AUSTRALIAN DEFENCE FORCE

ADF PHILOSOPHICAL DOCTRINE

0 Series | Command

Military Ethics

Edition 1

ADF-P-0 *Military Ethics*
Edition 1, 2021

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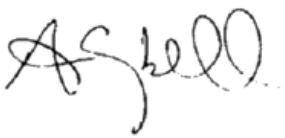
Australian Defence Force – Philosophical – 0 *Military Ethics*, Edition 1 is issued for use by the Australian Defence Force and is effective forthwith.



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General
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7 September 2021

Preface

Doctrine is the description of the fundamental principles that guide actions by military forces to achieve their objectives. Although authoritative, it requires judgement in application.

Australian Defence Force (ADF) doctrine describes principles that guide the employment and operational effectiveness of a joint force. ADF doctrine publications are designed to concisely describe these principles, and so promote coordinated actions in support of missions and the commander's intent. ADF doctrine publications are written at several levels—capstone, philosophical and integration.

The content of this publication has been derived from general principles and doctrine contained in other relevant joint and single-Service publications, Defence manuals and allied publications and agreements. Every opportunity should be taken by users of this publication to examine its contents for applicability and currency. The Lessons and Doctrine Directorate invites assistance from you, the reader, to improve this publication. Please report any deficiencies, errors or potential amendments.

This is the first edition of Australian Defence Force – Philosophical – 0 (ADF-P-0) *Military Ethics*. It is a consolidation of the key tenets of ethics, and more particularly military ethics, as understood and applied by the ADF. To meet the broad intent of creating alignment within the ADF, the Chief of the Defence Force (CDF) directed that there be one foundational publication on ethics. Similarly, the CDF has directed there be one foundational publication on leadership. These two publications on leadership and ethics form a coherent pair. Indeed, ADF-P-0 *ADF Leadership* states:

> *Ethical leadership is the single most important factor in ensuring the legitimacy of our operations and the support of the Australian people.*

Aim. This publication defines the ADF's approach to military ethics. It provides the basis for understanding ethics and is the foundation document for the ADF Ethics Continuum. The ADF Ethics Continuum incorporates ethical capabilities; individual education and training; continuous professional development resources, and ethical learning for groups; collective training;

and large-scale activities. While authoritative, this doctrine requires judgement in application.

Audience. This publication is intended to be a guide for professional development across all ranks. It informs trainers and educators who develop learning and practical activities for ethical development. It seeks to develop ethical understanding and promote ethical behaviours throughout the ADF.

The publication should also inform Australian Public Service (APS) personnel about the nature of military ethics. As APS personnel play an essential role in the development of policy advice to Government about ADF operations, those personnel should refer to ADF-P-0 *Military Ethics* where appropriate.

Scope. This publication is a distillation of ethical concepts and their application and relevance to the ADF. It draws input from several ethical theories, and from these establishes the ADF's approach to military ethics. This publication should be used as a reference text and as a start point to encourage further study and discussion. Recommended further reading is listed at the end of this publication.

Ethical conduct is essential to the moral authority of the force.

In the profession of arms, acting lawfully is obligatory; acting ethically requires your judgement.

Doing the right thing ethically will, on occasion, expose you to greater personal danger and risk to your life than simply acting lawfully; this is the job we all committed to on enlistment.

The risk of moral injury increases if you are not well prepared and practised in ethical decision-making.

Be prepared, now.

General Angus J Campbell, AO, DSC
Chief of the Defence Force
September 2021

Amendments

Proposals to amend ADF-P-0 *Military Ethics* may be sent to:

Deputy Director Doctrine
Lessons and Doctrine Directorate
Capability Interoperability Test and Evaluation Branch
Russell Offices
PO Box 7909 | Canberra BC | ACT 2610

Lessons and Doctrine Directorate

Amendment number	Chapter(s)	Amendment	Effected date

Doctrine publication hierarchy

The hierarchy of ADF doctrine, and the latest electronic version of all ADF doctrine publications, is available on:

Defence Protected Network ADF Doctrine Library (http://drnet/vcdf/ADF-Doctrine)

and

Defence Secret Network ADF Doctrine Library (http://collab.defence.gov.au/vcdf/org/FDD-FID-MSCD/CITEB/doctrine/SitePages/home.aspx)

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Introduction

To serve in the Australian Defence Force (ADF) is a privilege that carries with it significant responsibility. Regardless of Service, rank or employment, we all play our part in contributing to the ADF mission. The ADF's mission is:

> *To apply military power in order to defend Australia and its national interests.*

This mission requires us to be prepared to deploy anywhere across Australia, the region or around the world to pursue Australia's interests. Our membership in the ADF implies a willingness to put our own safety at risk to achieve this mission. Further, it requires us to be prepared to use a range of methods, including the use of lethal force, to achieve these goals. In achieving these goals, the Australian people expect us to carry out our tasks ethically.

In Australia, the members of the ADF exclusively comprise the profession of arms. As members of the profession of arms we may be called upon to do things that would not normally be ethically permissible; we may be asked to kill. The use of lethal force and the destruction of property is a task that may be required to achieve the ADF mission, but this is not an end in itself. The ADF uses the ethical, disciplined application of force to achieve the national interest.

The potential requirement to kill and the risk of being killed mean we may face serious ethical challenges in our service. We prepare for these challenges with a strong understanding of Defence Values and military ethical principles.

ADF members are likely to face ethical dilemmas not only in periods of conflict, but in the workplace and everyday life. Acting ethically is a lifelong duty to ourselves, our profession and our nation.

This doctrine offers ways to understand this duty, and gives guidance on how to exercise our military responsibilities ethically.

In turn, the Australian people have an expectation that ethical considerations will guide the Australian Government in deciding to commit the ADF in defence of national interests, and in providing care for those who have served. The Department of Veterans' Affairs 'Veterans Oath' succinctly captures this reciprocal intent:

> *We, the people of Australia, respect and give thanks to all who have served in our Defence Force and their families.*
>
> *We acknowledge the unique nature of military service and the sacrifice demanded of all who commit to defend our nation.*
>
> *We undertake to preserve the memory and deeds of all who have served and promise to welcome, embrace and support all military veterans as respected and valued members of our community.*
>
> *For what they have done, this we will do.*

Using Defence Values as a baseline, Australian Defence Force – Philosophical – 0 *Military Ethics* defines what it means to be ethical in a military context. Military ethics are drawn from general ethical principles combined with a long tradition of examining the ethics of war and ethics in war. It applies to individual ethical decision-making, as well as the ethics of the ADF as an institution. They are applicable not only during the conduct of operations but throughout our everyday lives—at home, at work, on exercise or on deployment.

Understanding what ethics is, and behaving ethically in all situations, is an inherent requirement of service in the ADF and an expectation of Australian society.

Chapter 1 – The Australian profession of arms

The 'profession of arms' is a term usually associated with Australian-born British General Sir John Hackett. General Hackett proposed that the requirements of modern militaries are similar to those requirements of professions such as the law and medicine. That is, there is a specialised body of skills and knowledge, and its members are subject to strict codes of conduct, based on rigorous ethical and moral obligations.

The Australian profession of arms consists of people practised in the ethical application of combat power, serving under government authority, entrusted to defend the rights and interests of the nation.

The Australian Defence Force (ADF) has adopted the concept of the profession of arms in order to define the standards and expectations that apply to serving members. A key characteristic of traditional professions is that they regulate their professional conduct, defining what is right and wrong in the pursuit of their professional duties. Furthermore, in return for such regulation, these professions are trusted to do things that are otherwise restricted in society. As the custodian of the Australian profession of arms, the ADF is responsible for the ethical regulation of its members.

The relationship between ADF members and the Australian people is one of service. The ADF exists not to serve itself, but to serve our nation, our national interests and our people. Uniquely, that service may include the application of, or injury or death from, lethal force.

It is for this reason that, ethically and legally, military service is different from other forms of employment in broader Australian society. The characteristics of the profession of arms are detailed in the following sections.

Apolitical

The ADF, and its members, follow the lawful directions of the government of the day. As an institution, the ADF does not participate in the day-to-day, partisan political process of our democracy. Further, ADF policy imposes limitations on political activities and comment from its members. This

limitation does not prevent our participation in elections, but it does constrain the engagement of ADF members in the broader political process.

Unlimited liability

Unlimited liability is a fundamental characteristic of the profession of arms. In joining the ADF, we are required to carry out the ADF mission despite personal fear or danger, which may result in the loss of human life. What defines the military profession is not just the preparedness to use lethal force, but also a willingness to put service before self as a part of military duty.

Unlimited liability requires from us the highest standards of behaviour, ethical reasoning and self-restraint. It may involve putting ourselves at risk to make sure that the force we use is restrained and proportionate.

Unlimited liability puts the mission and team ahead of ourselves as an individual.

Ethical culture

Service in the ADF requires devotion to duty, professional conduct and accountability. Regardless of rank, trade or categorisation, we are individually responsible for the decisions we make and for our personal conduct. Our individual conduct reflects collectively on the ADF as a whole, enhancing or—at times—diminishing its reputation. The ADF seeks to align individual and organisational values through training, education and defined expectations.

Unethical conduct reaches far beyond us as individuals. One wrong act can have strategic consequences for the ADF's place as a trusted institution in the Australian community and for Australia's international relations. Ethical failures negatively affect our teams; the legitimacy of our operations; the ADF; the Government; and Australia's reputation, standing and influence in the world.

Ethical leadership and command

Ethical leadership. All leaders are responsible not only for their own actions, but also for setting the ethical environment in their team. ADF leaders must know what is happening within their team(s) and are accountable for both its successes and failures.

Leaders take responsibility for the consequences of their decisions and how these affect their team and others. Leaders also accept that each team member must be allowed to carry responsibility for their own part in the implementation of its tasks. ADF leaders must identify, correct and report any ethical drift within their teams.

Leaders at all levels also have a responsibility to mentor and educate their personnel on the ethics of a particular conflict or situation. This mentorship guides junior members in their understanding of the strategic context within which their own ethical dilemmas may arise when carrying out their individual responsibilities.

As a whole, the ADF seeks to create an environment in which we develop individual and collective ethical decision-making while ensuring individuals, teams and leaders are held to account for ethical failures.

Ethical leadership is addressed in more detail in Australian Defence Force – Philosophical – 0 (ADF-P-0) *ADF Leadership*.

Ethical command. Commanders carry an additional level of responsibility, beyond that of leaders more generally, because their role is backed by legal authority. A commander is responsible if they directed, ignored, knew or should have known that their subordinates were conducting any unethical action and did nothing to prevent them or take appropriate subsequent action.

Commanders are responsible for what happens 'on their watch', above the individual responsibility of each of their subordinates. Commanders must trust subordinates, but be professionally curious as to their actions and the risk of ethical drift. They must foster a consciously ethical climate, including using their authority to support and protect members of the unit who speak out against unethical actions.

Orders and individual responsibility

No ADF commander or leader may ethically or lawfully order anyone to engage in an unlawful act on operations, training or in the workplace. Further, it is both ethically and legally wrong to obey an obviously illegal order. We must all understand our ethical and legal obligations to know when orders are ethical and lawful and when they are not.

In becoming a member of the ADF, each of us accepts the obligation to obey lawful orders. However, a difficulty can arise when an order appears to be unethical, but is lawful. In these circumstances, an ADF member should respectfully raise their concerns, and challenge what they think to be unethical. The chain of command must in turn respect the member's concern, and seek to reach a shared understanding of the problem. If this does not achieve a resolution, it remains the member's responsibility to obey a lawful order for which they retain ethical concerns, and the commander's responsibility to record the concern.

As an institution, the ADF has an institutional responsibility to support members who raise concerns, to fully consider those concerns, and to ensure that the member does not suffer any recriminations for having the courage and integrity to highlight their concerns.

In accepting the courage to challenge and question, we also recognise that applying the ADF's ethical principles requires judgement. This means that a decision with which we disagree is not necessarily unethical. ADF-P-0 *Military Ethics* is intended to help all ADF members actively maintain an ethical professional environment.

Law and ethics

Every ADF member is obligated to follow all applicable Australian and international law. When unlawful behaviour is identified, the ADF is required to investigate and report the matter. Acting in accordance with the law is generally considered to be a minimum standard of ethical behaviour. Complying with the law is necessary and meets our fundamental duties, but it is not always sufficient by itself. Ethics compels us to ask, 'Is it the right thing to do?' Ethics is knowing the difference between what we have a right to do and what is the right thing to do. In war, the law of armed conflict

specifies what we can or cannot do, but the nature of war often introduces grey areas where an action that is legal may not always be ethical.

Conclusion

Every individual within the ADF is a member of the profession of arms. As our careers progress, the individual requirement for ethical conduct remains the same, but the requirement to establish and maintain an ethical culture in teams evolves and expands through positions of rank and authority.

The standard we set in peacetime training is the ethical standard that shapes our conduct on operations. We are all responsible for our ethical conduct and living in accordance with Defence Values.

Chapter 2 – The Australian Defence Force's legal and ethical responsibilities for the use of force

The Australian Government is responsible for the legal and ethical deployment of the Australian Defence Force (ADF).

Section 68 of the Australian Constitution vests in the Governor-General command in chief of the ADF. In practice, the Governor-General acts on the advice of the Australian Government. That advice is provided by the National Security Committee of Cabinet (NSC), which is chaired by the Prime Minister.[1] The NSC considers all major foreign policy and national security issues of strategic importance to Australia. The members of the NSC are elected politicians with broad Ministerial and Cabinet responsibilities across the key national security areas of government. The NSC considers a broad range of perspectives in making decisions.

In Australia, the NSC acts as the legal and ethical authority for the deployment of the ADF.

The decision to deploy the ADF involves classified discussions and a broad consideration of national interest. As a result, the full nature of the NSC's considerations may not be immediately apparent to all members of the ADF and the Australian community.

However, as these decisions are made public, they are open to community scrutiny, discussion and electoral accountability.

Commonwealth departments of state[2] provide advice to inform NSC's deliberation on whether to deploy the ADF. In part that advice is informed by just war tradition. The just war tradition is an ethical framework used

1 The NSC comprises the Prime Minister, Deputy Prime Minister, Treasurer, Minister for Foreign Affairs, Minister for Defence, Minister for Finance, Minister for Home Affairs and the Attorney-General.

2 The Departments of Defence, Foreign Affairs and Trade, Attorney-General, and Prime Minister and Cabinet.

to determine when it is permissible to go to war and the rules governing conduct in war.

The concept *jus ad bellum*, or the ethical rules for going to war, provide a set of criteria against which nations may ethically make the decision to go to war.[3] The just war tradition has evolved over time as a way of seeking to limit the negative costs of war.

The just war tradition offers ethical reasons why war, although terrible, may sometimes be 'right'. A 'just war' must satisfy six conditions.

Conditions for a just war

The six conditions that satisfy a 'just war' are: just cause, right intention, legitimate authority, proportionality, probability of success and last resort. Each of the 'just war' criteria are required to be met: failure to satisfy any one of them is sufficient to make the war unjust.

Just cause. According to the principle of just cause, war is an ethical response only to specific wrongs. Responding to aggression is a universally accepted standard of just cause. In this sense, aggression involves the violation of the sovereign rights of one nation by another. Traditionally, this involved invasion (a violation of sovereignty over territory), such as Saddam Hussain's Iraq invasion of Kuwait in 1990. That invasion led to a coalition of nations responding to this aggression as a 'just cause' to wage war to remove the Iraqi forces from Kuwait. 'Just cause' focuses on the concept of national and collective self-defence against the threat of armed attack.

During the late 20th century, the violation of other rights and responsibilities, and especially a state's failure to meet its responsibility to protect its own people from egregious abuses, were considered as additional just causes to engage in war.

Right intention. This condition addresses the purpose for going to war. For the intention to go to war to be 'right', there must be a reasonable belief that the nature of the resulting peace will be better than if the war had not been fought.

3 The term *jus ad bellum* is also a legal concept, referring to the legal right of states to resort to the use of force in accordance with international law. In this chapter, the term *jus ad bellum* is used in an ethical context, rather than referring to the international law concept.

Wars fought with the wrong intention or purpose, such as political expediency, geographic expansion or to distract from domestic abuses, are ethically unjustifiable in the just war tradition.

Legitimate authority. A 'just war' can only be authorised by a decision-maker with the legal and ethical authority to do so. The Australian Government, through the deliberations of the NSC, is the legitimate authority for recognition of an armed conflict in which Australia may participate, and for the commitment of the ADF.

Internationally, bodies such as the United Nations Security Council, or other regional political and security institutions and arrangements, may also constitute legitimate authority.

Proportionality. The use of force in armed conflict against others must be proportionate. We must weigh the benefits to be gained against the cost to ourselves and others that will result. This will affect the scale and intensity of the military response.[4]

Probability of success. Armed conflict is justified when there is a reasonable probability the intended objectives can be achieved. Further, the deployed force needs to be designed and equipped to ensure it is reasonably capable of achieving those objectives. It would be unethical to deploy a force that is too small, under-equipped or does not have the legal and political supporting frameworks to achieve its designated objectives.

Determining this prospect involves consideration of the political aims of a conflict, and ensuring that the deployed force is structured and authorised in the reasonable expectation of achieving those aims. The identified objectives may include military 'victory', less conclusive military outcomes such as the withdrawal of foreign forces from a specified area, or the ending of human rights abuses by the adversary. In the best of circumstances, the objective of ADF operations should be clear, simple, achievable and ethical. Real world complications and the agile responses of the adversary mean that achieving such clarity can be difficult.

4 This use of the term 'proportionality' in this context should not be confused with the legal tests for proportionality for the conduct of attacks under the law of armed conflict and other legal use of force frameworks.

Last resort. Because it is so destructive, resorting to war should be the option of last resort. If there are other ways for Australia to respond to a wrongful act, the just war tradition requires those options be genuinely considered prior to the employment of force. Where an alternative to armed conflict is practicable, there is an ethical imperative to pursue this approach to avoid unnecessary and disproportionate death and suffering.

Use of force in circumstances less than war

Nations frequently use coercive power short of armed conflict and large-scale use of military force to achieve limited military objectives (*jus ad vim*). These actions reduce risk to one's own forces and may limit the risk of damage and casualties to others as well. The ADF's ethical approach to the use of force other than war reflects the same principles traditionally applied to conventional war.

NSC may also be advised as to whether the use of the ADF in these circumstances risks creating a security dilemma—for example, where the use of the ADF causes unintended consequences, such as an adversary's justification for escalation under the just war tradition.

Military advice to Government

The Chief of the Defence Force (CDF) is responsible for providing military advice on the options for, and the risks to, employment of the ADF. The CDF's advice to Government addresses, in part, issues concerning the ethics of the use of force (*jus ad bellum*), such as:

- ensuring that the ADF's objectives are ethical, and connected with a concept of how peace may be ethically restored to the situation
- ensuring that the proposed force design is capable of achieving the proposed objectives.

In addition, the CDF is responsible for ensuring there is an adequate framework of doctrine, law of armed conflict training, rules of engagement and other orders to ensure military personnel are appropriately trained, equipped and prepared to conduct themselves ethically during armed conflict.

In summary, the CDF is responsible for providing advice on the ethical options for employing the ADF. The Australian Government, through the NSC, is responsible for committing the ADF to operations for which it determines a sufficient ethical and legal basis exists. The CDF is then responsible for executing the NSC's decision.

'Just war' and the individual Australian Defence Force member's responsibility

Once the NSC has made its decision and the CDF has issued orders for ADF deployment, it is the legal and ethical obligation of ADF members to follow the direction.

The legal obligation to follow direction is due to CDF's command authority. The ethical obligation is due to the primacy of the rule of law. The Australian Constitution and the laws made by Parliament define the standards by which our society behaves and interacts. The rule of law underpins the stability of our democracy. All ADF members have a legal and ethical obligation to follow lawful direction and then implement Government decision, whether they personally agree or not.

Very few ADF members are participants in the national decision to deploy the ADF in armed conflict. We therefore rely on the chain of command, and the Australian Government, to ensure we will be deployed for ethical purposes.

As ADF members are all volunteers, regardless of rank, Service or category, we accept the potential requirement to be employed on warlike service. If an ADF member disagrees with the decision of the legitimate authority (Australian Government through NSC decision) to deploy the ADF, and seeks to refuse to deploy on conscientious grounds,[5] they may face a dilemma. Firstly, the member might reflect on whether their opinion or perspective is as fully informed of all the factors, issues and advice available to the NSC, and whether the member is better placed to consider the ethical pursuit of national interest in such circumstances. If concerns persist, the member should engage with the chain of command regarding their concerns. They may seek to be alternatively employed within the ADF, or they may

5 Part IV of the *Defence Act 1903* addresses conscientious objection—but this relates to persons who are exempt from service in the Defence Force in time of war. It does not relate to volunteer ADF members.

request resignation. A commander should consider the member's objection seriously, and take action that is consistent with military ethics, Defence policy and the *Defence Force Discipline Act 1982*. If the situation allows, the commander can take up these alternate options (reassignment or resignation), but they are not legally required to do so. It is lawful, and not unethical, to require the member to deploy in accordance with the duty they assumed on enlistment.

Once ADF members deploy, we must act ethically, regardless of any debate about the ethics of the conflict itself.

Conclusion

The Australian Government retains the responsibility to employ the ADF for lawful and ethical purposes, which are consistent with the principles of the just war tradition. The CDF advises the Government on the appropriate employment of the ADF, supported by advice generated throughout Defence and wider interagency consultation. Leaders within the ADF must understand the nature of the military commitment and be able to inform their subordinates on its ethical justification. As members of the ADF, we must then carry out lawful orders, ever watchful of our own ethical conduct.

Chapter 3 – Ethical theory

As members of the Australian profession of arms we need an understanding of ethical principles to guide us in making ethical decisions. These ethical decisions are required of us all of the time—in the use of lethal force, as well as in the everyday workplace.

Ethical theory is a complex academic and professional field that has been developed and studied for centuries. It applies unique terminology and has conflicting perspectives and schools of thought.

This doctrine draws on ethical theory to provide Australian Defence Force (ADF) members with a logically sound and practical basis for making ethical decisions. The ADF Ethical Decision-making Framework is defined in Chapter 5.

This doctrine defines the ADF's ethical approach. Australian Defence Force – Philosophical – 0 *Military Ethics* establishes a common language that enables us to operate as a joint force, and enables us to operate within domestic and international legal frameworks for the use of force. Most importantly, our approach to ethics must support us to operate within the law of armed conflict (LOAC).

Ethical theories that underpin the Australian Defence Force's approach

There are three ethical theories that provide a basis for the ADF's approach to ethics. They are related to our traditions as a profession of arms and reinforce our obligations to operate within LOAC. These lines of enquiry help us think, act and reflect on what we should do:

Natural law theory. Natural law theory examines 'intention', 'good ends' and 'reasonableness'.

Duty ethics. Duty ethics asks, 'Is the act right in itself?'

Virtue ethics. Virtue ethics examines, 'What sort of person should I be?'

Just war and natural law theory

The ADF draws on the concept of the just war tradition to guide its professional conduct. The just war tradition itself draws from a larger body of ethics referred to as natural law theory.

The premise of natural law theory is that something is ethical if the intent is to pursue a good end in a reasonable way. Its focus is on what we *intend*, what is *reasonable* and importantly what is the *good end* we are seeking to pursue.

These concepts have influenced the just war tradition:

- It asks about whether we have a good end—just cause.
- It asks about intention—right intention.
- It asks whether we are being reasonable—legitimate authority, proportionality, probability of success and last resort.

The concept of *intent* and *reasonableness* directly shape the way we make ethical decisions.

Duty ethics

At its core, duty ethics recognises that for some actions there is an ethical standard that *cannot* be broken. Torture, for instance, is prohibited despite any justification that it may lead to a desired outcome.

Duty ethics says that by being human, each person is worthy of respect and has inalienable rights that must be respected. This is the basis of human rights, and is a fundamental aspect of Australian community values.

Duty ethics is inherently concerned with intentions and motive. If an act results in *unintentional* harm, the person's original intention remains an important consideration in determining whether the decision to act was itself unethical.

Duty ethics has limitations and can be seen as inflexible. Further, when there appears to be more than one right thing to do, or when facing only apparently 'bad' options, duty ethics may not indicate the best approach to take.

Virtue ethics

The first two approaches to ethics focus their attention on helping us 'decide what to do'. The third approach—virtue ethics—invites us to ask, 'What sort of person do I want to be?' It is essentially about one's character. Virtue ethics is concerned with the ways our decisions shape who we are. For instance, if I was to do something that most people judged to be wrong, but no one else was to find out about it, should I do it? The virtuous person would say, 'No, because doing the wrong thing degrades one's character.'

Virtue ethics recognises that having a good character aligns to the possession of a number of virtues. In the ADF, this is acting in accordance with Defence Values: *Service, Courage, Respect, Integrity* and *Excellence*. In recognising these virtuous qualities, and seeking to strengthen them in ourselves, we help to develop our good character over time.

Virtue ethics is distinct from other ethical theories in that it is not just concerned with a single act, but with how the repetition of an act, forming a habit, develops a person's character over time. The virtuous person aims to become a good or better person, in part by reflecting on their habits and seeking to change or improve them in line with what they believe is the right thing to do, and the right way to live.

One of the ways virtue ethics operates is through role models. Often, as an aid to decision-making, we can ask, 'What would a virtuous person do?' If there is someone we look up to, particularly as a role model, then we should ask ourselves, 'What would that person do, and *why*?' As we seek to develop similar characteristics in ourselves, developing our own character

over time, this becomes part of a virtuous development cycle. Other people see us as a virtuous person and a positive role model, and seek to follow our example. Providing ethical leadership in Defence is a demonstration of virtue ethics.

Virtue ethics also applies to the character of the institution in which a person operates and develops. Just as people become virtuous through good habits, an institution's character is an expression of its collective practices. Leadership is fundamental to this process. An institution is significantly shaped by its leaders, by the practices they encourage or discourage, and the habits they model and promote. If an institution encourages and supports virtuous leaders, it can become an ethical institution. On the other hand, if an institution tolerates bad practices the reverse will be true.

One of the challenges of virtue ethics is its subjectivity. In any team, organisation or society, the set of accepted virtues can differ over time or among groups. Further, virtue ethics does not provide clear guidance on what to do in specific ethical dilemmas.

Virtue ethics ties personal character to institutional character. Ethical leadership, role models and the Defence Values are important tools to develop virtue ethics within the ADF.

Theory informs our conduct

When these three theories are considered together, they mitigate their individual limitations. All three theories emphasise good *intention* to guide ethical decisions. Virtue ethics' focus on character reminds us that ethics is not just about making a decision in the heat of the moment. It is also a reflective process in which we do have responsibility to reflect on our decisions and who we are becoming as a result of them.

Ethical theories that do not align with the Australian Defence Force's approach to ethics

There are two broad approaches to ethics that do not align well with the ADF's approach to ethics:

- **Consequentialist ethics.** 'What are the outcomes of the act?'
- **Ethical relativism and subjectivism.** The belief there is no objective 'right' thing to do, or no objective moral truth.

Consequentialist ethics

Consequentialist ethics examines consequences of an act. This theory examines the different consequences of the choices we face. What will happen if I do (or do not do) something? What are the likely outcomes? Consequentialist ethics does not focus on the person, their values or intentions, but on the outcomes of the act itself. In making a decision (including a decision to do nothing), it is important to consider who will benefit or be harmed. Consequentialist ethics states that an act that causes the greatest good for the greatest number of people, and/or the least amount of avoidable harm, is the right thing to do.

Considering the consequences of our actions in deciding whether they are the right thing to do is essential. The concept of 'the greatest good for the greatest number' has broad appeal within the conduct of military operations.

However, consequentialism is not without challenges. It requires judgement on behalf of the decision-maker about who benefits from the decision and who is harmed. Predicting consequences can also be difficult, particularly in times of high stress, or when assessing the consequences for groups outside of our immediate team or situation. Only considering 'the greatest good for the greatest number' could lead to the justification of unethical acts by ADF members on the generic basis that these acts were committed in the 'defence of Australia' or for the benefit of a larger group.

Thinking about the likely outcomes of our actions is essential. However, rather than approaching an outcomes assessment through the lens of consequentialism, natural law theory and the just war tradition examine outcomes via the test of 'reasonableness' and proportionality.

Ethical relativism and subjectivism

Relativism states that because perspectives on morality have historically differed significantly between cultures, eras and individuals, any 'ethical' approach is equally valid. Ethical relativism is the belief there is no objective 'right' thing to do because each individual has their own set of truths related to their specific cultural, social and historical context.

Similarly, subjectivism asserts that there is no objective moral truth at all—it is simply what each person feels or thinks is right. The ADF is not relativist or subjectivist about ethics.

The ADF acknowledges that others may have alternative perspectives to our approach to ethics. Allied partners, host nations and adversary forces are likely to have different approaches to ethics. As members of the ADF we respect that they hold different beliefs, but act in accordance with our own.

A test of integrity or an ethical dilemma?

Difficult decisions are a normal part of life. Such decisions often fall into one of two categories: a test of integrity or an ethical dilemma.

Test of integrity. A test of integrity is where the right thing to do is known, but there are factors that make doing the right thing difficult. These factors do not change the nature of the required decision, they just make it harder or more costly for us to do the right thing. If a friend behaves inappropriately in the workplace, the right thing to do is to tell them to stop and ensure those affected are supported. Providing counselling to a peer for poor behaviour is the right thing to do, but it is likely to be a difficult and unpleasant conversation and one we might prefer to avoid.

It is not enough to know what the right thing to do is: we have to act on this knowledge. We should ask ourselves, 'Do I have the courage to do the right thing, to demonstrate character, to do my duty and live my life in accordance with our values?' It can be difficult to do the right thing but the consequences of not doing it are serious.

Ethical dilemmas. When there is no one 'right' decision or when there are competing values of equal importance, we might be facing an ethical dilemma. It may not be clear what the right thing to do is. This is where an

understanding of ethical theory, and the use of the ADF Ethical Decision-making Framework, will help ADF members make a conscious, principles-based decision.

Conclusion

While there are a range of complex ethical theories, the ADF has incorporated three of them to shape our approach to ethics. These complementary ideas help us make good decisions. They suggest to us that in acting ethically we should:

- have a clear intention or objective to achieve something good (natural law theory)
- align our actions with our duties and obligations (duty ethics)
- be guided by the Defence Values and reflect on and develop our character (virtue ethics).

Chapter 4 – Ethics in war

The Australian Defence Force (ADF) approach to ethics guides us in our everyday activities, but most importantly shapes our behaviour when deployed. This chapter describes the specific principles that ADF members use to guide decisions in operational and other complex military settings.

While conflict occurs across many contexts and involves different capabilities in different operational domains—maritime, land, air, information and cyber, and space—the same ethical principles apply to them all. Informed by the just war tradition, these ethical principles define how ADF members conduct themselves in war, or *jus in bello*. The key ethical principles are:

- discrimination
- proportionality
- military necessity
- humanity.

The terms proportionality, military necessity and humanity are also used in the law of armed conflict (LOAC). LOAC includes the principle of distinction, as opposed to the term discrimination. While all of these concepts are related, it is important to understand that they are separate and have different application in law as opposed to ethical theory. The application of the legal principles of distinction, proportionality, military necessity and humanity in LOAC is mandatory, including through the inclusion of offences in the Commonwealth *Criminal Code*. The use of these terms as part of ethical theory in this chapter does not describe LOAC obligations, which are set out in ADF doctrine on rules of engagement and law of armed conflict.

Discrimination

The principle of discrimination draws heavily from duty ethics. The principle of discrimination specifies that acts of violence in armed conflict should be directed only towards combatants and military objectives, and not against non-combatants, those not (or no longer) taking direct part in hostilities, or civilian property.

The ethical reasoning for this is that combatants have accepted the risks involved with war because of the threat they pose to their adversaries. Civilians and others who are out of the fight because they are wounded, captured or have surrendered are not a threat. The concept of discrimination has become critically important as conflicts have increasingly spread into urban and other civilian-dominated environments.

Discrimination in war can be difficult. For example, how do we address the different ways local people might support the adversary? When do they stop being civilians and become combatants? Are the local people free agents or are they coerced? These are not easy questions to answer, and it could lead to different decisions in different circumstances when intention, laws, just principles and values are taken into account in a given situation.

In contrast, the situation of combatants who hide themselves within a civilian population is not usually an ethical dilemma. This situation makes applying our ethical (and legal) principle of discrimination difficult because of tactical limitations such as intelligence or weapon capabilities, but it does not change the ethical requirement not to target civilians. This challenge is an operational *test of integrity* rather than an *ethical dilemma*.

A discriminate, restrained approach to violence requires tactical acumen and may mean that we accept a higher risk of danger to our own forces.

Military action involves the targeting of combatants. Targeting combatants may involve the destruction of property and could result in the deaths of civilians. These decisions are ethical as long as the effect is legitimately assessed as necessary and proportionate.

Proportionality

The principle of proportionality requires us to think both about our intended objective and the likely outcomes of achieving it. It generally means using the minimum amount of force necessary to achieve legitimate military aims and objectives. Proportionality requires weighing the military advantage gained from prosecuting legitimate military targets against the foreseeable (but not intended) collateral deaths among non-combatants, as well as damage to civilian property. It compares the expected cost to the expected benefit. It requires ethical judgement as to the reasonableness of the planned use of force.

Military necessity

Military necessity recognises that war is profoundly destructive and that the damage it causes should be limited to address the objective of the conflict—the 'just cause'. The principles of discrimination and proportionality are balanced against the principle of military necessity. Military necessity is based on the idea that, since war is ethical in certain conditions, prosecuting war to bring it to its end is also ethical. Therefore, acts of violence must be directed towards achieving the objectives of Australia's participation in the conflict. At the tactical level, applying military necessity means asking whether a proposed engagement is *essential* to advancing the unit's task or mission. An action may advance a mission but not be necessary.[6]

The principle of military necessity is therefore an additional constraint on conduct. It may ethically prohibit acting in some cases where the other principles are satisfied.

Military necessity is about making sure there is *purpose* to our actions, especially when they result in death or destruction. It means that we are not engaged in violence for its own sake. We consider military necessity when we are thinking about duty and consequence as part of the ADF Ethical Decision-making Framework for dilemmas in the operational environment.

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6 This can be broader than the purely legal lens of whether:

- the object, by its nature, location, purpose or use, makes an effective contribution to military action
- the object's total or partial destruction, capture or neutralisation in the circumstances ruling at the time offers a definite military advantage.

Humanity

The principles of discrimination, proportionality and military necessity are all related to the recognition of the fundamental importance of humanity. This requires balancing the destructive effects of war, focusing on achieving the 'just cause', and protecting the humanity of the people involved. A focus on humanity is a key part of conducting operations lawfully, legitimately and ethically. Recognising universal humanity does not mean that we do not kill, or that we reject all forms of violence. Rather, what we reject is indiscriminate, unlawful and unethical violence in pursuit of a mission. We act, including to the point where we kill, while understanding the value of life. The virtue of compassion plays a central role in ensuring that these hard decisions do not degrade our character.

Humanity means treating everybody with respect and acknowledging their inherent dignity and right to life, even the adversary we may be fighting. The principle of humanity rejects disproportionate or discriminatory treatment on the basis of gender, age, ethnicity, religion or political opinion. In particular, it insists on the full humanity of our adversaries—whomever they might be, whatever they might do. 'They' are never less than 'us'.

Specific rules have been developed to deal with circumstances in which a significant power balance risks skewing people's judgement, such as when people are taken into ADF custody. They are always to be treated humanely. This includes prisoners of war, security internees or other detainees. While respect for humanity places an additional burden on those in conflict, it must never be discarded or discounted. Respecting humanity is central to our character, as well as to the character and authority of the ADF as an institution.

A final feature of respect for humanity is the prohibition of the use of weapons or means that are 'wrong in themselves' (*mala in se*). It is forbidden to use torture for any reason, or to knowingly hand over detainees to others that we have reason to believe will torture them. It is forbidden to employ weapons, means or methods of warfare that are calculated to cause unnecessary suffering or superfluous injury. For example, it is both unethical and illegal to use chemical, biological or poisoned weapons, cluster munitions or anti-personnel land mines. These types of weapons have been banned from use by the ADF.

A test of integrity can often arise in ADF operations against adversaries who do not apply the principle of humanity or other basic ethical principles. An adversary may use an indiscriminate weapon system, or may target the civilian population through the use of sexual violence. This can prompt a desire for revenge or induce scepticism about the value of military ethics when facing such acts. Indeed, a notionally weaker adversary may deliberately seek to provoke us to abandon our military ethics. They do so knowing that we risk 'losing the war' if we lose our moral authority, and with it the support of the people of Australia.

These risks must be guarded against. Reflecting on our character and acting in accordance with Defence Values is a method to mitigate this risk.

Our ethical approach to war preserves our legitimacy and ultimately reduces opposition to our mission. Our ethics are both protective of our personnel and their humanity, and directed to maximise our operational effectiveness—even when not reciprocated by adversarial forces. Applying the principle of humanity allows us to recognise our common ground *and* how we differ from the adversary. It encourages humility in victory, and reinforces the expectation that we will treat the defeated as we would wish to be treated.

Conclusion

Ethical conduct in war requires more than meeting the minimum standard of LOAC. Our conduct in war requires us to focus on 'right intention' and follow sound ethical principles. In times of conflict we must:

- have clear intentions about righting the wrong we are there to fight
- act with discrimination, proportionality and humanity
- only cause the harm that is truly necessary to achieve our objectives.

The more complex and challenging environments we face, the more important it is to reflect on our character and to act in a manner consistent with our values.

Chapter 5 – Australian Defence Force military ethics

Australian Defence Force – Philosophical – 0 *Military Ethics* defines the standard of conduct that is expected of us as Australian Defence Force (ADF) members. That standard is built on the ideas about ethics set out in the previous chapters.

Chapter 1 described our obligations as members of the Australian profession of arms.

Chapter 2 established the fundamental ethical obligation to follow lawful directions.

Chapter 3 identified ethical theory focused on:

- **intention**—the importance of having a clear intention to achieve good outcomes
- **duty, principle and values**—the role that Defence Values play in enabling us to act on principle and fulfil our duty
- **reflection**—how we need to reflect on the relationship between our character and the decisions we make.

Chapter 4 defined the ethical principles for conduct in war.

This chapter brings these insights together into a simple set of steps to help people at all levels and roles within the ADF to make ethical decisions.

The Australian Defence Force Ethical Decision-making Framework

The ADF Ethical Decision-making Framework asks all ADF members to think through four questions when faced with ethical decisions. It also asks ADF members to periodically reflect on a fifth question regarding their character and pattern of decision-making.

1. Is this **lawful**? What are the obligations and constraints this creates?
2. What is my **intent**? Is the objective I intend good?
3. Is it aligned with **Defence Values**?
4. Have I **evaluated** my thinking?
5. How can I **reflect** on my character and decision-making?

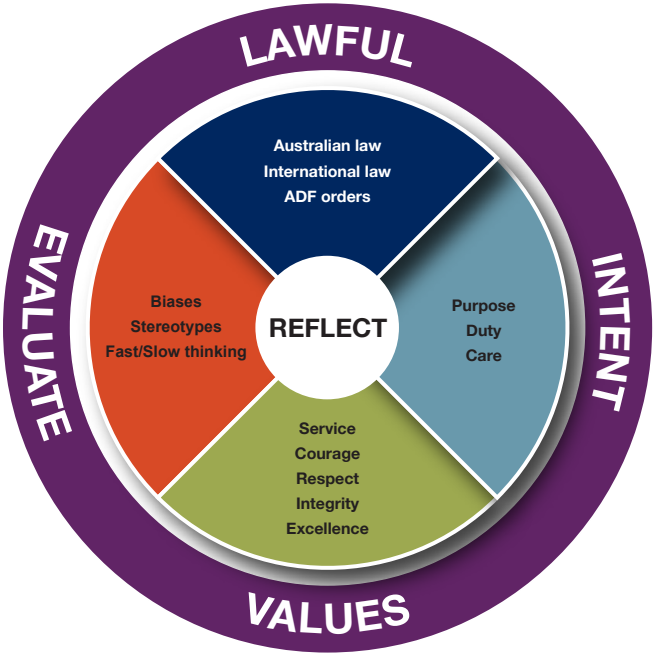

Figure 5.1: Australian Defence Force Ethical Decision-making Framework

Is it lawful?

The first step in the ADF Ethical Decision-making Framework is simple, but potentially momentous: 'Is this lawful?' This simple question applies in two contexts:

- Is what I intend to do lawful?
- Have I received a lawful order?

Lawful acts. Is my intended action legal? Is it in accordance with applicable Australian law (including the *Defence Force Discipline Act 1982*), international law (including the law of armed conflict) and ADF orders?

Lawful orders. Is this a lawful order? As a general rule, ADF members can reasonably assume that what they are being asked to do is lawful. If a lawful order is given to an ADF member, there are legal and ethical obligations to follow that direction or command.

However, if the ADF member believes that an order they have received is not lawful, they *must not* obey such an order. The member is obligated to engage with the chain of command to seek to resolve their concerns. Such a situation would involve significant stress and potentially pressure to obey. Such a situation will require the ADF member to demonstrate integrity—'to align my thoughts, words and actions to do what is right' and courage 'to say and do the right thing, always, especially in the face of adversity'.

Because ADF members have an obligation to follow lawful orders, commanders at all levels have an obligation to ensure they are very clear on the legal obligations that govern their operations. Similarly, they have a duty to make sure their personnel understand the relevant Australian and international law requirements before deployment and are regularly trained and tested in their application.

Much of the time a lawful direction will give an ADF member a wide scope for choice about how they pursue that direction. It is then that the ADF member needs to take the next steps to think about how to make an ethical choice within those legal boundaries.

What is my intent?

In the same way that the Government will use the concept of right intention for a decision to go to war, an individual must be able to demonstrate right intention for an act to be considered ethical. In a military sense, the right intention is to advance the mission in support of the overall objective. If, on reflection, an ADF member recognises that the intention of an act is *primarily* to cause harm for revenge or out of personal spite, their intention is compromised and no longer ethical.

Intention also draws upon the concept of commander's intent. Sound military decisions align with both the commander's intent and the mission's purpose. Analysing the *why* of the action ensures every individual decision aligns with the commander's intent and the mission's purpose. This is what makes the use of force, and especially lethal force, ethical in a military context.

Duty and care are additional considerations of intent. Is the act in itself the right thing to do? 'Who do I have an ethical duty of care to?' The principle of duty of care involves not only thinking about ourselves and our team, but those who may be affected by our actions.

Is it aligned with Defence Values?

When we think about *how* to achieve an intended good objective, the next step we need to take is to ask: 'Is it aligned with Defence Values?'

The Defence Values offer a critical lens through which we can evaluate our decisions. They influence the kinds of decisions we make in the first place, and can be used as a test for their appropriateness.

Within each of the Defence Values there is a *virtue* followed by a *principle*. The principle within each of the Defence Values can therefore be used as a tool to test a potential action.

- **Service.** The selflessness of character *to place the security and interests of our nation and its people ahead of my own*.

- **Courage.** The strength of character *to say and do the right thing, always, especially in the face of adversity*.

- **Respect.** The humanity of character to *value others and treat them with dignity*.

- **Integrity.** The consistency of character *to align my thoughts, words and actions to do what is right*.

- **Excellence.** The willingness of character *to strive each day to be the best I can be, both professionally and personally*.

These Defence Values provide the basis for all ADF members to structure their decision-making and conduct. Usually, if we act in accordance with Defence Values, we will be acting ethically.

All ADF members should think about what it means to apply these values. Individuals may have different interpretations or contextualisations, and these should be discussed and debated.

Ethics is not maths. There is no simple formula. What matters is that people are thoughtfully applying these values to ensure we have an ethical culture.

Are there additional values or principles that should apply? Chapter 4 defined the ethical principles of conduct in war, where to make sound ethical decisions we need to use more specific principles that help us in those settings. In the case of conflict, we need to make sure we are also acting in ways consistent with the principles of:

- discrimination
- proportionality
- military necessity
- humanity.

Part of the ongoing work of developing a strong ethical culture is to identify other considerations that may be relevant to specific circumstances and develop training to understand and apply them. Additional ethical considerations may be required for the use of force short of war, intelligence operations, capability development decisions or cyber operations, to name a few.

Have I evaluated my thinking?

The fourth step in the ADF Ethical Decision-making Framework asks us to examine our biases and stereotypes, as well as the effect they may have on our ethical decision-making. This step seeks to understand the factors that can influence our decisions. Such factors could include 'the pressures of the moment', personal loyalties, group culture and various cognitive biases that can result in us not thinking a decision through logically.

Often referred to as 'fast thinking', our instinctive, 'gut' responses may provide quick solutions to apparent problems. But they may also cloud judgement and be hasty. 'Slow thinking' allows us to consider a wider range of factors, impose self-control and think more broadly about potential consequences. A useful tool is to bounce your 'fast thinking' idea off a colleague, who can then use 'slow thinking' to identify logic gaps or unfounded assumptions.

How can I reflect on my character and decision-making?

As we have seen in the previous chapters, there is an integral relationship between our character and the decisions we make. Therefore, it is important that ADF members periodically take time to reflect on that connection.

In between periods of high tempo, or during professional development activities or promotion courses, ADF members should seek to reflect on their own character and decision-making process. Like an 'after-action review', ADF members should take the time to reflect on their past successes, failures or missed opportunities to identify lessons and improve.

The Defence Value *Excellence* encourages us to *'to strive each day to be the best I can be, both professionally and personally'*. This is a practical example of virtue ethics aligning with our obligations as a member of the profession of arms.

When we are not in the heat of decision-making, we can reflect on how these values shape our character, and how we can strengthen our character to more reliably follow Defence Values.

All aspects matter

While different schools of ethical theory may align themselves with either legality, intention or virtue, in practice *we must take all of the elements into account*. Using only one or two of these perspectives to make a difficult decision can lead to ill-considered and even unethical actions.

This framework is applicable anywhere ADF members serve. Each of the elements have a number of considerations that will aid in the development of an ethical solution. Training, practice and familiarity with the framework is essential to increase decision speed and internalise ethical decision-making as a part of normal business.

Conclusion

The ADF Ethical Decision-making Framework helps us think through an ethical dilemma, helps us explain our decision process to those affected, and helps clarify *why* we decided on a course of action as the right thing to do.

The ability to explain adds to the legitimacy of the decision, and reinforces the trust that others place in us and our decisions as leaders.

Chapter 6 – Ethical risks

The preceding chapters of this publication identify the standards of ethical conduct required by Australian Defence Force (ADF) members, and a framework to assist in the development of ethical decisions. Every environment where ADF members operate, and especially when deployed, is full of complex situations where ethical risks are ever present. This chapter seeks to identify some of the most significant ethical risks in a military context to enable ADF members to anticipate and avoid or mitigate them.

Abuse of power

The ADF is a hierarchical system, where those with rank occupy positions of authority over subordinates. In hierarchical systems, the abuse of authority is an inherent risk.

A consistent element in many of the ethical failures that have occurred within the ADF is an abuse of power by a person or group over another. These power imbalances can be formal differences in rank and position, or other power disparities due to age, gender, ethnic background, intellect, strength or experience. Despite the unique individual circumstances reported in submissions to the Defence Abuse Response Taskforce (DART),[7] the vast majority of complaints concerned an abuse of power by one individual or group over another less powerful. As the DART investigations revealed, these power imbalances exist wherever ADF members work, but they can be even more unbalanced in operational situations. On operations, when ADF members interact with local civilians, vulnerable communities, displaced persons, detainees or prisoners of war, the power imbalance is pronounced.

7 The DART was established on 26 November 2012 to assist complainants who had suffered sexual abuse, physical abuse, sexual harassment, and workplace harassment and bullying in Defence prior to 11 April 2011. More than 1,700 complaints were regarded as plausible, stretching back to the 1950s. Many of the victims of abuse suffered for decades, destroying lives, potential and military capability. Options for complainants included referral to police for possible criminal investigation and prosecution; referral to the Chief of the Defence Force for consideration of possible administrative or disciplinary action; restorative engagements; counselling and financial reparation. Restorative engagements and counselling supported many of these victims to help their process of healing. Reparation costs totalled more than $66 million.

As individuals we must be aware of our own power, in all of its forms. This guards against mistreatment of others in contravention of the Defence Value *Respect*. Leaders and commanders must be cognisant of the power dynamics within teams, between teams, and with other less powerful individuals or groups.

The ethical use of power and the respectful treatment of others is both inherently right and the basis of creating high-functioning teams.

Normalisation of deviance

When people repeatedly behave in a manner that deviates from professional standards without negative consequences, it can encourage and reinforce the belief that the behaviour is justified and acceptable. Often such behaviour has its genesis in small changes from standard procedures that, over time, become significant breaches of professional standards. Eventually the deviation from the norm is so great that the risk of catastrophic failure is inevitable. This process of normalisation of deviance is often so gradual it can be an unconscious change to those experiencing it.

Normalised deviance can occur with regard to anything from the acceptance of inappropriate behaviour to failures in critical safety procedures to dangerous or lazy tactical habits.

There are two fundamental conditions for the normalisation of deviance to occur. The first is that the deviance occurs gradually; the second is that it results from the action of groups of individuals rather from than the actions of a lone individual. In other words, the normalisation of group behaviour is a process involving multiple individuals who ignore, whether consciously or unconsciously, approved rules or procedures in small, but steady steps. The deviations are both observed and tolerated, and the changed behaviour becomes entrenched in workplace processes and culture. Normalisation of deviance is a failure of our leaders and leadership.

Some deviances may start as shortcuts and be well-intentioned, with an aim to simplify work processes. Changes in behavioural norms are incremental. With repetition the reasons why the change was made, or even that a change occurred, can be forgotten. The behavioural changes might only be apparent to an external observer or a new member of the team. People within the group are unconcerned by the change and any potentially

negative effects it might have. Without incident, examination or observation, the change becomes accepted by the group as non-deviant and so becomes normalised.

Normalisation of deviance may also involve the abuse of power. Those affected may be aware the situation is wrong, but because of the pressure of group membership, it becomes difficult to dissent without being excluded from the group. The desire for group acceptance then fosters silence and complicity.

The ADF has experienced areas of normalisation of deviance throughout our entire history, in each of the Services, in a variety of areas. ADF capabilities are often employed in smaller, specialised groups, operating at high tempo, in distributed locations, and with power and authority delegated to relatively low rank levels. These circumstances can pose an inherent risk of normalisation of deviance, for which we all must be vigilant.

Dealing with normalised deviance demands strong leadership from all levels of the ADF. It requires the moral courage to question group processes; call out transgressions, changed practices and behaviour; hold people to account; and recalibrate the group back to the expected behaviours of our profession of arms.

The damaging effects of war

ADF operations test us in many ways. Often characterised as volatile, uncertain, chaotic and ambiguous, conflict environments are difficult to operate ethically in. When fear, fatigue, stress, injuries or grief are added, the burden of ethical decision-making is high.

The ADF has a proud history of operational deployments for over 100 years. The vast majority of our people have served with honour and have upheld ADF and Australian expectations. However, there have been failures across a range of operational theatres, from the South African War through to Afghanistan.

While the morally damaging effects of war are understood and help us understand how ethical failures may occur, the context of war falls short of explaining why some people act unethically or unlawfully and the overwhelming majority do not. By developing, supporting and engaging in

ethical thinking and reflection, we can better protect ourselves individually and institutionally from the risks of combat exposure.

The damaging effects of war never justify unethical and unlawful conduct. On the contrary, acting ethically can insulate us from some of those damaging effects and help us proudly reintegrate into the Australian community when we come home from a conflict.

Moral drift and disengagement

The nature of war includes an important and often poorly understood factor—our relationship with our adversary. While issues of race, culture or religion do not determine ADF ethics, the more 'different' a person is from us, the more negative the attributions we might apply to them. We must be aware that our own biases and stereotypes can strongly influence our ethical judgement.

While we may experience a degree of moral disengagement in war due to its damaging effects, we need to exercise caution lest we become completely morally disengaged from our ability to see the adversary as human. There is a clear ethical difference between killing a person in self-defence or in pursuit of legitimate military objectives and killing them as an end in itself because of animosity.

An individual does not need to go to war to experience moral drift or disengagement. Any step in the process of moral disengagement could affect a person's conscience. If a person dissociates themselves from the humanity of others, they may develop a callous disregard for the rights of others. Disrespect and the abuse of power commonly follow.

In understanding our motives, operating within the law, and reflecting on our values, we not only minimise the harm to those vulnerable to our decisions, we protect our character and that of the institution. By thinking, acting, reflecting and owning our decisions, we increase our resilience to moral drift and disengagement.

Moral disengagement and the normalisation of deviance help to explain the ethical failure of both individuals and groups in war and peace, yet this is not an excuse for this failure. Individuals will be held personally accountable for their own wrongdoing in war, as in peace, regardless of the behaviour of the

people around them. Commanders and leaders will be held to account for the ethical climate and for the behaviours of their teams.

Ethical relativism

Ethical relativism can pose a risk for ADF leaders and commanders. We join the ADF from a range of different backgrounds and beliefs. Within every team, there is likely to be a broad range of perspectives of what is right and wrong. Commanders should be aware of potential differences, but we must insist on the primacy of right intention, lawful conduct, 'just war' and especially our values. The ADF is not relativist about ethics.

Future ethical challenges

The ethical risks described earlier in this chapter are enduring. They relate to human interactions, human fallibility and the enduring nature of war. However, evolving technologies will influence how competition and conflict takes place. This will certainly influence the types of ethical challenges faced by ADF members in the future. Artificial intelligence, technologically enhanced combatants, lethal autonomous systems, cyber-conflict and information operations are just some of the areas that will have deeply challenging ethical dimensions.

Mitigating ethical risks

Self-awareness. Self-awareness and self-reflection are critical skills required for ethical decision-making. Both self-awareness and reflection involve understanding our own thought processes and what is required of everyone in the ADF. Self-awareness and self-reflection enable us to identify our own weaknesses and blind spots, to learn from our mistakes, and to improve our ethical decision-making processes. As a part of any ethical decision, we need to think about our reasons for acting, and to reflect upon those actions after the event.

Thinking and reflecting on whether our actions are ethical is not just about dispassionate reasoning. Our intuitions and emotions play a vital role in alerting us to when we might be facing an ethical challenge. People with a well-developed ethical character and awareness of their emotional responses can continue to test facts and reasons. The time taken to be self-aware and reflective need not slow down decision-making—especially

when under pressure. If anything, regular practice in ethical decision-making enables more efficient decision-making when the situation is particularly stressful.

Honest self-appraisal is fundamental to understanding our personal and societal biases and the ability for these to affect ethical decision-making. Critical self-awareness is also a safeguard, ensuring consistency with our values, and alerting us to situations where they are in tension.

Clear expectations. Leaders play an essential role in establishing and maintaining an ethical climate. A leader who is present, who cares for the team and who works towards unit goals usually creates a sound ethical climate. Setting expectations, monitoring performance and addressing any breaches provides subordinates a clear understanding of what is expected of them.

Task clarity. A clearly defined mission, easily understood by all members, generates purpose and drives teamwork. Regular communication of the mission, and any required course corrections, develops cohesion and a shared understanding of the tasks required.

Command presence. Commanders and leaders need to be credible, visible, accessible and available. This is not only a physical presence: subordinates must know what the 'boss' expects of them. When subordinates consider 'commander's intent', their actions should demonstrate a desire to achieve that intent. Trust with verification is an essential aspect of mission command.

Collaborative teams. Teams that trust and respect each other, work collaboratively and encourage open communication usually develop sound ethical cultures. Where possible, commanders should remove structural stovepipes and limit competition between work groups. Workplaces should encourage collaboration and cooperation.

Role models. The commander and leaders within the group (both formal leaders and team influencers) are role models. Good role models demonstrate the behaviours expected from those within the team. If a leader or team influencer provides a bad example, the rest of the group may reflect these behaviours. Calling out the behaviours of those members requires moral courage, but is essential to maintaining the team's morale and

ethical standards. Calling out the behaviour—in a manner that teaches the subordinate how to improve—builds trust within the team. It reinforces the standard and provides an environment in which individuals do not try to hide errors, omissions or transgressions.

Empowerment. Leaders need to demonstrate courage and flexibility to enact change and challenge norms. They need to encourage, empower and support their members to grow and become leaders in their own right. Leaders must create an environment where team members can bring forward initiatives and respectfully identify concerns.

Transparency. The 'sunlight test' is a tool to help guard against temptation. What would happen if everyone in the workplace knew about this decision? How would it look on the front page of the newspapers? Transparency in decision-making and being transparent as a team usually leads us to ethical workplaces. Hiding failures or covering up mistakes generally leads to further failures with greater consequences.

Learning from mistakes. No individual or team is perfect. We all make mistakes, and we should all learn from our individual and collective experiences. Professional development requires reflection and the resolution to improve.

Conclusion

Ethical decision-making requires us to think beyond self-interest and consider a problem from different perspectives. By following a shared, joint framework of ethical decision-making, we seek to avoid or reduce ethical risks to find the 'most right' way forward in an ethical dilemma.

Upholding the highest ethical values is not just good for the reputation of the ADF, it is also essential for the moral authority and integrity of every ADF member. Raising one's ethical duty of care helps keep people grounded in their own humanity and protects them from moral disengagement.

Respect the dignity of all people. This is, and will always be, our best defence against ethical failure in war or peace.

Conclusion

As members of the Australian profession of arms, we have an obligation to act ethically in the defence of Australia and its national interests.

We are required to put service above self in the pursuit of this mission.

We may be called upon to use lethal force.

Our own lives may be sacrificed in the pursuit of the mission.

We must care for others, and use force legitimately in accordance with the just war tradition.

We will face environments of danger and complexity, where ethical decision-making will be stressed.

We must prepare ourselves for ethical conduct, regardless of the environmental challenges, the nature of war, or how our adversaries conduct themselves.

We must embody Defence Values in all that we do, in times of peace or war.

We use the Australian Defence Force Ethical Decision-making Framework to develop the most appropriate decisions, even in the most difficult environments.

We must develop, monitor and maintain an ethical climate in our teams.

The capacity for restraint, compassion and—above all—ethical reasoning is what distinguishes the Australian Defence Force as an ethical profession of arms.

Acknowledgements and further reading

The Centre for Defence Leadership and Ethics, Australian Defence College, has a range of resources on the Ethics Hub of The Forge, where we encourage further professional development, engage in ongoing discussions and seek to deepen understanding of issues covered in this doctrine.

The Forge - https://theforge.defence.gov.au/

The Ethics Hub - https://theforge.defence.gov.au/ethics

Australian Defence Force – Philosophical – 0 *ADF Leadership*, 2021

Australian Government, *2017 Foreign Policy White Paper*, Department of Foreign Affairs and Trade, 2017

Baker, D-P., *Key Concepts in Military Ethics*, University of New South Wales Press, 2015

Byers, M., *War Laws: Understanding International Law and Armed Conflict*, Grove Atlantic, 2007

Canadian Forces Leadership Institute, *Duty with Honour: The Profession of Arms in Canada*, 2003

Coady, C., *Morality and Political Violence*, Cambridge University Press, 2008

Coleman, S., *Military Ethics: An Introduction with Case Studies*, Oxford University Press, 2012

Coppieters, B., et al, *Moral Constraints on War: Principles and Cases*, Lexington Books, 2020

Crumley, J., *Introducing Philosophy: Knowledge and Reality*, Broadview Press, 2016

Kahneman, D., *Thinking, Fast and Slow*, Penguin Books Limited, 2011

Lucas, G.R., *Military Ethics: What Everyone Needs to Know*, Oxford University Press, 2016

Ryan, S., *The Transformation of Intercommunal Conflict*, Taylor and Francis, 2016

Shanks Kaurin, P., *On Obedience: Contrasting Philosophies for the Military, Citizenry, and Community*, Naval Institute Press, 2020

Skerker, K., Whetham, D. and Carrick, D. (eds), *Military Virtues: Practical Guidance for Service Personnel at Every Career Stage*, Howgate Press, 2019

Sorabji, R. and Rodin, D., *The Ethics of War: Shared Problems in Different Traditions*, Taylor and Francis, 2020

Storr, J., *The Human Face of War*, Bloomsbury Academic, 2009

Vaughan, D., *The Challenger Launch Decision: Risky Technology, Culture, and Deviance at NASA*, University of Chicago Press, 1996

Vaughan, D., 'System effects: On slippery slopes, repeating negative patterns, and learning from mistakes?', pp. 41–59 in Starbuck, W.H. and Farjoun, M. (eds), *Organization at the Limit: Lessons from the Columbia Disaster*, 2005, Blackwell Publishing, 2005

Waltzer, M., *Just and Unjust Wars, A Moral Argument with Historical Case Studie*s, Basic Books, 2015

Glossary

The source for approved Defence terms, definitions and abbreviations is the Australian Defence Glossary (ADG), available on the Defence Protected Network at http://adg.dpe.protected.mil.au/. Note: The ADG is updated periodically and should be consulted to review any amendments to the data in this glossary.

Terms and definitions

commander's intent

A formal statement, usually in the concept of operations or general outline of orders, given to provide clear direction of the commander's intentions.

consequentialist ethics

Moral principles or standards applied based on the consequences or outcomes of an action which provides the greatest overall benefit to the greatest number of people.

duty ethics

A set of moral principles or standards that consider human intention and motivation of the act and the rules governing that act.

Note: Duty ethics is primarily guided by asking the question: 'Is the act right in itself?'

duty of care

The legal requirement for a person to exercise a reasonable standard of care to prevent reasonably foreseeable injury or harm to others.

ethics

Moral principles or standards of acceptable behaviour by which any particular person is guided.

Note: Ethics is a branch of philosophy that examines what is right or wrong, good or bad, required, allowed or prohibited.

jus ad bellum

The ethical rules for going to war, informed by the just war tradition, that provide a set of criteria against which nations may ethically make the decision to go to war.

jus ad vim

The just use of force short of war.

jus in bello

The ethical principles, informed by the just war tradition, that define how Australian Defence Force members conduct themselves in war.

Note: The key ethical principles are discrimination, proportionality, military necessity and humanity.

just war tradition

An ethical framework used to determine when it is permissible to go to war and the rules governing conduct in war.

law of armed conflict (LOAC)

The international law regulating the conduct of states and combatants engaged in armed hostilities.

Note: The law of armed conflict is often termed the 'law of war'.

mala in se

The prohibition of use of means that are 'wrong in themselves'.

natural law theory

The premise that an action is ethical if the intent is to pursue a good end in a reasonable way.

Note: The focus is on what is intended, what is reasonable, and what is the good end being pursued.

relativism

The theory of knowledge or ethics which holds that criteria of judgement are relative, varying with individual, time and circumstance.

unlimited liability

The willingness of uniformed Service personnel to put their service above self as part of military duty.

virtue ethics

Moral principles or standards applied based on an individual or institution's character over time and governed by the application of the question 'what sort of person/institution do I want to be?'.

Shortened forms of words

ADF	Australian Defence Force
APS	Australian Public Service
CDF	Chief of the Defence Force
DART	Defence Abuse Response Taskforce
LOAC	law of armed conflict
NSC	National Security Committee of Cabinet

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