ETHICS AND DEONTOLOGY IN THE MILITARY ORGANIZATION
(AN EDUCATIONAL OUTLOOK / A PRACTICAL OUTLOOK)

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Abstract:

This paper aims to provide an insight into differnt aspects of ethics in military organization. It will start by defining and differentiating theories used in the study of Ethics. This will be followed by a discussion on the need of Ethics in military and a description of different models used in selected military services of the world. Chapter 2 will deliberate on the practical problems faced by personnel in making ethical decisions, both in conventional as well as unconventional warfare. Chapter 3 suggests solutions to the problems discussed in Chapter 2.

Keywords: ethics, organization, military

1.Introduction

All animals fight when they see a reasonable chance of success of their aggressive behaviour. They would rather choose to withdraw if chances of success are minimal. Man has been fighting since almost his beginning; it started as a way of winning the desired mate and then led to securing the rights to a territory for grazing cattle and/ or for cultivation. As human civilization developed, war fighting abilities grew alongside. This was evident in the invention of more lethal weapons and tactics and division of society into classes. The warrior has always been seen as the protector of their people and therefore respected. In the past, the prevalent mindset was that of 'winner takes all'. Large scale murder, looting, rape and enslavement were considered normal for the victorious army and were hardly questioned. Control of territory was more important than love of its inhabitants. Social development, especially in Western countries gave rise to calls for humane behaviour in battle by their militaries. These demands gained strength by the killing of non-combatants in Vietnam, Africa and Balkans. Study of ethics and its application in battlefield has been adopted in the military organizations of all countries. It is aimed at improving the conduct of their soldiers. They may differ in methodology but the objective remains the same. This paper aims to provide a comprehensive insight into ethics and deontology in the military organization. It will describe the theoretical background of ethics, its need in military organizations and ethics teaching methodology adopted by different countries. The paper shall dwelve on the ethical problems faced by soldiers in regular as well as irregular warfare. This will be followed by suggested ways for the solution of the problems discussed earlier. It is hoped that this paper will help in clarifying the whole concept of application of ethics in military organization in a simplified form which is easier to grasp by the men and women in arms.

2. Definition of Terms and Ethics in Military

It is important to define the terms and theories which form the basis of subsequent discourse.

2.1   Ethics

Ethics is a branch of philosophy that, at its core, seeks to understand and to determine how human actions can be judged as right or wrong. We may make ethical judgments, for example, based upon our own experience or based upon the nature of or principles of reason. Those who study ethics believe that ethical decision making is based upon theory and that these theories can be classified [1]. Following is a very brief description of classes of ethical theories (See Garrett, Baillie, & Garrett, 2001):

2.2   Theories of Ethics

2.2.1 Natural Law: This theoretical position suggests that one may, through rational reflection on nature (especially human nature), discover principles of good and bad that can guide our actions in such a way that we will move toward human fulfillment or flourishing. This position suggests that human beings have the capacity within themselves for actualizing their potential [2].

2.2.2 Virtue Ethics: Virtue ethics consists of two differing approaches to ethics and can, therefore, be confusing to understand. Very briefly, the first approach to ethics in this theoretical orientation proposes that there are certain dispositional character traits (virtues) that are appropriate and praiseworthy in general and/ or in a particular role. More formally, virtue ethics represents a "systematic formulation of the traits of character that make human behaviour praiseworthy or blameworthy" (Shelp, 1985, p.330).
The second approach to virtue ethics not only identifies the virtues, but focuses on their integration into what can be described as "practical wisdom" or "right reason." Practical wisdom is the phrase used to describe one's ability to choose patterns of actions that are desirable. These patterns of actions are informed by reasoning that is, in part, influenced by habits of emotional experience or virtues (Baillie, 1988), but also by the depth and breath of experience available to the human being as he or she is placed in society [3].

2.2.3 Consequentialism: Ethical theories that fall under the classification of consequentialism posit that the rightness or wrongness of any action must be viewed in terms of the consequences that the action produces. In other words, the consequences are generally viewed according to the extent that they serve some intrinsic good [4].

2.2.4 Utilitarianism: The most common form of consequentialism is utilitarianism (social consequentialism) which proposes that one should act in such a way to produce the greatest good for the greatest number [5].

2.2.5 Deontology: Deontologism is a position based, predominately, on the work of Immanuel Kant. Most simply, deontologism suggests that an act must be performed because the act in some way is characterized by universality (i.e. appropriate for everyone) or that it conforms with moral law (formal rules used for judging the rightness or wrongness of an act). According to this theoretical position, the rightness or wrongness of

some acts are independent of the consequences that it produces and the act may be good or evil in and of itself[6].

2.2.6 Divine Command: Divine Command Theory takes God's will to be the foundation of ethics. According to divine command theory, things are morally good or bad, or morally obligatory, permissible, or prohibited, solely because of God's will or commands [7].

2.3   Need for Ethics in Military

We are all familiar with the proverb,"everything is fair in love and war". It means that mankind had reasoned long ago that ethical behaviour had nothing to do with the conduct of war per se. Wars were fought in the name of tribe, king, country or God. Wars fought on religious ideology were particularly cruel as one side sought to impose its religion on its opponent which was also convinced of its own righteousness. Every general aimed to destroy his enemy and ensured that the enemy would never challenge the conquerer again. This resulted in mass murder, pillaging, enslavement and also rape being used as an instrument of war.

Social development in Europe from 17th century onwards led to calls for ethical behaviour by militaries in war and its aftermath. However, governments did not pay much heed to ethical theories of philosophers till the end of 20th century when governments were forced to enforce ethical behaviour in military due to public outrage created as a result of coverage of conflicts by electronic media. It started with the My Lai massacre (South Vietnam 1968)[8] and culminated after Rwandan (April to July 1994) and Srebrenica massacres (July 1995)[9]. As a result, the militaries adopted the principles of proportional response, avoidance of collateral damage and respect for the non-combatants. The concept of Just War was followed in order to retain moral superiority.

2.4   Existing Regulations / Modules for Ethics Implementation

The Law of War provides the legal basis for ethical behaviour by combatants. It comprises international treaties, customs and general principles agreed to by all signatories. These regulations cover a wide range of topics ranging from declaration of war to acceptance of surrender, treatment of prisoners of war and wounded, distinction, proportionality and prohibition of certain types of weapons[10]. Geneva conventions of 1949[11] under United Nations Charter lay down the treatment of Prisoners of War, wounded and sick combatants and civilians in time of war. These laws are also applicable to non-signatories e.g rebel groups fighting within a state. Rome Statute of the International Criminal Court (1998) allows the trial of persons violating the laws of war.
All major religions have laid down the conduct of individuals, nations, and other agents in war in order to mitigate the worst effects of war. Mahabharata (Hindu mythology), Torah and Quran have given clear dos and don'ts of war. Conquest of Mecca by Prophet Muhammad (PBUH) in 630 AD can be cited as an example where he laid strict rules of engagement for the Muslim army. He restricted his followers not to fight non-combatants and those who took refuge in Kaaba (house of Allah) or their own homes. Mecca was conquered without a battle and its inhabitants were granted amnesty by the Prophet.

2.5   Examples of Ethics Education in Different Militaries

Military forces of all countries teach ethics in some form to their personnel. More emphasis is laid on training of officer cadets while all personnel receive training in ethics prior to their deployment abroad. Among militaries, there are differences in orientation,

emphasis, ownership and methodology of the study of ethics in their training institutions. Most follow virtue based ethics with overt religious foundation while some countries follow ethos based approach catering to a secular society. Examples of ethics education in selected militaries is given in subsequent paragraphs.

2.5.1 United States of America[12]

The United States military follows a system of virtue ethics based on the values enshrined in its Constitution. It is based on Christian values and chaplains are responsible for conducting religious services in the training institutions. Enlisted personnel are taught Army ethic at all schools but it is not comprehensive. Moreover, lawyers and chaplains teach Law of Land Warfare without any passion which does not generate much interest among the trainees.

West Point has incorporated a comprehensive ethics programme in its four year curriculum. It is aimed at character building and stresses leading through self example. The honour code of US Military Academy is, *"I shall not lie, steal, cheat nor tolerate anyone who does so"*. The course is taught by philosophers and starts with an introduction to philosophy, then moving on to Just War Tradition. Professional military ethic seminars are conducted throughout training which use case study method. This keeps the interest of cadets who are encouraged to find solutions to ethical dilemmas presented in the case studies. Character building is consolidated in Field Exercises through team building and role playing exercises based on actual events.

2.5.2 Norway[13]

Ethics in Norwegian academies is taught by chaplains as Norwegians believe that Ethics carries a religious dimension with it. Norwegian defence forces ground their ethos in Christian and humanistic basic values (The Basic Values Document, 2007). Modern soldier is aware and requires moral justification of war. The same is also demanded by media for the sake of legitimacy. Norwegian military believes that moral justification of war is also required by the population of a country where Norwegian forces are deployed.

Conscripts analyse military dilemmas faced by soldiers on the front lines, assisted by an instructor. It helps in building their data base of possible scenarios which will better prpare them for deployment. Officer training starts with introduction to military ethics and encompasses ethics theory, use of force, ethics of war and cultural challenges in international operations, and post war ethics. It is believed that an officer must be able to make critical decisions. This is achieved through practice and reflection.

2.5.3 United Kingdom[14]

Old British Army followed Christian practices and norms. The ideal was considered to be a Christian gentleman. There were no written moral guidelines as these values were ingrained in the public schools. From 1960s, secular ideals were embraced by majority of the people with stress on equality, independence and materialism. Therefore, British military adopted a new ethical model in the year 2000, based on ethos, which is the characteristic spirit of a community. UK chose to express its ethos along secular lines, though it is heavily based on Christian ethics. Its biggest drawback is that soldiers are required to follow the Army ethos and no justifications have been given for following these values.

Royal Military Academy Sandhurst has a one year training tenure and is not a degree awarding institution. Theoretical ethics are not taught to cadets. Civilian academic staff teach Law of Armed Conflict which is reinforced in field exercises that involve ethical

problem solving through role playing which instils basic military values in cadets. The Army has a Service Test which states, *"Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Army?"*.

2.5.4 Netherlands[15]

Since the end of Cold War, the primary focus of Dutch armed forces has been on overseas operational deployments and peacekeeping operations. Dutch approach to such operations is to be non-threatening, culturally aware, transparent, making minimal use of force, mutually respectful, firm but friendly with the local population. Netherlands Defence Academy (NLDA) has a 4 year programme where Ethics is not a course as such, but part of different courses. It is a purely secular curriculum with emphasis on virtue ethics. The academics start with a course on 'Philosophy and Ethics'in the first year. In this foundational course, students study importance of ethics, courage and organizational ethics. Second year has a course in Military leadership and Ethics. It mainly comprises assigned readings where groups of students give presentations on assigned readings. This is followed by a discussion under the supervision of an instructor. Teachers at the academy include ethicists, philosophers and management experts. This education aims to enable the students to recognise and analyse moral problems. In the forth year, each student submits a final paper on different aspects of Srebrenica, Iraq and Afghanistan operations. Students opting for management studies undergo a course on "Integrity and Organizational Ethics'. NLDA wants its cadets to conform to moral principles voluntarily and for their own sake and not for fear of punishment.

3. Problems Faced by Soldiers in Battlefield

3.1   Ethical War

The world today is more unstable than it was during the Cold War. The number of conflicts has risen sharply with great cost in terms of human lives lost and displaced. Many of these conflicts have suspect justification and their aftermath has created greater insecurity for the stake holders. The biggest question facing the political leadership of nation states is whether to intervene in a country where the dominant group is persecuting the people having a different ethnicity, religion or political orientation. According to United Nations Charter, no country can interfere in another country's internal affairs. By this definition, outsiders must not intervene in a civil war as it is an internal affair of a country. The logical question which follows is that what is the threshold after which an intervention is necessary? Is such an intervention legitimate and who is responsible for those who died while rest of the world was weighing the legal aspects of such intervention.

The world hesitated in the case of Bosnian civil war and it was the Srebrenica massacre of non-combatants which forced the governments to act under public pressure. Second Gulf War (2003) was an example of unethical initiation of war. That war was initiated without UN sanction on the pretext of destroying Weapons of Mass Destruction. No WMD were found in Iraq subsequently and the resulting turmoil has destroyed the social fabric of Iraqi and Syrian societies. On the other end of the spectrum, the doctrine of using nuclear weapons in war poses ethical questions to the political leadership of such countries.

The biggest problem encountered by soldiers is whether the war is ethically justified in their view. In many militaries, refusal to fight in war carries a death penalty. It is debatable as to how many would be willing to refuse fighting under such conditions.

3.2   Regular Warfare

Regular warfare is simpler to understand in terms of ethics. While the decision of going to war is taken by politicians, the generals and soldiers are supposed to achieve the political aims through application of force. In this case, soldiers are clear about the application of Law of Armed Conflict which they have studied in their training institutions.

The enemy is known and non-combatants are clearly identifiable. Still, questions on the use of anti-personnel land mines and cluster munitions, acceptable level of collateral damage, withholding / destroying water supply of the enemy can place soldiers in an ethical dilemma. Another question is about when to consider an opponent a prisoner of war. This question arises when the assaulting troops overrun enemy positions and are unable or unwilling to identify an opponent's unwillingness to fight. During the Falklands War, there were allegations that British troops had killed Argentine soldiers during assaults while they had raised their arms in surrender[16]. Treatment of wounded and prisoners of war by a military shows its ethical maturity.

3.3   Irregular Warfare

Most of the operations undertaken by militaries around the world since 1996 comprise irregular warfare. This includes counter insurgency and anti-terrorism operations, peace-keeping / peace enforcement missions and humanitarian assistance operations. There is greater expectation of ethical conduct from personnel of regular armed forces as compared to insurgents. In counter insurgency and anti-terrorism operations, the enemy is not clearly identifiable and is mostly merged within the non-combatant population.

Moreover, insurgent sympathisers are non-combatants who provide shelter and intelligence to the insurgents. Irregular warfare depends heavily on good intelligence and discrete but minimal use of force. The local population must feel that the regular troops are fighting for their sake. It is a battle to win the hearts and minds of the local population. Therefore, commanders must subordinate their military operations to the political aim[17]. This restriction may not be liked by the soldiers who may see it as restricting their freedom of action and thus cause frustration.

Lack of training in ethics, limited knowledge of local customs combined with the stress of fighting an invisible enemy can lead to unethical actions being commited by troops on ground. There have been cases of US troops attacking Afghan wedding parties as they did not know the Pashtun tradition of celebratory gunfire during weddings. Abuse of prisoners in Abu Gharib prison was attributed to lack of education on the part of prison guards while the killings in My Lai (Vietnam) and Haditha (Iraq) were a result of troops' frustration and sense of insecurity. Any communication gap in the military heirarchy and/ or an implied culture within the force can also result in unethical behaviour by the soldiers.

Commanders are responsible for the conduct of their subordinates. Instances of unethical conduct by soldiers indicates that the senior commanders had not put in efforts to educate their men and the field commanders did not have an open culture where their soldiers could express their concerns and fears. The level of stress in battlfield and afterwards is much higher in irregular warfare as compared to regular warfare[18]. Military units are cohesive where soldiers see themselves as part of a family. Their anger builds up when they see their comrades being killed by Improvised Explosive Devices (IED) or snipers whom they cannot see. Level of anguish becomes even higher when soldiers see videos of their comrades being slaughtered by terrorists or their disfigured bodies. This anger, if not handled properly by commanders, will be expressed through cruel and

unethical behaviour by soldiers. The feeling of revenge will overcome the need for humane treatment to prisoners.

The biggest problem that is encountered by soldiers in field is ethical decision making. It must be borne in mind that officers may not always be part of a patrol and that most soldiers are not well educated and may rely heavily on their experiences and social norms. This lack of formal education combined with the stress of irregular warfare may cause them to make decisions which may prove counter productive to the aim of the operation. On the other hand, too much introspection by young officers trained in ethics at the academies may put their survival in jeopardy[19].

4. Recommended Solutions

Problems discussed in the previous chapter can have serious consequences for the State as well as the military. The solution lies in better understanding of the reason of war by the troops and education of ethics based on case studies prior to deployment in theatre. The prerequisite for these two is open communication, both vertical and lateral, in the military. It demands ethical behaviour both from political as well as military leadership at all levels. The soldier of today is aware of events occuring around him and expects his superiors to be honest with him/ her. Moreover, it is a fact that ethics draws heavily from religion, whether it is presented as such or not is another matter.

4.1   Religious Approach

Religion plays an important part in the lives of humans. They believe in the Unseen and measure their actions against the standard given in their religious scriptures. People are motivated to do good in order to feel accomplished in the eyes of God and hence be eligible for a place in Heaven. The other argument can be that people do good in order to avoid the wrath of their deity or avoid going to Hell. Religious ethics is a set of edicts that gives clear dos and don'ts to its followers with hardly any room for arguments. This approach frees the soldiers from the responsibility of judging the validity of the doctrine; they are only to follow instructions to the best of their abilities. This approach is more rigid than secular one. Religious approach to ethics is applicable both in war and peace and is more suitable in cases where soldiers are semi-literate and incapable of critical thinking (Third World). Religion also provides some support to cater for post-traumatic stress disorder. In the author's opinion, religious approach to ethics is a better way of ensuring good conduct by soldiers provided it is based on balanced religious thought and strictly regulated by military leadership. However, this approach has a drawback. Its inherent rigidity can produce opposite results as religiously motivated troops may resort to religious cleansing (summary executions, forced conversions, harrasment, special taxes or enforced social behaviour).

4.2   Secular Approach

Secular approach to ethics emphasises the importance of universal values. It does not refer to religion as its source and gives great freedom to the individual to apply his/ her critical thinking in order to find a solution best suited to a situation. As a consequence, individuals operating under secular ethics bear total responsibility for their actions. This approach is primarily based on Virtue Ethics and the same is taught in military training institutions for character building of young trainees. The idea is that a person of good character is more likely to make ethical decisions. It may be highlighted that study of ethics based on virtues takes time and is therefore more suited to peacetime. It also requires

well developed analytical skills which ordinary soldiers in complex tactical environments may not possess.

Wartime ethics therefore should be based on a combination of deontological and consequentialist bases, tempered by virtue ethics. This may sound complex but it must be viewed in the perspective of soldiers operating in battlefield. On battlefield, there is not much time for critical analysis and an opportunity lost might cost lives of own soldiers. Troops on ground need to quickly find solutions best suited to their situation. This may be achieved through study of ethics using case studies based on actual situations so that soldiers develop a data base of situations they are likely to experience. This approach simultaneously requires a strong sense of identity as members of a military force. This defines the duties soldiers are supposed to perform as members of their organization. The aim of such approach is to enable the soldiers to quickly decide ethically while being able to foresee the consequences of their actions.

5. Conclusion

Conduct of war is a dirty business. Ethical behaviour is required of militaries in order to regulate the amount of force applied and to minimize loss of life and property. It must be understood that war is a means to an end and not an end in itself. Soldiers fighting on both sides are instruments of State. They neither know their opponents nor have any personal enmity with members of opposing forces. Study of ethics helps in moderating the thought process of its students. The subject must be owned by the individuals and organizations. Different militaries have adopted different methods of ethics education depending on their suitability to each country. Dreaming for a world without war and bloodshed may be utopian but the realistic aim of the study of ethics in military organizations is to bring some sanity to the insane event called war.

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