Commission of Inquiry
into the Deployment of
Canadian Forces to Somalia

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The Buck Stops Here
Reflections on Moral Responsibility, Democratic Accountability and Military Values

a study prepared for
the Commission
of Inquiry into
the Deployment of
Canadian Forces
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THE MILITARY IN A DEMOCRATIC SOCIETY: VALUES IN CONFLICT

The culture of liberal democracy places central importance on such values as individuality, autonomy, and openness. By contrast, it seems inherent in the nature of military organizations that they tend to place highest emphasis on a very different set of values, including group loyalty, rigid obedience to superior orders, and strict discipline. This divergence of values between a democratic community and its armed forces almost inevitably creates a situation of tension.[28]

The Canadian Armed Forces, like its counterparts in Britain and the United States, is experiencing a worrying dislocation from the society it serves. No one should be surprised to discover that armed forces tend to be markedly different from civilian societies; but recent developments threaten to widen a gap into a chasm. Indeed, recent struggles around such issues as making a place for women in the forces, perhaps even in combat roles, sexual orientation, and racism highlight such questions as whether traditional military values are consistent with contemporary social and legal changes.

How different from the rest of society is the army entitled to be? Will civilian society continue to permit the military to impose, unconstrained, its own ethos? It can be said, without exaggeration, that the combination of the end of the cold war and sweeping social change has generated an acute identity crisis for the military in every western liberal society. It is doubtful, in these 'peacetime' circumstances, that the traditional institutional culture of the military can survive without significant modifications, especially when enterprising journalists regularly capture on film and muckraking magazines regularly display on their front pages military values run amok. Indeed, it is not only the muckrakers who rake this

particular muck. Mainstream media outlets, both newspapers and television, regularly confront the public with horrifying images of military misdeeds.

The central underlying issue was stated nicely by Kim Krenz, who wrote in a recent letter to *The Globe and Mail*, "...the ethos of any effective military organization must be at odds with the caring, compassionate, 'politically correct' society that Canada aspires to be."[29] Notwithstanding the current trend toward using the military to perform an international peacekeeping role, members of the armed forces will have, in some situations, a professional obligation, as soldiers, to engage in killing and destruction. Not to put too fine a point on it, education in professional military ethics includes the transformation of young people into trained killers. To an important degree, it is the intense loyalty developed in small military groups that motivates soldiers to face serious dangers and endure intense hardships in the line of duty.

It is an easy step from intense group loyalty to the we/they adversarial model, which collectively unites military personnel against what they see as civilian outsiders. The latter are believed to be incapable of genuinely comprehending military culture. Because civilians are incapable of understanding the lived experience of military life and work, civilian control over the military can easily excite a degree of resentment; this in turn can easily express itself in concealment and cover-up.

For good reasons, loyalty and obedience have been regarded traditionally as the highest military virtues. As Alfred T. Mahan puts the point, "The rule of obedience is simply the expression of that one among the military virtues upon which all the others depend."[30] Instant unquestioning obedience must be inculcated in military personnel as a prime virtue, it is argued, because military necessity often requires that soldiers act rapidly and in concert. Delay or hesitation could be fatal. Obedience to one's military superiors and loyalty to one's comrades can, of course, easily express itself in concealment or cover-up of their wrongdoing.

Few authors have offered a more strict construction of the supreme value of military obedience than Samuel P. Huntington:

When the military man receives a legal order from an authorized superior, he does not argue, he does not hesitate, he does not substitute his own views; he obeys instantly. He is judged not by the policies he implements, but rather by the promptness and efficiency with which he carries them out. His goal is to perfect an instrument of obedience; the uses to which that instrument is put are beyond his responsibility. His highest virtue is instrumental not ultimate.[31]

Huntington's emphasis on the overriding value of instant obedience and total loyalty seems not inappropriate, given the fundamental *telos* of the military: the responsibility to manage violence in such a way as to protect society against organized external military threat.[32]

It is important to note, however, that even Huntington qualifies his version of the military ideal with the words "legal" and "authorized". That is, instant obedience is owed only to *legal* orders issued by an *authorized* superior. This qualification highlights the crucial subordination of the military to the rule of law. Ultimately, the loyalty of every officer and soldier in the armed forces of a democratic society must be to the rule of law, as even Samuel Huntington, with his extreme emphasis on the military virtue of perfect obedience, is compelled to admit.

PERSONAL INTEGRITY AS THE HIGHEST MILITARY VALUE

Consider, in this context, the eloquent comments of U.S. Senator Hughes of Iowa. Senator Hughes' remarks were made in the course of opposing promotion for officers whose loyalty to their military superior had led them to participate in false reporting, as part of a cover-up of transgressions against national policy:

I could not rest easy if I thought that one of these men who knowingly participated in this false reporting might one day become chairman of the Joint Chiefs of Staff. The integrity of our command and control structure, both within the military and under civilian authority, depends upon men of the highest character, whose obedience to our laws and the Constitution is unquestioned... If we choose to reward these men with promotions, what will the consequences be? ...Will the officers down the line conclude that loyalty and obedience within one's service are more important than adherence to the higher principles of law and civilian control of the military?[33]

Note well Hughes' phrase "men of highest character" or, as we would say today, "men and women of highest character".

In effect, Senator Hughes is defending two important values for the military: the value of moral integrity and the value of democratic accountability. His key point is that even in a strictly hierarchical authoritarian organization, like the military, the ultimate value must be obedience to the law, that is, to civilian control. His ancillary point is that unless we inculcate good moral character (integrity) in military personnel, effective

military performance will be undermined and, equally important, democratic civilian control over the military will be threatened.

Without an effective command and control structure, the monopoly of force vested in the military could potentially undermine civic society, the protection of whose values provides the *raison d'être* for having a military in the first place. When the military is unconstrained by civilian control, or when the military appropriates for itself the determination of what the limits of that control will be, we have left the realm of democracy and entered the realm of military dictatorship.

The integrity of the command and control structure requires full and accurate disclosure of information. Moral integrity — which includes truthfulness as a major component — must begin with the lowest ranks, who report to their immediate superiors, and should carry on right to the top of the military hierarchy, where the rule of law requires that there be civilian control. Even more important, moral integrity requires of those at the very top of the military chain of command that they deal truthfully with the civilians (cabinet ministers and high civil servants) to whom they are accountable for their actions and for the overall good running of the armed forces.

At the lower levels of military command, lack of integrity produces, among other bad consequences, dishonest reporting; and dishonest reporting is often responsible for causing much avoidable harm, including injury and death. At the higher levels of military command, dishonest reporting can result in military disaster on a scale sufficient to threaten national security. It can also threaten democratic control of the military, which poses a different but no less serious danger to national security.

Thus, Huntington's insistence that the values of obedience and loyalty are central to the military ethic must be seen as needing to be framed by a wider commitment to the value of personal moral integrity: "Integrity would appear to be one of those critical moral qualities which makes loyalty and obedience possible".[34]

It may be useful to reiterate a point developed at some length earlier in this essay, in the context of the culture of bureaucratic civilian organizations. In military, as in civilian life, the promotion of moral integrity is best achieved through encouragement and example.[35] For this reason, when a high-ranking officer violates the spirit of a fundamental law promoting transparency and accountability, his behaviour threatens to undermine a basic value of military ethics. Even though he may, technically, have done nothing strictly illegal, his violation goes to the heart of the democratic accountability of the military.

CONCERN FOR IMAGE: AN ARMED FORCES PATHOLOGY?

Military Culture, Military Values, Military Ethos

None of us is a purely atomistic individual bouncing around in the void. We are all, to a greater or lesser extent (and usually greater rather than lesser), shaped by the culture in which we live and work. Not only our attitudes and values but also our very identity as individuals are profoundly shaped and influenced by institutional norms and structures.

Individuals who join the military are subjected to such a powerful and prolonged military socialization process that their group identity as soldiers or officers may easily overwhelm prior socialization in the less intensely inculcated values of civilian culture.

The diversity and plurality of values typically found in liberal democratic society contrast sharply with the homogeneity of values and norms in the culture of the military. Such value differences can easily support a mutual lack of understanding and respect between the military and the rest of society amounting, at times, to alienation. The fact that members of the military tend to live separately from civilian society and socialize largely within the ranks of the military has the effect of distancing military personnel more profoundly from the rest of the community. It also enhances bonds of loyalty, both horizontally, with peers, and vertically, with one's superiors.[36]

There is, of course, some diversity of views and values within the military, and it would be simplistic to claim that there is a single military culture or military ethos. There will likely be significant differences between the branches of the military and between units in each branch. In addition to this 'horizontal' diversity of values, there are also likely to be significant 'vertical' differences of culture and value as one moves from the highest ranks in the hierarchy toward lower-rank officers and ordinary soldiers. Despite such differences, both horizontal and vertical, there will be many situations, especially when the military is seen to be under attack from outsiders presumed to be ignorant of military norms and values, when virtually all members of the armed forces can be expected to bond together cohesively to defend their way of doing things from outside interference.[37]

Image Obsession: The Problem of Misdirected Loyalty

Organizations that are highly authoritarian in structure, especially those that place great emphasis on rigid discipline and group loyalty, are systemically vulnerable to abuse of power and obsession with image. As the psychologist Philip Flammer has noted, "Many in the military seem to operate under the dubious assumption that criticism, even internal criticism of the highest order, is a form of disloyalty."[38]

Of course, an acute concern for image is not a problem confined exclusively to the military. Every organization wants to be seen in the best possible light; all administrators seek to avoid bad publicity. Organizational loyalty is frequently interpreted as requiring from members of every rank a willingness to conceal unpleasant truths or even, occasionally, to cover up information that would damage reputations if revealed. However, the organizational deformity of obsessive concern for image tends with uncomfortable regularity to characterize 'closed' societies, such as the military (and the police).

A full explanation for this worrying phenomenon is beyond the scope of this essay, but some tentative assertions will be offered *pro tem*. I will pass over, without comment, the widely canvassed explanation that power corrupts and that the degree of corruption increases as power does. This explanatory thesis doubtless contains important elements of truth. But other important factors deserve our attention.

If the military is to perform its primary role of protecting society against external threats of violence, it must create and sustain an organization in which soldiers have sufficient trust in their officers, and officers sufficient trust in their superiors, to go into battle at the risk of their very lives. To trust another person, or even an organization, with one's life requires no little confidence in the ability of the person/organization to minimize exposure to unnecessary risks. It may even require a level of confidence that borders on magical thinking. To sustain such confidence over time, the organization and its officials may strive to create, both internally and externally, the appearance of infallibility.

Alas, as discussed earlier, fallibility is an inescapable feature of human life and *a fortiori* the life of every human organization. Since imperfection marks every human creation, the need to appear infallible carries with it the need to cover up evidence of errors, mistakes, blunders, miscalculations, and downright incompetence, not to mention greed, corruption, venality, careerism, and other moral flaws. Thus, the military system cannot hope to succeed in its efforts to appear infallible without

dogmatically rejecting ample evidence to the contrary and covering up, through lies and deception, such evidence as would expose the unreality of their pretensions.

This explains, at least to some considerable extent, why the military seems so often to be involved in concealment and deception. It explains, but of course it does not justify. The benefits of burying mistakes, using concealment and deception, are more immediately apparent to many in the military ruling elite than are the drawbacks. Properly calculated, however, the latter may far outweigh the former, at least in the long run.

ERRORS AND MISTAKES: THE NEED FOR A NEW ETHIC

The myth of military infallibility requires, at least on the part of commanding officers, a "zero error mentality".[39] In other words, the undoubtedly worthy goal of pursuing excellence in the military translates into the dangerously unrealistic expectation that commanders should never be guilty of error or mistake. In its most extreme form this mentality would condemn even non-culpable errors ('misfortunes').

That such a wrong-headed doctrine could produce far more negative than positive consequences for military performance is unsurprising. For a start, the pretence of infallibility produces massive hypocrisy. Dishonesty and dissimulation become the norm rather than the exception. Cover-up becomes a way of life rather than a rare exception. Careerism displaces professionalism, and moral corruption becomes pervasive.

Equally important, unless mistakes are acknowledged and analyzed, those who make them cannot learn the appropriate lessons.

Interestingly, the medical profession, whose mistakes, like those of the military profession, are also often a matter of life and death, have problems similar to those of the military when it comes to admitting mistakes. Writing of the medical profession, but with words that apply no less forcefully to the military, McIntyre and Popper state:

Our new principle must be to learn from our mistakes so that we can avoid them in future; this should take precedence even over the acquisition of new information. Hiding mistakes must be regarded as a deadly sin.[40]

Moreover, progress will be slow indeed if each of us can learn only from our own mistakes. We have to encourage each other not only to be self-critical in identifying our mistakes, but to be willing to draw our mistakes to the attention of others.

Even those who are able to confront their own mistakes honestly, without self-denial, may balk at drawing the attention of others to their errors. The problem is, however, that only when the mistakes made by various individuals in an organization are identified and pooled can underlying causal patterns be detected. Thus, unless individuals are willing to pool and analyze their errors, systemic problems may well go undetected, and the organization will be unable to develop workable strategies to minimize the likelihood that similar errors will occur in future.

In a truly professional armed forces, accountability would be understood to impose on every soldier, but especially every officer, the obligation to improve standards in the military. Effective performance of military duties, at every level of the hierarchy, requires that there be in place an effective system for monitoring and judging and, where necessary, changing and improving the way things are done. Concern for image ought to be subordinate to concern for professional integrity. In the long run, of course, these two *desiderata* may be found happily to coincide. In the short run, however, they may often appear to be adversaries.

In sum: where the prevailing ethos within an organization is one of intolerance, and where criticism generally means condemnation rather than mutual respect, one can expect to find, concomitantly, an ethos of deception and cover-up. An ethos of deception and cover-up is not only morally undesirable, it is also inconsistent with effective performance of duties. In the military, when errors go uncorrected because undetected, this can easily lead to avoidable loss of life or, in extreme cases, even to military disaster. Equally important, an ethos of deception and cover-up is inconsistent with a democratically accountable military in a liberal democratic society.

This discussion of the need for a new ethos with respect to admitting mistakes suggests that second thoughts are required on the subject of the virtue of loyalty. As the military historian Basil Liddell Hart wisely observes, loyalty is a "noble quality, so long as it is not blind and does not exclude the higher loyalty to truth and decency."[41]

13 Jean Anouilh, *Becket*, Act IV, translated by Lucienne Hill (London: Methuen, 1961), p. 110.

14 Colin Turpin, "Ministerial Responsibility: Myth or Reality?" in *The Changing Constitution*, ed. J. Jowell and D. Oliver, third edition (1994).

15 Sir Richard Scott, "Ministerial Accountability", in *Public Law* (London: Sweet and Maxwell Ltd., Autumn 1996), p. 410.

16 Scott, "Ministerial Accountability", p. 410.

17 Sir David Maxwell Fyfe, House of Commons Debates, column 1285 (20 July 1954), as quoted in Scott, "Ministerial Accountability", p. 411.

18 Fyfe, Debates, columns 1286-1287, as quoted in Scott, "Ministerial Accountability", p. 412.

19 Scott, "Ministerial Accountability", p. 412.

20 Testimony before the Scott Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq, 9 February 1994, Transcript, pp. 22-23, quoted in Scott, "Ministerial Accountability", p. 413. The British government has set out its view of ministerial responsibility and accountability in *The Civil Service: Taking Forward Continuity and Change*, Cm. 2748 (January 1995).

21 Treasury and Civil Service Committee, *Civil Servants and Ministers: Duties and Responsibilities, 1985-1986*, Seventh Report of the Committee, House of Commons 92II, paragraph 313, quoted in Scott, "Ministerial Accountability", p. 415.

22 Treasury and Civil Service Committee, *The Role of the Civil Service*, Fifth Report of the Committee, House of Commons, 1993-94, 27-I, paragraph 133.

23 Scott, "Ministerial Accountability", p. 415.

24 S.L. Sutherland, "Responsible Government and Ministerial Responsibility: Every Reform Is Its Own Problem", *Canadian Journal of Political Science* XXIV/1 (March 1991), p. 103.

25 Sutherland, "Responsible government", pp. 104-105.

26 *Report of the Special Committee on Reform of the House of Commons* (Ottawa: Queen's Printer, 1985), p. 21.

27 Sutherland, "Responsible government", p. 120.

28 Philip M. Flammer, "Conflicting loyalties and the American military ethic", *American Behavioral Scientist* 19/5 (May/June 1976), pp. 589-590.

29 *The Globe and Mail*, 8 January 1997.

30 As quoted in Samuel P. Huntington, *The Soldier and the State* (Cambridge, Mass.: Harvard University Press, 1957), p. 73.

31 Huntington, *The Soldier and the State*, p. 73.

32 Samuel P. Huntington, "Officership as a Profession", in *War, Morality, and the Military Profession*, ed. M.M. Wakin (Boulder, Colorado: Westview Press, 1979), p. 19.

33 United States Senate, Congressional Record, 1974, p. 56258, quoted in M.M. Wakin, "The ethics of leadership", *American Behavioral Scientist* 19/5 (May/June 1976), p. 578-579.

34 Wakin, "The ethics of leadership", p. 579.

35 General John D. Ryan, *Study on Military Professionalism* (Carlisle Barracks, Pa.: US Army War College, 1970), pp. 40-41.

36 See John Kleinig, *The Ethics of Policing* (New York: Cambridge University Press, 1996), pp. 67-81, for a parallel discussion of the institutional culture that shapes the ethics and values of police officers.

37 For a discussion of closely related phenomena in the police, see Kleinig, *The Ethics of Policing*, pp. 68-71.

38 Flammer, "Conflicting loyalties", p. 590.

39 Flammer, "Conflicting loyalties", p. 597.

40 Neil McIntyre and Karl Popper, "The critical attitude in medicine: the need for a new ethics", *British Medical Journal* 287/24-31 (December 1983), p. 1920.

41 Basil Liddell Hart, *Why don't we learn from history* (New York: Hawthorn, 1971), pp. 30-31.

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This study provides a conceptual analysis of the ideals of responsibility and accountability. It asks and tries to answer such questions as: when is it legitimate to blame top officials of an organization for mistakes made by personnel below them in the bureaucratic hierarchy? When things go wrong in a large complex organization such as Canada's armed forces, who is responsible? who is accountable? who is to blame? When, if ever, is a plea of ignorance — "I just didn't know about the cover-up" — a good excuse?

The study also analyzes the doctrine of ministerial responsibility in both the British and Canadian parliamentary traditions. Is it realistic to expect that a minister of government should be held responsible for everything that goes wrong in his or her department?

Finally traditional military values are examined. What attitudes and values do we expect from Canada's armed forces? How different do we want them to be from us? The study concludes that a new military ethos is needed if we wish to achieve the goal of effective civilian control over Canada's armed forces.

ARTHUR SCHAFER is Professor of Philosophy at the University of Manitoba and Director of the University's Centre for Professional and Applied Ethics. He specializes in moral, social and political philosophy and has published widely in all these fields.

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