



Conscience and the Canadian Armed Forces

by Victor E. Morris

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Introduction

After proclaiming that Canada is founded upon principles that recognize the supremacy of God and the rule of law, the first fundamental freedom that is listed in the *Canadian Charter of Rights and Freedoms* is the freedom of conscience.¹ Our nation's warriors, the men and women of the Canadian Armed Forces (CAF) are called upon to defend, protect, safeguard, and uphold these fundamental freedoms. What is conscience and why is held so sacred that it is listed as the first fundamental freedom of Canadian citizens? What is the role and function of conscience for the Canadian warrior in relation to professional military ethics? What is the role of conscience for those in the CAF who carry out state-sanctioned violence? What happens when one's conscience is at odds with one's orders or mission?

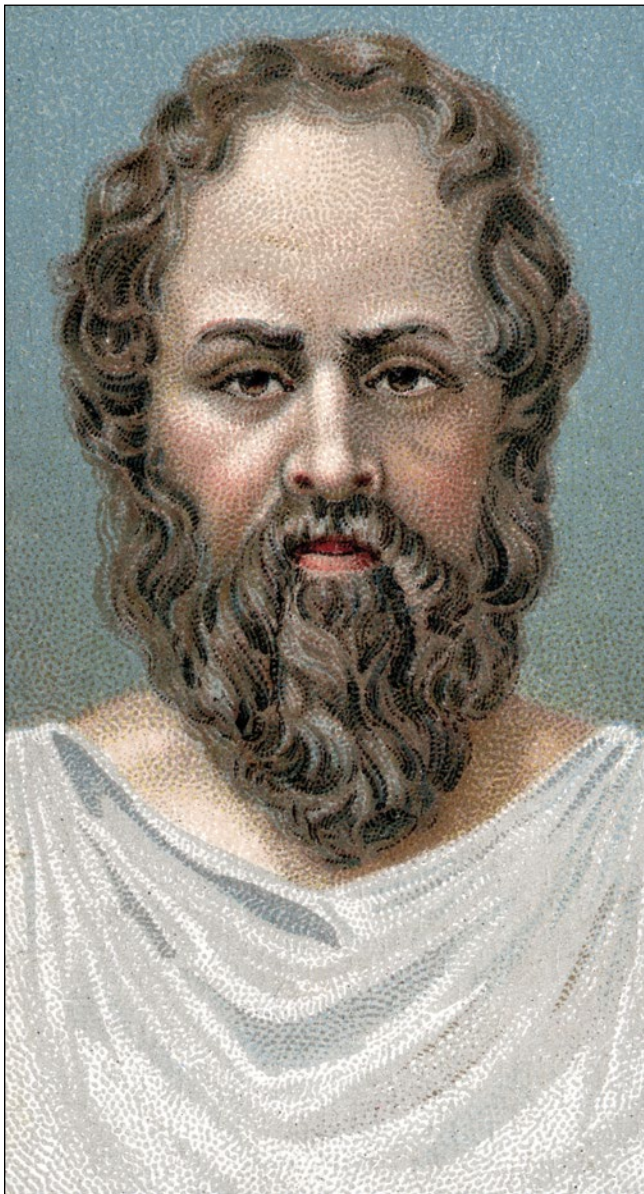
These questions will be examined in this article through the lenses of three case studies; the Somalia incident and inquiry, the Robert Semrau incident and trial, and Operation Honour.² The first two case studies are historical and seminal events. Somalia led to the development and application of Canada's Defence Ethics Programme (DEP), which will be examined with a view towards understanding how those principles and values shape, impact, guide, and align with the individual conscience. The Semrau trial

made headlines around the world as a military court proceeded, a citizenry discussed and a nation's warfighters debated the role of personal conscience held up against lawful orders, rules of engagement (ROEs), and the laws of armed conflict (LOAC). The final case study, Op Honour, is a current operation within the CAF to "eliminate sexual harassment and misconduct."³ An examination of conscience, ethics, and values will be applied against this mission's aim, intent, and execution.

Conscience

What is conscience? The etymology of the word conscience is from the Latin *conscientia*, a literal translation of the Greek word for syneidesis. The prefixes "syn" and "con" translate as *together* or *in conjunction with*. The second construct of this word "scientia" and "eidesis" translate as *knowing* or *knowledge*. One might recognize this word in English as the word for *science*. Conscience as a noun is thus constructed as *with knowledge*.⁴

One's conscience is a powerful and motivating force compelling and driving a person to act in accordance with their firmly held beliefs. When one conducts themselves in accordance with their conscience, by definition one is taking action(s) that have been held up against a norm – their knowledge, wisdom, and understanding. The beliefs, values, and judgements that form this knowledge are deeply personal, connected to the very essence and ethos of one's identity. It is for these reasons that the first fundamental right and freedom for Canadians is the freedom of conscience.



Socrates (439-399 BC).

How, why and in what way the conscience (and the knowledge to which it norms) is inherent, genitive, and/or created within a person has been the study of philosophers, psychologists, scientists, and theologians throughout the centuries. It is beyond the scope of this article to present a complete historical progression of study on the conscience. Consider the works of Socrates, Plato, and Aristotle (as they made a connection between conscience and virtue), the writings of the stoic Marcus Aurelius (in his meditations), ancient Greek writings (Sophocles and the story of Antigone petitioning the tyrant king, appealing to a law higher than human authority), sacred works of verbal and non-verbal revelation; (the Jewish Noahide commandments and the Christian writings, i.e., Romans 2:14-15), the foundational theological writings (St. Augustine and the connection between morality and theological virtues), philosophers (Kant – our duty to follow universally known rules), ethicists, such as University of Texas professor J. Budziszewski, leaning

heavily on the writings of Thomas Aquinas, stating that the core principles of natural law informing the conscience are universal; not only right *for* all, but also known *by* all.⁵ And so it goes.

Throughout these varied faculties, however, one finds overlapping, universal truths and complimentary understandings of conscience and its function; that the conscience is a powerful force, driving one to do what is right as one norms their actions against their eidesis, scientia, knowledge, and; conscience convicts one when they have acted in violation of their beliefs, values, and ethos.

For Canada's warriors, the freedom of one's conscience remains enshrined as a Charter right, as for all Canadians. One does not lose this freedom when one makes an oath of allegiance to the Queen of Canada, when joining the CAF. Conversely, should a member of the CAF feel that their conscience will no longer allow them to serve; this fundamental freedom is protected through *Defence Administrative Order and Directive (DAOD) 5516-2, Conscientious Objection*. The DAOD recognizes the voluntary nature of the CAF, and then states:

A conscientious objector is a person who claims the right to refuse to perform military duties on the grounds of having a conscientious objection. A CAF member who has a conscientious objection remains liable to perform any lawful duty, but may request a voluntary release from the CAF on the basis of their objection...a sincerely held objection, on grounds of freedom of conscience or religion, to participation in:

- war or other armed conflict; or
- carrying and use of weapons as a requirement of service in the CAF.⁶

What is the current relationship pertaining to conscience, the CAF ethos, and professional military ethics? The answer begins in Somalia.

Somalia

On the night of 16 March 1993, Shidane Arone, 16 years old, was caught hiding near the Canadian compound by Belet Huen in south-central Somalia. The compound contained the food and supplies of the Canadian Battle Group, whose nucleus was the elite Canadian Airborne Regiment (CAR). The Canadian mission was to support the United Nations (UN) by keeping the peace in order to facilitate the distribution of food and relief. Shidane Arone's mission appeared to be the theft of something to sell on the local black market. What happened next proved to be a "transformative event in the course of Canadian military history."⁷

"For Canada's warriors, the freedom of one's conscience remains enshrined as a Charter right, as for all Canadians."

Over the course of the night, Shidane Arone was brutally tortured and killed. The trophy pictures taken by the perpetrators showed images of smiling faces posing with their victim. The images made national and international headlines, an investigation was launched, a cover-up attempted, and charges were laid. Stuart Hendin, an expert in the law of war, who teaches on leadership, morality, and ethics at the Royal Military College of Canada writes:

GL Archive/Alamy Stock Photo C0WCFX



Plato (left) and Aristotle.



Marcus Aurelius.

Tibor Begnar/Alamy Stock Photo A25TB2

World History Archive/Alamy Stock Photo F7P1K3

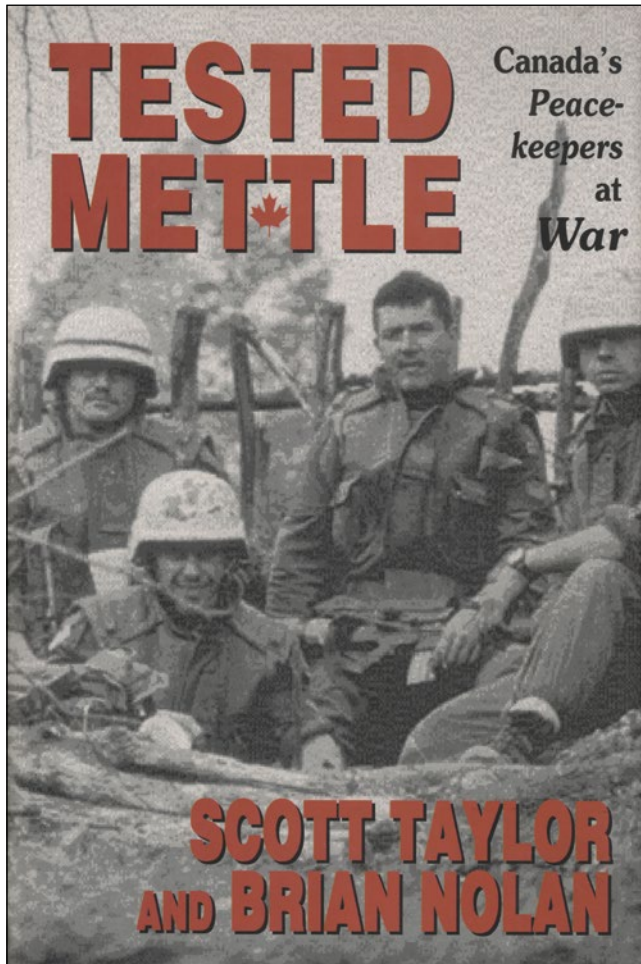


Saint Thomas Aquinas by Antoni Viladomat (1678-1755).

What is frightening about the Arone matter is that there were, within earshot, individuals who could and should have stopped what was happening, and they didn't — and that represents an absolute failure of command responsibility at several levels...

Canadian soldiers have a responsibility to humanity, their country and their chain of command...and if they lose that perspective, then things can happen.⁸

The Canadian public was shocked. The investigation led to nine soldiers facing charges that ranged from second-degree murder to negligence. Four were acquitted (though the prosecution filed appeals against two). Three generals submitted their resignations.⁹



Institutionally, the CAR was accused of having “rogue soldiers, weak junior officers, and apathetic senior NCOs,”¹⁰ and, to the shock of the military, this elite unit was disbanded. Individually, the strongest sentence went to Private Kyle Brown for manslaughter and torture. Brown served one-third of a five-year sentence. Master Corporal Clayton Matchee attempted suicide while detained, suffering brain damage to the extent that he was found unfit to stand trial.¹¹

What was the role of the conscience in this incident? What effect did the conscience have upon both those who ought to have known better, and those who were motivated to act? In the book *Tested Mettle*, we read that in the hours that followed the death of Arone during torture, Matchee is “panicked.” His suicide attempt takes place “27 hours after his arrest for murder.” Brown is described as “worried sick” in anticipation of the arrival of the Military Police. He stated that he “could not stomach his role” (beating Arone, posing, and taking pictures), and “had pleaded” with Matchee to “ease up or you’ll kill the boy” during the beating of Arone.

Brown claimed to have sought out someone in command to intervene, but found them drunk, so he sought out a number of sergeants to speak with as he was troubled by his incriminating

role, captured on film. These sergeants are motivated to do right, and as a group, they confront their officer commanding, and “protest his inaction” thus far, forcing him to arrest Matchee and report the incident higher.¹²

Twenty-three years later, in an interview, Brown spoke about his life since his release from prison, revealing that he “struggles with alcohol, anger, an emotional roller-coaster,” and that for a long time he was “holed up in Edmonton’s river valley, living under a tree in a tent, with a blanket and crack pipe.”¹³

For those in positions of *moral* leadership, the Medical Officer and the Chaplain, they felt duty bound by their conscience to speak, but faced a bureaucracy that ordered them to remain silent. The regimental surgeon is described as having “steadfastly refused to destroy the incriminating medical evidence of murder and... change his medical assessment.”¹⁴ When it is apparent that his report would be buried, his wife took the information and went to the press.

A CAF chaplain appears in the trophy photos of another incident, standing behind a detained group of young Somalis who were captured while attempting to steal garbage from the Canadian camp. The photo implicates the chaplain as party to these acts. The chaplain is later cleared during the investigation that follows when the context of the photo is discovered to be the padre speaking with a village elder to be merciful to the youth once they are released and returned to the community.¹⁵

In Canada, a public inquiry was launched, as well as multiple investigations. The eventual reports that were released contained over 300 recommendations that were accepted by the Prime Minister’s Office and the Minister of National Defence. These transformations

of the CAF began with a review of its military ethos, a revision of the professional development of leadership (the LOAC was now taught at all levels), and the creation of the Canadian Defence Academy, the Canadian Forces Leadership Institute, a military ombudsman’s office, and the development of ethics training deliverables.¹⁶

Associate Professor Dr. Joanne Benham Rennick, the Director of Social Innovation and Venture Creation at Wilfrid Laurier University, writes “...the incident in Somalia made it clear that military personnel need moral leadership and encouragement to think and act in ways that accord with Canadian and mission values. Since then, moral and ethical training has taken a more prominent place...”¹⁷ What Rennick is referring to is the creation of the Defence Ethics Programme (DEP).

The Defence Ethics Programme (Informing the Conscience)

Canada’s military follows a values-based model, where the individual is expected to act in accordance with a military ethos shaped by “Canadian values, Canadian military values, and beliefs and expectations about military service”¹⁸ The explanatory documents of the DEP itself

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DND photo RP10-2016-0087-019 by Corporal Blaine Sewell

state that it is a “values-based ethics programme whereby ethical principles and values are the defining elements of the programme,” and that “these principles and values should be considered not only as guides for personal and institutional conduct but also as criteria by which that conduct should be judged.”¹⁹

The heart of the DEP is the *Statement of Defence Ethics*, which contains: Three hierarchical ethical principles; *Respect the dignity of all persons*, *Serve Canada before self*, and *Obey and support lawful authority*, as well as five ethical values of equal weight, which are; *Integrity*, *Loyalty*, *Courage*, *Stewardship*, and *Excellence*.^{20, 21}

The CAF model is not the same as those of her closest allies, most notably, those of the United States and the United Kingdom. Other models of ethics programmes are described as compliance-based and preventive-based. The differences are described as follows:

...the compliance-based approach tends to develop elaborate codes emphasizing compliance with rules, thus acquiring a strong legalistic tendency. A preventive-based approach identifies areas of organizational behaviour that are considered to be exposed to high risks of non-compliance and focuses its efforts in these areas. A values-based approach to ethics, on the other hand, states in general terms what is desirable, rather than specifying in detail what should or should not be done.²²

How can the DEP be used as a norm for the conscience in professional military ethics and what are the challenges? Are the principles and values *detailed enough* to be reference for the conscience of the Canadian warfighter? Are these principles

and values agile enough for conscience to refer to in an operational context?

In 2004, Major John Robert Woodgate of the CAF, while working on his Master’s thesis, studied the DEP in comparison to the decision making models of two other allied nations (the United States Army and the Royal Netherlands Army) in order to determine if the CAF DEP was effective. One of the first conclusions he made was “...despite all of the DEP guidance listed above, a detailed model for ethical decision making is not provided. Consequently, members must carefully consider DEP references to make decisions.” He also found that “both the DEP ethical decision-making steps and pocket card are too general to be applied effectively without considering DEP source documents,” and finally, that “DEP guidance is also not focused on making military operational decisions...”²³ Woodgate concluded that while the DEP provides effective and general guidance, an operational model (specifically to guide the use of force) would be an improvement.²⁴

Semrau

When Captain Robert Semrau stepped off on that October morning in 2008, his mission was to maneuver to a British forward operating base with a force of Afghanistan National Army (ANA) soldiers in order to take part in a major upcoming operation. Semrau was part of an Operational Mentor and Liaison Team (OMLT), small Canadian teams whose role was to provide leadership and expertise to the ANA. The plan called for two OMLT teams to guide their ANA sections into positions that would create a “hammer and anvil” effect upon the enemy.²⁵



Captain Robert Semrau leaves his military tribunal in Gatineau, Quebec, 19 July 2010.

As the teams advanced, Semrau's counterpart team initiated a Taliban ambush, triggering a massive firefight. Semrau advised his ANA officer and team to move into positions to support, but the officer refused. The situation grew desperate as air support was called in. An *Apache* helicopter gunship attacked the Taliban positions with devastating results. As Semrau and his team liaised with the other OMLT team he described the scene as "...sheer devastation...the *Apache* had just loitered over the enemy and ripped him apart with 30mm high-explosive rounds...shrapnel damage all over the place...big pools of blood."²⁶

Semrau's own words follow, taken from his book *The Taliban Don't Wave*:

What happened next was hotly contested during my court martial for second degree murder. Depending on who gave testimony, a few different versions played out. One soldier said we came across a wounded insurgent that some ANA soldiers had just finished kicking and spitting on. He had a small, fist-sized hole in his stomach, a partially severed foot, and an injured knee. Another soldier thought the insurgent was already dead, with a hole in his stomach the size of a dinner plate. Captain Shafiq Ullah said the man was torn apart, had lost all his blood in a nearby stream, and was ninety-eight percent dead. Although they differed in their testimony as to the manner and what was said before and after the incident, two witnesses basically agreed that I had shot the insurgent two times, in what was later dubbed by the international press as a mercy killing.²⁷

"The military court determined that Semrau did indeed shoot the unarmed man, but there was no body and no evidence to prove beyond reasonable doubt that his bullets killed the man."

all charges, except for conduct unbecoming an officer. He was subsequently demoted to second-lieutenant and dismissed from the CAF. While rendering his judgment, Lieutenant-Colonel Jean-Guy Perron stated:

You failed in your role as a leader...how can we expect our soldiers to follow the rules of war if their officers do not? Shooting a wounded, unarmed insurgent is so

fundamentally contrary to our values, doctrine and training that it is shockingly unacceptable behavior...You made a decision that will cast a shadow on you for the rest of your life... *Your actions may have been motivated by an honest belief you were doing the right thing*, nonetheless, you have committed a serious breach of discipline. Decisions based on personal values cannot prevail over lawful commands.²⁹

It is this statement in italics that is at the heart of this case as it connects to the warfighter, and their individual conscience.

What was the state of Semrau's conscience at the time of the offence? Semrau, a Christian, whose conduct and military service the judge noted as exemplary, had, according to numerous witnesses, stated that his actions were a "mercy kill,"³⁰ and that he had stated he "couldn't live with myself" if he left the insurgent to suffer.³¹ Members of the ANA that Semrau's team was mentoring declined to give the wounded soldier medical care. The Operation was kinetic. The wounds of the insurgent were so severe that they were deemed untreatable on the battlefield. Semrau later allegedly spoke of the soldier's pact, and unwritten code of honour to "quickly end battlefield suffering."³²

Semrau, the first Canadian officer ever tried for a battlefield murder, faced a General Court Martial. He was tried on charges of second-degree murder, attempted murder, conduct unbecoming an officer, and failure to perform a military duty. As was his right, Semrau remained silent throughout the investigation and proceedings. At no point did he confirm or deny his actions. He writes: "I chose to remain silent during my murder trial, and I never gave testimony on the stand, nor did I make a statement to the police. The truth of that moment will always be between me and the insurgent."²⁸

The military court determined that Semrau did indeed shoot the unarmed man, but there was no body and no evidence to prove beyond reasonable doubt that his bullets killed the man.

Semrau was found not guilty of

Semrau did not take the stand and testify to his state of conscience. From his actions however, it seems self-evident that as the judge articulated, Semrau placed his personal convictions over lawful commands. The LOAC, from the first and second Geneva Convention, and to which the legal bounds of Canadian ROEs on operations are laid out – specifically state that the wounded will be protected and given medical care. Article 12 of the first Convention states: “Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated...they shall not willfully be left without medical assistance and care”³³

Tentatio Conscientia: The Tension of “Right” Between the Individual and the Institution

The Semrau case raises an intriguing question of conscience for the Canadian warfighter, namely, at what point do individual values, ethics and personal codes of honour become subordinate or supersede the institutions? The Canadian public and her warriors certainly engaged in a nationwide debate on this topic as they wrestled with the morality of the Semrau events.

Major-General (Ret’d) Lewis Mackenzie, who wrote the foreword for Semrau’s book, captures the *tentatio* of this debate on the individual conscience for the warfighter when he states: “When a soldier is faced with a similar situation in some far-flung battlefield in the future and has those 10 seconds to reach a decision, no regulation, nor memory or knowledge of Captain Rob Semrau’s court martial will spring to mind. It will be his or her own moral code that will dictate their response – nothing more, nothing less.”³⁴ Speaking to CTV News Channel after the judgment of the court martial, Lewis noted that “...mercy killings have likely always taken place on battlefields,” and that due to the high profile of this case, that the Canadian military’s rules of engagement would probably have to be altered. Speaking to the *tentatio* of conscience, he concludes: “...but let’s face it: nobody but nobody is ever going to say mercy killing is okay. It’s something that’s between a soldier and his conscience on the battlefield. Anybody that tries to put that in fine print is not going to succeed.”^{35, 36}

This challenge is acknowledged in the DEP training material for the CAF when it states: “...not everyone holds the same values; however we have learned, through parents and/or teachers, as well as societal norms, the difference between an action that is considered right and one that is considered wrong.”³⁷

Canada seeks to recruit conscientious individuals for her warfighters who know right from wrong, who have a high sense of virtue, morals, ethics and values. Canada holds her warriors to the highest standards of conduct, expecting them to serve honourably in accordance with those same virtues, morals, ethics and values. A soldier is duty bound to follow a lawful order, and duty bound to disobey an unlawful order. The defence of the Nazis at Nuremberg was that soldiers were simply following orders. This defence was not accepted. Dr. Helmut Thielicke, a German Protestant theologian and a former rector of the University of Hamburg, notes that the prosecution at Nuremberg argued that there were “moral standards” and “basic axioms of humanity” that could not be overturned by a “government edict.” The argument of the prosecution was that there was a “fundamental morality”



Major-General (Ret'd) Lewis MacKenzie discusses the future of Canadian peacekeeping forces in Ottawa, 29 October 1999.

that exists and binds the human conscience, which is known to be true, and known by all.³⁸

Soldiers may not like an order, may not tactically agree with an order, may feel burdened by an order, but they are obligated to carry out and execute that order if it remains lawful. The third ethical principle of the DEP is to *obey and support lawful authority*. Canada acknowledges and accepts that individuals have the fundamental freedom of conscience. The burden of responsibility and leadership when faced with an ethical dilemma is to find the right way forward. Both the hand of *obligation*, and the hand of *conscience* grip the sword.

Therein lies both a challenge and a tension regarding the individual conscience for the warrior in the CAF, the formation of professional military ethics and the development of the military ethos of a nation’s warfighters. The CAF is made up of *individuals* who act in accordance with their fundamental charter right and freedom of their individual conscience, while bearing true allegiance to act in accordance with the defined (and potentially undefined or competing) norms of the institution.

The Canadian Press/Fred Chartrand/670087

These individuals, however, are part of a professional, uniformed, state-sanctioned, military force. As officers holding the Queen's Commission, and as non-commissioned members, these soldiers collectively serve in accordance with the LOAC and the ROEs both at home and on the missions to which the Government of Canada sends them. The CAF *as an institution* leaves no room for misconduct, unethical, or unlawful behavior on or off the battlefield as life and death decisions are made often in a *fraction* of time, while the world watches, often in *real* time, with potential global consequences.

Institutions however, do not make decisions on and off the battlefield. *Individuals* do. Historian Dr. Richard A. Gabriel of the Saint Louis University College of Arts and Sciences, in his book, *The Warrior's Way*, writes:

Ultimately only individuals are capable of ethical actions and only individuals can be held responsible for their acts... (An ethical code) is not too individualistic and does not stress individual conscience at the expense of authority. It merely recognizes that a soldier acting within an organizational setting may be subject to severe ethical cross pressures...even so, a soldier cannot abandon his or her conscience...³⁹

Can we accept that in the face of ethical dilemmas (uncertainty, competing values, harm/lose-lose scenarios)⁴⁰ that perhaps our nations warriors need direct and specific guidance that does not compromise the integrity of a values-based approach. Gabriel calls for ethical code, while Major Woodgate suggests a guide to augment and assist making difficult decisions.

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The creation of the materials could be complimentary to the current course of action when one is faced with a question of conscience. Specifically:

- Apply the unique values-based approach of the DEP, measuring the decision of ones conviction against the three hierarchical principles, and six values.
- Then, in the face of competing obligations, move through the hierarchy of principles in order to prioritize, triage, and determine what is the *right* thing to do.

A third step would be the provision of explicit examples of what this [right] looks like in practical terms. The warfighter of the CAF needs to know what *right* looks like, not only at home, but on operations. Such a provision would speak to the paradox between “professional conduct and morality” as writes Major Hau, an Assistant Professor in the Department of Military Psychology and Leadership at the Royal Military College (RMC) of Canada and course co-ordinator of the Military Professionalism and Ethics course (mandatory for all fourth year RMC cadets):

For the military...it is the professional military ethic...that is supposed to govern the conduct of its members. However, in contrast to most professions, there is no written code of ethical conduct for CF military personnel. While the pros and cons of not having a written code for the military profession can be debated, we can likely agree that military members generally have a good awareness of how they should behave when performing their professional duties.⁴¹

The challenge that the Captain Robert Semrau case presents is one where a commissioned officer, trained by both the British and the Canadian Armed Forces, and entrusted with command authority found himself in a position where the highest decision related to humanity needed to be made, a decision of life and death. It was in this context where his conscience was put to the ultimate test, and Semrau had to choose between his convictions informed by his faith, his obligations as an officer, his understanding of honour as a warrior, his upbringing and formation as a citizen of Canada in a foreign land, and between his obligations as stated in the LOAC and



Dr. Richard Gabriel in 2014.

DND photo YK2016-037-004 by Petty Officer 2nd Class Belinda Groves

the ROEs. It would appear, then, that Semrau clearly followed his conscience while clearly breaking the law.

If the allegations of the witnesses are correct, when faced with the refusal of the ANA to provide medical aid, Semrau was convicted by his conscience to honour the warrior's pact, and kill his grievously-wounded adversary. If the hierarchical principles of the DEP are applied to this scenario, *respect the dignity of all persons* supersedes *obey lawful authority* and becomes the norm to which the conscience must refer for the right decision. Those who defend Semrau would argue that by his estimations and convictions, Semrau kept this highest principle by giving the insurgent, whose demise was imminent and inevitable, the dignity of a quick death. In the absence of an ethical code (Hau, Gabriel) or guide (Woodgate), are we setting up our soldiers for success when we ask them to make decisions of conscience, and then only in hindsight, we inform them what *they decided* was not what *we meant*?

Operation Honour

On 16 May 2014, *Maclean's* magazine published a report entitled, "Our Military's Disgrace,"⁴² stating that sexual assaults in the CAF had reached "epidemic" levels. This report was released concurrently to a time while two other stories were making national headlines; one involving a corporal at Canadian Forces Base (CFB) Petawawa who was accused of sexual assault and voyeurism, and another involving the former commander of CFB Wainwright, who was accused of drunkenness and sexual assault.⁴³

In response, the Minister of National Defence directed Canada's top soldier, Chief of Defence Staff (CDS) General

"Conscience plays a key and critical role in the prevention, definition, and prosecution of harassment in the CAF."

Tom Lawson, to order a review. The investigation and eventual report was conducted by an external review authority, retired Chief Justice Marie Deschamps. Her report gave ten recommendations, and drew attention to the fact that "...there is an underlying sexualized culture in the CAF that is hostile to women and LGBTQ members..."⁴⁴ When the leadership of the CAF changed that summer, the first order given by the new CDS, General Jonathan Vance, was: "Whether you are a leader, a subordinate or a peer, any form of harmful sexual behavior undermines who we are, is a threat to morale, is a threat to operational readiness and is a threat to this institution. It stops now."⁴⁵ This order initiated Operation Honour (Op Honour), the CAF response.

The mission of Op Honour is: "To eliminate harmful and inappropriate sexual behavior within the CAF."⁴⁶ To that end, a number of steps were taken, including the establishment of a strategic response team, a sexual misconduct response centre, on-line materials defining inappropriate sexual behavior, as well as the creation of a soldiers card referring to and summarizing all the above.

Conscience plays a key and critical role in the prevention, definition, and prosecution of harassment in the CAF. DAOD 5012-0, *Harassment Prevention and Resolution*, defines harassment as "...any improper conduct⁴⁷ by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual *knew or ought reasonably to have known* would cause offence or harm..."⁴⁸ As philosopher, theologian, and historian E.W.A. Koehler writes: "...this feeling of 'oughtness' is the very essence of conscience."⁴⁹

Op Honour is a current operation, and as such, can only be studied and evaluated thus far. The effectiveness of Op Honour with respect to the CAF leadership response will be determined in the years to come. However, as an initial response, some key features have already been implemented to position this operation for success. There has been direct leader engagement through social media, as well as mandated, leadership-led town halls relaying the mission and the expectations of the CAF membership. The beginnings of both a code and guide have been created and made available on-line, and in the form of a pocket reference for soldiers to reference. In an updated set of orders dated 18 March 2016,⁵⁰ the CDS outlined the progress thus far, and reiterated the



Former Supreme Court Justice Marie Deschamps, and former Chief of the Defence Staff, General Tom Lawson, at a news conference in Ottawa, 30 April 2015.

need to advance in accordance with the DEP. The orders called for the development of “clear, correct and precise terminology” on what constitutes harmful incidents of sexual behavior, as well a “unified, coherent policy using plain language” that defines what *right* looks like. Additionally, new training materials were called for, both for those in leadership, and for members of the CAF.

change the sexualized culture of the CAF. For Op Honour to be successful, Canada’s warfighters will need to know in explicit, plain language what this means, what *right* looks like, and what they *ought to do* and *refrain from doing* so that their conscience can guide them in serving with honour.

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Conclusion

Somalia identified the need for a cultural change with respect to ethics, and this article has attempted to demonstrate the role of the conscience as a powerful force that norms to knowledge in the doing of right. For Canada’s warfighters, this knowledge is provided through the DEP, DAODs issued, and courses and training delivered. The Semrau incident demonstrates the need for a clear code and guide in the execution of the DEP. Warriors need to know explicitly what *right* looks like. Leaders need to provide engagements to clearly articulate what *right* looks like, and then to lead by example. The media *exposed* and the Deschamps report *confirmed* the need to

1. "Government of Canada," Justice Laws Website, accessed 24 March 2016, at <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>.
2. For the purposes of expediency and readability, these cases will subsequently be referenced as "Somalia," "Semrau," and "Op Honour."
3. Mishall Rehman, "Op Honour to Eliminate Sexual Harassment and Misconduct in the CAF," in *Canadian Military Family Magazine*, 26 August 2015, accessed 25 March 2016, at http://cmfmag.ca/todays_brief/op-honour-to-eliminate-sexual-harassment-and-misconduct-in-the-caf/.
4. E. W. A. Koehler, "Conscience," in *Concordia Theological Monthly* 13, No. 5 (1942), p. 337.
5. J. Budziszewski, *The Revenge of Conscience: Politics and the Fall of Man* (Dallas: Spence Publishing, 1999), p. 23.
6. "DAOD 5516-2, Conscientious Objection," Government of Canada; National Defence and the Canadian Armed Forces, accessed 27 March 2016, at <http://www.forces.gc.ca/en/about-policies-standards-defence-admin-orders-directives-5000/5516-2.page>.
7. Jane Gerster, "20 Years After Somalia Affair of Tortured Teen," 16 March 2013, accessed 28 March 2016, at <http://www.metronews.ca/news/canada/2013/03/16/saturday-marks-anniversary-of-somalia-affair.html>.
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36. This last statement identifies both an ethical challenge and a capability delta. General Lewis acknowledges three things: 1. Mercy killing on the battlefield is at the very least unacceptable, if not altogether wrong. 2. The decision to commit this act is left to the soldier in accordance with his conscience (which must norm itself to what one knows to be right.) 3. The task of articulating guidance for this decision in writing is, in his opinion, impossible.
37. CFLI, *Ethics...*, p. 10.
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44. Mishall Rehman, "Op Honour to Eliminate Sexual Harassment and Misconduct in the CF," *Canadian Military Family Magazine*, August 26, 2015, 1, accessed March 31, 2016, http://cmfmag.ca/todays_brief/op-honour-to-eliminate-sexual-harassment-and-misconduct-in-the-caf/.
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46. "CDS Op Order – Op Honour," Department of National Defence, August, 2015, accessed 31 March 2016, at <http://www.forces.gc.ca/en/caf-community-support-services/cds-operation-order-op-honour.page>.
47. The DAOD specifically identifies what constitutes harassment as: "It comprises any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, and any act of intimidation or threat." The DAOD also identifies what harassment is not, namely, "...the provision of advice, the assignment of work, counseling, performance evaluation, discipline, and other supervisory/leadership functions" that do not cross the line where authority is abused.
48. "DAOD 5012-0, Harassment Prevention and Resolution," Government of Canada, Department of National Defence, 12 December 2000, accessed 31 March 2016, at <http://www.forces.gc.ca/en/about-policies-standards-defence-admin-orders-directives-5000/5012-0.page>.
49. Koehler, p. 344.
50. "Frag O 001 to CDS Op Order – Op Honour," Department of National Defence, 18 March 2016, accessed 31 March 2016, at http://www.forces.gc.ca/assets/FORCES_Internet/docs/en/caf-community-support-services/frag-o-001-to-cds-op-order-op-honor.pdf.