FUNDAMENTALS

OF

CANADIAN DEFENCE ETHICS

National Defence Défense nationale

Canada

PREFACE

The *Fundamentals of Canadian Defence Ethics* was produced under the authority of the Chief of Review Services, National Defence Headquarters, to provide a general description of the Defence Ethics Program. It also provides an explanation of the background, rationale, and approaches to the Defence Ethics Program. Finally it discusses in depth the principles and obligations of the Statement of Defence Ethics.

The *Fundamentals of Canadian Defence Ethics* is meant to complement other aids for the practice of ethics in Defence developed by the Defence Ethics Program. The text of the *Fundamentals of Canadian Defence Ethics* can also be found in the Defence Ethics Handbook which is available both in hard copy and on the Defence Ethics Program web site.

A primary concern of the Defence Ethics Program is to foster the conditions that are conducive to developing and maintaining a healthy ethical culture in defence. The *Fundamentals of Canadian Defence Ethics* is considered an important and necessary contribution to fulfilling that aim.

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The Fundamentals of Canadian Defence Ethics

INTRODUCTION

1. A fundamental concern of the Canadian Forces and the Department of National Defence is the strength and vitality of its ethical culture. The Canadian public expects the highest moral standards from defence personnel and has the right to do so. The ethical culture of defence is complex and can sometimes appear to be paradoxical. On the one hand, it is an integral part of Canadian society and must reflect its fundamental values. On the other hand, the nature of defence can involve, in justifiable cases, the controlled use of destructive power in ways that would otherwise be considered morally wrong in our democratic society. In response to important factors that highlighted the need to re-emphasize ethical decision-making and integrity in government as a whole, senior defence leaders endorsed the development of an ethics program for Defence in February 1994 and formally authorised the Defence Ethics Program in December 1997. The program provides an articulated and visible ethical focus for the Canadian Forces and its members and the Department of National Defence and its employees.

2. This paper provides a general introduction to the fundamentals of the Defence Ethics Program. Accordingly, it presents the manner in which the Defence Ethics Program has dealt with philosophical, social psychological, and administrative issues related to defence ethics. In particular, it presents three hypotheses that have been the basis for the development of the program. It analyses three different approaches to developing ethics programs. And, it considers the contribution and the limits of the paradigm of a profession to the foundations of Defence ethics. The paper takes a detailed look at the Statement of Defence Ethics and its application. It discusses the complexity of moral development in the individual, and in particular the approach that has guided the development of the Defence Ethics Program in this area. Finally, in addressing the issue of institutional responsibility, it explains in detail in what way the Defence Ethics Program provides an ethical framework for Defence.

RATIONALE FOR CANADIAN DEFENCE ETHICS

General Considerations

3. The Defence Ethics Program is a value-based program build on values that are constitutive of democracy. In as much as a democratic society must ensure its own defence, theses constitutive values must also determine what that society will accept as the institutionalisation of its national defence. For that reason, the Defence Ethics Program takes as a start point that the unique circumstances and requirements of the Canadian Forces and the Department of National Defence consistent with these constitutive values. With that in mind, ethics for Defence is guided by three general assumptions about the nature of Canadian society. The first assumption postulates that it is a fact that Canada's modern democratic society is characterized by a multiplicity of comprehensive belief systems, some of which are characterised as philosophical, while others are deemed either religious or secular. In the second assumption, these comprehensive belief systems are considered to exhibit an overlapping consensus (Rawls,

1993) of values in a free and democratic society. The third assumption states that within the kind of overlapping consensus found in a free and democratic society there is a set of fundamental values that defines what constitutes Defence.

4. Let's take a closer look at these three claims. The first assumption, that Canada is a modern democratic society characterized by a multiplicity of comprehensive belief systems, is well supported empirically and does not seem to present any significant problems. The second assumption about the existence of a certain overlapping consensus implies that a democratic society is strong and healthy in as much as the values and principles of the comprehensive belief systems at work within it can accommodate the essentials of democracy, as we know it. A look at the history of these comprehensive belief systems teaches us that they are considered incompatible in many important theoretical and practical ways. In addition, there is no indication that one of these comprehensive belief systems will impose itself globally now or in the foreseeable future as the one and only acceptable comprehensive belief system. In spite of these considerations, it is reasonable to postulate that there exists a certain overlapping consensus of values that constitutes a public space that is stable enough to allow everyday live to unfold democratically in our society. In that way, it can be claimed that we routinely experience an overlap amongst these belief systems. One way of describing how an overlapping consensus works within a liberal democracy is to consider the plurality of comprehensive belief systems to be in a general equilibrium within the background culture of society. The strength of the general equilibrium, and of the overlapping consensus of ethical values, is indicated by the degree of inner stability that is possessed by a democratic society when there is a change in the distribution of power amongst the different comprehensive belief systems. (Rawls, 1993) Thus, although individual Canadians may identify themselves as Christian, Muslim, Jewish, or Humanist, the idea of an overlapping consensus helps explain that this fact does not prevent them from going beyond the differences inherent in these identities to deal with difficult and complex societal and political issues within the accepted constraints of our democratic traditions.

5. Characteristically, Canadians declare a preference for the types of constraints that a free and democratic society imposes on its citizens to determine how they will live and work together. We observe regularly how they live out that choice, both dynamically and within tolerable limits of stability. That choice is revealed in the way they accept a way of life that practises a shared respect for a set of fundamental democratic values. As a liberal democracy, Canada exhibits a way of life that includes ethical principles and obligations necessary for its health. For example, the Canadian Charter of Human Rights and Freedoms has formalized basic democratic principles and obligations that were practised in Canadian society, a long time before they were enacted into law by the Charter. However, these principles and obligations were considered so important that they warranted being safeguarded by law. Although the application of the Charter has been controversial and the scope of the Charter itself is legally limited to the dealings of individuals with any level of government, the background principles and obligations themselves have a wider application in Canadian society. These ethical principles and obligations influence our belief of how we should be treated and of how we should treat each other. They also serve as criteria for Canadians to assess how responsibly government carries out its obligations towards Canada and its citizens. Thus, when we speak of an overlapping consensus, we are referring to basic principles and obligations, such as the background principles and obligations formalized by the Charter, that constitute the public domain of a democracy.

6. The third assumption deals with a set of principles and values that defines what constitutes Defence in a liberal democracy. It is reasonable to assume that a democracy will give value to the defence of the nation, it is also reasonable to assume that within our system of democratic values, considered as an overlapping consensus of values, there exists a set of principles and values that applies specifically to the defence of the nation. It is for that reason that, although the Canadian Forces and the Department of National Defence are two separate legal entities, they necessarily share a common ground as institutions constituted for the defence of a democratic nation. This common ground can be found in the Statement of Defence Ethics, a document that contains a set of core ethical principles and obligations that are meant to guide the behaviour of the Canadian Forces and its members and of the Department of National Defence and its employees.

7. To summarize, the Defence Ethics Program is a value-based program that has been guided in its development by considering the democratic nature of Canada. Although a plurality of comprehensive belief systems co-exist in Canada's modern democratic society, they exhibit a strong overlapping consensus of values and principles. In fact, this overlapping consensus is a defining characteristic of democracy. The overlapping consensus contains a set of principles and values that define both the nature and the ethics of defence for a liberal democracy. For that reason, the Defence Ethics Program contains a Statement of Defence Ethics based on the idea of an overlapping consensus of values. Similarly, it establishes an Ethical Framework for Defence as an institution of democracy.

Approaches to Programs in Defence Ethics

8. The primary purpose of any defence ethics program in a democratic society is to ensure that the military as an institution of democratic government fulfils the defence needs of its society in a manner consistent with the society's fundamental values. There are three general approaches to developing a defence ethics program: a compliance-based approach, a preventive-based approach, and a value-based approach. In all three cases, the objective is ultimately the same: to foster high levels of ethical behaviour and standards for defence personnel and institutions. It is noteworthy that each of these approaches has been used in recent years by the national governments of liberal democracies.[1] Thus, for example, the United States government and its military exhibits a strongly compliance-based approach. Australia's Defence Department has stressed a mainly preventive-based approach. In Canada, we have chosen a more general value-based approach.

[1] Ethics program are a natural outcome of a strong public concern that grew in the 1970s over unethical behaviour in government. During that period, most liberal democratic governments, including Canada, initiated "programs" to address the potential for unethical behaviour in the public domain. Ken Kernaghan describes the growth of the ethics phenomena in these terms: "The unprecedented public concern about ethics during the early 1970s was matched by an equally unprecedented outpouring of ethics rules from all levels of government". However, these rules "usually dealt solely with the conflict of interest". (1996: p.6) Over time, it became clear that ethics rules were necessary but not sufficient since what prevents unethical behaviour does not necessarily promote ethical attitudes and behaviour.

9. Each approach has its own challenges. Let's take a closer look at what is involved in each approach. A compliance-based approach has to deal with the strengths and weaknesses of pure rule-based ethics. For instance, this approach tends to develop elaborate codes emphasizing compliance with rules, thus acquiring a strong legalistic tendency. As a consequence, it can easily foster a minimalist attitude to morality. This occurs when people tend to think that if something is not explicitly prohibited then it is not wrong. Another weakness of these codes is their inability to ever become comprehensive enough to foresee or address the multiplicity of contingencies that arise over time. Their development proceeds on a case-by-case basis and by trial and error, with the result that rules multiply to the point that sooner or later the entire regulatory framework erected becomes too ponderous and unmanageable, even with a very large enforcement workforce. Finally, although compliance codes might help eliminate and prevent the most serious trespasses, they do not go far in promoting positive ethical attitudes and behaviour in organizations. As a consequence, organizations that rely on them are vulnerable to a dramatic increase in unethical behaviour as soon as members of the organization perceive the enforcement levels to be dropping.

10. One way to counterbalance the weaknesses of a pure rule-based ethics program is exemplified in the United States. The constitutional nature of the social and political reality within the United States provides a meaningful context for the compliance-based approach that the U.S. government and its military have adopted in their ethics programs. The Americans have a long history of working through difficult ethical issues from the point of view of the spirit of their constitution. Thus, when the U.S. government responded to the public outcry for a renewed and increased stress on ethics in government in the 1970s, it enacted the Ethics in Government Act of 1978. It created the Office of Government Ethics and at the same time codified and supplemented all the rules previously contained in executive orders or other laws. It follows that the Act significantly influenced the approach that the U.S. Department of Defense (DOD) subsequently took in developing its own ethics programs. However, the U.S. Department of Defense was also keenly aware of potential weaknesses of a rule-based approach and of the challenge involved in finding meaningful and effective ways to deal with the large grey zone between the strictly legal and the ethical. It has done this by developing an ethics program that places emphasis on developing a strong character and the civic virtues necessary for military life.

11. The preventive-based approach overcomes some of the weaknesses of a pure rule-based ethics program. This approach identifies areas of organizational behaviour that are considered to be exposed to high risks of non-compliance and focuses its efforts on these areas. The Australian Department of Defence provides a good example of this approach. Their program is called the Defence Ethics and Fraud Awareness Campaign (DEFAC). The Australian DOD has singled out resource management as a high priority and has focused its ethics program on improving ethical behaviour in this area. Consistent with a preventive-based approach, it emphasizes the values that underlie the rules made by government for the management of public resources. The ethical values involved speak not only to the letter of the rules and the law, but to their spirit and to what could motivate personnel to comply with them. In this way, it goes beyond a pure rule-based approach. However, although a preventive-based approach stresses the values that will promote specific positive ethical behaviour, its remains tied to specific functional areas of the organization. Paradoxically, its strength is also its limitation. By concentrating on certain sets of organizational behaviour that are considered to have higher risks of non-

compliance, this approach suffers from the potential inability to fully integrate ethics into all functions of the organization. In addition, personnel are susceptible to perceiving the ethical initiatives of this type of approach as applying only to whatever organizational functional areas are targeted. As a result, there is a risk of not dealing adequately with either similar or different ethical issues from other organizational functional areas. Given that these ethical issues will somehow be dealt with, there is no guarantee of consistency throughout the organization in the application of ethical values. The challenge for Australia's Department of Defence has been to find innovative ways of integrating the various efforts related to ethical behaviour in the different functional areas of Defence.

12. A basic feature of a value-based approach is that it states in general terms what is desirable, rather than specifying in detail what should or should not be done. There are two different ways to develop a value-based ethical framework: one is bottom-up and the other is top-down. Although the U.S. Army has adopted a compliance-based approach that is top-down, it provides an interesting illustration of what would be involved in a bottom-up approach. In 1986, the U.S. Army produced a large-scale survey of the importance attributed to some 50 social values by Army members. What is most noteworthy about the results of the survey is that the ordering of the social values by army personnel scored personal priorities in the reverse order that one would have expected the Army's leadership to endorse in an institutional values system. (Wenek, March 1996) If a pure bottom-up approach were adopted to develop an ethics program for defence, the values of the survey and their ranking would have served as the primary basis for the program.

13. The Defence Ethics Program for the Canadian Forces and the Department of National Defence is a top-down normative value-based program. Through this program, 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. Although a top-down approach has been used to develop the program, steps have been taken to know what personnel think on ethics for defence and to incorporate these insights, to the extent possible, in the development of the program. The program aspires to being comprehensive and is meant to deal with all ethical issues in Defence. A value-based approach to ethics provides a sound basis for this undertaking. The Statement of Defence Ethics developed for the Defence Ethics Program contains a set of core ethical principles and obligations considered to be defining elements of the Canadian defence culture. These ethical principles and obligations should be considered not only guides for personal and institutional conduct but also criteria by which that conduct should be judged. The Defence Ethics Program is build on the Statement of Defence Ethics as its foundation.

Scope of the Defence Ethics Program

14. Ethical values are grounded in human beings and in relationships. The Canadian Forces and the Department of National Defence have a special relationship with Canada and the people of Canada. This relationship is based on a societal trust that grants Defence the responsibility for the defence of the nation. The scope of this responsibility becomes greatly enlarged through international agreements and co-operative defence arrangements that include other members of the global community. In certain circumstances, Canadian defence obligations may extend to

include a structure of lawful authority that is trans-national or international in its composition. Thus, the Defence Ethics Program must be broad enough to deal with both domestic and international ethical situations.

15. It is a fundamental assumption of the Defence Ethics Program that any decision or action that could affect people has an ethical dimension. It entails a duty to consider and protect the rights and interests of people when making decisions and taking action. This is consistent with accepted views on ethics, since ethics is generally concerned with principles and obligations that govern all actions and practices. In a liberal democracy, justifiable standards of conduct are rooted in ethical principles and obligations that necessarily refer to the very nature of democracy. Defence gains from erecting its ethics program based on what democracy means to us. Defence ethics should play a significant role in determining how the defence of the nation ought to be carried out. It should also specify the criteria for assessing whether actions and practices are right or wrong in the public domain. The Defence Ethics Program represents an integration of all of these considerations.

16. The role and mandate of the Defence Ethics Program is multi-dimensional. First, it provides an ethical framework for the Canadian Forces and the Department of National Defence. It is used as a guide in carrying out their organizational responsibilities and puts forward criteria by which the organization may be assessed. 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 decision-making abilities concerning the ethics of any issue that affects the defence of the nation. Finally, it integrates into a programmed approach the many processes that are needed to implement ethics in a complex organization.

Foundations for Defence Ethics and the Paradigm of a Profession

17. Defence personnel incur significant obligations to the nation, as the primary beneficiary of defence services, to the Government, as the lawful agents of the public, and to human beings in other countries who are affected by their action. The responsibility for the defence of the nation is fulfilled through a commitment by the Canadian Forces and its members and the Department of National Defence and its employees to serve the nation's security interests. That commitment, however, will only be as strong as the ethical integrity of the organizations and the people that constitute Defence. It is obvious that all of this depends on maintaining the ethical integrity of the chain of command. To preserve their ethical integrity, the Canadian Forces and its members and the Department of National Defence and its employees need a set of basic ethical principles and obligations that can guide every decision and action.

18. The ethical culture of defence is complex and can sometimes appear to be paradoxical. In order to understand the ethical imperatives governing defence, many authors have applied the paradigm of the professions to Defence. Michael Bayles, in his book *Professional Ethics* (1989), explains the ethical imperatives of professionals in a public domain by placing ethics in the context of the professional-client relationship. In reference to this context, Bayles distinguishes between universal norms and role-related norms. Universal norms - concerning injury, lying, stealing, and promise-keeping, for example - apply to all people. However, professionals may be uniquely affected by some universal norms because of special features that are present and

recurring in many situations created by the professional-client relationship. As a result, it is necessary to develop specifications of universal norms for professionals. For example, the requirement that relations of a sexual nature require the free consent of both parties can be considered a universal norm. However, it is obvious that in a psychiatrist-client relationship, the dominant position of the professional raises severe doubts about the possibility of the client to exercise freedom of consent. The same imbalance generally holds true in various ways between most medical professionals and their clients. This explains, in part, the specific prohibition of sexual activity between the medical professional and the client. Hence, in many instances, breach of the specification of a universal norm for professionals will often result in professional censure or other disciplinary action.

19. In contrast, role-related norms apply only to people designated or licensed to perform a particular social role. Each profession is considered to serve some "higher" social value, like for example, public health, safety, or security. In the performance of their role, professionals may be allowed or even required to take actions that would normally be considered wrong by universal norms. Role-related conduct concerns justifiable exceptions to universal norms that find their justification in the "higher" social worth ascribed to the profession itself. Role-related norms are to be distinguished from the specification of universal norms. Role-related norms refer to actions specifically required to perform the professional activity, while specifications to universal norms are reasonable constraints imposed on universal norms as a result of situations created by the relationship of the professional to a client.

20. The distinction made by Bayles between universal and role-related norms corresponds in many ways to a similar distinction made by M. Walzer (1989) between role-specific obligations and general obligations. Walzer applies the paradigm of a "profession" to the military. For Walzer, the military professional has hierarchical responsibilities *upward and downward* in the chain of command and non-hierarchical responsibilities *outward* to all those people whose lives are affected by his or her activities. Hierarchical responsibilities involve role-specific obligations that refer directly to the performance of the military function, while non-hierarchical responsibilities involve general obligations that refer to the possible effects of military action on other people, in particular non-combatants. The chain-of-command responsibilities are spelled out, for example, in the Canadian Forces Officer General Specification (OGS), which identifies the major relational duties and responsibilities of officers as those which pertain to country, to the Canadian Forces, to other members of the profession, and to subordinates. The general obligations to non-combatants take the form of universal duties towards civilians and other people subject to special protection (e.g., prisoners of war, military personnel incapacitated by injury or disease, medical personnel). As pointed out by Wenek (1996), Walzer's concepts map well onto Bayles' professional-client model except that Bayles does not include Walzer's downward obligations to subordinates in the professional-client obligations but rather in third-party obligations.

21. Bayles' professional-client model can usefully be applied to Defence, in as much as Defence represents a professional exercise of an activity in the public domain. Walzer is just one of many who have written insightfully on the military using the paradigm of a "profession". It can assist our understanding of what is involved in the special ethical obligations of defence personnel by explaining them in terms of universal and role-related norms or in terms of general

and role-specific obligations or, again, in terms of hierarchical and non-hierarchical obligations. However, the professional-client model and, more generally, the paradigm of a "profession" is not sufficient to provide a firm foundation for a value-based approach to Defence ethics.

22. The Canadian Forces and the Department of National Defence are first and foremost institutions of a liberal democracy. This basic fact dictates that both of these institutions must reflect and practice the democratic values that have given birth to the nation itself, while being allowed justifiable exceptions for the controlled use of military force. Thus, for those who serve within a public institution like defence, it is not the larger context that must be reinterpreted in terms of the paradigm of a "profession" placed at its centre, but rather, it is the paradigm of a "profession" itself that must be reinterpreted in the light of the broader and more fundamental context. For example, within that broader context, Canada's modern democratic society is characterised by a multiplicity of comprehensive belief systems. The ethical values and principles for Defence should be derived from an overlapping consensus on values exhibited in a democratic and free society. Although the Statement of Defence Ethics contains values, principles, and obligations that are consistent with the professional obligations of the military and the public service, these values and their application also reflect the organizational responsibilities of Defence as an institution of democracy. Thus, while the paradigm of a "profession" provides valuable insights into the nature of the ethical behaviour of personnel in defence, it is only the broader context of defence as an institution of a democratic and free society that can ultimately justify defence ethics. Reference to this broader context will inevitably affect which ethical values should have primacy in defence and the relative weights assigned to these values in decision-making.

23. The Statement of Defence Ethics is the heart of the Defence Ethics Program. It is a public statement of commitment to ethical principles and obligations. It is expected that the Canadian Forces and its members and the Department of National Defence and its employees will use the Statement of Defence Ethics in the fulfilment of their individual and organizational responsibilities for the defence of Canada. The Statement is intended for use as a normative guide to professional conduct, as an aid to working through ethical issues encountered during day-to-day work, and as criteria for developing ethically sound policies and programs. The Statement of Defence Ethics also has the role of an foundational document for developing particular statements of ethics or codes of conduct that are more consistent with the various organizational cultures within defence, for example the recognisable organizational cultures of the army, the navy and the air force. However, we can speak similarly of Defence Materiel and Procurement and of Defence Human Resources organisations as possessing distinct organizational cultures.

THE STATEMENT OF DEFENCE ETHICS[2]

24. The Statement of Defence Ethics consists of three main parts: first, a declaration identifying who is bound by it and why; second, an hierarchical set of three ethical principles; and finally, a list of six core ethical obligations. The three ethical principles refer to universal ethical obligations owed to humanity, society, and lawful authority and are considered to be in order of precedence. (Rescher,1990) That means that in Canada, as in other modern liberal

[2] This section owes much to Wenek (March, 1996). However, the contents remain totally the responsibility of the author.

democracies, the principle of the rule of law is generally recognised as a defining characteristic of a liberal democracy. At the same time, the interpretation and application of this principle is rooted in the more general obligation to a democratic and free society. Ultimately, however, our highest and most overriding obligation is to humanity. In recent times this has been made more poignant, in the negative, by the use in international law of the expression "crimes perpetrated against humanity". All behaviour in the defence community should pass the test of these three hierarchical ethical principles.

25. In contrast, the six ethical obligations are considered standards of conduct that have equal weight. This means that, all else being equal, the defence community should be equally committed to satisfying the demands of any one of these six ethical obligations whenever the performance of defence roles and duties invokes them specifically. However, ethical issues are often complex and involve competing claims. In such circumstances, ethical obligations will necessarily compete in determining the right thing to do and the multiplicity of factors to be considered will often leave us with ethically ambiguous choices. When this occurs, the three ethical principles should serve as aids for establishing priorities.

26. Before going on, a few words are necessary on the issue of change with respect to the Statement of Defence Ethics. There is no doubt that Canadian society and its institutions will undergo changes over time and, not surprisingly, that the Canadian Forces and the Department of National Defence will do so too. Although small changes occur regularly, there are other historical circumstances that are more noticeable and bring with them stronger demands for institutional changes. The Constitution Act, 1982, with its Canadian Charter of Rights and Freedoms, is an example of a significant change that has made great demands for institutional change. The Statement of Defence Ethics contains a set of core ethical principles and obligations that respond well to the ethical needs of the defence community. If changes to it are deemed necessary in the future, these changes will respect the unique character of the defence institutions only if they are inspired by the fundamental principles of the free and democratic society that gave rise to the Statement in the first place.

Hierarchy of General Principles

27. The Statement of Defence Ethics contains a hierarchy of three general principles: (1) Respect the dignity of all persons; (2) Serve Canada before self; and (3) Obey and support lawful authority. The ordering of these principles reflects the relative importance of the obligations of our nation's military institution to the human community in general, to the Canadian society, and to lawful authority. (Rescher, 1990) All three principles contain something essential to understanding ourselves as Canadians. The ordering of the principles can be justified by referring to democratic traditions that include covenants such as the Universal Declaration of Human Rights and the fundamental values entrenched in the Canadian constitution. It can also be justified in terms of major ethical theories. In practical terms and as a general rule, the ordering means that Principle I takes precedence over Principles II and III, and that Principle II takes precedence over Principle III.

28. *Principle I*: **Respect the Dignity of all Persons**. This ethical principle reflects the primacy in the public domain of our common identity as members of one human family over our identities as members of a particular race, religion, nationality, or ethnic group. This common identity is rooted in the biological unity of humankind, in its unique cognitive abilities, and in its distinctive behavioural and social characteristics. At a minimum, adhering to this principle means that we cannot torture, do violence to, brutalize, injure, coerce, bully, deceive, manipulate, use as expendable, treat unjustly, discriminate against, harass, or otherwise ill-treat another human being. At a minimum and more positively, this principle also requires respect for the intrinsic worth of every person and the treatment of all persons with tolerance and consideration. In other words, it means that we must treat others always as 'ends,' and not as objects or mere means to an end. Finally, this principle requires respecting the basic rights and freedoms that have come to be recognized as intrinsic and defining characteristics of the dignity of persons. We should not, therefore, without some compelling and overriding reason, deprive any person or group of these basic rights and freedoms.

29. The obligations that flow from this ethical principle are binding in all circumstances and, in that sense, universal. In our modern democracies, exceptions to these obligations are sanctioned only in terms consistent with principles that gave rise to the democracy itself. The most notable exception occurs in the context of war and other uses of military force. For example, just-war theory explains that an exception to the harm-avoidance obligations of Principle I is justifiable if the controlled use of violence primarily serves the interests of justice, human rights, and other ethical principles and if military operations are conducted according to the international laws of war. This means that norms pertaining to the lawful use of armed force must be based on ethically justifiable exceptions to universal norms against intentional killing, harm to others, and acts of destruction that are usually binding. The aim of war is not war itself but the establishment of a state of peace.

30. *Principle II*: **Serve Canada before Self**. This principle reflects the fundamental character of government in our modern liberal democracies: to serve the people. It justifies the functional objective of the Department and the Canadian Forces and expresses a basic ethical attitude required of every member of the Defence Team. For all who are part of government, and especially for the military, this principle reflects the need to respect a hierarchy between public and private goods. As such, it asserts that the legitimate collective interests of society take precedence over purely organizational interests, and similarly, that institutional interests take precedence over purely personal interests. As an ethical criterion, the public interest refers to tangible objectives such as the physical protection and security of Canada and Canadians, the prudent and efficient use of public money and materiel, and the responsible stewardship of the environment and our natural resources. Serving Canada also includes important intangibles, such as peace, order and public well-being, and the ideals of justice, liberty, and equality. Together, these democratic ideals and these tangible and intangible objectives define a way of life that is worth defending.

31. *Principle III*: **Obey and Support Lawful Authority**. This principle reflects an essential and defining characteristic of our modern democracies: the rule of law. No one is above the law. In matters of national defence, the general will of a nation is exercised through a duly elected government and, through delegation of authority, a clearly defined chain of command.

Accordingly, this principle not only imposes a duty to comply with and support government legislation and policy in one's professional role, but by extension, a duty to obey and support the lawful policies, directives, and orders of superiors in the chain of command, subject only to the ethical dictates of Principles I and II. Individuals exercising authority in the chain of command are expected to let ethical considerations impose reasonable limits on the legitimate use of that authority, an imperative that is especially critical in militarily charged environments. The practise of this principle necessarily exposes everyone in defence to the dilemma inherent in service to the nation. This dilemma occurs whenever the demands of legitimate authority compete with the dictates of personal conscience and generates an ethical tension that cannot be avoided. In a military environment, a tension can easily be generated between the duty to carry out orders and the duty to avoid doing acts considered fundamentally wrong based on personal belief (including what may seem like transgressions to the laws of engagement). More that any other, the practise of this principle puts each person squarely in front of the fact that he or she is ultimately responsible for his or her actions.

Six Core Ethical Obligations

32. The Statement of Defence Ethics contains six core defence ethical obligations: integrity, loyalty, courage, honesty, fairness, and responsibility. There is no hierarchy established among these six ethical obligations. In other words, they have equal weight and, all else being equal; each one must be respected. These obligations embrace fundamental values that run through the military as a profession, the public-service, and our democratic society. These six ethical obligations represent a core of ethical obligations around which other related ethical obligations naturally cluster. In what follows, each obligation is discussed and reference is made to other ethical values related to it.

33. **Integrity**. Although the six obligations are considered to be equally binding, there is no doubt that “integrity”, meaning the requirement to consistently give precedence to ethical values in our decisions and actions, enjoys a privileged status. As a result, it has been shown first in the list of ethical obligations. For over two thousand years, integrity has meant a sense of wholeness, of completeness, of being undivided. (Carter, 1996; Paine, 1997) It is the crucial component of identity, both for a person and an organization. It necessarily and immediately refers to values such as honesty and fairness, to the reliability and trustworthiness that are intrinsic to loyalty, and to the exercise of responsibility in difficult situations. For the Canadian Forces and its members and the Department of National Defence and its employees, integrity implies a consistent alignment of moral awareness – discerning what is right and what is wrong. It requires balanced judgement and action consistent with such judgements. It also requires a sustained exercise of ethics throughout the organization and in all organizational practices. To maintain a healthy sense of ethical wholeness, integrity implies the practice of explaining openly and publicly why particular actions have been taken and why particular policies are in place. Integrity is absolutely essential for group cohesion. Integrity feeds the courage required to take action in the face of physical and moral challenges, and when necessary, to do so at the risk of one’s life.

34. **Loyalty**. The obligation of loyalty is rooted first and foremost in a faithful commitment to something that has purpose, meaning, and value. That means that the ethical worth of loyalty is a function of the value we attribute to the object of the loyalty. For the Canadian Forces and its members and the Department of National Defence and its employees, loyalty means standing by their commitments to the nation. These commitments subordinate themselves only to those principles that define us as human beings and members of a democracy. For them, to be loyal is to put the interests of someone or something else ahead of other interests, including personal interests. For Defence Team members, the obligation of loyalty is made explicit in the oath of allegiance given on enrolment in the Canadian Forces and on appointment to the Public Service. With this solemn promise, the member and the employee symbolically acknowledge the rule of law as paramount and the head of state as the ultimate object of professional loyalty. It is understandable, therefore, that the ethical worth of loyalty should be closely related to the three ethical principals in the Statement of Defence Ethics. In particular, the ethical principle *Obey and support lawful authority* requires all members of the Defence Team to comply with the policies and directives of the Government and their superiors, subject only to the limitations of lawfulness and ethical permissibility. Although the military duty of obedience to superiors' will and direction is reinforced by military law, it is important to stress that it is neither absolute nor total. Nevertheless, any decision by military members not to obey orders should be exercised with a presumption that the orders may well be legitimate. In addition, any decision of non-compliance to orders should be exercised with great care and an awareness that it will probably result in disciplinary action.

35. For many, *keeping promises* represents an essential ethical obligation related to loyalty. Since loyalty implies fulfilling commitments, it also carries with it a sense of making and honouring promises. Promises generate expectations on which people and lives depend. Promises may be explicit or inferred from practices over time. Promises constitute the foundation of every employment relationship and of every superior-subordinate relationship. The range of promises upon which personnel have founded expectations includes everything from Canadian Forces Administrative Orders, contracts, and collective agreements to implied contracts, verbal undertakings by superiors, and the "social contract" between the Canadian people and those who serve their interests. When people in an organization make and do not keep important promises, many take that to be proof of a lack of loyalty. Regardless of whether promises are made by superiors or subordinates in the chain of command or by others outside that chain, keeping or not honouring promises has serious effects.

36. **Courage**. As commonly understood, courage involves facing up to and dealing with anything that is recognized as dangerous, difficult, or a cause of pain, instead of avoiding it. For military personnel, danger and risk are inherent features of military service. Courage is demonstrated in their willingness to confront physical dangers and take life-threatening risks when carrying out assigned missions or when the safety of others is in peril. For both public servants and military personnel, courage is demonstrated when they seek out and use legitimate voice mechanisms. It is also demonstrated when they take a stand publicly, if necessary, for the democratic and ethical values inherent in fulfilling their responsibilities. In a broader context, courage is similar to loyalty in that its ultimate ethical worth is not inherent to itself but necessarily refers to the purpose involved. For example, courage is intimately related to

integrity, since it takes courage to maintain our personal sense of wholeness. When professional duty and responsibility require it, the obligation to be courageous implies tenaciously challenging policies, plans, and practices that are legally, ethically, or professionally flawed.

37. **Honesty**. To be honest is to practice frankness, sincerity, and openness in our dealings with others. In the public domain, it is to use appropriately and prudently the public resources held in trust and to use them for the purposes for which they are intended without being wasted. Honesty is commonly associated with not lying, cheating, or stealing. Thus, to speak of honesty is to invoke a multiplicity of proscriptions: personnel will avoid conflicts of interest, will not take advantage of their positions for personal gain, will not steal or pilfer from the public purse, will not falsify or inflate claims for services rendered or expenses incurred, will not misuse resources held in trust, and will not provide unnecessary services at unnecessary expense. Finally, honesty carries with it the obligations of a witness, the obligation not to remain silent when aware of abuse, harassment, misuse, waste, fraud, and conflicts of interest.

38. Although honesty is singled out in the Statement of Defence Ethics, it naturally brings to mind other ethical obligations. In most cases, actions and practices that are considered honest may also be characterized as being truthful, genuine, trustworthy, and possessing candour. To illustrate the interconnectedness of ethical obligations, let us look at how truthfulness and candour, although distinct from it, overlap with honesty. *Truthfulness* tends to focus on the factual aspect of the claims we make. For example, it is a quality of statements that are expected to be in accordance with facts, that agree with and can be verified with reality, and that are accurate. In contrast, honesty focuses on the intentions and the beliefs of the individuals making claims. Thus, we could judge an individual to have been very honest in his or her testimony, yet invoke facts to demonstrate that he or she was totally wrong. In such a situation, we naturally distinguish between error in judgement and wilful lying. Although considerations of privilege or sensitivity may justify withholding factual information from third parties in specific types of circumstances, the obligations of honesty and truthfulness clearly do not support lying, deception, or withholding information for decision-making that could prevent probable injury. *Candour* is another ethical obligation that overlaps with the meaning of honesty. What distinguishes candour from the obligations of honesty and truthfulness is the emphasis that candour clearly places on providing full disclosure of information, including explaining the significance of certain kinds of information, that might affect the decision-making and actions of others. In a defence context, its is easy to appreciate that these three ethical obligations – honesty, truthfulness, and candour – are critical in assessing military capabilities and deficiencies and that they are indispensable to sound policy formulation and decision-making. Inaccurate reporting and less-than-full disclosure can result in military calamities or other outcomes that discredit the organization and undermine trust and confidence.

39. **Fairness**. In general, fairness implies treating people, groups, and situations justly, equitably, and without bias. To be fair, a decision or outcome must be in accordance with some accepted standard of rightness, which in some circumstances, include criteria of care. For example, decisions adversely affecting the lives of personnel may be objectively necessary and legally justified. However, it would be unfair to implement them with very little care for the lives of the people affected. Fairness, particularly when exercising the public trust, requires

decisions and outcomes that focus on others and the public interest without reference to one's own personal preferences. Fair treatment by superiors and administrators is an indispensable requirement for subordinate trust and loyalty in its leadership and in the organization.

40. The obligation of fairness applies to both administrative and disciplinary matters, and requires not only fair outcomes, but fair procedures for determining those outcomes. In many cases, decisions and outcomes are considered fair if rewards, benefits, penalties, and burdens are distributed according to some objective standard of merit or desert and not arbitrarily. Procedures are considered fair if subordinates are duly informed of the nature of any matter that directly affects them; if they are given adequate notice of any associated hearing or administrative process; if the conduct of hearings and reviews is impartial; if they are given an opportunity to state their views and, if necessary, challenge information presented; and if they have access to an appellate review. The obligation of fairness also means not discriminating against any person or group based on a personal characteristic that is irrelevant to the nature of the decision being rendered or outcome being determined.

41. Since fairness carries with it a requirement to be unbiased, *impartiality* is an ethical obligation closely related to it. As an obligation to individual members of the public, government suppliers and contractors, and other third parties, impartiality includes providing equality of opportunity in access to employment and services, following fair administrative and management procedures, and applying policies and rules non-preferentially and without bias. For example, in situations where two or more groups or populations are protected by the Canadian Forces, or receive aid and assistance from the Defence Team, impartiality requires that all parties be treated with respect, equal consideration, and without discrimination. However, the obligation to fairness implies avoiding a blind impartiality that is so rigid that it is indifferent and unresponsive to human suffering. Ultimately, fairness requires a fine balance between being impartial and our sense of humanity and justice.

42. **Responsibility**. If integrity implies a sense of wholeness, of completeness, and of being undivided, responsibility is the ethical obligation that exercises and maintains integrity. On the one hand, responsibility implies that individuals and organizations readily and fully assume what is expected of them. On the other hand, it also means that they are expected to be answerable to someone for their decisions and outcomes. Responsibility requires that individuals and organizations demonstrate the ability to distinguish between right and wrong and that they practice and value what is right. In what follows, we discuss the relationship between responsibility and accountability. In addition, we single out a special link between responsibility and the welfare of others by discussing the obligations of care, of ensuring competence, and of non-injury.

43. *Accountability* involves an obligation to account to someone for what one is expected or obligated to do. It carries with it the obligation to provide information that is complete and accurate. It requires explanations that facilitate evaluations on the adequacy of performance and services rendered, including procedures followed and outcomes achieved. Just as the Minister is answerable to Parliament and to the Canadian public for the Department and the Canadian

Forces as a whole, the obligation of accountability means that public service employees and Canadian Forces members are individually answerable to their superiors for their performance and, within reasonable limits, for the foreseeable results of their decisions and actions.

44. Responsibility requires balancing rationality with care, and acting accordingly. There is no doubt that responsibility carries with it a sense of being responsible for the well-being of those we lead and whose care is in our hands. *Care* must be practiced in any dependent relationship, but it is especially binding on those with relatively greater power. The ethical responsibility to look after military subordinates is a particularly important one because mutual dependence is critical in military operations and because military superiors are granted exceptional power and authority over their subordinates. Consequently, care and consideration of subordinates involve more than minimum duties of non-injury, impartiality, and related obligations. Subject only to the requirements of the defence mission and the limitations that resources impose, the obligation of care includes a positive duty to reciprocate the trust, loyalty, and service of subordinates by providing for their general welfare and well-being through appropriate policies, programs, and support services. The power of the defence organization is felt by military members and employees every day. Being responsible implies making sure that this power is exercised in a humane and caring way.

45. In any profession or job, *competency* is important, but it is that more critical for defence personnel because of the gravity of the consequences of errors. Thus, being responsible entails ensuring that personnel are able to dependably and reliably assume commitments and duties. This is accomplished in large part through professional development. Professional development refers to the planned and progressive process of training, education, employment, and other experiences which prepare Defence Team members to perform their assigned tasks and roles to support operational requirements and departmental goals. The obligation to provide opportunities for the role-related professional development of Defence Team members follows directly from the collective obligation of the Department and the Canadian Forces to provide competent service to Canada and Canadians.

46. A special word needs to be said about the relationship between being responsible and the obligation to non-injury. In general, *non-injury* requires us to avoid harm and injury to others. This obligation derives from the universal value placed on the inherent worth of the each human being and the inviolability of certain basic human rights. It is also a consequence of our natural ability to empathise with other human being beings. As a universal value, the obligation of non-injury represents a basic safeguard to all other ethical values. That means that 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. This ethical obligation has been formalised for military operations through the codification of many kinds of prohibited conduct. In that sense, the international laws of war attest to the importance of avoiding needless cruelties and limiting the use of military force to the minimum required.

APPLYING DEFENCE ETHICS

47. Before considering, in the next two sections, defence ethics in relation to the individual and the organization, this section provides general guidelines for ethical decision-making and suggest approaches for dealing with ethical dilemmas.

Ethical Decision-Making

48. It is important to stress immediately that there is no single and universally accepted rule, or set of rules, that is guaranteed to produce ***the*** ethical solution for the major ethical issues that we encounter in the workplace. However, as a general check on whether a particular decision, option, or course of action is ethically acceptable, we can ask ourselves if the intended action violates any of the general principles or ethical obligations in the Statement of Defence Ethics. If this ethics check reveals anything of importance that has not been factored into the decision or how it will implemented, then we should at least review the decision-making process. On the other hand, if the ethics check reveals that the proposed course of action seems to violate one or more of the general principles or ethical obligations in the Statement of Defence Ethics, then we should consider the proposed option as ethically questionable. Persistence with the proposed course of action is permissible only if it can be justified by a reasoned appeal to a stronger ethical principle or, in the case of an ethical obligation, to at least one other ethical obligation that is considered more binding in the particular situation. In many cases, just asking a question is sufficient to trigger our *perception* of something ethical in a situation. Without the question: "Is there anything ethical about what we are deciding to do or in how we are planning to carrying it out?", the idea that the decision or action in question involves anything ethical would not come to mind at all. Once it has been "screened" by a conscientious response to the question, the resulting decision or action, even if unchanged, has the benefit of having received some form of ethics check.

49. For many complex ethical decisions and situations, doubts as to what was ethically the right course of action may persist long after action has been taken, including action based on the advice of experts. It is the nature of complex issues that they lend themselves to more than one acceptable way of dealing with them. This implies that an alternative option that another individual would have selected could potentially serve as the basis for challenging the option that we have selected. In addition, any action will produce unforeseen and unforeseeable effects that may themselves serve as the basis for others, and for ourselves, to doubt the wisdom of the action taken. The only recourse in such circumstances is the personal conviction that one has done a good job of thinking things through and has adopted the most humane course of action available.

50. A simple model of the decision-making process has proven to be a useful tool to assist in thinking through difficult situations with ethical components. By using such a model, we contribute to the completeness of our analysis and increase the consistency of our decision-making. From the point of view of the social sciences, every decision-making process is basically the same, whether it involves situations that have ethical components or are ethically neutral. In very generalized terms, a basic cognitive decision-making model has four interrelated stages: (1) perception; (2) evaluation; (3) decision; and (4) implementation of the decision.

51. The first stage in the process necessarily involves ***perception***. Perception refers to everything we observe in a situation and to our interpretation of it. Thus, if we do not perceive anything ethical in a situation, then for us, at least, there are no ethical factors associated with the situation. It is in this stage that we must ensure that we have clearly articulated what must be decided. In the second stage, ***evaluation***, the individual focuses only the situation itself. Thus, once an individual has grasped the ethical component of a situation, he or she must analyse the situation to identify all other important and relevant factors. Finally, the individual exercises judgement by formulating courses of action that resolves to the extent possible all of the competing factors belonging to the situation itself. The evaluation tends to be carried out impersonally since the individual does not know yet whether or not the possible courses of action will affect him or her personally. In the third stage, ***decision***, judgement is again exercised by selecting a preferred course of action. However, it is at this stage that personal factors may introduce themselves, sometimes forcefully. In this stage, individuals are now in a position to consider the full impact and the potential consequences of a preferred course of action on themselves or on others. This stage may require individuals to return to the evaluation stage to formulate an alternative course of action that resolves, one way or another, all of the competing factors, both impersonal and personal. The final component of the decision-making model is ***implementation of the decision***. In a world of perfect knowledge, implementation would simply involve overseeing and monitoring the action required to make the decision a reality. However, implementation often forces us to deal with the way reality presents us with unforeseen and unforeseeable difficulties in actually implementing our chosen courses of action. In some cases, we may not have fully appreciated the full strength of the resistance people would exercise to the chosen course of action. In other cases, reality itself seems to takes control and obstacles spring up that make it impossible to carry out the decision. The risk of resistances and obstacles increases when the decision requires a lot of time to implement. Thus, it may be that a new human resources policy is about to be promulgated, or some essential resource is not fully available, or a member of the individual's immediate family suddenly becomes seriously ill. In all such cases, we are required to step back to a previous stage and go through the decision-making process again. It is worth noting that a fifth stage is often added to these four stages: ***learning***. To the extent that decisions of the past impact on decisions of the future, there is no doubt that learning from our past decisions is an essential part of improving future ones. Although 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.

Dealing with Ethical Dilemmas

52. For most decisions and situations related to our roles in the service of the public, the principles and obligations in the Statement of Defence Ethics can help separate what is ethical from what is ethically questionable or clearly unethical. The following specific guidelines are based on the Statement of Defence Ethics and are provided as procedural aids to making sound ethical choices and resolving ethical dilemmas. They describe decision-making that incorporates the hierarchical aspect of the three general principles and suggest ways of dealing with the six equally weighted ethical obligations when they contribute to producing competing claims.

53. Three general types of ethical dilemmas will be encountered, if we leave aside situations that involve a choice between doing what is right and doing what appears to be clearly wrong. They may be described as: (1) the uncertainty dilemma, (2) the competing obligations dilemma, and (3) the harm dilemma. The *uncertainty dilemma* is the most general in nature because it involves any situation in which we are uncertain about what is the right thing to do, although we are certain that we do not have a simple choice between a right and a wrong. Since many situations relating to the accomplishment of our responsibilities do not represent black and white options, examples of an uncertainty dilemma can readily be found in situations that involve degrees of doing the right thing in accordance with an obligation. In such situations, we have no problem intuitively assessing it as: "this is a case of honesty", or "…fairness", or some other obligation. For example, a potential for this kind of dilemma is provided by the conflict of interest guidelines on gifts and hospitality. To ensure fairness in the treatment of all suppliers of government services, the guidelines state that only gifts of a "nominal" value may be accepted (which includes lunches) from suppliers. However, since the guidelines do not categorically state that no gift may be accepted, then judgement must be exercised to establish what is "nominal", and there will be cases where you will be (or should be) uncertain as to what is the ethical thing to do.

54. The second type of dilemma is the *competing obligations dilemma*. These are cases where more than one decision, option, or course of action are consistent with different core ethical values and obligations. These courses of action are said to involve competing obligations because satisfying the demands of one obligation does not allow us to fully satisfy the demands of one or more other obligation. For example, a situation may arise that challenges both our resolve to be loyal to our commitments to the Canadian Forces and Department of National Defence and the requirement to be fair and honest with the people we are dealing with. To resolve conflicts among the values and obligations themselves, the general rule is to refer to the general principles in the Statement of Defence Ethics and adopt the course of action that is most consistent with this hierarchy. Thus, if the conflict is between one obligation that involves primarily Principle I (Respect the dignity of all persons) and obligations that involve either Principle II (Serve Canada before self) or Principle III (Obey and support lawful authority), then the conflict should normally be resolved in favour of Principle I which usually takes precedence. In some circumstances, we may be able to provide a justification which, by exception, would allow an override of Principle I. However, closer analysis would probably reveal that these are cases where Principle II or Principle III is also involved in important ways. Thus, if the situation involves respecting the dignity of more than one group of people, there are good chances that principles II and III are involved. But even in cases of override, in working out means of dealing with the consequences that are likely to result from the override, the respect for the dignity of persons must be given priority. With similar logic, if the conflict is between obligations that refer in one case to Principle II and in another to Principle III, the conflict should normally be resolved in favour of Principle II which should take precedence.

55. The third type of dilemma is the *harm dilemma*. This dilemma identifies those difficult situations, especially in a military environment, where any action taken will result in harm or injury to others. In such cases, the first requirement is to re-examine the options available and try to identify any non-harmful alternatives. If every reasonable option has been exhausted and possible injury is unavoidable, the appropriate course of action is usually the one that causes the

least harm or injury. However, it must be borne in mind that if such a course of action is implemented, there will be negative psychological effects to those involved resulting from such action or policy. Post Traumatic Stress Disorder is an example of a negative psychological effect that victimises personnel carrying out assignments. Therefore, measures should usually be taken to offset or mitigate these additional harmful effects.

DEFENCE ETHICS AND THE INDIVIDUAL

56. For Defence to be ethically fit and healthy, the defence ethical fabric must be seamlessly ethical, at both the individual and the collective level. Canadian Forces members and Department of National Defence employees have no problem accepting that they have ethical obligations that come with their organizational roles. In the case of public servants, ethical obligations go hand in hand with the more general terms of conditions the of their employment contract. Military personnel do not have, strictly speaking an "employment contract". Their ethical obligations are reflected in their oath and in the multiplicity of laws, rules, and regulations they "sign up to". In this section, we take a closer look at how defence ethics relates to the individual. Specifically, we will review what the social sciences have to say about individual moral development and we will examine the notion of a person of integrity.

Understanding Moral Development

57. Everyone in the defence community is affected by the need to give a more visible role to ethics in their actions and in the outcomes they produce. The challenge of the Defence Ethics Program is to assist well-intentioned personnel do the right thing. With that in mind, it is useful to review what the social sciences have to say about the moral development of the individual.

58. One important school of thought in the social sciences is represented by Laurence Kohlberg and those who have followed in his research. Kohlberg considers that individuals go through three broad stages of moral development: the first stage is characterised by behaviour that is particularly motivated by external rewards and punishments; the second stage, by behaviour that conforms to the expectations of a larger society; and in the third stage, behaviour is determined by universal values and principles. For example, someone would be functioning at stage two if he or she determines the ethical acceptability of all actions solely by how it conforms to laws and regulations. The inherent risks of relying too much on a stage two approach is that it can foster a minimalist attitude to ethical behaviour whereby if something is not legally prohibited, it is deemed to be allowed. However, a minimalist attitude is at odds with the generally accepted belief that it is false to assume that as long there is no specific law prohibiting something, it is considered ethically acceptable to do it.

59. One specific point of contention rests on the fact that much of Kohlberg's work focused on an individual's ability to make judgements. When we discussed the four stages of the decision-making model: (1) perception, (2) evaluation, (3) decision, and (4) implementation of decision, we stressed that judgement played an important role, especially in stages 2 and 3. Many have done like Kohlberg and carried out research on the development of judgement skills because the link between knowledge and judgement is strong and because progress in the ability to use this skill lends itself well to measurement in a training environment. Some have

questioned whether too much was being expected by concentrating primarily on the development of judgement skills? J.R. Rest, A. Schlaefli, and S.J. Thoma (1985) reviewed 55 studies on the results of training done in educational facilities for the purpose of developing moral judgement. They concluded that optimal results are obtained in modules that last three to twelve weeks, and that programs with adults produce more improvement in moral judgement than with younger age groups. However, the research also revealed that the link between ethical judgement and action. In other words, the link between knowing what's right and doing what's right is a weak link. That result implies that concentrating the majority of resources solely on improving skills in moral judgement, the second component of the model, does not deal adequately with the ethical decision-making process.

60. Although much of Kohlberg's work linked an individual's sequential progress through the stages of moral development to his or her ability to make moral judgement, others have argued for a more complete interpretation of moral development. With that in mind, James Rest proposed a four component model of the determinants of moral behaviour: moral sensitivity, moral judgement, moral motivation, and moral character. (Rest, 1994) Rest argues that the components not only interact and fit together dynamically but are distinct in many ways. The first component, moral sensitivity, refers to the skill of interpreting a situation. The second component, moral judgement, is limited to the act of judging the moral rightness and wrongness of actions and outcomes. A third component, moral motivation, deals with the manner in which moral values are prioritised in relation to other types of values. Finally, the last component, moral character, addresses the elements that make up character, such as interpersonal skills, courage and persistence. In a similar vein another researcher, Linda Klebe Trevino, proposed a person-situation interactionist model that would include Kohlberg's cognitive development model, but would also deal more adequately with the effect of an individual's environment on moral behaviour. These would include factors that address the job context, the characteristics of the work involved and the organizational culture.

61. In contrast, other researchers in social psychology have distanced themselves altogether from the Kohlberg approach. They have claimed that other factors contribute to moral development in a fundamental way and have argued that the Kohlberg approach gives little or no weight to these factors. One such school of thought is offered by Martin Hoffman who has stressed the importance of our ability to empathise with other human beings and their plight in life. He argues that we possess an intrinsic ability to generate an affective response to another's situation that is more appropriate to that other person's than to our own. This affective response capability can be developed through socialisation and is an important basis for moral development. Hoffman argues that the empathic affect contributes to the internalisation and activation of some of our moral principles. Thus, a comprehensive approach to a theory of moral development must give importance to the development not only of cognitive abilities but also to our empathic capabilities. (Hoffman, 1991) Another approach is represented by Carol Gilligan and those who have shared her ideas. They have argued that there is a strong link between gender and social development and that the resulting differences play a determining role in the development of moral behaviour. For example, Gilligan has argued against a certain tendency to interpret ethics based solely on a certain understanding of justice that gives undue weight to

objectivity and impartiality and to the paradigm of law. In contrast to this type of justice, Gilligan has maintained that the obligations of care that we owe to our fellow human beings are fundamental to morality and moral development. (Gilligan, 1988)

62. The development of the Defence Ethics Program has been based on a strategy of integration of these various approaches. Thus, the Defence Ethics Program is heavily influenced by the claim that ethical behaviour and development are the result of the interplay of personal and environmental factors. It assumes that each individual operates at one of the three broad levels identified by Kohlberg when dealing with any issue: (1) responsive to external rewards and punishments; (2) conforming to the expectations of a larger society; and (3) determined by universal values and principles. However, the program does not accept the strict interpretation of the stages approach advocated by Kohlberg. For example, there are many situations in life for which it is perfectly adequate and appropriate to allow our behaviour to be guided by a conventional approach to law and order, until we are given reason to challenge that attitude. In addition, the Defence Ethics Program considers that personality and character have multiple dimensions and that moral development in any one of these dimensions may vary as a result of experience and knowledge. The program has also been responsive to the arguments put forward by Gilligan, especially in avoiding a narrow definition of justice that leaves aside the notion of the obligation of care. Similarly, the program has left room for the role of empathy with one's fellow human being in assessing what's the right thing to do.

63. In summary, the development of the Defence Ethics Program has been consistent with the following ideas. The program must take into consideration the work done in the social sciences on moral development because decisions and actions in roles that serve the public has an effect on people. It has treated the Kohlbergian levels of moral development as descriptive categories of the way in which people make ethical judgements and that ethical behaviour is both contextually and motivationally dependent. The program considers that individuals may choose either to adopt habitual uses of the categories or to select a category according to their composite assessment of the ethical import of the issue and its related motivational factors. In addition, these choices are heavily influenced by environmental factors. It is considered that individuals must continually deal with the obligations of care and reserve a role for empathy in the performance of their functions and duties.

The Person of Integrity

64. The Defence Ethics Program is based on the belief that ethics in the public domain is not only a collective responsibility but that it must necessarily also rest with the individual. It is also based on the belief that members of the Canadian Forces and employees of the Department of National Defence are individuals who strive to be persons of integrity. What is integrity? In discussing the Statement of Defence Ethics we focused on the sense of wholeness and completeness conveyed by the term integrity. That meaning is carried over into the expression "person of integrity". According to the Oxford Companion to Philosophy, to speak of integrity in a person is to refer to "the quality of a person who can be counted upon to give precedence to moral considerations, even when there is strong inducement to let self-interest or some clement desire override them, or where betrayal of moral principle might pass undetected. To have integrity is to have unconditional and steady commitment to moral values and obligations (...).

This moral commitment becomes a crucial component in his or her sense of identity as a person: it confers a unity (integration) of character". It is in this sense that each person in the Canadian Forces and the Department of National Defence is expected to be a person of integrity, a person who can be counted upon to give precedence to moral considerations even when there is strong inducement to do otherwise. Accordingly, people with integrity always form their judgements in a manner consistent with ethical principles and obligations.

65. The Defence Ethics Program is a value-based program, and not a compliance-based program, because it stands primarily on a positive belief that personnel generally want to do the right thing. Although certain behaviours must be prohibited and call for compliance measures, a value-based approach focuses on the values at work when personnel strive to act responsibly and with integrity. In that context, the purpose of promulgating the ethical principles and obligations in the Statement of Defence Ethics is to assist personnel in developing themselves as persons of integrity through the conscious and visible exercise of these principles and obligations. A primary responsibility of personnel at all levels is to be visibly ethical in practise. One way to do this is to include ethical factors in the justification provided for decisions and actions. Individuals are also responsible for promoting high standards of ethical conduct in units and work groups. This responsibility may require them to question policies and practices that do not meet the ethical standards set out in Defence Ethics Program documents. It may also require them to voice concerns about perceived unethical behaviour. Ultimately, if there is no other recourse, it may require them to report flagrant and serious ethical violations to an appropriate authority.

66. In order to be ethically responsive to their public roles, individuals require a heightened awareness of the values and principles that the Canadian Forces and the Department of National Defence should promote in Canada and around the world. It requires an understanding of the ethical risks and vulnerabilities that can be encountered. There is no doubt that unethical behaviour and ethically questionable behaviour, when allowed to subsist unchecked or uncorrected, corrupts the defence ethics environment and adversely affects each one of us. Finally, fostering ethical health requires a Canadian defence environment that truly encourages being ethical as a value in itself.

DEFENCE ETHICS AND THE INSTITUTIONAL ENVIRONMENT

67. The opening words of the Statement of Defence Ethics describe the reciprocal nature of the obligations flowing between the Canadian Forces and its members and the Department of National Defence and its employees. Both the institution and the individuals are linked through their commitment to a set of shared ethical principles and obligations. If it is true that Canadian Forces members and Department of National Defence employees have ethical obligations to their organizations, it is equally true that the Canadian Forces and the Department of National Defence have ethical obligations to their members and employees. In the case of public servants, the ethical obligations of the organization go beyond the strict terms of an employment contract, although they certainly include these contractual obligations. This is all the more true for military personnel who do not strictly have an "employment contract", nor the benefit of periodically renegotiating their terms of employment either individually or through a union.

68. In this section, we take a closer look at the organizational responsibilities concerning ethics in the public domain, and how these affect military members and public service employees. In particular, we look at why the Canadian Forces and the Department of National Defence should be involved in the continued ethical growth of defence personnel and how the Defence Ethics Program Framework contributes to an environment that should foster that ethical growth.

Ethical Growth in the Institution

69. Although Defence Ethics makes similar demands of all personnel, it is recognised that not everyone has the same level of knowledge of ethics nor the same practical experience in dealing with complex issues that require giving proper weight to ethics. At the beginning of her book, *Cases in Leadership, Ethics, and Organizational Integrity* (1997), Lynn Sharp Paine deals with two widespread beliefs that affect attitudes towards the issue of ethical growth: (1) Ethics is learned in childhood; therefore, its too late once people are adults and in leadership roles; and (2) most of us are already ethical people; therefore, we don't really need ethics education programs.

70. In response to the first belief, it is noteworthy that most social science researchers and practitioners today adopt the view that human development, including moral development, is an ongoing process that is lifelong. (Buskist & Gerbing, 1990) In particular, studies repeatedly reveal not only that adults demonstrate more change than younger people as a result of moral education programs, but that moral development continues throughout life. (Rest & Narvàez, 1994) As Lynn Sharp Paine points out, there is no denying that many of the fundamental attitudes we possess about right and wrong and toward other important ethical values are adopted in the early years of our lives. However, there is equally no doubt that few of us learn much during those years about the specific responsibilities of the roles we will occupy later on in life, like those in the military and the public service. As a result, she indicates that "ethical people will not only want to learn about the responsibilities of the roles they occupy, but they will want to improve their effectiveness in fulfilling these responsibilities over time". (Paine, 1997) In that context, it is not surprising that research confirms the existence of an important link between ethics programs and ethical growth. For example, a 1994 survey by the Ethics Resource Centre Inc. on *Ethics in American Business: Policies, Programs, and Perceptions* found that 49 percent believed that their ethics in the workplace had improved over the course of their careers. The survey also found that this belief was strongest amongst personnel in companies with comprehensive corporate ethics programs.

71. In response to the second belief, it is quite correct to start with the assumption that most people possess basic human decency, but an organization aspiring to be a high-integrity organization cannot stop there. Research has shown that individuals relying on conscience alone can make very different ethical judgements about work and mission situations. (Paine, 1997) In an increasingly dynamic and multicultural society, this attitude will increase the risk of judgements that will be deemed unacceptable from the point of view of ethics and basic human rights. In addition, the assumption that most are already sufficiently ethical as adults for the ethical needs of the workplace does not adequately deal with the fact, pointed out earlier, that

research consistently shows that contextual factors exert a strong influence on individual behaviour. Thus, research has found that organizational culture has been found to a major factor in corporate crime. (Paine, 1997)

72. In summary, the Canadian Forces and the Department of National Defence have organizational responsibilities concerning ethics in the public domain that include the need to develop ethics programs that contribute to the continued ethical growth of defence personnel.

The Defence Ethics Program: An Ethical Framework for Defence[3]

73. The Defence Ethics Program is a comprehensive ethics program designed as the organizational response to the requirement in government to continually practice ethics at both the individual and the collective level. Its aim and primary focus is to foster the practice of ethics in the workplace and in operations such that members of the Canadian Forces and employees of the Department of National Defence consistently perform their duties to the highest ethical standards. Although the design of the Defence Ethics Program predates the May 1995 Report of the Auditor General of Canada entitled *Ethics and Fraud Awareness in Government*, it is certainly consistent with its recommendations. In the report, the Auditor General stated the need for an ethical framework in government that would provide the basis for "enhancing and maintaining ethics in government". In justifying his proposal, he stated that "a sound ethical framework in government is grounded on the principle that public service is a public trust". This is all the more so in the case of defence which involves the potential use of the nation's most destructive weapons and the loss of life and property on a large scale.

74. The Framework for the Defence Ethics Program is shown in Figure-1 below. The Ethical Framework contains the essential substantive and structural elements that constitute the program. From the point of view of substance, it shows that the defence *culture* is an important focus for ethics in defence. The *vision* of Defence Ethics for the defence culture is that "the Canadian Forces and Department of National Defence become organizations of integrity with highly internalised ethical values." Accordingly, the *aim* of Defence Ethics is "that members of the Canadian Forces and employees of Department of National Defence perform their duties to the highest ethical standards". The Ethical Framework also identifies a matrix of seven *ethical processes* that must be fully integrated within an ethics program to make it comprehensive.

75. From the point of view of structure, the Ethical Framework singles out the *authority structure* required to execute the program and its *objectives* and show that *resources* are necessary to accomplish these objectives. It should be noted that the Defence Ethics Program reflects a two-tier distribution of authority: a program authority and implementing authorities. At one level, the Defence Ethics Program Authority is responsible for many general administrative functions related to the program and for ensuring ongoing development of the program. However, it is the Implementing Authorities who are responsible for "implementing the requirements of the Defence Ethics Program within their areas of responsibility" and for ensuring that this is done "in a manner consistent with their organizational culture". (Defence Ethics Program Terms of Reference) The two-tier authority structure for the program is made

[3] This section has benefited from many lively discussions with Colonel Paul Maillet (former Director Defence Ethics) and the work he has done to develop a framework for the Defence Ethics Program.

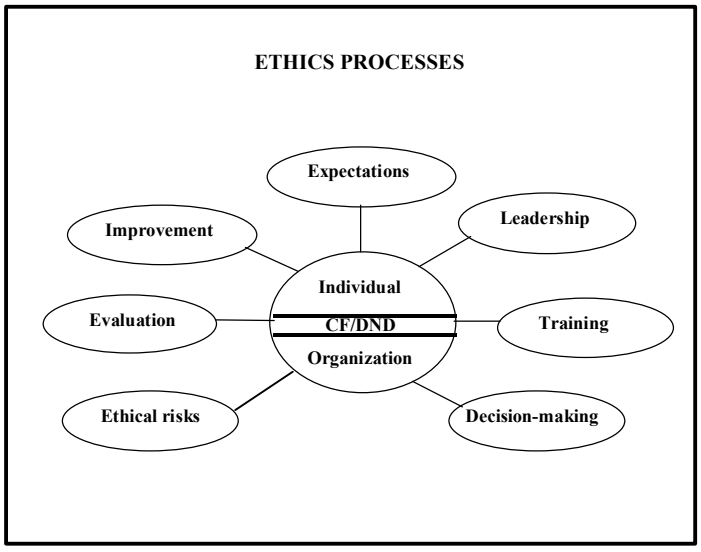
necessary because, in contrast a material acquisition program or a regular human resources program, an ethics program can only be implemented by giving overriding importance to the role of large sub-cultures in defence.

Figure - 1

DEFENCE ETHICS PROGRAM FRAMEWORK

Culture	Authority Structure	Processes	Resources	Objectives
Vision	Program Authority	Expectations	Personnel	Implementation
Mission	Implementing Authorities	Leadership	Training	Awareness
Aim	Ethics Advisory Board	Training		Training
Values	Ethics Co-ordinators	Decision-making		Steady state
Policy		Ethical risks		
		Evaluation		
		Improvement		

Figure - 2



76. Although all the elements of the Defence Ethics Program Framework are essential to have a viable ethics program, the core of the program is found in the matrix of integrated ethics processes. The "ethical processes" must be managed both separately and collectively. Figure-2 shows graphically how these processes are interrelated and unified. The integration is carried out in the individual, in the organization, and through their interaction with each other. The following provides a description of each process and how it fits into the whole.

77. If one process could be considered the lead process, then everything would be said to start with the processes that generate expectations. ***Expectations*** do indeed drive all the other processes in an ethical framework. That is the reason that the cornerstone of the Defence Ethics Program is the Statement of Defence Ethics. The Statement of Defence Ethics clearly states core ethical expectations. It declares that the "special responsibility for the defence of Canada" is "fulfilled through a commitment by the Department of National Defence and its employees and the Canadian Forces and its members" to honour the stated set of ethical principles and obligations. It focuses everyone's attention on three essential ethical principles (respect the dignity of all persons, Serve Canada before self, Obey and support lawful authority) and on six ethical obligations (integrity, loyalty, courage, honesty, fairness, and responsibility). It is important to stress from the beginning that expectations related to compliance and its mechanisms must always be based, at a minimum, on the ethical principle "respect the dignity of persons," both in their formulation and in their application. Nothing can damage an organization's ethical spirit more deeply than ethically flawed compliance practices. Notwithstanding, enforced compliance may be necessary for a variety of reasons. For example, some individuals may willingly resist adopting new practices that are more consistent with our democratic values because these new practices represent a break with past practices and traditions. To illustrate, let's consider the Canadian Charter of Rights and Freedoms which has become the highest law in the land only since 1982. The Charter has formalized ethical expectations that are an integral part of a liberal democracy. New regulations and policies flow from the Charter which prohibit certain types of behaviours in the workplace that had previously been considered acceptable, tolerated or ignored and left unchecked. In many cases, the new policies and regulations include mechanisms necessary to enforce compliance. An example of these changes is provided by the new policies and regulations protecting individuals from workplace harassment. Finally, urgency and military field operations often create situations where enforced compliance may also be required because there is no time available to allow an individual to acquire the understanding that will satisfy him or her prior to action being taken. But in all cases, it is expected that the formulation of policies and regulations and compliance with them will be carried out in a spirit that fully respects the ethical principles and obligations of the Statement of Defence Ethics.

78. Formulating expectations is a necessary first step in setting up an ethics program, but it is far from sufficient to have a strong and healthy Defence Ethics Program. A committed ***leadership*** is required to carry out the publicly declared statement of ethical expectations. Whether charismatic and transformational or transactional, leadership openly practises the ethical principles and obligations of the Statement of Defence Ethics. It accepts to be held accountable in terms of these ethical principles and obligations. Leaders understand that individuals and organizations cannot be moved to action without motivation. From that point of view, compliance-based practices that fuel a kind of "negative" motivation do have a role to play, but they cannot come close to fostering "positive" ethical attitudes that develop personnel of integrity. Leaders serve as models for practices that cultivate value-based "positive" motivation, practices that must be seen as an integral part of any organizational approach to building an organization of integrity. It is mainly through positive motivation that leaders build a climate of trust and fairness. Finally, as a minimum, every leader should integrate within his or her leadership approach the three elements of a mini ethics program: Awareness of Expectations, Ethical Risk Management, and Voice.

79. Processes that provide ***training*** go hand in hand with decision-making processes. A committed leadership cannot make personnel responsible to fulfil expectations without providing them with the necessary tools and skills. One of the time-proven means of developing skills is through training. However, expectations, leadership, and training can only provide a context and a basis for action. The ultimate aim of these efforts is ethical ***decision-making*** that translates into action in accordance with the highest ethical standards. The Defence ethical culture is constituted by its organisation and its personnel. The health of defence culture in a liberal democracy depends on the quality of the decision-making. Yet, human situations are so complex that there are usually many ways of taking action. Choosing the most appropriate ethical course of action can benefit from using ethical decision-making methods. Although some methods can be quite intricate, many simply involve general rules of thumb. We acquire skill in the use of these methods through experience and education. In selecting the best course of action, it is mandatory that defence ethical principles and obligations be given priority. There is no doubt much that can be gained from working out in advance, to the extent possible, why certain actions are preferable and in what way they are ethically justifiable. For that reason, it is particularly important to include in training practice scenarios of potentially difficult ethical situations, since it is often the case in many operational situations that the proposed course of action will probably produce harm and there is usually little time then for reflection.

80. Ensuring the ethical integrity of an organization does not end with managing well the set of processes that lead to decision and action. There must be feedback loops that allows the organization to monitor its ethical health and strength and to maintain its ethical integrity. Feedback can be initiated either by the individual or by the organisation. The first feedback loop deals with avenues that will ensure that ***ethical risks*** are identified and addressed promptly. The sources of this loop can be either individual or collective. Both the individual and the organization can only benefit from functioning in an environment of healthy disclosure. Individuals must possess effective mechanisms to protest what seems ethically unacceptable behaviour that will undermine and weaken ethical integrity within the organisation. In practice, solid, judicious and morally strong protest will only exist in an environment of trust, fairness, and care where individuals are free to exercise their moral voice without fear of reprisal. In addition, the Defence Ethics Program recommends the implementation and practice of regular ethical risk assessments by leaders at all levels. For this purpose, periodic gatherings at the local level that focus specifically on ethical issues that personnel believe need to be addressed are of special importance. Other ethical risk management mechanisms include audits and reviews.

81. A second feedback loop deals with various means for ***evaluating*** the ethical climate of the organisation. This kind of feedback is usually initiated by the organisation. For example, the Canadian Forces and the Department of National Defence use assessment methodologies consistent with the norms of social science research as means of measuring nationally and locally the effectiveness of defence ethics initiatives.

82. An ethical framework's feedback loop is incomplete without processes that ensure that ***improvement*** takes place. When disclosure of unethical conduct falls on deaf ears, when compliance mechanisms are weakly administered, and when the results of ethical risks assessments gather dust, whether singly or together, these systemic faults spell ethical disaster for a government organization in a liberal democracy. However, when people experience that

changes are produced as a result of voice and of ethical risk management feedback mechanisms, be they policy, regulatory, or program changes, then and only then do people believe that the other processes – expectations, leadership, training, and decision-making - are working well and responsibly.

CONCLUSION

83. In summary, this paper provides a general introduction to the fundamentals of the Defence Ethics Program. It addresses the specific issues and problems in defence ethics mainly from the philosophical, social-psychological, and organizational science points of view. The paper argues that the Defence Ethics Program is, and must be, responsive to the ethical needs of both the individual and the organization. The paper covers in detail the Statement of Defence Ethics and discusses the role that ethical principles and obligations can play in decision-making. It discusses the complexity of individual moral development and the effect of the institutional environment on defence ethics. Finally, it explains matrix of core ethics processes that must be integrated into a comprehensive whole and practised throughout the Canadian Forces and the Department of National Defence if Defence is to be a high-integrity organization.

84. The Defence Ethics Program is a normative and top-down value-based program for the Canadian Forces and the Department of National Defence. In creating and committing themselves to this program, the senior leadership of the defence organization fulfils an important part of its organizational responsibility. The Defence Ethics Program is build on the Statement of Defence Ethics as its foundation. By publicly stating that the ethical principles and obligations in the Statement of Defence Ethics are considered to be defining elements of the Canadian defence culture, the senior leadership is also stating that these principles and obligations should serve not only as guides for personal and institutional conduct but also as criteria by which that conduct should be judged.

85. The development and the implementation of the Defence Ethics Program has been consistent with the principles of organizational theory and of change management. It has taken special care to integrate the results of the research done on moral development in the social sciences. Thus, the work of Lawrence Kohlberg, Carol Gilligan, Martin L. Hoffman, T.M. Jones, and James R. Rest have served as important sources. Particular importance has been given to the writings of social scientists like Linda Klebe Trevino and Albert Bandura who place emphasis on the role of situational and work environment factors in moral development and behaviour.

86. The Defence Ethics Program has put in a place an Ethical Framework designed to foster an organization of high ethical integrity. A special emphasis has been placed on improving ethical decision-making skills at the individual and the collective level. It has considered it imperative that these skills be learned and practiced not only in the traditional classroom setting but in the workplace. As a result, the Defence Ethics Program focuses not only on revitalising an individual's already acquired abilities to deal with ethics, but also on the doing ethics in a manner specifically related to the responsibilities that arise from the roles they occupy. Thus, it has strongly supported the virtues of open dialogue on ethics in the workplace and on the need for ethical risk management.

87. Finally, the Defence Ethics Program is based on the belief that the responsibility for defence ethics is a shared responsibility between the organization and the individual. It has been developed from the dual assumptions that the Department of National Defence and the Canadian Forces are expected to be organizations of integrity and that the individuals that make them up should strive to be people of integrity. In this way, Defence can live up to the highest ethical standards that society has a right to expect of Defence because organizations and individuals with integrity consistently ensure that their actions meet these standards.

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