue COA. It is the most just COA when the interests of all parties are analyzed because it is clear the TF will be destroyed if the rescue does not take place.

Application of DEP Guidance

Respect the Dignity of All Persons. The principle of respecting the dignity of all persons is once again central to the dilemma in this case study. In particular, the DEP guidance to never “use as expendable another human being” becomes particularly relevant (Canada, DND 2002, 10). This guidance is problematic when waging legitimate

full spectrum military operations where innocent people may have to die to achieve military objectives. Consideration of the two possible COAs in relation to the above DEP direction makes the rescue COA compelling. If the rescue does not take place, then the soldiers in the TF are treated as expendable, and this principle is violated. Consequently, the rescue COA is the preferred COA in this case, considering that DEP guidance does not allow the selection of a COA that violates a principle. Despite the fact that the counterattack COA does not violate this principle, the BC can only choose one COA, and he must choose the rescue COA to comply with DEP guidance.

At this point, it is useful for research purposes to make an assumption that the TF soldiers have some chance of survival and consequently are not being treated as expendable, which allows further application of DEP guidance to this case study. With this assumption it is possible to evaluate both COAs against the remaining principles of the DEP to determine if clarification emerges.

Serve Canada Before Self. There is no violation of the second DEP principle of serving Canada before self by the selection of either COA in this case study. Both COAs would serve Canada before self, and can be assessed under the final DEP principle.

Obey and Support Lawful Authority. This principle is also very relevant to the BC's dilemma. The orders of the brigade commander reflect lawful authority, because they are lawful commands from a legitimate superior. If the order to counterattack is not obeyed, a violation of the principle to obey and support lawful authority will occur. The COA to counterattack appears to be the only viable ethical choice applying this principle. The COA to rescue the TF violates this principle and it would have to be discarded at this time.

It is now clear that the assumption made above concerning the TF not being treated as expendable is no longer useful. The assumption allowed the COAs to be subjected to further evaluation of DEP principles, but has led to the exact opposite choice for a COA. The assumption has not provided any further clarification on the evaluation of the best COA, but rather led to ambiguity. DEP guidance is clear that if DEP principles conflict the first principle takes precedence.

Final Decision. The application of the DEP principle of respecting the dignity of all persons in this case study results in a decision to select the rescue COA. If the rescue was not conducted, the TF would be treated as expendable, and the DEP of respecting the dignity of all persons would be violated.

Case Study 3

This case study was developed using ethical issues expressed by members of the DND and CF during the 2000 Focus on Ethics Campaign. It reflects concerns about the validity of temporary duty travel and involves an ethical dilemma in a nonoperational setting. The case was selected because it allows for application of the three-research decision-making processes to a nonoperational dilemma, which members of the DND and CF have expressed specific concerns about.

The Temporary Duty Trip

A senior officer working at National Defense Headquarters in Ottawa receives a request to participate in a seminar, taking place in his hometown. He considers himself a dedicated and ethical officer who always follows the rules. He travels on temporary duty on a regular basis for military business. He has received approval and accepted the invitation to participate in the seminar. While the seminar is legitimate military business

he does not consider it essential that he attend. He is really looking forward to the trip because it is going to allow him a chance to visit old friends and family who he has not seen in a long time. In the interim, another request has come in for the officer to attend what he considers to be an essential workshop at the same time on the opposite end of the country. The second request has created a dilemma for him. He has already accepted the first request, but is not sure if he should cancel it now. His acceptance and desire to go on the trip near his hometown is causing him to be in conflict with his sense of honesty and integrity to the military. What should he do?

Application of the CGSC Model

Step 1: Define the Problem. The ethical dilemma in this case concerns determining whether the officer should go ahead with the planned temporary duty trip to the seminar in his hometown or cancel and attend the more relevant workshop.

Step 2: Know the Relevant Rules and Values at Stake. In this case the officer is not breaking any rules, but the case involves many of the Army values. In particular the officer's values of integrity and honesty are in conflict with his personal desire and sense of responsibility for having already agreed to the hometown seminar.

Step 3: Develop and Evaluate Possible COAs. There are once again two possible COAs in this case. The first would be to continue as planned and attend the hometown seminar. The second would be to cancel the seminar and to attend the workshop.

Step 3a. Does the COA violate an absolute obligation or prohibition? If yes, reject it; if no consider criterion b. In this case, they are both legitimate COAs, and neither COA violates an absolute obligation or prohibition.

Step 3b. 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 for all values at stake to criterion c.

The circumstances in this case favor integrity. This is clearly a case where personal and professional integrity is being tested by the circumstances of the dilemma. Integrity concerns doing the right thing even when no one else will know or see. The officer must personally decide the right thing to do because both COAs are legitimate and do not violate any other criterion. The workshop COA favors integrity because it is the right thing to do for the organization despite the fact that the hometown seminar COA is legal and would be personally preferred. Consequently, it is clear at this time that the workshop COA favors the Army value of integrity and the officer should reject the hometown seminar COA.

Step 3c. If a COA has two effects, one good and the other evil: Do you intend the evil effect? Are you directly causing the evil effect as a means to achieve the desired good effect? If yes to either question, reject the COA; if no, consider criterion d. The workshop COA has no evil effects and it can be submitted to the next criterion.

Step 3d. Are the expected good effects of the COA sufficient to compensate for allowing the negative effects? If yes, consider criterion e; if not, reject it. The workshop COA has no identifiable negative effects and it can proceed to the next step.

Step 3e. Which COA best develops one's personal virtue or character? The workshop COA clearly develops the officer's virtue and character. The officer is making a decision which is disappointing personally, but which is the right thing to do

professionally. This check is also useful in confirming the decision to drop the hometown COA.

Step 3f. At this point, review your tentative choice of a COA. Does it pass the “gut check” test? Does it generally sit right with you? Would you be comfortable with having your decision appear in the newspaper or on the TV news reports? If so, go to step 4; if not begin step 3 again.

The workshop COA passes all of these final checks. It allows the officer to confirm he did the right thing, and also protects him from any negative perceptions which the hometown trip may have caused.

Step 4. Choose the COA that now appears to best represent the Army’s values. In this case the workshop COA best represents the Army’s values. The application of the CGSC model clearly demonstrated that the workshop COA best represented the Army value of integrity.

Application of the Royal Netherlands Army Model

Step 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. This should result in the following question: should the officer go on the planned hometown seminar or cancel and attend the more important workshop?

Step 2: Who Are the Parties and What Are Their Interests. This dilemma really only concerns only the interest of the officer and of the organization. It is a classic personal ethical dilemma, which forces an individual to squarely confront conflicting personal values and emotions with professional values.

Step 3: List Possible Solutions and Assess. The following questions must be addressed in this step. Have I considered all interests of those involved and what priority have I accorded them? Which solution do I think is the most justified, and why? Is that solution legal?

The solutions to the dilemma remain the same, to attend the hometown seminar as planned or to cancel and attend the more important workshop. When the interests of the parties are examined, the workshop COA best serves the interest of the organization. The hometown seminar COA serves mostly the personal interests of the officer. In applying the RNA model to this case the question of which COA is the most justified must consider this fact.

Justification of the hometown seminar COA is possible because it is a legitimate event to attend and also by the fact that the officer already agreed to attend the seminar. Justification of the workshop COA can be made on the grounds that it is more important professionally. The justification for a COA should be based on professional, not personal factors. At this point it would be clear to most reasonable people with a professional sense of duty and responsibility that the workshop COA is clearly more soundly justified. Finally, both possible COAs in this case are legal.

Step 4: Take a Decision. Given the above application, the RNA model would validate the selection of the workshop COA. The workshop COA is the most justified COA from professional perspective and best represents the interests of the organization.

Application of DEP Guidance

Respect the Dignity of All Persons. Neither COA from this case study violates the principle of respecting the dignity of all persons.

Serve Canada Before Self. Selection of the hometown seminar COA violates the second DEP principle of serving Canada before self. Consideration of this principle helps to ascertain that attending the hometown seminar COA is a personal preference which serves the interest of the individual above the interests of the Canadian Military. Most reasonable people would discard the hometown COA at this point as it violates the DEP of serve Canada before self when compared to the workshop COA. DEP guidance is clear that a COA that violates one of the DEP principles, with everything else being equal, is not an acceptable COA. The workshop COA is clearly the better option and there is no need to go any further with the application of DEP guidance in this case study, as a decision on the best COA has been reached.

Final Decision. The workshop COA would be selected, as it is the most suitable COA when the DEP principle of serve Canada before self is applied. The hometown COA violates the principle to serve Canada before self.

CHAPTER 4

ANALYSIS

Effectiveness Criteria

There is a requirement for evaluation criteria to conduct an objective analysis of the effectiveness of the DEP ethical decision-making guidance. Effectiveness means producing a desired effect (Webster's 2003, 208). In other words, assessing the effectiveness of DEP ethical decision-making guidance requires an examination of the results the guidance produces. This is particularly relevant, as one of the objectives of the DEP is "the improvement of individual ethical decision making abilities" (Canada, DND 2000, 6).

In addition to the results that are produced, there are other criteria which are relevant when assessing the effectiveness of any type of decision-making guidance. The Josephson Institute of Ethics outlines several steps necessary when conducting principled reasoning involving ethics. The first two steps involve clarification and evaluation of the ethical problem (Josephson 2002, 25). These two activities are generally considered necessary in all social sciences decision-making processes, and are consequently useful criteria for assessing the effectiveness of any decision-making model or guidance (Canada, DND 2002, 16). Therefore, this analysis of the effectiveness DEP guidance on ethical decision making will use results, clarification, and evaluation as general assessment criteria. However, it is useful to look first at some general observations stemming from the research.

General Observations

There are several general observations which emerge from the research conducted in chapter 3. The first general observation is the fact that structured models were simpler to apply than detailed written guidance. As the researcher, it was much easier to apply the CGSC and RNA models, than the detailed written guidance of the DEP. This was the case despite the fact that the researcher had an in-depth knowledge of DEP guidance. The formal structure and step-by-step decision-making process included in the models makes the models easy to apply. The application of DEP guidance was more complicated because it did not pose specific questions for the user to answer. Instead, the DEP required users to apply the DEP guidance to resolve the dilemma in question, which leaves much up to the subjective judgment of users in reaching a decision.

Such a system will work if all users have the ability and desire to meticulously consult DEP guidance and then undertake a philosophical analysis when confronting a difficult dilemma. In reality this is not the case, as the average member of the CF has neither the time nor knowledge base to make decisions in this fashion. The CGSC and RNA models, on the other hand, provide simple and clear questions to answer when one is confronted with a complicated dilemma. This is one reason models are used in many militaries and civilian organizations. Independent research has identified the advantages in using decision-making models, which combine theory and experience, to guide decision makers when confronted with complicated ethical decisions (Cooper 1998; Scott 2002).

The second general observation concerns the amount of time it took to apply a model vice the DEP guidance to the case studies reviewed. In the two operational case

studies reviewed, time was limited and quick decisions were necessary. The models were applied relatively quickly in the research conducted and consequently demonstrated an advantage in time constrained settings over detailed written guidance, which generally required more time to apply. The research also supported the necessity in training on models. As the research progressed and as the researcher became more familiar with the models, it was quicker and easier to apply the models. In addition, the previous experience of the researcher in applying the CGSC model made application of that model much easier from the start. This finding supports RNA research indicating that training on models is beneficial. The more familiar individuals are with a model the more quickly and effectively models can be applied (Verweij et al.2000, 6).

The last general observation concerns results. As outlined, results are important criteria when assessing effectiveness. In the research conducted, the application of the two models and the DEP guidance eventually led to the same COA being selected for each of the three case studies. This indicates that the models used can achieve the same results as the detailed DEP guidance in at least the three case studies reviewed. Consequently, the research has proven that the use of models in terms of the results criteria was at least as effective as DEP guidance, as the end results were all the same. As the results of the research produced the same selection of a COA, final consideration of effectiveness must be determined primarily by analyses of the other two criteria identified, which involve clarification and evaluation of the dilemma.

Analysis of the CGSC Model

Application of the CGSC model in the research was straightforward, as it involved the researcher proceeding through the steps of the model by answering various

questions. The process eventually led to the selection and analysis of a COA. The first step in the model is to define the problem. This step in combination with step 2, which identifies the relevant rules and values at stake, really helps to clarify the ethical dilemma in question. The CGSC model immediately established clarification of the ethical problem in all three case studies, and was consequently very effective with regard to the clarification criteria. The CGSC model also demonstrated several advantages over the RNA model.

The CGSC model is more detailed than the RNA model because it poses more questions to the user. During application of the model to the case studies, the detailed questions forced the researcher to look closely at all ethical aspects of the dilemma. In particular, because the CGSC model closely reflects the military ethic of Michael Waltzer, ethical considerations concerning the use of force were clearly evaluated (Roetzel 2001, 170). This resulted in an in depth evaluation of the military operational aspects of ethics, and consequently in a more effective evaluation of the two case studies involving military operations.

One aspect of evaluation where the CGSC model seems somewhat weak from an ethical perspective concerns step 3a, when the user must determine if the COA violates any obligations. In essence, this step eliminates any COA which contravenes rules and regulations. While this is certainly understandable in the military, it must be remembered that because something is legal it is not necessarily ethical. Consequently there is a danger of promoting a solely legal or rules based evaluation of ethical dilemmas by having this question as the first step in the model. This is a serious issue because extensive research has found that what “hurts the (ethical program effectiveness) most is

an ethical culture that emphasizes . . . unquestioning obedience to authority” (Trevino et al. 1999, 131). This approach could result in legal, but poor ethical decisions in ambiguous circumstances.

A strength of the CGSC model in terms of evaluating ethical problems is the inclusion of the question reflecting Aristotle’s virtue ethics (Roetzel 2001, 171-172). This requires evaluation of whether the COA will improve the virtue of the individual. It is definitely a useful evaluation criterion, especially in the complicated considerations of case studies one and two. In particular, in the absence of any other clear evaluation criteria, virtue ethics will normally provide guidance for the user, albeit based on their definition of virtue. The CGSC model was the only process to directly include virtue ethics in the evaluation of the dilemma.

Analysis of RNA Model

The RNA model, similar to the CGSC model, effectively deals with problem clarification by directly asking the user to identify the core problem. This is the first step in the model, and clearly focuses the user on the ethical problem at hand. In addition, step 2 of the model asks the user to clarify whom the parties are to the dilemma, providing further clarification on the exact problem at hand. Consequently, the RNA model was very effective in problem clarification in all three case studies.

In terms of the evaluation criteria for effectiveness, the model encouraged the development of several COAs, and then required each COA to be assessed against; the consequences to the parties of the dilemma, justness, and legality. The model produced an effective evaluation of each ethical dilemma reviewed. Similar to the CGSC model, the RNA model was particularly effective in resolving the two operational dilemmas

because of the structure and detailed questions posed in the model. The requirement to assess the effects of a particular COA on other parties to the dilemma also proved to be very effective in the operational case studies. One weakness in the evaluation criteria for the RNA model is that the determination of justness is left open to the subjective judgment of the user. Justness is a complicated concept, which is highly individualistic. This could be problematic, as individual interpretations of justness can vary drastically. The model needs to provide a common explanation of the concept to mitigate this shortcoming.

A strength of the RNA model is that it is relatively simple to apply because it only involves three steps. While, this is not one of the criteria identified in this research to evaluate effectiveness, it is an advantage in time-constrained situations. A more significant strength of the model is that legality is considered last. This is done consciously to allow for in-depth ethical evaluations, prior to legal considerations, in an attempt to come up with the best COA. Assessing legality last eliminates the shortfalls discussed in the analysis of the CGSC model, of having a legal or rules based question at the start, and consequently promoting purely legal based decision making.

Analysis of DEP Guidance

The DEP, similar to the CGSC and RNA models, also offers guidance on the necessity of clarifying the ethical issue. DEP guidance states that perception of what must be decided should be the first step in attempting to reach a decision on an ethical dilemma (Canada, DND 2002, 17). Initially determining what must be decided is effective guidance on the importance of problem clarification. However, unlike the two models used in the research, DEP does not provide specific guidance on how to clarify the

dilemma. This is a relative weakness when compared to the problem clarification guidance offered in the two other models examined.

DEP guidance proved to be very useful in evaluating the nonoperational ethical dilemma in case study 3. The DEP principle of serving Canada before self provided excellent evaluation criteria in this case, and resulted in the selection of a COA almost immediately. In dilemmas like case study 3, where there is a violation of a DEP principle, the DEP provides very clear direction that the COA must be eliminated. The DEP principle of serving Canada before self helps greatly to eliminate COAs based on self-interest. This principle clearly puts routine, non-life threatening, ethical decisions into perspective. Consequently, the DEP was more effective at solving the nonoperational dilemma in case study 3, than the two models were. However, DEP guidance became problematic concerning problem evaluation in operational settings. This was clear when DEP guidance was applied to the two operational case studies.

DEP guidance created cognitive conflict, as opposed to facilitating resolution, in the operational case studies. The DEP principles of respect the dignity of all persons and respect and obey lawful command came into conflict in both operational case studies. In terms of problem evaluation, conflicting guidance is obviously ineffective.

However, the DEP also states when principles conflict, the principle of respecting the dignity of all persons takes priority. While this is clear guidance, the priority given to respecting the dignity of all persons can be difficult for military leaders to comply with during operations. In fact, there is potential for conflict between this principle and the principle of proportionality from the universally recognized Law of Armed Conflict. There is a real danger that the use of force during military operations may become overly

restricted, given DEP guidance concerning this principle of respecting the dignity of all persons.

The complicated DEP requirement to attempt to find nonviolent means to solve all operational situations seems unrealistic in the contemporary operating environment. By taking this approach, the DEP avoids the difficult ethical issues associated with the use of force in today's unsettled world, in contrast the military ethic of Michael Waltzer directly confronts these issues. This is especially relevant since the military is normally employed as a force of last resort when other, nonviolent, methods of conflict resolution have failed. The DEP guidance certainly contradicts the Clausewitzian principle that the intelligent use of overwhelming force must never be restricted during war (Clausewitz 1993, 84). It is also not conducive of decisively evaluating an operational dilemma, and then intelligently employing deadly force when necessary, an essential task for any member of the military.

The research indicated that the important criterion of evaluation was problematic, when DEP guidance was applied to the two operational case studies. In particular, conflicts between DEP principles, and the specific DEP requirement to attempt to find nonviolent means to resolve all operational dilemmas, greatly complicates effective evaluation of the ethical problem at hand. In some cases the requirement to find a nonviolent COA could specifically conflict with the rules of engagement for the mission. However, the research indicated that the evaluation process stemming from DEP guidance was extremely effective in the nonoperational case study.

Findings

The significant findings of this research are as follows:

1. DEP guidance and the two models used in the research eventually produced the same results or COA;
2. DEP guidance and the two models used in the research were all equally effective in identifying the importance of problem clarification; however, the models offered more effective guidance on how to clarify the problem;
3. DEP was most effective in determining a COA for case study three, the nonoperational case study, where one of the DEP principles was violated almost immediately; and
4. The models were more effective than the DEP guidance in evaluating the ethical dilemmas associated with case studies one and two, the operationally oriented case studies.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

General Conclusions

Adopting a values-based ethics program for the DND and the CF was an intelligent and innovative approach to the unique challenges facing Canadian defense. The program has matured impressively in only seven years and is creating a positive ethics climate within the DND and the CF. It has helped members of the Canadian defense establishment deal with both the ethical challenges stemming from the post-cold war operating environment and the public demand for better government accountability. Establishing an ethics program for both civilian and military personnel of the DND was a complicated undertaking. The professional differences that exist between federal civil servants and the military made the adoption of an umbrella ethics program problematic.

Like any new initiative, the DEP suffers from shortcomings. The Office of the Auditor General of Canada as well as the *2000 DND Baseline Survey of Ethics* identified areas of the program that need improvement. This study has uniquely focused solely on the effectiveness of DEP ethical decision-making guidance. The evidence from the research conducted in this study indicates that DEP ethical decision-making guidance is another area of the program which can be improved upon.

Specifically, the research demonstrated that the DEP was effective in the resolution of the nonoperational case study reviewed. The DEP ethical principle of serve Canada before self is very clear guidance for general ethical dilemmas not involving the life and death situations often encountered on military operations. Concerning the two operationally oriented dilemmas; however, the evidence from the research demonstrated

that the ethical decision-making models of the CGSC and RNA provided more effective guidance than the DEP. These two models, and in particular the CGSC model, more adequately addressed the difficult ethical issue of doing harm to others. This was the result of two main factors. The first is that both models reflect the advanced work of Michael Waltzer concerning ethical considerations in the use of deadly force on military operations. Secondly, DEP guidance on the principle of respecting the dignity of all persons requires that CF members find nonviolent means before resorting to the use of force. This is problematic in operational settings, especially given the complicated nature of the contemporary operating environment.

Discussion of Subordinate Research Questions

Is it necessary to provide guidance on ethical decision making? The literature review partially addressed this question. Many researchers argue that ethics programs are useless and will be perceived as ineffective unless they have a positive correlation with ethical decision making (Trevino et al. 1999; 3). In addition, ethicists generally agree, that organizations have a moral responsibility to clearly communicate ethical expectations to employees. Certainly the DEP literature reflects this theme and states, “The senior leadership of the organization fulfils an important part of its organizational responsibilities by publicly stating the manner in which the organization and its members should carry out their obligations to Canada” (Canada, DND 2002, 5). Consequently, it is clearly necessary for organizations to provide guidance on ethical decision making. It is also clear that the guidance stemming from ethics programs must be directly connected to good ethical decision-making results to be considered useful.

Is DEP guidance easy to apply to ethical dilemmas? DEP guidance proved to be easy to apply to the nonoperational case study used in the research, but proved to be quite complicated when applied to the two operational case studies. The difficulty experienced stemmed from the DEP requirement noted above to strive to find nonviolent solutions for operational dilemmas. This requirement combined with the DEP principle of respecting and obeying lawful authority greatly complicated the application of DEP guidance in the two operationally oriented case studies. The results of the research indicate that the DEP guidance to find nonviolent solutions for operational dilemmas is not practical.

What do other military use as a basis for ethical decision-making guidance? The research conducted found that most other militaries that have ethics programs, use compliance or rules based approaches to ethical decision making. Ethical decision-making guidance is normally provided in the form of an ethics code and or a detailed ethical decision-making model. The DEP is the only values based military ethics program in use today.

Is there a better process or model to use when making ethical decisions? The evidence indicated that DEP guidance was the best of the three processes used in the research to resolve the nonoperational case study. The research also indicated that the CGSC and RNA models were both better processes than the DEP guidance when making operationally focused decisions.

Does the DEP adequately address the ambiguity of a values based ethics program? This question really concerns whether the DEP is more than just values hanging on the wall. It was clear during the research that the DEP does provide guidance in addition to the principles and obligations outlined in the *Statement of Defense Ethics*.

The DEP principles are hierarchical and take precedence over DEP obligations. The *Fundamentals of Canadian Defense Ethics* clearly outlines detailed guidance for the DEP. The guidance addresses how to deal with different types of dilemmas in addition to providing detailed explanations of each principle and obligation. However, despite these attempts at clarification, the DEP principles and obligations still often come into conflict and lead to ambiguity.

Does DEP guidance provide effective results, evaluation, and clarification of ethical dilemmas? This question was the focus of the research and analysis conducted. The evidence from the research is that DEP guidance produced suitable results for each case study analyzed. In particular, the DEP guidance produced excellent results and problem evaluation of the nonoperational case study. However, the evidence indicated that DEP guidance was less effective concerning the clarification criteria. This was true because the DEP offered no guidance on how to clarify a dilemma, but rather only on the need to do so. The research also indicated that DEP guidance concerning the evaluation of operational ethical dilemmas involving the use of force tended to be confusing and at times contradictory.

Is the DEP providing suitable ethics decision-making guidance for military members of the DND? The research demonstrated that the DEP is suitable guidance for military use when confronting nonoperationally oriented dilemmas. However, the DEP was not the most effective guidance for military members when confronting military operationally oriented dilemmas. The operationally focused CGSC and RNA models provided better guidance for members of the military in these situations.

Is there a need for an operational ethical decision-making model in the CF? The research evidence supported the need for an operationally oriented decision-making model for military members of the CF. The DEP literature acknowledges that models generally improve ethical decision making. Operational models, like the CGSC model, provide more effective clarification and evaluation in complex operational dilemmas involving the use of force. The research also indicated that this need is increasing because of the challenges associated with the contemporary operating environment.

Answer for Primary Research Question

Is the DEP guidance on ethical decision making effective?

Based on the evidence from this research the DEP is effective guidance for ethical decision making, but could be improved upon through the development of a model that better addresses the use of force, for use by members of the CF.

Recommendations

1. The CF must develop an operationally oriented ethical decision-making model.
2. The model must reflect the both the *Statement of Defense Ethics* and military ethic of Michael Waltzer concerning the use of force.
3. Future CF leadership training should incorporate training on the model to facilitate rapid operational decision making.

APPENDIX A

THE STATEMENT OF CANADIAN DEFENSE ETHICS



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, 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

THE ETHIC OF MICHAEL WALTZER: THE THEORY OF DOUBLE EFFECT

It is ethical to perform an act provided that the following criteria are satisfied:

The act is good in itself or at least indifferent, which means for our purposes that it is a legitimate act of war.

The direct affect is morally acceptable, the destruction of military supplies for example or the killing of enemy soldiers.

The intention of the actor is good, that is, he aims narrowly at the acceptable effect; the evil is not one of his ends, nor is a means to his ends, and aware of the evil involved he seeks to minimize it, accepting costs to himself.

The good effect is sufficiently good to compensate for allowing the evil effect, it must be justifiable under Sidgwick's proportionality rule. (Sidgwick says that one may not do harm whose contribution to achieving the victory is slight compared to the amount of evil)

APPENDIX C

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 Courses of Action.

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 for all values at stake to criterion c.

c. If a COA has two effects, one good and the other evil:

Do you intend the evil effect? Are you directly causing the evil effect as a means to achieve the desired good effect? If yes to either question, reject the COA; if no, consider criterion d.

d. Are the expected good effects of the COA sufficient to compensate for allowing the negative effects? If yes, consider criterion e; if not, reject it.

e. Which COA best develops one's personal virtue/character?

f. At this point, review your tentative choice of a COA. Does it pass the "gut check" test? Does it generally sit right with you? Would you be comfortable with having your decision appear in the newspaper or on the TV news reports? If so, go to step 4; if not begin step 3 again.

Step 4: Choose the COA that now appears to best represent the Army's values

APPENDIX D

ROYAL NETHERLANDS ARMY ETHICAL DECISION-MAKING MODEL

Step 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)

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

Step 3: List the possible solutions and assess them on the basis of the following questions:

- a. Have I considered all interests of those involved and what priority have I accorded them?
- b. Which solution do I think is the most justified, and why?
- c. Is that solution legal?

Step 4: Take a decision.

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