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KENNETH HERBERT
THE MORALITY OF OBEDIENCE TO MILITARY AUTHORITY
THE OHIO STATE UNIVERSITY, PH.D., 1978

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1978
THE MORALITY OF OBEDIENCE
TO MILITARY AUTHORITY

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
Kenneth Herbert Wenker, B.A., M.A.

* * * * *

The Ohio State University
1978

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Approved By
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Department of Philosophy
To my wife

PAULA
ACKNOWLEDGMENTS

I would like to express my appreciation to all those persons who have been in positions of authority over me throughout my life: parents, teachers, pastors, and military commanders. Without their dedication, ability, and example a work such as this on the topic of authority could not be possible. In particular I single out the authorities at the United States Air Force Academy, which organization sponsored my graduate studies, especially Colonel Malham M. Wakin, Head of the Department of Philosophy and Fine Arts, for his enthusiastic support of my studies, for his suggestions, and for the model of authority that he is. Many hours of assistance were provided by the faculty of the Department of Philosophy of The Ohio State University, especially Andrew Oldenquist, James Scanlan, and Daniel Farrell; for their help I am grateful. By far the most help was provided by my wife, Paula; her confidence, her support, and her encouragement were unwavering, even when my studies began to take on an unhealthy importance for me.
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CHAPTER I: INTRODUCTION

Any person subject to this chapter who— . . .

(2) willfully disobeys a lawful command of
his superior commissioned officer;

shall be punished, if the offense is committed in
time of war, by death or such other punishment as
a court-martial may direct, and if the offense is
committed at any other time, by such punishment, oth­
er than death, as a court-martial may direct.

A. THE IMPORTANCE OF THE ISSUE

Does a member of the armed forces have a moral obligation to
obey the lawful orders of military authorities? If there is such an
obligation, on what grounds is it based? How strong is that obliga­
tion? It is the purpose of this dissertation to answer these ques­
tions.

Certainly the significance of these questions cannot be
doubted. For one thing, the very nature of the armed forces is asso­
ciated with violence, destruction, war, killing, etc. To point out
the obvious, we do not normally consider such activities to be
desirable. Especially in modern times the scope and intensity with
which military power can be exercised is terrifying to even think
about. The very possibility of nuclear warfare, or even of widespread
use of modern non-nuclear weapons (such as napalm, bigger and/or more
effective bombs and artillery, etc.), creates an initial presumption
against military activity and hence against the military itself. And
even if we grant the possibility of morally justified military activity or of a morally justified military organization, there is the possibility that military obedience will result in moral atrocities that hardly any of those involved would willingly accept.

Added to the significance of the issue is the fact that the data on which military decisions are made is often secret. Intelligence data, assessment of enemy capabilities, our own plans and intentions are of necessity kept secret from the enemy or potential enemy. This in turn often requires that such facts be kept secret from our own citizenry and even from most members of the military. This makes it next to impossible for the individual soldier to judge for himself whether a decision has been made to use the military forces, what is the goal for the employment of military forces, why armed force is being used, and whether the use of military forces is morally justified. Even the individual of high moral integrity can be an unsuspecting contributor to an unjustified use of military force, especially if he considers himself to have a moral obligation to obey military authority and if he does not have access to the information on which an overriding obligation would be based.

Furthermore, military authority claims to make authoritative decisions covering an extremely pervasive range of individual actions. Members of the armed forces live where they are told to live, often to the very house on the military reservation or to the very room or very bed in a barracks. They wear the clothes they are told to wear; they see the doctors they are told to see; they often must walk, stand, or sit when they are told and with the posture they are told. Their
haircuts, style of dress, and behavior are regulated even when off duty, especially when on the military reservation, but even in many cases when off the reservation. Lists of off-limits establishments in the vicinity of military reservations are maintained. Uniforms may not be worn to certain types of political rallies. Lawns around military housing are to be kept at a certain height. Even pens or pencils may not be clipped onto the uniform in such a way as to be visible. A claim that one has a moral obligation to comply with such a wide range of authoritative policies is, to say the least, hard to believe. And yet it is equally hard to believe that a member of the armed forces has no moral obligation to obey authoritative military decisions.

The issue takes on a new significance when one realizes that one does not quit the armed forces in the way one might quit his non-military job. If the average person encountered an authoritative decision on his job that he felt he should not comply with, he would ordinarily have the option of simply quitting. There might be other problems that this might cause, such as the difficulty of obtaining another job, but at least the option is open. But in the armed forces, if a command is given and it seems wrong to follow it, the individual soldier cannot simply decide to quit the organization. He can refuse to obey, of course, but that only results in further problems. The military authority claims even the authority to decide whether a member of the armed forces will remain in or get out of the military organization. The military member and the person contemplating entering the armed forces need to examine the moral implications of their
military status before encountering a situation in which one's moral principles can be maintained only with difficulty. There is usually little opportunity to examine the morality of obeying military authority once one finds himself in a difficult moral situation.

Given the gravity of the harm that can come from a misuse of military authority, given the widespread ignorance of the facts that lead to the use of military force, given the extent to which military authority claims authority over almost all aspects of the military member's life, and given the difficulty of removing oneself from the authority of military superiors, it is imperative that the moral obligation to obey military authority be examined in depth.

Recent experiments by the psychologist Stanley Milgram (as documented in his Obedience to Authority) suggest that our strong tendency to obey any authority--not just military authority--is more a vice than a virtue: subjects in his experiments were apparently willing to go to the depths of immorality in the name of obedience. The experiments rather vividly pointed out that ordinary people are capable of the same sort of obedience found at My Lai or at Watergate or even in Hitler's Germany. Certainly a thinking human must at least question the generally accepted opinion that obedience is a virtue and provides the norm for most social situations.

All of us, in the armed forces or not, are often called on to perform roles in society which call for obedience. Often we might feel that we have little choice. Nonetheless, we believe that we are moral creatures who should base our actions on more than others' expectations and demands; we believe that to some degree or another we
should examine our actions and decide or choose what we are to do on the basis of what we consider good reasons. Society's expectation of obedience creates an issue that demands a moral assessment. This practical ethical problem needs to be examined by the moral philosopher.

B. THE NEED TO FIRST CONSIDER OBEDIENCE IN GENERAL

In recent years a common theme in philosophic (and in not-so philosophic) literature has been civil disobedience. Whatever the merits of the various works, there has been a widespread failing: they do not consider obedience before examining civil disobedience. Most writers have simply given a passing nod to the desirability of obedience in most ordinary political settings and then move on to a more in-depth analysis of civil disobedience. They accept political obedience as the norm, and then they struggle to justify particular instances of disobedience. This approach is misguided from the outset, and for three reasons. (1) The writers make no effort to adequately define and explain 'obedience' before discussing disobedience. Surely the insight gained discussing obedience would be helpful in discussing disobedience. (2) There is little or no effort given to justifying obedience as the moral norm prior to trying to justify specific acts of disobedience. But it would seem that insight gained in the justification of a moral norm would point the way to what is needed to justify an exception to that norm. (3) The writers discuss political obedience and disobedience without any preliminary discussion of obedience in general. The insight gained discussing obedience in
general would be useful in coming to an understanding of a particular type of obedience.

To avoid similar problems in this dissertation, we will, first of all, consider only obedience, not disobedience. Secondly, we will look at the moral obligation to obey and try to identify the grounds of such an obligation. Finally, we will spend the first chapters of the dissertation discussing obedience in general before we take up obedience to military authority.

C. A WORK IN APPLIED, PRACTICAL ETHICS

Several different questions can be raised about obedience. For example, we can ask why people obey and why people disobey. We can investigate what sorts of persons are most likely to obey, and we can determine under what conditions a person is most likely to obey. We can ask what an authority can do in order to secure compliance of those under his authority. Our purpose is to evaluate obedience to military authority from a moral perspective. We will determine the origin of any obligations to obey military authority and the conditions which affect the strength of those moral obligations.

As far as possible, we will examine the morality of military obedience from the perspective of the individual member of the United States' armed forces in 1978. He finds himself confronted by a variety of regulations and orders and probably feels some sort of obligation to comply. Certainly he is often pressured to do so by his superiors and often by his peers and acquaintances—even his civilian acquaintances. But on the other hand he often does not want to comply. The rules and
orders seem to impinge on his freedom, requiring him to forego other activities that he sees as desirable. He is not an expert in politics or diplomacy or psychology or moral philosophy or military strategy and tactics. He is not sure of the importance of the military or of the importance of his own contribution to it. He doesn't know whether he belongs to the best possible society or even to the most feasible society at this time. He is often likely to be suspicious of the intentions of the political authorities who have established the armed services. He doesn't know whether the authorities—civilian or military—are "justified" in the exercise of their power; even the experts can't agree on what it is to be "justified" in the use of power. The individual knows what he is expected to do; the question is whether or not he should do it.

In other words, we will examine a practical moral problem which many persons have to grapple with on a daily basis. Moral decisions are needed now even though many issues associated with the problem have not been solved. Certainly we will have to touch on such issues--issues in Philosophy of Law, Political Philosophy, and Military Studies. But this is primarily an investigation proper to moral philosophy. Those oriented toward those other disciplines will not find here an explanation of what a law is, a justification of the exercise of authority or force, or an analysis of the role of the military. Rather, this is a work in applied ethics which is to aid individuals in their practical moral judgment about obedience even though they do not know the "correct" theories about law, authority, punishment, etc. Of course, as we develop a body of knowledge in political and social
philosophy and in philosophy of law, we will probably gain greater insight into the nature of obedience and into the moral implications of obedience. But right now, few theories in these fields are considered established; nevertheless, practical moral judgments must be made. It is the purpose of this work to shed some light on such practical moral judgments.

Some philosophers might object to the philosophic propriety of considering practical moral issues without first establishing more fundamental positions in law, politics, ethics, political philosophy, etc. It's like building a roof without first building the necessary substructure. But yet someone must consider the practical issues until such time as the more theoretical foundations are laid. If the moral philosopher does not consider the practical issues now, then demagogues of one sort or another will fill the void. At least the moral philosopher can make a fair estimate of what the supporting structure will look like once it is finished, and hence he is in a better position than others to address the issue.

D. OVERVIEW

In Chapter II we will identify and define the kind of "obedience to authority" that we are interested in. In Chapter III we will address recent arguments which appear to claim that the kind of obedience to authority defined in Chapter II is always and necessarily immoral. We will show that under certain conditions a moral obedience is logically possible. Then in Chapter IV we will show that such conditions are present in the armed forces, allowing at least the
possibility that military obedience is justified. Once the preliminary groundwork of Chapters II through IV is completed we will provide several justifications for obedience in Chapters V through VIII. We will see that there is more than one reason for obeying, with each reason providing independent grounds for the obligation to obey. In effect, there is no single obligation to obey as such: however, various moral considerations each provide an independent moral justification for obedience. Finally, in Chapter IX, we will both summarize our conclusions and develop some practical recommendations for the armed forces and members of the armed forces concerning the moral obligation to obey.
CHAPTER II: OBEDIENCE TO AUTHORITY

A. THE PURPOSE OF THIS CHAPTER

Before we assess the morality of obedience to military authority, we must first come to a fairly clear understanding of the notion of obedience. 'Obedience' can mean a lot of different things, depending on the context in which it is used as well as on the experiences and interests and values of those using the expression. The purpose of this chapter is to single out from all the possible meanings of the expression that specific meaning with which we are concerned. As we shall see, identifying a meaning for 'obedience' will also require identifying a meaning for 'authority', so that we can say that the purpose of this chapter is to identify a specific meaning for 'obedience to authority'.

This chapter should not be interpreted as an attempt to provide an exhaustive analysis of 'authority', 'obedience', or 'obedience to authority'. Such analyses, of course, could be interesting and useful, and in fact quite a bit of work has already been done on the topic of authority. But we are examining the morality of one kind of obedience; we are not primarily interested in analyzing what 'obedience' means. Certainly we will have to make clear what we are talking about, but that is not to perform a philosophical analysis.
Our treatment of "obedience to authority" covers three sections. In Section B we consider several kinds of authority or conceptions of authority which do not concern us. In Sections C and D we examine the notions of authority and obedience which interest us.

B. SOME DIFFERENT KINDS OF AUTHORITY

The primary authority in the armed forces is the commander, although by extension others are also considered authorities—section chiefs, staff officers, etc. The fact that he is an authority has nothing to do with him as such; it is merely a function of the position that he has. When one authority leaves a unit, another one would take his position and thus become the new authority. A military authority is clearly identifiable; he is appointed on orders or, in the absence of orders, can be determined by criteria established in military regulations.

While it is easy to identify who a military authority is, it is not so easy to determine what it is about certain societal roles that causes those who fill those roles to be considered "authorities." As we shall explain in the next section, the key feature of an authority is that in a particular social group he is the one who has been designated to make the necessary group decisions. He is what we can call a "societal" authority. This is the kind of authority that concerns us; we will clarify it shortly, but first we will try to distinguish it from several other notions of authority with which we will not be concerned.
(1) FORCE. If a robber should stop someone and demand some money, the victim might reply, "You don't have any authority to demand my money." An appropriate reply for the robber to make, as he pulls out his gun, is, "This gun is all the authority I need." While the context might make the robber's statement intelligible, normally we would distinguish authority from force. At least, for our purposes the "authority" represented by force will not concern us. We could talk about the morality of performing those actions demanded by a robber, but I am simply not interested in such an undertaking. The reasons one might give for doing what the robber wants are totally different than those that might be given for "obeying authority," in the sense we will be interested in. The kind of obedience to authority that concerns us is completely different from yielding to force.

When the Internal Revenue Service asks for our money, there is a kind of authority present that is not present in the robber. To be sure, the IRS has force available to insure our cooperation, just as the robber does; however, the authority that the IRS possesses which the robber does not has nothing to do with force. The IRS has the kind of authority we are interested in; the robber does not.

Sometimes political authority is pictured as associated with force, so that a legitimate political authority is one which has a right to use force or which is permitted to use force. For example, Locke talks about the "right of making laws with penalties of death, and consequently, all less penalties for the regulating and preserving of property, and of employing the force of the community in the execution of such laws."\(^2\) Certainly there is an element of force
involved in political authority as it now exists, and certainly that element of force raises significant issues which are appropriate for the moral philosopher or the political philosopher to consider. But there is another element involved in political authority that has nothing to do with force. Consider, for example, the possibility of a state whose members are all extreme pacifists (believing it is never right to use force against anyone in any circumstances). Certainly they could form a government, giving political authority to the leaders to organize the society and administer its undertakings, without giving the authorities any right to use force. The citizens would all agree to comply with authoritative decisions because they are authoritative. If any difficulties arose, all concerned would resolve the difficulties in a rational, adult manner, without resort to force. While this might be highly idealistic, it at least shows that there is an element in authority that has nothing to do with force. It is this other element that we will be interested in.

Of course, military authority is usually associated with the punitive powers of the military legal system, and certainly the moral desirability of avoiding punishment will often provide the justification for complying with authoritative commands. But we will be abstracting from this reason for complying with authoritative commands. We will be interested in whether we should do what another says because he is an authority rather than because he is capable of distributing rewards and punishments.
(2) STATISTICAL AUTHORITY. Max Weber defines 'authority' as "the probability that certain specific commands (or all commands) from a given source will be obeyed by a given group." Richard T. DeGeorge uses a definition that is similar: "Authority is a relationship . . . which maintains when Y reacts in certain appropriate and designateable ways as a result of X's enunciating some sort of communication." The problem with these conceptions of authority, from our perspective, is that they start out with the fact of obedience or disobedience and from that determine whether a person is an authority. If no one is likely to obey (Weber) or if no one does obey (DeGeorge) then there is no authority, at least not regarding the specific issue which gives rise to the general disobedience. It is not possible, by definition, that everyone disobey this kind of authority. But we are interested in whether we should obey authority. And if that is considered a serious question, then we must allow at least the possibility that everyone should disobey authority and hence the possibility that everyone does disobey authority. It is possible that everyone disobey the kind of authority we are interested in. When soldiers mutiny, they disobey an authority; at least that is how we will understand 'authority'.

(3) MORAL CONCEPTIONS OF AUTHORITY. We will use 'authority' as a descriptive term. It is also possible to use it in such a way that there is a prescriptive element in the concept of authority. Sometimes we see 'authority' used in such a way that a priori one has a prima facie moral obligation to comply merely because of the nature of authority. But such a conception of authority is totally
useless for our purposes, because we are asking whether there is a moral obligation to obey someone who as a matter of fact is an authority. For this reason, Max Weber's classic treatment of authority is useless for this dissertation; for him, a fundamental characteristic of authority is that the voluntary obedience associated with authority must be based on moral considerations. If a subject feels no moral obligation to comply, then there is no authority. (It's not that I disagree with Weber's analysis of authority; it's rather that because of my different starting point I am unable to use his approach.)

Another way to bring a prescriptive element into the concept of authority is to define 'de jure authority' or 'legitimate authority' in such a way that there is necessarily a moral obligation to obey. Following DeGeorge we can conceive of a de jure authority (and a legitimate authority) as someone who should be an authority. Some others conceive of a de jure authority as someone who should be obeyed. For example, Robert Paul Wolff: "Legitimate authority . . . is a matter of the right to command, and of the correlative obligation to obey the person who issues the command." Wolff's approach is not suitable for our purposes: with his approach we cannot ask non-trivially whether or not we should obey a de jure or a legitimate authority.

A third way to bring a prescriptive element into the concept of authority is to use the expression 'one has the authority to do such-and-such' as a synonym for 'it is morally permissible that one do such-and-such'. For example, we can say that if someone sees a blind person heading for danger, he has the authority to command him to
stop, and, under appropriate circumstances, he has the authority to force the blind person to stop if the blind person doesn't willingly comply with the initial command. But in this sense it can be the case that someone has the "authority" to tell another person what to do without being an authority at all. The person who commands the blind person to stop has no authority over the blind person (in a way a mayor or employer does), even though he has the authority (i.e., he is morally permitted) to tell him what to do. Similarly, someone's "having a right" to do something can be interpreted as it's being morally right for him to do it. We will not be concerned with authority conceived in terms of such a (moral) right to do something. Thus, without further explanation, we will not take approaches to authority such as Wolff takes in calling authority the "right to command." Of course, one could consider authority prescriptively, but the authority we will consider is descriptive.

(4) EXPERTISE or EPISTEMIC AUTHORITY. Sometimes we use 'authority' as a synonym for 'expert', as when we say that someone is a Shakespeare authority or an authority in nuclear physics. This is not the sense of 'authority' which we are interested in. To say that a person is a Shakespeare authority does not mean that he has any authority over someone. He might consistently interpret Shakespeare in a manner different from everyone else, and in spite of his best efforts at persuading people, everyone rejects the opinions of the Shakespeare authority without the slightest feeling that they are disobeying him. An "authority" in the sense of an "expert" tells us
what he thinks is reasonable for us to believe and may even suggest that we act in a certain manner because of the belief that he considers reasonable. On the other hand, an authority in the sense we are interested in might make no claim to know what is most reasonable to believe or what is most reasonable to do; he rather decides what is to be done and asks his subjects to do it. An expert does not have to belong to a society in order to be an expert; expertise is based on one's experience and abilities and the like. The authority we are interested in is possible only in the context of a society; it is based on the fact that the one in authority is filling a social role. Of course it is frequently desirable that such an authority also be an expert; in fact the society might make the person such an authority because he is an expert. For example, it is probably desirable that a Secretary of Labor be an expert in labor-management relations. But sometimes there is no relationship between authority of a society and expertise; it is quite likely that the president of the local Society for Urban Beautification will be the wife of the city's mayor rather than an expert in ecology or horticulture or whatever. Experts suggest what a group (or an individual) should do in order to accomplish some goal; the authorities we are interested in decide what a group will do. For example, a family doctor might recommend that a child should stay home from school, but a parent would decide that a child will stay home from school. A parent has the kind of authority we are interested in, but a doctor has expertise. (Of course, a doctor might also have the kind of authority we are interested in, as when a society gives him the authority to impose a quarantine on
behalf of the society.) We will not be interested in whether or not we should do what an expert says (that would depend on whether we thought his opinions were true or likely to be true); we will be interested in whether we should do what an authority of a society says (that might depend on something totally different from whether his opinions are true or his decisions right).

(5) AUTHORIZATION. We sometimes see signs on doors or gates to dangerous or sensitive areas saying, "Authorized Personnel Only." Some people are authorized or have the authority to enter these areas, an authority given them by those responsible for safeguarding the area. Thus a maintenance technician has the authority to enter an emergency generator room. Similarly, a diplomatic courier has the authority to carry certain pouches through customs without an inspection. Certain bonded file clerks have the authority to go into sensitive personnel files in a large corporation. In this sense of the word, a person "has authority" to do something when he is permitted by a society to do something. But this also is not the sense of 'authority' that we are interested in, at least not without further qualification. (Later we will see that one way of characterizing the kind of authority we are looking for is to see an authority as having permission from a society to make decisions for the society. The authority is authorized, has authority, has permission, or has the right to make decisions for the society. Merely "having authority" does not make one the kind of authority we are interested in; having authority to make decisions for a society does.)
CHARISMATIC AUTHORITY: Sometimes people obey someone not because of any authoritative societal role he plays, but because of his personality. Without doubt the great leaders of history were effective because of their charisma—not merely because of any official societal position. In fact we very often put a person in a position of authority because we recognize his charismatic authority. But that is not always the case. We might have a king, for example, whose personality is such that he plays only a small role in governing the country while a cabinet member in reality rules the nation with his charismatic authority. We are interested in our moral obligation to obey the king rather than the cabinet member. We are interested in whether we should do what someone says because he has authority and not because of his charisma.

There are several other kinds of authority. However, we will not discuss them here, inasmuch as there is no danger of confusing them with the kind of authority we are interested in.

C. SOCIETAL AUTHORITY

Having identified in the last section some of those uses of 'authority' we are not concerned about, it is now time to discuss the kind of authority that we are interested in. This kind of authority can be called 'institutional authority' or 'societal authority'. Briefly, societal authority is the societal right to make societal decisions. This needs a lot of explanation.
The kind of authority we are interested in—societal authority—can exist only in the context of a society. It might be a large society; it might be a small one. It could be a political society, it could be a religious society, it could be a purely fraternal society, it could be an economic society, etc. It could be a just or an unjust society; it could be formal and structured or informal and loose; it could be efficient or inefficient; it could be long-lasting or short-lived. But it will be some kind of society. Being a society, as we use the term, requires only that there be at least two persons and that they be at least minimally united, most likely by a common goal and a willingness to cooperate in pursuing that common goal. The goal might be very vague ("to promote the common good") or it might be quite specific ("to go on a picnic to Shady Glen on March 15, 1977, from 3:00 to 5:00 P.M."). Similarly, the willingness to cooperate might be quite strong or it might be minimal; in fact, it might vary from individual to individual.

It should be emphasized that this kind of authority is found in many different kinds of societies. Military authority, political authority, economic authority, parental authority, religious authority, etc., all have something in common. However, in discussing authority as similar in both political and non-political societies together, we differ from the great majority of political philosophers, who usually distinguish political from non-political authority. For example, consider Locke:

To this purpose, I think it may not be amiss to set down what I take to be political power; that the power of a magistrate over a subject may be distinguished from that of
a father over his children, a master over his servants, a husband over his wife, and a lord over his slave. All which distinct powers happening sometimes together in the same man, if he be considered under these different relations, it may help us to distinguish these powers one from another, and show the difference betwixt a ruler of a commonwealth, a father of a family, and a captain of a galley.  

(2) The kind of authority that we are interested in is associated with the making of decisions. This association of authority and decision-making is not often emphasized in the literature. But there are exceptions. For example, Harold Laski, in his now-classic 1934 work, A Grammar of Politics, appears to conceive of authority as related to decision-making: "A working theory of the State must, in fact, be conceived in administrative terms. Its will is the decision arrived at by a small number of men (the authorities, I presume) to whom is confided the legal power of making decisions." Decision-making appears to characterize authority in all kinds of societies. Political authority, parental society, religious authority, economic authority, etc., all seem to involve decision-making; indeed, these kinds of authorities appear to be necessarily associated with decision-making. Take away decision-making power, and there is no authority, and certainly not the kind we are interested in.

(3) Not everyone in a society who makes a decision is an authority. Societal authority is associated with societal decision-making. That is, when a societal authority, qua authority, makes a decision, his decision is accepted as the society's decision.

A society has several ways that it might use to make a decision. Brian Barry lists seven: combat, bargaining, discussion on
merits, voting, chance, contest, and authoritative determination.\textsuperscript{17} If a society has a need to make a decision which the society as a whole will accept, then some method or other must be found to make the decision. For example, suppose a little theatre group must decide how to go about the necessary coordination which would result in a successful performance. Most such groups would decide to identify a producer (an authority) who would then make the decisions that might be needed. Of course, it wouldn't have to be that way; another decision procedure could be used—perhaps voting about each issue or discussing the merits of each issue or bargaining. Or a combination of methods could be used: the society could discuss the merits of each issue and follow it with a vote. The results of the vote would be accepted if two-thirds agreed, but otherwise there would be a flip of a coin to decide. Obviously, some decision procedures might work better than others in a given situation, but the point is that there must be some decision procedure if the society is to make a decision. Where there is no decision procedure, then there must be a decision procedure to select a decision procedure, if any group undertaking needing a decision is to succeed.

A common way of making a societal decision is to appoint a single individual (or group of individuals) to make the decision—the understanding being that the society as a whole\textsuperscript{18} will accept the decision of the individual as the society's decision. This is especially used where the decisions to be made are relatively trivial or repetitious or numerous or where the issues are so complex that most of the society is lacking the ability, time, or interest to acquaint
themselves with them.

When one complies with a decision made by such an individual, the obedience is not so much to the person who has authority as to the society on which his authority is based. When such a person issues a command it is issued as a societal decision made in accordance with the society's decision procedure. If such a command were not made in accordance with the society's decision procedure, then the command would be based on the individual, not on the society. Should someone try to command in his own name rather than as a societal authority, then the command proceeds from his charisma, his ability to force, etc., but it does not proceed from his authority. For example, suppose a governor illegally initiates a veto some three months after a law is passed. If the state abides by the so-called veto, it is not because the society has established such a decision procedure; it is not because of his authority; rather, it is because of his charisma or his ability to force.

If I decide that you are to pay more income taxes this year, and I order you to do so, you are not likely to comply unless I can force you to. I cannot give you those kinds of orders in the name of the entire society because I have no authority. My decision is not a societal decision. But if the political authorities decide that we are to pay more taxes this year, that is the decision of the society; the decision of such authorities is a societal decision procedure.

(4) When we say that an authority makes a societal decision, we of course do not mean that he decides what each member of the
society will do. It is still up to the individual to decide whether to go along with the society. For example, a club could decide to have a picnic on a given day; that does not mean that every member will go. Each individual must decide whether he himself will cooperate with the society and its societal decisions. If this were not so, then we could not evaluate the morality of obeying societal authority. We view the individual as deciding whether he should go along with those societal decisions made by societal authorities.

Sometimes we use terminology which suggests that an authority makes decisions for the individual, as in "The boss decided I am working on Christmas." But, of course, that is not quite accurate. The boss made a societal decision in establishing a schedule for the society. It is up to the individual whether to cooperate with the societal decision (i.e., he can refuse and suffer the consequences, or he can quit).

(5) Not everyone associated with societal decision-making is a societal authority. For example, throughout history there have been various powers behind societal authorities. Confidants, experts, relatives, etc., have often made decisions that are later ratified and promulgated by the societal authority. In fact, it happens that such aides make decisions and promulgate them as societal decisions without the authority even knowing about them. Of course, they make and promulgate such decisions in the name of the authority (and hence in the name of the society), but the point is that the mere making of societal decisions is not enough
to make one a societal authority. There must be a right to make societal decisions.

(6) We need to determine what kind of right a societal authority has. To do so I am going to distinguish those rights that are based on a society (societal rights) from those that are not. Non-societal rights are based on considerations which are independent of the society in which one happens to live. For example, most persons would grant that human beings have a right to life that is retained no matter what society one lives in. Such a non-societal right to life means that people in any society have an obligation not to take another's life or not to deprive another of the necessities of life. If a person has a non-societal right to do action \( x \), or a non-societal right to have thing \( y \), then others are under a moral obligation not to deprive him of \( y \) or prevent him from doing \( x \), no matter what society they belong to.

Non-societal rights are called 'natural rights', 'human rights', or 'moral rights'. They are based on moral principles, on the nature of a human being, etc.

(7) Societal rights on the other hand are based on the agreements, desires, understandings, or expectations of those who form a society. Such rights exist only in the context of the society in which they arise. (Obviously, some rights are both societal and non-societal rights.)

If someone has a societal right to do action \( x \) or to have thing \( y \), then the society as a whole has determined that it will not prevent that person from doing \( x \) or having \( y \). There is an
understanding by the society as a whole that it will support the person's doing \textit{x} or having \textit{y}. Another way of putting it is that the members of the society, as a whole, give their permission for the person to do \textit{x} or have \textit{y}. Put in another way, a person has a societal right if the members of a society agree to act (or to refrain from acting) in certain ways in order to allow the person to do \textit{x} or to have \textit{y}.

A person's having a non-societal right is a matter of others' having a moral obligation to act (or to refrain from acting) in order to allow the person to do \textit{x} or to have \textit{y}. Such non-societal rights might or might not be acknowledged by others; that is, others might or might not be aware of their moral obligation to act in such a way as to allow the person to do \textit{x} or have \textit{y}. A societal right, on the other hand, is a matter of others' \textit{agreeing} in one way or another to act in such a way as to allow the person to do \textit{x} or have \textit{y}. The person's doing \textit{x} or having \textit{y} might or not be moral. It is possible to have a moral right but no corresponding societal right, and vice-versa.

Some examples of societal rights:

A high priest in a certain primitive society might have the "right" to decide whether and when a human sacrifice will take place. He might have the "right" to decide who the victim will be. Obviously, this is not a \textit{moral right} or a \textit{human right} that he possesses, it is a societal right. (Of course, if they think he received his right from the god, they might consider it a moral right.) His right to make those sorts of decisions is based on the society in which he lives and has meaning only in that society. We must be careful in the use
of terms; otherwise we can end up saying things such as, "The high priest has no right to do what he has a right to do." (I.e., "The high priest has no moral right to do what he has a societal right to do.")

Suppose we have a moral right to drink alcohol (in the sense that it is morally wrong for people to force someone not to drink alcohol). During Prohibition we did not have the legal right. (A "political" or "legal" right, of course, is a societal right in a political society.)

We do not have a moral right to abort a fetus merely for convenience (in my opinion), but we do have a societal right to do so.

The leader of the outlaw gang has a right (a societal right) to determine what crimes will be committed and who will do what actions in committing those crimes; certainly he doesn't have a moral right. This example also points out that societal rights exist only in the society from which they arise: the outlaw leader has his rights only in the context of the outlaw society; his political society, his religious society, etc., need not recognize those rights.

(My distinguishing societal and non-societal rights are the same as distinguishing legal and moral rights--except that legal rights would normally be considered applicable only to a political society. Societal rights can be found in any society.)

(8) We have distinguished moral rights and societal rights. Is a societal authority's right to make societal decisions a moral right or a societal right?
We noted above\(^{21}\) that we are not interested in any kind of authority which is conceived in moral terms. We expressly noted that if 'having a right' means 'it is morally permitted that', then we would not be interested in any authority conceived in terms of such a right. Societal authority is based on a societal right.

From the examples of the outlaw leader (given above) and the human-sacrificing high priest (just provided on the previous page), which are examples of societal authority, it is obvious that the right a societal authority has is not a moral right at all, but a societal right. Societal authorities' rights to make societal decisions are based on the agreements, desires, understandings, or expectations of those who form the society.

If we erroneously conceive of societal authority as having a moral right to make decisions, instead of a societal right, there is a danger that we will tend to look on societal authority as something a person possesses on his own, because of something about him, rather than as something he possesses in virtue of the role he happens to play in society. There is a danger that we will conceive of obedience to authority as obedience to a person or as subordination to a person. It is rather that obedience to societal authority is obedience to society or a kind of cooperation with society. Authority is not something for the benefit of the one in authority; authority is for the benefit of the society in which it exists. An authority provides a societal decision procedure; in accepting authority we accept societal procedures. As the theologian Karl Rahner says,
authority, and therefore obedience to authority in any society has first and essentially a functional sense. In other words authority is not possessed by the one in whom it resides in his own favour and for his own profit, but is the means and the presupposition of the service which the possessor of authority renders to the society from which the whole worth of authority proceeds: obedience strictly does not subject the one who obeys to the person as such of the one who commands, but it integrates the one who obeys to the end and good of a particular society.\textsuperscript{22}

(9) There are quite a few different kinds of societies which use societal authorities to make societal decisions. It might be useful to mention several sorts of societal authorities to emphasize the extent to which our lives are affected by such authorities. The following is but a sampling:

a. Political authorities, such as kings, dictators, democratically elected officials, and various decision-making officials employed by the state.

b. A military commander.

c. An employer, such as the owner of a small business.

Also the officials of a large corporation that employs a number of personnel.

d. The head of a labor union.

e. A parent.

f. A mafia chieftain.

g. The Pope, a pastor, or other religious authority.

h. An abbot.

i. The high priest in a primitive society characterized by human sacrifice.

j. The head of a fraternal organization or purely social club. (E.g., a fraternity, a bridge club, a Masonic lodge.)
k. The head of a charitable or service organization.
l. A swimming coach.
m. The quarterback of a football team, whether of the professional or sandlot variety.
n. A teacher or a professor. Various university officials.
o. A property owner or his designated representative over persons who are on that property.
p. The captain of a ship.
q. The director of a hospital.
r. The warden of a prison.
s. The director of an orchestra.
t. A cheerleader at a football game.\textsuperscript{23}
u. The stewardess on an airplane. A pilot.

(10) When someone is selected to be, for example, the president of a women's club or the chairman of its Service Committee, she becomes a societal authority for that society. The club grants her the right to make certain societal decisions, subject to the restrictions of the club's constitution, by-laws, policies, or whatever. She does not possess a moral right to make societal decisions, and she does not impose her decisions by force. When the members comply with her decisions, they are not so much obeying her (they would obey whoever happened to be the societal decision-maker); they are rather acting as a member of a society which has established obedience to authoritative decisions as a societal decision procedure.
Often it happens that a society or group is really a sub-society existing within a larger society to which it is subject. For example, a nomination committee is a society or group which exists within a larger organization. It is the larger organization which provides the goals and membership of the smaller group. A parish exists within a diocese. The United States armed forces exist within the larger political society. In such situations an authority that exists in that society can receive his or her societal right to make societal decisions either from within the smaller society or from the larger society. Thus, a club might simply appoint a nomination committee and leave it up to the committee whether it will have a chairman and who it will be, or it might appoint a committee and at the same time designate who will be the chairman. In the military, obviously, the commanders and other authorities are appointed from the larger society, through the laws and policies established by the political leaders of the nation. The larger society as a whole gives them the societal right to make societal decisions for the smaller society.

Sometimes, particularly in less formally organized or more complex societies and as other elements such as force enter into the picture, it becomes more difficult to determine who is the authority and which decisions are authoritative. (This determination falls within the competence of lawyers or other legal experts in a political society; canon lawyers are involved in religious societies. In many societies it is simply not clear how to resolve the factual issues of who is the authority and which decisions are authoritative.) This might sometimes make our moral judgment about whether we have a moral
obligation to comply with a supposedly authoritative decision hinge on the factual issue of whether or not the particular decision is authoritative. But this should not affect our treatment. We are not so much interested in determining whether or not one has a moral obligation to comply with a decision which, as a matter of fact, is authoritative (or at least which he believes is authoritative.)

(11) There is a need for the social philosopher to examine more deeply the notions of societal rights, societal decisions, and societal authority. But for our purposes we can assume that there are the sorts of authorities mentioned in (8) above who have made societal decisions. We see them as having something in common, which we have called 'societal authority', which is the societal right to make societal decisions. We see the members of society as trying to decide whether they will obey those authorities. Our question concerns the morality of obeying those authorities: should the members of a society obey societal authorities?

D. OBEDIENCE

Having clarified what we mean by 'authority' when we say that we are interested in "obedience to authority," we now have to clarify what sort of obedience we are interested in.

(1) First of all, we are interested in doing those actions which the authority decides are to be done. Both an authoritative decision and action in accordance with that decision are necessary to the kind of obedience we are interested in.
(2) It is not necessary for the kind of obedience we are concerned about, that a person comply with authority eagerly or cheerfully or that the person agree that the authoritative decision was the best decision available. Sometimes people talk about a kind of obedience which includes a requirement that the compliance in question be eagerly or at least willingly undertaken rather than begrudgingly. Sometimes this is taken ever further, so that the obedient person not only complies willingly with the other, but even thinks, feels, and believes as the other does.

It is often implied if not said, that St. Ignatius . . . wants his sons . . . to go beyond fulfilling the command; beyond "running to it," giving the cheerful willing obedience signified by the Navy's reaction to orders; he wants them to extend their obedience to their minds, so that they even think as the superior thinks about the thing commanded.24

There might be good reasons at times to talk about this sort of obedience, but we will be interested in a kind of obedience which is indifferent to whether the obedient action is undertaken willingly or unwillingly. For our purposes, begrudging compliance is just as much obedience as willing compliance. We are obeying the traffic laws (in our sense of 'obey') when we keep within the speed limits, even if we don't agree with the limits set and are grumbling about obeying all the while we obey. Whether our obedience should be willing or cheerful or whether we should try to develop the same outlook as the superior are moral questions separate from the question about whether we should obey. At least we will consider it so for our purposes.
(3) Obedience can be considered as an act; it can also be looked at as a habit. There are really two questions that need to be asked: (a) "Is a specific act of obedience right?" (b) "Is a habit of obedience virtuous?" It is quite possible to give an affirmative answer to the former and a negative to the latter, and vice-versa. In Chapter IV, we will consider some problems concerning a habit of obedience. For the present, we will consider obedience as an act. 'Obedience' in this work will always refer to an act of obedience; when I wish to refer to the habit I will explicitly state 'habit of obedience'.

(4) Not all requests of an authority are authoritative. It is not necessary to the kind of obedience we are interested in that one do whatever an authority decides but rather it is necessary that one comply with those specific decisions that are authoritative.

For example: suppose that the mayor of my town, who happens to be a friend of mine, "decides" that I am to babysit his children, because he and his wife must attend a luncheon and his regular babysitter has suddenly taken sick. I do what he asks me to do, and I babysit his children. Obviously, I am not obeying the authority; I am doing him a favor. His authority does not include authority to decide that I am to babysit. If I were his assistant and he told me that I would have to do that as part of my job, then in complying with his request I would be obeying (presuming that it is within his authority to establish that as part of my job).
Another example would be the secretary for a large corporation, who, upon being told to empty some wastebaskets, calmly replies, "That's not part of my job description." He is not disobeying, because the decision that he empty baskets was not authoritative. (It was not authoritative because the authority did not have the societal right to make that particular decision. The decision did not fall in line with the agreements, desires, understandings, and expectations of the society as a whole.) Similarly, if the secretary were to comply with the decision and empty the baskets, that would not be an instance of the kind of obedience we are interested in. The secretary would be complying with the decision either as a favor, because of his own lack of assertiveness, etc., but he would not be "obeying authority," at least not in the sense in which we are interested.

The individual who is confronted with a situation that seems to call for obedience needs to ask himself at least three separate questions: (a) Is the person or group of persons making this request a societal authority? (b) Is the request that the person or group of persons is making of me within the scope of its authority? (c) Given that the answers to the previous two questions are affirmative, then should I obey? (Note that if the answer to either of the first two questions is negative, then the third question cannot be asked, given the sense of 'obey' that we are interested in. Instead the question would have to be: (c') Should I do what I am asked to do?) In this work, we are not primarily interested in answering either of the first two questions. This is a work on obedience, not on authority. In asking the question "Is there a moral obligation to obey?" we are
presuming that there is an authority and an authoritative decision or at least that the person contemplating obedience believes that there is an authority and an authoritative decision. However, just as we have already discussed what it is to be an authority, in the sense we are interested in, perhaps we should look at least briefly at what makes a decision of an authority to be authoritative.

There are three limitations within which a decision must fall in order to be considered authoritative, for purposes of this dissertation.

First, sometimes when a person has a societal right to decide, he has authority for the entire society, as does a president or pope. At other times a society recognizes that a person has authority for only a part of the society, as does a pastor (who has authority over his own congregation but not over the whole denomination) or a football quarterback (who has authority over the ten other offensive players on the field but not over anyone else) or a mayor (who has authority over his city but not over the state).

Secondly, when someone is recognized by a society as having societal rights over a society or over a part of a society, the scope of those rights is limited. My society does not recognize that anyone, whether pastor, parent, or president has a societal right to decide whether or when someone will get married or to whom someone will get married. In some other societies it is recognized that parents have a societal right to decide whom their children will marry. Mayors are not presently recognized as having a societal right to decide how many children I will have. A college football coach does not have the
societal right to decide which academic field a player will major in. Other examples are both obvious and innumerable.

Thirdly, even in an area that falls within the scope of an authority's societal rights, there are certain constraints that the society places on the decisions that will be considered acceptable. The society recognizes that there are quite a few different ways that a societal goal could be reached and that there often is no one way that is clearly the best way of reaching that goal. The role of the authority is to decide which way, of all the acceptable ways, is to be taken. The society as a whole could establish some other method of selecting the best way, but the acceptance of an authority's decision is often seen as the most appropriate method to be used. A problem arises, however, when the authority attempts to make a decision that is not perceived as an acceptable method of reaching a societal goal. For example, the supervisor in most large corporations cannot authoritatively decide that a secretary will empty wastepaper baskets, unless that is in the job description.

Consider also this example: The president of a certain club is responsible for deciding how the meetings are to be conducted, who is to speak when, etc. Without such an authority, meetings would be chaotic; the members recognize this and willingly obey the president. Suppose, however, that some day the president announces that he will ignore any rules of parliamentary procedure and that meetings will be conducted solely at his whim. No one will speak except those who suit his fancy at the particular moment. He will ignore motions that displease him. He will count only those votes that he feels like
counting. Clearly the president's decision to abandon parliamentary procedure is not an authoritative decision; the members would recognize this even if there were no by-laws or other explicit agreement calling for parliamentary procedure. Even if the issue had never been considered by the members, there is an implicit understanding that certain decisions would not be acceptable.

When a society grants someone the societal right to make societal decisions, it doesn't grant a right to make whatever decision the person might feel inclined to make. There is a certain range of acceptable decisions; the authority makes one of the acceptable decisions, and the members comply. But if the authority attempts a decision that is perceived as totally unacceptable, the members would be likely to comply only if they were forced or manipulated or overly docile or whatever.

This limitation on authority is emphasized by quite a few writers. Kimball Young, for example, says:

The masses are, however, important to leadership. One is the reciprocal of the other, and the notion that leaders somehow fling their ideas and practices upon a thoroughly docile and subdued people is a colossal bit of nonsense. . . . Leaders and followers always exist in a relationship of interaction.25

Another example is provided by Barnard in his now-classic *Functions of the Executive*:

A person can and will accept a communication as authoritative only when four conditions simultaneously obtain: . . . (b) at the time of his decision he believes that it is not inconsistent with the purpose of the organization.26

A third example is provided in the theologian Karl Rahner's book, *Obedience and the Church* (he is close to some of my own views):
Obedience in the strict sense is the recognition (in thought and act) of legitimate authority in a society, which makes known its will by some general law or particular order, concerning a concrete end of the society and the means apt to that end. . . . Obedience strictly does not subject the one who obeys to the person as such of the one who commands, but it integrates the one who obeys to the end and good of a particular society. Hence the measure of authority and obedience, and their ultimate limit, are determined by the nature of a particular society. . . . Man cannot therefore be commanded nor can he obey except within the limits of the particular authority measured according to the end of that particular society. . . .27

Authority within the scheme of human social life finds in the common good its justification, its specification and consequently also its limits.28

Given the three limitations on authority just given, a decision of an authority is authoritative only if it falls within those limitations. The mayor's request that I babysit his children is not authoritative because it does not fall within those limits. First of all, the authority of the mayor (qua mayor) extends over me, but it does not include the right to decide who is to take care of his children. Of course, he does have such a right, but it is due to his being parent, not to his being mayor. As a parent, he has some minimal authority over me (e.g., he has the authority to decide that I will not be permitted to mail certain material to his children), and he does have a societal right to decide who will take care of his children, but the third limitation on his authority stipulates that he cannot decide that I am the one to take care of his children unless I am willing.

In this work, to repeat, we are interested in whether a person has a moral obligation to obey an authoritative request. The presumption is that there is an authority, that he has made a decision, and that the decision falls within the three limitations on authority
just given. Only then is there a possibility of the kind of obedience that we are interested in.

(5) The kind of obedience we are interested in does not involve merely external compliance. There is a motivational factor involved. For the kind of obedience we are interested in it is necessary that one comply with the authoritative decision because (but not necessarily just because) it is authoritative.

Consider the following three examples, each of which shows a kind of motivation other than that we are interested in.

First of all, consider a society where the person in authority feels that a primitive superstitious religion needs to be eradicated throughout the society. It is a small minority only who practice this religion, but it is nonetheless having negative effects on the advancement of the society as a whole. Furthermore, suppose that members of this religion dominate the rather independent military and police forces in the country, so that there is no chance, in the authority's estimation, of forcing the members to give up their religion. Attempts to reason with these people in the past have been totally fruitless, as they either see their religion as based on sound reason or else are not interested in acting in a rational manner. The authority knows that he will not be obeyed if he simply orders them to give up their religion or orders them to abandon practices which are central to the religion. He figures that his best chance to succeed in getting them to give up their religion is to gradually, over a period of decades, order them to give up first a very minor, relatively insignificant
religious practice, then several years later another one, etc. Gradually, bit by bit, he will undermine the total hold this religion has on its adherents. Eventually, he figures, he will be able to order them to give up even the central and most significant religious practices. The authority knows that on one day a year the members of the sect observe a fast. He decides to start with this observance, and he puts out a ruling stating that all members of the military and police forces must eat prior to coming on duty. He justifies this ruling by explaining the need of soldiers and policemen to be physically strong and prepared for strenuous activity. He publicizes the ruling immediately after the annual fast day, knowing that he has almost a full year to convince them of the need to keep the rule. For over 350 days every soldier and policeman eats before coming on duty—it is the custom in that country to eat a good balanced meal before going to work. For over 350 days the authority's staff reports that everyone is complying with the authoritative request. But the authority knows that there has not yet been any obedience—they would have eaten before going to work whether or not there had been an authoritative request. When the annual fast day arrives, his staff reports widespread fasting among soldiers and policemen. The staff, however, tries to minimize this, claiming that everyone obeys 99.7 percent of the time, i.e., 364 days out of 365, and that any authority whose decrees are obeyed 99.7 percent of the time is very successful. Of course, the authority is no fool. He knows that his decree was not obeyed at all. The fact that the soldiers and policemen complied with his authoritative request 364 days of the year does not mean that they
obeyed him. The reason they ate prior to coming on duty had absolutely nothing to do with his request. The point of the example is: for an act of compliance with an authoritative request to be considered obedience, it is necessary that the act be performed because of the authoritative request and not merely because that is the way one would have acted anyhow.

If a parent, belt in hand, towered over an eight-year-old child and bellowed, "Make your bed right now, or I'm going to give you the whipping of your life," the child would probably act in the same way and for the same reasons as if someone who was not his parent towered over him, belt in hand, and bellowed, "Make your bed now, or I'm going to give you the whipping of your life." The child would be yielding to superior force more than obeying authority. Similarly, the would-be robber who quickly abandons his plans when he notices the policeman on the scene is not being particularly obedient, at least not in the sense in which we are interested. The kind of obedience we are interested in is a matter of complying with an official because of his authority, not because of force.

Finally, as a third example, consider the individual who complies with an authority's decision if and only if, after evaluating the morality of the request, he determines that the official asked him to do the action which he would have chosen if he were the societal decision-maker. In other words, he complies when he thinks the official is right and otherwise ignores the official. But in this case his action isn't obedience to authority at all. It wouldn't matter at all who asks him to act in that manner: if he thinks the person who
asks him is right, then he will do it that way. Authority has nothing to do with it.

There is a perfectly good sense in which we can say that the persons in the above examples are "obeying authority." But certainly these examples don't present the interesting moral issues that arise when we comply because of authority rather than from force, habit, or whatever. There comes a time when the moral thing to do is what you are being forced to do, as when you pay an unjust tax rather than get shot; there is no particularly interesting moral issue when it comes to this kind of obedience. Similarly, to comply with an authority simply because he is right presents no interesting moral issue. (The interesting moral issue arises when he commands an action which would normally be wrong or at least morally indifferent.) Similarly, there is no problem in complying with an authority when we would have done what he asked anyhow; the interesting moral issue is whether we should do something we otherwise wouldn't do because an authority decides that we will.

Robert Paul Wolff correctly emphasizes this same point:

An authoritative command must also be distinguished from a persuasive argument. When I am commanded to do something, I may choose to comply even though I am not being threatened, because I am brought to believe that it is something which I ought to do. If that is the case, then I am not, strictly speaking, obeying a command, but rather acknowledging the force of an argument or the rightness of a prescription. The person who issues the "command" functions merely as the occasion for my becoming aware of my duty, and his role might in other instances be filled by an admonishing friend, or even by my own conscience. I might, by an extension of the term, say that the prescription has authority over me, meaning simply that I ought to act in accordance with it. But the person himself has no authority—or, to be more precise, my complying with his command does not constitute an acknowledgment on my part of any such authority. . . .
Obedience is not a matter of doing what someone tells you to do. It is a matter of doing what he tells you to do because he tells you to do it.30

Of course, in practice, a person's motivations for acting in a particular manner are usually quite mixed, and so we find instances of "pure" obedience (of the kind we are interested in) relatively infrequently. For example, a person might comply with the request of his employer because he fears that he might lose his job, because he has a weak, non-assertive personality that usually finds it easier to comply with whatever anyone asks him to do, because that's the way he was planning to act anyhow, because that's the morally right way to act, and also because the employer has authority. In any actual concrete situation a person might have several reasons for doing what an authority asks him to; he might also have several reasons for not doing what an authority asks him to. In this work I am not interested in any of these reasons except that of obedience to authority because it is authority. We want to see whether or not a person has an obligation to obey and why, all else being equal. In practice, however, all else is not equal. This means that even if we find that under certain circumstances there is an obligation to obey, nonetheless that obligation might be overridden by conflicting obligations.

Given the kind of obedience we are interested in, it is entirely conceivable, in fact it often happens, that we would get a negative answer to the question "Should I obey the authority?" at the same time that we would get an affirmative answer to the question "Should I do what the authority asks?" For example, if I have a run-in with a small-town sheriff who claims that I was speeding (as he
does for every stranger who comes into town), there might be a good argument for saying that I am under no moral obligation to obey him; however, under certain circumstances I could nonetheless be under an obligation to simply pay my fine and move on—the latter obligation arising not because of the sheriff's authority but because my getting out of town is more important than the amount of the fine.

In this work, we are not primarily interested in whether and why one might be obligated to do what an authority asks; we are primarily interested in whether and why one might be obligated to do what an authority asks because he is an authority making an authoritative decision. In addition I will be interested in those factors which might affect the strength of the obligation to obey. Determining the strength of the obligation to obey is necessary in order to be able to make a moral judgment in a specific concrete situation where there is a conflict between a duty to obey and some other duty.

(6) Our kind of obedience requires complying with an authoritative decision because it is authoritative, but it does not necessarily mean complying with an authoritative request just because it is authoritative. The fact that an authoritative request is authoritative needs to be looked at as being an essential part of one's motivation—not necessarily the only element in one's motivation. If the fact that an authoritative request is authoritative is a person's sole motivating factor, then we might consider the action he performs as a kind of "blind obedience." Not all obedience need be blind obedience. For example, someone might obey because he believes he
has an obligation to obey authority and because this is an authoritative decision: here there are two factors that enter into his motivation—the fact of the authoritative decision and the belief about his moral obligation. That a decision is authoritative is necessary to the motivation required for the kind of obedience we are interested in, but that does not mean that the agent need consider it sufficient to motivate him to perform the act.

Making this clarification allows us the possibility of morally justifying obedience. If obedience required that one obey just because the request were authoritative, then the argument for saying that one should obey would have to be similar to:

1. The decision to do \( a \) is authoritative.
2. Therefore, I should do \( a \).

If there were another premise (even a suppressed one), then one would not be obeying just because the request is authoritative; he would be obeying because the request is authoritative and because of the content of the other premise. The argument just given is clearly invalid, since it proceeds immediately from the fact of an authoritative decision to a moral obligation. In order to justify a moral obligation to obey, some other element must be included in one's reasoning, such as the first two premises of the following argument:

1. Complying with authoritative decisions leads to the greatest good for the greatest number.
2. One should always perform those actions which lead to the greatest good for the greatest number.
3. Therefore, one should comply with authoritative decisions.
4. The decision to do \( a \) is authoritative.
Therefore, I should do a.

The fact that a society has decided (through authoritative decision) what role it wants one to have in that society is only one fact that will enter the person's moral judgment. The question is to determine what other facts and values will enter the judgment so that one might derive the conclusion that he should perform the action.

At any rate, and this is the point, the moral judgment that one should obey (in the sense we're interested in) will include not only the fact that a request is authoritative (otherwise there is no possibility of obedience, whether morally justified or not) but also other considerations (otherwise there is no way to derive the 'ought').

E. CHAPTER SUMMARY

There are many possible meanings that can be given to the expression 'obedience to authority'. In this dissertation we will be interested in assessing the morality of one kind of "obedience to authority." We are interested in knowing whether one has a moral obligation to comply with the authoritative decisions of a societal authority because (but not necessarily just because) those decisions are authoritative. Specifically, we are interested in knowing whether a member of the military ought to comply with lawful orders of a military authority because those orders are authoritative.

For the rest of this dissertation, THE WORDS 'OBEEDIENCE', 'AUTHORITY', AND 'OBEEDIENCE TO AUTHORITY' WILL BE USED AS TECHNICAL TERMS WITH THE SPECIFIC MEANINGS PRESENTED IN THIS CHAPTER, unless the context indicates otherwise.
Before we consider any reasons for an obligation to obey, we need to consider a serious claim, debated in recent years by political philosophers, that "obedience" is morally wrong absolutely, i.e., under all possible circumstances. That is the subject of the next chapter.
CHAPTER III: OBEDIENCE VS. AUTONOMY

A. AN INFORMAL PRESENTATION OF THE PROBLEM

When an individual looks on himself as free, independent, autonomous, self-determining, etc., he sees himself doing things in his own way. When he looks on himself as obedient, he sees himself doing things in an authority's way. Since his way and the authority's way will often differ, there is a conflict, it seems, between obedience on the one hand and freedom, independence, autonomy, etc., on the other. This conflict is based on the very notion of obedience and thus appears unavoidable. Furthermore, since freedom, independence, autonomy, etc., are so morally desirable, it might seem that we must always reject obedience on moral grounds.

Such a conceptual conflict between obedience and the individual's freedom, independence, autonomy, or whatever, should not be confused with some kind of practical difficulty of being both obedient and free, independent, autonomous, or whatever. Many individuals obey out of weakness, making no pretense of acting in a free, independent, autonomous fashion. Many others try to act freely, independently, autonomously, etc., but are not about to obey. We can readily admit that it is at least difficult to both obey and at the same time be free, independent, autonomous, or whatever.

But we are not here concerned with any practical difficulty, although we will consider that later—in Chapter IV. In this chapter
we are concerned with a conceptual conflict. It seems impossible to
do things one's own way and at the same time to do things in the
authority's way, except in those cases when one's own way and the
authority's way happen to coincide. And even when one's own way and
the authority's way happen to coincide, the kind of obedience we are
interested in demands that we comply with authority because it is
authority and not because the authority happens to be right or happens
to agree with what we want to do. To do things in authority's way if
and only if it happens to agree with our way is not the sort of
obedience that concerns us.¹

The conceptual conflict raised by obedience has gained quite
a bit of attention in recent years since the publication of Robert
Paul Wolff's *In Defense of Anarchism*. Wolff focuses on the conflict
with autonomy:

The defining mark of the state is authority, the right to
rule. The primary obligation of man is autonomy, the refusal
to be ruled. It would seem, then, that there can be no resolu-
tion to the conflict between the autonomy of the individual
and the putative authority of the state. Insofar as a man ful-
fills his obligation to make himself the author of his decisions,
he will resist the state's claim to have authority over him.
That is to say, he will deny that he has a duty to obey the
laws of the state simply because they are the laws. In that
sense, it would seem that anarchism is the only political
doctrine consistent with the virtue of autonomy.²

The more autonomous man, insofar as he is autonomous, is
not subject to the will of another. He may do what another
tells him, but not because he has been told to do it.³

Wolff's position is that the sentence 'x does y autonomously' and 'x
does y because y is the action requested by an authority' are con-
tradictory. Furthermore, Wolff would claim, autonomy is one's primary
moral duty, so that any conflict between autonomy and anything else should be resolved in favor of autonomy. Autonomy is an absolute moral obligation for Wolff. One cannot be autonomous and obedient, and so there is an absolute moral prohibition against obedience, whether obedience is to a political authority, a military authority, or any other authority.

If we could establish such an absolute moral prohibition against obedience, the task of this dissertation would be finished. We could respond to the question, "When do we have a moral obligation to obey military authority?" with the answer, "Never." No other considerations would be relevant. It is the purpose of this chapter to show that such an absolute moral prohibition cannot be established by the argument in question.

B. A MORE FORMAL PRESENTATION OF THE ARGUMENT

Basically, in this chapter we will examine in some depth the argument informally presented in the first paragraph of this chapter. The first step is to present the argument more precisely and formally. The argument appears fairly straightforward and can be put in the following form:

1. If one obeys, then he is not \( x \).
2. It is always wrong to be not \( x \).
3. Therefore it is always wrong to obey.

\( x \)' of course is used for 'free', 'autonomous', 'independent', 'self-determining', etc. In evaluating the argument we will have to determine what word would most appropriately replace \( x \) and define the
word fairly precisely. In other words, given that the argument is valid, the task of this chapter is to attempt to find some meaning for 'x' which will make both the premises true. If we can find such a meaning for 'x', then the dissertation is ended right then with the conclusion that there is no situation in which obedience is right.

The argument is intentionally worded in a very strong fashion. In premise 1, the argument could be substantially weakened by adding 'usually' or other such word in the consequent. In premise 2, the argument could be substantially weakened by using 'prima facie' instead of 'always'. But to weaken the argument would be to effectively destroy it. The reason is that the argument is supposed to be on the conceptual level; it is supposed to rule out obedience, morally, by the very fact that it is obedience, without reference to any particular situation or circumstances. To conclude that it is usually wrong to obey (rather than always) would throw the evaluation back to an evaluation of the particular case. In this chapter we are trying to see whether obedience should be ruled out absolutely.

Note that it is not enough to show that there is some meaning for 'freedom', 'autonomy', or whatever that necessarily conflicts with obedience. It must also be shown that there is an absolute moral obligation to be free or autonomous or whatever. In this chapter we will see that obedience necessarily conflicts with some things; but we will not be able to find any absolute moral obligation in favor of those things. We will find other things for which we can make a pretty strong case for an absolute moral obligation; but in these cases there is no necessary conflict with obedience. In other words, there
are some meanings for 'x' which make the first premise true, and there are some meanings for 'x' which make the second premise true; however, there are no meanings for 'x' which make both premises true.

C. FREEDOM

Perhaps substituting 'free' for 'x' in the argument on page 51 would make the argument sound.

'Free' and 'freedom', of course, are used in a number of ways. They can refer to (1) the absence of compelling or restraining forces, (2) the right to the absence of such forces, (3) the fact that human actions are based on some sort of deliberative process and choice of the actor, and (4) the absence of psychological pressure or manipulation from the feelings, deliberations, choices, etc., of the individual. I'm sure that the terms can be used in other ways also, but these seem to be the principle ones in the present context. Let's look at each meaning we might give to 'free'.

(1) First of all, consider 'free' as associated with the absence of compelling or restraining forces. (E.g., an animal in a zoo is not "free" because there is a force restraining him from going elsewhere.) We said in Chapter II that we were not interested in an obedience characterized by force. Premise 1 could not be true, then, because there is nothing about obedience that necessarily associates it with force.

Furthermore, there are some actions which by their very nature can't be forced, at least not directly. Suppose, for example, that the authority orders someone to read a document. There is a sense in
which the subject is "free" to read or not read the document even if
the authority uses sanctions, torture, etc. No one can force me to
read something, although he might be able to make me want to read
something.

Our freedom from physical restraint is not decreased by an
authoritative decision. That is because, physically speaking, we are
not compelled to obey; physically speaking, we are still free to disobey.
Were we actually physically compelled to comply, i.e., were we
not physically free to disobey, we would not normally call such
forced compliance 'obedience', and even if we did, there would be no
practical moral question of whether or not we should comply: we would
comply whether we wanted to or not. For example, the mother who
physically drags her child away from the mud pie party after unsuccess­
fully asking him to leave is not so much exercising her authority as
much as her force. The child is certainly not deciding to obey the
authority (except in a loose sense of 'obey'): he is being forced to
comply. As pointed out in the previous chapter, the obedience we are
interested in requires more than mere compliance; it is necessary to
comply with the authority because he is the authority. In this case,
there certainly wasn't any conflict between the child's physical
freedom and obedience: when the mother asked him to leave his mud
pies, he was still physically free to stay or leave; when she compelled
him to leave, he was not obeying. An authoritative decision does not,
of itself, impose any physical restrictions or compulsions on a person
that were not already there.
Of course, in practice an authoritative decision is often associated with the threat of punishment for disobedience, so that the authority is trying to force compliance in the event that the subject would otherwise choose not to obey. But even if we consider this compliance to be "obedience," there is no reason to think that one should never "obey": sometimes it is better to obey than suffer the sanctions for disobedience. The whole issue of sanctions deserves a complete treatment, but that is not our concern. As pointed out earlier, we are considering the whole question of force and sanction to be separate from the question of obedience.

(2) Someone might suggest that 'freedom' does not so much refer to the absence of compelling or restraining force but refers to the right to such absence of force. A man is born "free" even if he is born into an extremely restrictive society; his freedom—a right—cannot be taken away even though that right is violated by society. But in using this definition of 'freedom' we make the first premise of our argument clearly false: there is no reason to think that a man, who has such a right, cannot obey.

(3) Similarly, if a man is considered "free" if and only if his actions result from some sort of deliberative choice, there is no reason to think that such a "free" man could not obey: a person can, and apparently often does, deliberatively choose to obey. Again, using 'free' interpreted this way for 'x' (in the argument on page 51) would make the first premise false.

(4) Someone might suggest that the "freedom" that would make the argument sound is a sort of "psychological freedom." For example,
in 1984, people are presented as being completely free from any physical restraints or compulsions; still we would not consider their actions as "free": their actions are compelled by a force other than physical force. This "force" is a kind of psychological manipulation. Perhaps this kind of lack of freedom is necessarily associated with obedience, so that we should reject obedience. Admittedly, an authority who is able to understand individuals' psychological make-up can frequently manipulate them into compliance. Such manipulation in effect is a restriction of the individuals' freedom to the extent that they are prevented from acting in the way they would otherwise choose to act. Obvious examples of such forced compliance are the child who is "forced" by a teacher or parent to act in a certain way not through any physical force or threat of physical force but simply by the authority's domination; the drill sergeant who skillfully uses peer pressure to secure the so-called "obedience" of the raw recruit; and the manager who uses an employee's overpowering drive for money, status, success, and power in order to get him to scrupulously follow company policies.

In spite of the fact that an authoritative decision is often accompanied by attempts to manipulate subjects into compliance, such psychological pressure is not a necessary feature of obedience. Certainly there is nothing about the kind of obedience discussed in the previous chapter that would necessarily associate obedience with the lack of this sort of freedom. In fact, our insistence on not associating force with the notions of obedience and authority would seem
to extend to this sort of force also. Besides, in practice it would seem, at least on the surface, that there are numerous examples of an obedience free from force. At least it is conceptually possible (and that's the issue here) that there is a free obedience. Hence, premise 1 cannot be true if we use this sort of freedom for 'x'.

I cannot think of any sort of freedom that would generate true premises for our argument. Indeed, it seems fairly obvious that a person could freely choose to obey, and so the first premise must always be false if we use 'free' for 'x'.

D. IGNORANCE

Perhaps we could substitute 'acting in ignorance' for 'not x' in the argument on page 51.

Aristotle says "that actions . . . due to ignorance are involuntary." Thus, while I might freely choose to raise my rifle and fire at what appears to be a deer in the brush, it is not the case that I freely chose to commit homicide when it turns out that the deer was a man. Or, for another example, in voting for Kennedy and then Johnson, I did not freely choose to support the Viet-Nam conflict, because I had no idea such a conflict was a possibility. Or, to get closer to the obedience issue, in obeying the government and paying my taxes each year, I do not freely choose to support all the projects and programs and bureaus of the federal government, simply because I don't have any idea what most of them are.

To the degree to which a person does not know what he is doing when he acts, to that degree he is not freely choosing to do what he
is doing.

Of course, we rarely know all the ramifications of any of our actions. Accidents happen because of our choices and unforeseen consequences result from our choices. Nonetheless, it seems that one always has an obligation to make some effort to determine the consequences of what one is doing before acting.

Obedience presents two different problems when it comes to acting in ignorance. One is a practical problem, to be considered in Chapter VII: we are often called on to obey when we don't really know the consequences of our obedience or even know the reasons why we are asked to act in a certain way; in fact we often obey because we haven't evaluated the situation enough to know the best way to act.

Of course, we don't have to obey in such an ignorant way; we can often gather all the data that the authority has and make judgments about that data prior to deciding whether or not to obey. In fact, it would seem morally desirable, in general, to know everything about what we are doing when we obey. But then the second problem—a conceptual problem—creeps in: some persons might say that it just doesn't seem like obedience if we insist on knowing everything about the situation. The pilot dropping bombs isn't supposed to be asking questions like, "How does my action fit into the overall plan for conducting the war?" If every soldier asked those kinds of questions the war would be lost trying to answer them; soldiers are to obey, not ask questions; the very asking of questions is an act of disobedience. "Theirs not to reason why, theirs but to do or die." Similarly, the good citizen obeys; he doesn't go around asking why he is asked to act in a certain
way; to keep questioning is both to disobey and to disrupt the smooth carrying out of the purpose of government. The child who asks for more details about an act his parents ask him to perform will likely be told, at least in some families, that he is supposed to obey, not ask a lot of questions.

(I need to consider in depth situations such as those presented in the last paragraph. They present moral issues which cannot be overlooked in a dissertation such as this. However, for the present, I am focusing only on the problem of whether the very definition of 'obedience' requires us to reject obedience on moral grounds. The other interesting moral issues raised in these examples will be considered in Chapter VII.)

The problem can be put this way: it seems that we should always know those things which are morally relevant to our actions before we act; but it also seems that if we obey we do not have any right to such knowledge (or at least that we forfeit the right to such knowledge). The conflict then seems to be that if obedience is morally desirable, then it is both true and not true that we should always know all the morally relevant aspects of our actions. The problem can be expressed by our argument on page 51 by substituting 'without a right to morally relevant knowledge' for 'not x'.

The critical move in this line of thought, of course, is to establish that "obedience" does imply a forfeiture of one's right to know such morally relevant facts. Sometimes the word is used that way in everyday speech; sometimes it is not. Certainly as we have been using 'obedience' and as we described it in the first chapter,
obeying is compatible with having a right to know everything about my action. One need not obey *just* because of authority. Even if one granted a *prima facie* obligation to obey authority because of authority, still one might want to know more about the commanded action in order to determine if there were moral considerations that would override the obligation to obey.

Besides, even if we were to define 'obedience' in such a way that it implied the forfeiture of any right to know everything about the action we are asked to do (making the first premise of the argument on page 51 true), we could still attack the second premise. It seems that the obligation one has to know all the ramifications of what one is doing (and the corresponding right to know those ramifications) is not absolute but *prima facie*. If it were absolute, then students would have a right to know in advance what the exam questions would be, for example. Since it is clear that students do not have such a right or rather that their right is overridden by other moral considerations, it is equally clear that one's obligation to know all the ramifications of what one is doing is not absolute. Similarly, an army does not have a right to know everything about an enemy's capabilities and battle plans before entering battle. Similarly, one does not have a right to know *everything* about someone running for a minor position before voting for him; it could be enough to know that he is a candidate of a political party whose platform one agrees with or that he is in favor of some important policy that one considers the most important issue the winning candidate will face. In short, it is not always wrong to act without full knowledge; in fact, one does
not always have a right to full knowledge. If 'not x' means 'without the right to full knowledge', then the second premise of the argument on page 51 is false.

I will consider the question as to whether I should obey as being separate from the question as to whether I have a right to know the ramifications of my anticipated action. (Admittedly, these two questions might be related in a specific moral situation, so that an affirmative answer to the latter might in turn suggest a negative answer to the former.) In short, there is no necessary conflict between obedience and our right to know, because one can recognize the possibility of an obedience that demands full knowledge of its consequences. Furthermore, one need not believe that the obligation to know all the consequences of an action is an absolute obligation; hence the obligation to obey might override the obligation to know, at least on occasion.

E. OTHER CANDIDATES

The most plausible way to make the argument on page 51 sound, as I see it, is to use 'autonomous' for 'x'; most of the balance of this chapter will examine what "autonomy" is and how it relates to obedience. For now, however, we will consider some other possible meanings for 'x' which might make the argument sound.

Stanley Milgram, in his Obedience to Authority, takes the approach that obedience necessarily involves viewing oneself as the instrument of another and irresponsible for one's actions:

The essence of obedience consists in the fact that a person comes to view himself as the instrument for carrying
out another person's wishes, and he therefore no longer regards himself as responsible for his action. . . . The question of generality therefore, is . . . resolved . . . by carefully constructing a situation that captures the essence of obedience—that is, a situation in which a person gives himself over to authority and no longer views himself as the efficient cause of his own actions.10

If we were to define 'x' in the argument on page 51 as 'viewing oneself as responsible for one's actions' and if we were to grant Milgram his understanding of obedience, then we would have to concede the first premise. Furthermore, I think a pretty good case could be made for the second premise also, requiring us to accept the conclusion. No doubt a lot of people, however unreflectingly, have a view of obedience similar to Milgram's. They at least implicitly look on the obedient person as a passive instrument of another, unable or unwilling to face up to the demands of personal responsibility. Because the idea of obedience often carries with it this unarticulated connotation, many people tend to disapprove of obedience. While we might well concede that obedience sometimes is used as an excuse for irresponsibility, the point to make here is that there is no reason to suppose that such irresponsibility is essential to obedience. Indeed, Milgram's experiments themselves suggest that often the obedient person does look upon himself as responsible for his actions.11 Hence premise 1 would be false.

The first paragraph of this chapter suggests that we might set up a conflict between obedience and independence. Using 'independent' for 'x' in the argument on page 51 appears to make the first premise true. But then the second premise is a problem. Why should we think that a human being should always act independently? It
would seem that we are social beings and that frequently we are under a greater obligation to act interdependently than independently. That is, sometimes we should each voluntarily contribute to the well-being of others as we count on others to voluntarily contribute to our own well-being. While independence might be considered by many to be a virtue, nonetheless it seems obvious that social cooperation is often more obligatory than independence. Thus the second premise is false using 'independent' for 'x'.

Some egoists might use 'selfish' for 'x' in our argument on page 51 and then define 'selfish' in such a way that they would consider both premises to be true and hence reject obedience. However, serious philosophic egoists should recognize that there is no necessary conflict between egoism and obedience. Let me explain. The utilitarian, if he were to successfully justify obedience, would do so by reference to the desirable consequences of obedience— that's what it is to be a utilitarian. As explained in Chapter II, his justification would have to focus not on whether or not the action itself, which happened to be the one called for by authority, would most likely produce the most desirable consequences (this would focus on whether the requested action was right rather than on whether the request was authoritative), but on whether or not the action would most likely produce the most desirable consequences because it was the one called for by authority. Similarly, an egoist could justify obedience by pointing out not that a commanded action would most likely produce the most desirable consequences for oneself but that an action would most likely produce the most desirable consequences for oneself because it
was commanded. To justify that claim, the egoist would have to resort to establishing that maximum benefit was likely to accrue to himself through social cooperation, where each person supports him (the egoist) in some way just as he is supporting everyone else. Having established social cooperation as a desirable means to his personal good, it would not be too difficult to establish the possibility that an obedient action would result in maximum personal benefit, i.e., that an obedient action would be a "selfish" action. I am not interested here in presenting reasons for or against obedience—I leave that task to subsequent chapters—I simply want to point out that even the egoist needs to recognize that obedience could be morally obligatory; he should not rule it out, conceptually, without making an effort to determine whether obedience would contribute to his own good.

F. AUTONOMY

The rest of this chapter will be concerned with using 'autonomous' for 'x' in the argument on page 51. While it seems to be the most plausible candidate thus far considered, the word seems to be used in a number of ways; the problem will be to specify a meaning for the word. Typical dictionary-type definitions ("self-governing, independent, not controlled by others") are vague enough to be useless for our purposes.

The notion of autonomy is related in some way to the idea of making one's own decisions or judgments. For example, my children are not autonomous, because my wife and I decide what clothes will be
bought for them, what food they will eat, what school they will attend, what church they will attend, etc. Of course, children aren't expected to always make their own decisions, but as a person matures we expect him more and more to make his own decisions and judgments.

While we might agree that autonomy is related to the idea of making one's own decisions or judgments, it is not clear how it is related. Is autonomy to be equated with the actual making of one's own decisions? Or is it rather the right to make one's own decisions? Or the freedom to make one's own decisions? Or the ability to make one's own decisions? Or the way one goes about making his own decisions? Or what? Most writers use the word without being clear at all what it means--most often not making any effort at all to specify a meaning.

The problem is that 'autonomy' has no single meaning. There are quite a few meanings, some of which are similar, others of which bear only a minimal resemblance to each other. However, from all the possible meanings, there are four which appear to be the most common. In the rest of this chapter we will examine each of these four kinds of autonomy. For each kind of autonomy there will be a description of what it is, followed by an evaluation of whether its use in the argument on page 51 would result in a sound argument.

G. AUTONOMY OF CHOICE

Consider the following example of heteronomy. A father tells his 30-year-old daughter, who is on her way out of the house on a date,
"Make sure you are back home by ten o'clock." Later that evening, when her date suggests stopping for a dessert on the way home, she says, "No, I can't; I have to be home by ten." What is the force of that 'can't' and that 'have to'? Certainly it is not a logical or metaphysical necessity. And upon reflection, the girl would probably admit that there was no moral obligation. The most likely explanation of her use of those words is that she has adopted an attitude that she will do what her father says she will do. In some way she allows her father to make decisions for her which she regards as though they were final. She looks on her father and not herself as responsible for many of the decisions that affect her life.

As a second example, consider the soldier who is told by his commanding officer that he "has to" go over to the Middle East and fight in a war. Now, it is obvious that in spite of all the decisions of the political and military bureaucracy, no one has yet made a final decision that this particular soldier is going over to the Middle East to fight in a war. It is the particular soldier that will make the final decision whether he will try to "pull strings" and get out of the assignment, whether he will desert, whether he will fake illness or insanity, whether he will go over to the Middle East and try to impede the progress of the war, whether he will refuse to cooperate and go to jail, whether he will commit suicide, or whether he will do as he is told. The problem is, however, that he is likely to look on the decisions of his so-called "superiors" as final and not even evaluate--indeed, not even be aware of--the alternatives. In some way he considers "the authorities" as ultimately responsible for
choosing what he is to do, even though in actuality their command is not a choice for his life but rather is merely an occasion for a choice that he must make.\(^{12}\)

As a third example, consider an individual who blindly adopts the values, attitudes, and beliefs of the society in which he happens to live. He sees parents and authorities and peers as responsible for his own value and belief structure—if he in fact thinks about that at all. He uncritically accepts the life-style common to his society or to his "place" in society. In reality, of course, he is making all kinds of decisions about his life—it's just that he either is not aware of any decisions being made or considers his society to be responsible for them.

The individuals in these three examples are not "autonomous": they are unaware that they themselves are responsible for decisions in their own lives. The kind of autonomy we are here concerned with—which I will call "autonomy of choice"—is associated with a refusal to accept as final the decisions that others appear to make for me. The person who exercises autonomy of choice is one who recognizes that it is he who makes his own final decisions and not society or authorities, and consequently he recognizes that he alone is responsible for his decisions. Of course, he will probably consider the opinions, desires, beliefs, and even the commands of others in the process of making his decisions, but that is merely to accept the facts of his surroundings. The person without autonomy of choice (the person with heteronomy of choice) is one who, without realizing it, deceives
himself, or allows himself to be deceived, in thinking that others are making final decisions for him.

We will call the person who is aware that he, and not others, is making his own choices or decisions 'choice-autonomous'. Using 'choice-autonomous' for 'x' in our argument on page 51 would most likely yield a true second premise; at least a good case could be made for that. However, we do not get a true first premise. Of course, if we were to look on the "obedient" person as a sort of automaton, unreflectingly accepting the commands of an authority as though there were no way to avoid doing what is commanded, then indeed it would be impossible to be both "obedient" and choice-autonomous, and we would accept both the first premise and the conclusion of the argument: "obedience" would always be wrong. However, there is no reason to look on obedience in this way. Even if we were to admit that some instances of obedience were choice-heteronomous--indeed, even if we were to admit that most instances of obedience were choice-heteronomous--still there is nothing conceptually impossible about a choice-autonomous obedience. The individual can look upon the requests or commands of an authority in such a way as to be aware that it is up to him (the subject) to finally decide whether he will obey or disobey. Even in the very act of performing the obedient action, the agent can be aware that he himself is the one who decided--and continues to decide--to perform the action.

Of course, in practice, the agent usually does not take time out to reflect and consider the reasons for obeying and the reasons for disobeying. He hears a command, and obeys or disobeys with a
minimum of reflection. But this does not make one an automaton. Quick obedience need not be blind obedience. Just as one does not normally ponder about whether or not there is a moral obligation to pay for merchandise before bringing it home from a store, so also one need not ponder about a moral obligation to obey, at least not in common situations. Based on one's previous experiences and decisions, including moral decisions, such judgments can be made with little or no reflection. By going into a store with a desire to obtain some merchandise, one puts himself in a situation where certain actions would be morally required unless an unusual situation were to develop. In effect, making a moral judgment under such everyday conditions amounts to not being aware of any unexpected morally relevant circumstance. So also with the common instances of obedience. The agent has put himself in a position where obedience would normally be either permitted or obligatory. Noticing no unexpected morally relevant circumstance, the agent sees no reason not to affirm his previous moral expectation. The point is that just as the act of paying for merchandise in a store can be both choice-autonomous and at the same time made with little or no reflection, so also with obedience—a choice-autonomous obedient action can be a quick, immediate obedience. When the ship's captain orders the men to make a change in course, the men can be choice-autonomous and still unhesitatingly perform the commanded actions without trying to ponder all the moral questions that might possibly be raised by such a command.

A strong case can be made for saying that the moral agent should retain his autonomy of choice in performing an action. But
there is no reason to think that a choice-autonomous obedience is an impossibility. In short, there is no necessary conflict between obedience and autonomy of choice.

H. AUTONOMY OF ASSERTIVENESS

A few years ago I met a Mr. B., a mature adult in his 30's, who agonizes over every decision he makes. It doesn't matter if it is a significant decision or relatively trivial. He is so afraid of making the wrong choice that he delays his decision as long as possible. In most cases he backs into his decisions: he will postpone his decision about whether to buy a new 1978 car so long that there won't be any new 1978 cars to buy. He will postpone deciding whether to go to some activity until he realizes that it is now too late to get there. Most of the time, he will make a decision only after consulting several people, including his parents (with whom he still lives, of course, since he has been unable to decide when to move out even though he realizes he wants to move out). If all the people he consults agree on a course of action, he will choose to perform that action. If he must make a choice now, he will consult whoever happens to be around and almost invariably his choice will agree with their opinion. He is a salesman's dream—he can be talked into almost anything. He is a creature of habit, since that minimizes the decisions he must make. His supervisor at work would like every one of his workers to be like Mr. B., since he is always at work on time, always does exactly as he is told (a habit, which would require a decision to break), and does everything in the same way every time.
This person is well aware that he is responsible for the decisions he makes. He is well aware that he affirms for himself the suggestions, or the commands, that others make for him. He knows he backs into decisions by postponing a decision. Psychologists, priests, friends, and acquaintances have pointed out to him what is happening. He is extremely intelligent and understands all of the perfectly. He is autonomous in the sense of "autonomy of choice" because he is well aware of the decisions that he makes. He knows that he alone makes those decisions.

But yet there is a certain obvious sense in which he is not autonomous: when someone tells him what to do, he somehow has to do it psychologically. He is not his own person in that he is not capable of making a decision that goes against the suggestions or commands of others. The autonomy we are speaking of we can call "autonomy of assertiveness"; the man just described is "assertively heteronomous."

This is very similar to the housewife who is determined to resist the door-to-door salesmen that come by but somehow always seems to end up buying something. She is well aware that she alone is making her own decision—even as she is getting her money out, she is well aware that she is choosing to buy and that she could slam the door shut or even call the police if he is being obnoxious or aggressive. Nonetheless, she is unable to resist. She is assertively heteronomous.

It should be quite obvious that there is nothing about the concept of obedience which suggests that there is a necessary conflict
between obedience and autonomy of assertiveness. Some people may obey, at least on occasion, because they are assertively heteronomous. But that doesn't mean that all obedience must be assertively heteronomous. It is at least conceptually possible that a person obey without feeling any psychological pressure to obey. Obedience is not necessarily a matter of having little willpower and being unable to resist authority. In fact, sometimes it takes extraordinary effort to obey because one knows that he is quite capable of disobeying and because in particular cases disobedience is easier than obedience.

I. AUTONOMY OF INDEPENDENCE

Consider a person who has a tremendous desire to be a professional cook—not a short-order cook or something of that sort, but a real artist who can satisfy the most delicate and demanding palate. After years of trying to become a better and better cook, he is fortunate enough to land a job as the assistant to the most renowned cook in the country. He is there only a few weeks, however, when it becomes obvious that he will have little or no opportunity to develop his own creativity in cooking. The head cook chooses what foods are to be bought, chooses what items are to be on the menu, and he decides how those foods are to be cooked. The new assistant will be given no opportunity to use his own recipes or to experiment with new ideas. The master absolutely controls everything in the kitchen, down to the last dash of seasoning. To vary a pastry recipe by even an eighth of a teaspoon of flour is to risk losing one's job.
The assistant is quite aware that the decision as to what to do about the situation is his. He knows he could quit. He is quite aware that he could try to make his own specialty on the head cook's night off and hope the head cook wouldn't find out about it. Furthermore, the assistant is quite capable of any line of action he decides to take, whether it is quitting, trying to fool the cook, doing what he is told, or whatever. In short, the new assistant is both choice-autonomous and assertively autonomous.

Nonetheless, there is a sense in which, if he obeys, he is not autonomous. He has no opportunity for creativity; there is no room for his own spontaneity; he feels like a puppet on a string; he wants some room to act in his own way. In choosing to stay on the job and do as he is told, he is committing himself to a kind of heteronomy. We can call the autonomy that he is giving up the "autonomy of independence." The new cook is not "independently autonomous," i.e., he is "independently heteronomous."

The kind of obedience we are interested in necessarily conflicts with autonomy of independence. Every act of this kind of obedience is an act of heteronomy of independence. This is because we are interested in an obedience which requires that one act in a certain way because it is an authority's way. The independently autonomous person acts in a certain way because it is his own way. So we can concede the first premise of the argument on page 51 if we substitute "independently autonomous' for 'x'.

However, the second premise now becomes dubious. Why should one think that there is an obligation to always do things because it
is one's own way? Certainly we should always do what is moral rather than have our own way. Of course, sometimes doing things one's own way will be doing things the moral way. But that's not necessarily so. One's own way of doing things might include lying, cheating, stealing, and, in general, running over others. Certainly, if there is any obligation to do things in one's own way, that is a \textit{prima facie} obligation, not an absolute obligation. Of course, we can consider such a \textit{prima facie} obligation at the appropriate time (In Chapter IV). But the point is that the second premise is false if we use 'independently autonomous' for \textit{x} in the argument on page 51.

It might be noted at this point how easily one might be deceived into thinking that the argument on page 51 is valid. One need only use 'autonomous' for \textit{x} but allow the equivocation of thinking 'independently autonomous' in premise 1 and 'choice-autonomous' or 'assertively autonomous' in premise 2. Both premises, of course, would be true and one would be inclined to accept the conclusion if he did not recognize the equivocation.

J. MORAL AUTONOMY

The three kinds of autonomy discussed in the last three sections are all related in one way or another with a person's deciding for himself what he \textit{will} do. The kind of autonomy that we begin discussing in this section, which we can call "moral autonomy," has to do with a person's judging for himself what he \textit{should} do. All systems of moral philosophy of which I am aware in one way or another portray the individual moral agent as responsible for determining for himself what
he should do. Of course, the various systems give different explanations of what it is to determine what one should do, but they all agree that the morally mature individual should not allow others to make his moral judgments.

The person who is morally autonomous is one who considers himself the final judge of what he should do. He sees no one dictating to him what he ought to do in a specific situation, or if someone should attempt to dictate what he should do, he refuses to accept it as final and makes his own judgment of what he should do. He sees no one as having moral authority over him, i.e., he sees no one as making a final judgment for him about what he ought to do. It is up to the individual to make the final moral judgment of his own actions, and the morally autonomous person recognizes that it is he who makes his own final moral judgments. Even when he accepts the judgments of others about his own case, he realizes that it is up to him whether or not to accept those judgments of others.

In saying that the final moral judgment is up to the individual, there is certainly no implication that such final moral judgments are a matter of mere whim or taste or unreflective feeling. Nor need we rule out the possibility of objective standards of morality, moral principles, correct and incorrect moral judgments, etc. Even if there is such a thing as objectively correct and incorrect moral judgments, it is up to the individual moral agent to determine for himself as best he can what the correct moral judgment is for the situation he is in. He will note the facts of the situation and make any necessary factual judgments relevant to the moral judgment. We will compare
such factual considerations with relevant values and moral principles. And he will make his moral judgment. The nature of moral judgments (whether such moral judgments are a matter of whim, a matter of observing goodness or rightness, a matter of deducing moral conclusions from factual premises, a matter of creating moral beliefs, a matter of comparing the situation against independently established moral principles, or whatever) is a meta-ethical issue. But no matter what meta-ethical position one accepts, i.e., no matter what the nature of a moral judgment is, the individual makes his own moral judgment as best he can.

Unfortunately, it is quite possible to initially interpret obedience in such a way that the authority, not the agent, is seen as making final moral decisions. Obedience can be viewed as an example of moral heteronomy, in that choosing to obey somehow sounds like choosing to act in the way that someone else has determined that one should act. Socrates' decision to drink the hemlock can be interpreted (erroneously) as based on the fact that he accepted the state's determination that it was right for him to drink hemlock as a punishment, even though he didn't agree with the state's judgment. He can be seen as accepting the state's moral judgment as though it were his own.

The problem can be stated this way. Suppose that an authority wants me to perform some action, \( a \). He commands, suggests, or urges me to do \( a \). If I comply without morally evaluating the situation, then I am not being morally autonomous. But if instead of merely complying robotlike with his desire, I evaluate the situation and
autonomously decide whether it is right to do a and if I then as a matter of fact decide to do a, then it seems that I have decided to perform a on its own merits rather than because of the authority's desires. This is not the kind of obedience that interests us. To decide to do a because a is right or beneficial rather than because of the authority's desires is not the obedience we are interested in, as was pointed out in Chapter II. In other words, if I decide that it is right to perform an action, then I am not letting an authority decide for me, and, it seems, I am not obeying. If I am to obey, it seems, I must let the authority decide what action is right for me.

A brief, but rather incomplete, response to this line of thought is to suggest that the example of Socrates just mentioned can be interpreted in another way. Socrates' drinking the hemlock is an example of morally autonomous obedience, because, it seems, it was Socrates himself who decided that it was right to accept the punishment of the state. If he had decided it was wrong to accept this punishment, then, presumably, he would have refused to voluntarily drink the hemlock. Whether or not the state thought it right that he obey is immaterial; the point is that he thought it was right. He decided to drink the hemlock not because he thought there was something right about drinking hemlock but because he thought there was something right about drinking hemlock when the state wanted him to. He did what an authority wanted because the authority wanted it. He obeyed while retaining his moral autonomy.

We need to examine this issue further, however. We need to see how moral autonomy and obedience can exist together. The next
three sections of this chapter present three ways in which we can reconcile obedience with the requirements of moral autonomy.

K. THE NEED TO REAFFIRM AUTHORITY

In Chapter II we saw that a person or group of persons has authority because a society recognizes that the person or group of persons has certain rights in the society. But it must be recognized that the society can take away those rights and hence the authority. For example, suppose that I belong to a fishing club and that I have good reasons for believing that I should belong to it (e.g., I am a business executive obsessed with my work, my doctor has recommended vacations for my health and sanity, and so on). Even if I freely chose to submit to Tom's decisions regarding my group's annual fishing trip simply because my group granted him the authority to do so, nonetheless I can still reject that authority if, together with the other members of the group, I decide that Tom no longer has that authority. Furthermore, even if the other members of the group will not reject Tom's authority, still I can personally reject his authority over me by dropping out of my group or if possible by dropping out of the annual fishing trip while remaining in the group.

Thus, if Tom decides that this year's fishing trip will be an ice-fishing trip to a northern Greenland Eskimo village, Tom has decided for me neither that I will go to northern Greenland nor that I should go to northern Greenland. Either I can personally reject his authority over me (but not over the whole group) by dropping out of the group or by declining to go on the trip, or by acting with the
rest of the group I can reject his authority over the group by simply taking that authority away.

In this example, I retain my moral autonomy because I decide for myself whether or not I will keep myself under Tom's authority. Or, better, I retain my moral autonomy because I determine for myself whether it is right for me to keep myself under Tom's authority. Neither Tom nor the group can decide for me whether or not it is right for me to stay in the group, to go on the trip, or to lobby for a new authority in the group.

In this case and others like it there is no conflict between moral autonomy and obedience. If one obeys, he does so at least in part because he determines for himself that it is right for him to stay in the group. He is obeying at the same time that he is making an autonomous moral decision.

Unfortunately, this proposed resolution of the alleged conflict between obedience and moral autonomy has two weaknesses. First of all, it cannot apply where the individual is not really able to remove himself from the authority under which he finds himself. For example, if one is in a country and really has no practical way of getting out of the country (e.g., if it's a Communist country and they won't let him out, or if he is too poor to afford to travel, etc.), it is probably impossible for him to remove himself from under the state's authority. Secondly, it seems that the authority can take this approach with him: "O.K., if you think you should leave this group, you're free to do it, but if you decide to stay in the group, here are your moral obligations." Somehow it doesn't seem like a genuine
exercise of moral autonomy when merely deciding that one will join a group means that he has to let others make moral decisions for him. It's as though he decides that he should join a group on a tropical island and then they have an open-ended right to make all the rest of his moral decisions for him. It's as though he is making a moral judgment that he should let someone else make all the rest of his moral judgments for him.

L. PRIMA FACIE VS. ABSOLUTE OBLIGATIONS

Suppose that the members of the human race, including myself, jointly put Tom in a position of authority to plan the annual Scientific Expedition for the Advancement of the Human Race. Suppose that he has just decided that this year's Expedition will be to northern Greenland and that I am to participate. However, I am well aware of certain ecological problems in the Arctic and am quite sure that an Expedition of this magnitude to that area will cause irreparable damage to the Arctic Walrus, an endangered species. So I tell Tom that in my opinion we should not go there, that I certainly should not go, and, furthermore, that I will not go. But Tom comes back to me rather strongly, informing me that he had already considered the Arctic Walrus and he had determined that the Expedition to the Arctic was more important, morally, than the Arctic Walrus. Furthermore, given Tom's authority, which I recognize, and the decision that he has made, I have an obligation, he says, to go. I would like to get out of the society in which Tom has authority, but I find I cannot, short of suicide. I recognize that I can decide not to go, even to the
point of deciding to accept punishment, even death, instead. But it seems foolish for me to insist on not going if, as Tom suggests, the moral thing for me to do is to go. In short, is it up to me to determine whether the Walrus or the Expedition is more important? Or has Tom already decided?

The answer, of course, is that Tom's reasoning is patently absurd. Tom might as well be Hitler suggesting that I annihilate Jews—Hitler could have used the same line of reasoning about Jews that Tom is using about the Walrus. And if one doesn't have to accept Hitler's determination that he should annihilate Jews, then I don't have to accept Tom's determination that I should annihilate the Walrus.

Am I rejecting Tom's authority then? Of course not. It's just that Tom's authority does not create absolute moral obligations for me. It might be the case that all else being equal I should do what Tom decides. That is, Tom's decisions might generate prima facie moral obligations. But of course it is up to me to decide whether or not all else is equal, as far as my own moral obligations are concerned. (I might be wrong, of course, but then I might be wrong about any moral judgment I make.) If I judge that all else is equal, then I will probably do what Tom says. But if I judge that all else is not equal, then I will have to decide whether my obligation to obey Tom is more important than whatever moral considerations are opposed to my obeying Tom.

In short, when confronted with an authoritative decision, the moral individual decides what he should do because it is always up to
him to weigh the *prima facie* obligation to obey against conflicting obligations. He retains his moral autonomy.

However, there is still a problem. The line of reasoning just presented suggests that it is up to the individual to resolve conflicts between *prima facie* obligations. But it leaves open the question whether he determines that he has a *prima facie* obligation to do what an authority asks or whether an authority determines that he has a *prima facie* obligation to do something. It seems like the authority could say, "If you cannot or will not leave this society and if there are no conflicting moral obligations, then here are your moral obligations." In other words, it seems like it is not the individual, but rather society or an authority, who determines what one's *prima facie* moral obligations are. Somehow we have to show that it is up to the individual to determine whether he has a *prima facie* obligation to obey; otherwise his moral autonomy is lacking.

**M. THE NEED TO DISTINGUISH MORAL AND NON-MORAL AUTHORITY**

Why would anyone think that in acknowledging Tom's authority to plan a scientific expedition I also acknowledge at the same time his authority to make moral judgments for me? In acknowledging that Tom has societal authority over me, I do not thereby acknowledge that he has moral authority over me. Tom makes societal judgments, not moral judgments, about what I am to do. I, as the final moral judge for myself, observe the fact that an authoritative societal judgment has been made, observe other facts that might be relevant, and determine whether or not I have a *prima facie* obligation to obey and
how strong the *prima facie* obligation is. (The authoritative judgment creates a *prima facie* moral obligation, but only when other conditions are satisfied. We will consider such other conditions in Chapters V-VIII.)

Of course Tom might consider moral factors in making his societal decisions and, presuming his moral integrity, will make those societal decisions that he judges he should make. But Tom makes his moral judgments, and he makes them about what the society should do and what the members of the society should do insofar as they are members; I make my moral judgments, determining what I should do, and I will consider other things besides my membership in the society. We will not necessarily agree. And since Tom has no moral authority, only societal authority, I need not accept as final his moral judgments about what I should do.

At the heart of this understanding of the obligation to obey is the need to distinguish different arenas of authority. Because one gives authority to his swimming coach in order to become a better athlete does not mean that he gives the coach authority in his business or political affairs or in his moral judgments. When one gives his lawyer the authority to act in his stead concerning his business affairs, he does not thereby give the lawyer the authority to vote for him or write his congressman in his name or make his moral decisions. In acknowledging our representative's authority to represent us politically, we do not acknowledge his authority to make our personal moral decisions.
An authority is an authority only in very limited areas. This is probably the central point of Jeffrey Reiman's *In Defense of Political Philosophy*:

It is quite reasonable to think of political authority as something quite different from moral authority, sharing with the latter the claim to a right to command but not the claim to a right to create a moral duty to obey its commands.  

Earlier we noted that we had to avoid building into the notion of authority any implication that the subject necessarily and a priori has an obligation (prima facie) to comply merely because of the nature of authority. The explanation then was that in this dissertation we are asking the question, "When confronted by an authoritative request, should one obey?" The moral issue contained in that question would be dissolved away if we were to simply define 'authoritative' (and 'authority') in such a way as to make the sentence, "One should obey an authority," true by definition. I bring this up now to point out that there is nothing implied in the concept of societal authority that suggests that the judgments of an authority ipso facto create even prima facie moral obligations.  

We can admit that authoritative decisions of themselves create societal obligations for those who are members of the society. For example, one has a legal obligation (one kind of societal obligation) to obey the laws of his nation simply because they are the laws and he is a member of society. A member of the Mafia has a societal obligation to obey Mafia authorities—obviously, this is not a moral obligation. Societal obligations become moral obligations only if other considerations apply (such as those we will discuss in Chapters V-VIII),
and it is up to the individual—not the authority—to judge what the individual's prima facie moral obligations are. A societal authority does not make moral judgments for another person, unless in addition to being a societal authority, he is also a moral authority.

N. MORAL AUTHORITY

We need to examine this concept of moral authority, that is, authority in the moral realm. Let's first see what we will not consider a moral authority.

(1) By 'moral authority' we do not mean merely a legitimate authority. A legitimate authority can be a legitimate political authority or a legitimate religious authority or a legitimate economic authority or whatever. We might even have a legitimate moral authority, although that will end up being the problematic issue for our purposes here. A person is a legitimate authority if he has a moral right to exercise authority or, alternatively, if it is morally right for him to exercise authority. But the authority that he legitimately exercises might be in the political realm, the religious realm, the economic realm, etc.

(2) We do not mean that a person has "moral authority" because it is right for him to do something. We sometimes use the term in this way, but it is not what we are interested in. For example, we might say, "If a madman comes at you with a knife, you have the moral authority to use force against him." It's as though if I have a moral right to do something, then I have the moral authority to do something. But we are not using 'moral authority' in this sense.
(3) By 'moral authority' we do not mean an authority whose non-moral decisions lead to moral obligations on the part of those over whom he exercises non-moral authority. For example, if a platoon leader decides in the heat of battle that now is the time to attack and so gives the order, the purely military decision might generate a moral obligation for the soldiers to attack. In this case, each of the soldiers is making a moral decision for himself that he should attack because the military command has been given. If the leader were to give the same command in a different situation, the soldiers might judge that the leader was insane or exceeding his authority. The moral judgment that the situation is such that a military command creates a moral obligation belongs to the soldiers and not to the leader, because the leader is not a moral authority.)

(4) By 'moral authority', of course, we do not mean an authority who happens to lead a moral life. DeGeorge considers such persons (e.g., saints) to be "exemplary moral authorities"; but this type of authority does not concern us.

(5) By 'moral authority' we do not mean someone who makes sound moral judgments in exercising his authority. A benevolent dictator is no more a "moral authority" in our sense than a repressive dictator.

(6) By 'moral authority' we do not mean a moral expert, such as a moral theologian, moral philosopher, or, for example, someone who, because of his superior knowledge of nuclear physics or medical procedures, is in an advantageous position when it comes to making moral judgments about nuclear research or abortion. (We should point out
here that accepting the moral judgment of a moral expert does not mean that one is morally heteronomous nor does it mean one is morally autonomous. If one accepts it blindly, out of indifference or laziness or habit, for example, then of course he is being morally heteronomous. But if one accepts it recognizing that it is still up to him whether or not he accepts it, judging that the situation is such that he should accept the expert's judgment, then he retains his moral autonomy.

(7) By 'moral authority' we do not necessarily mean a societal authority in a certain kind of society, although one kind of moral authority could be a societal authority. A non-societal moral authority would be, for example, God or an ideal observer. A societal moral authority would be similar to a kind of pope, i.e., a societal authority in a society which makes final moral decisions for its members. (This is not to say that the Pope of the Roman Catholic Church is a moral authority; in fact all Roman Catholic moral theologians I am aware of explicitly state that individuals must use their own consciences in making moral judgments. Moral theologians and religious authorities are to be considered as moral experts, not moral authorities.) A societal moral authority would be recognized by the members of a society as having the societal right to make final moral judgments for the members. Certainly most authorities do not have that societal right. (The only examples I can think of where there is even a possibility of a societal right to make moral decisions is where parents, authorities in mental institutions, etc., make final moral decisions for children, the retarded, etc. But even here, it is
doubtful that these are moral decisions at all, given the subjects' inability to understand what a moral judgment is.)

"Moral authority" is the right (either societal right or moral right) to make final judgments for an individual (or individuals) about what is right and what is wrong for him to do or try to do. In telling us what is right and what is wrong for us to do, a person who has moral authority ipso facto has decided for us what is right and what is wrong for us to do. We would have no moral autonomy over the issue at hand and could not overrule the authority. If it is even possible that one overrule a supposed moral authority, then it is up to the individual whether or not to accept the authority's moral judgment, and so the authority would not be making final moral judgments for him and would not be acting as a moral authority. If it is up to the individual to accept or reject the judgment of a supposed moral authority, then he is at most a moral expert and not a moral authority. If anyone does have moral authority, then his commands are morally binding on those over whom he has such moral authority. In short, there is a genuine conflict between moral autonomy and obedience if obedience is to someone who has moral authority; one cannot (logically) obey a moral authority specifically as a moral authority and at the same time exercise moral autonomy over the moral issue decided by the authority. On the other hand, if we cannot identify a moral authority or if the authority we are considering obeying is not a moral authority, then there is no possibility of a necessary conflict between obedience and moral autonomy, for in those cases the individual can make his own moral judgment as to whether he should obey the
authority.

Is there any such thing as a "moral authority" (except for the individual, who serves as a "moral authority" for himself)? Most philosophers would say there is not, others recognize the possibility that God serves as a "moral authority." However, that issue is not really to the point here. The significant thing is that, in general, societal authorities are not moral authorities (with the possible exception of parents and authorities in mental institutions over those who are not capable of a moral judgment). Hence their authoritative decisions do not \textit{ipso facto} generate any moral obligations, not even \textit{prima facie} ones. One can obey and still be morally autonomous, and so the first premise of the argument on page 51 is false (substituting 'morally autonomous' for 'x').

O. CONCLUSION

Obedience does not necessarily conflict with the individual's personal freedom, autonomy, or whatever. Given an authoritative request, it is entirely up to the individual to determine whether he has any obligation to obey it, whether he has a binding obligation to obey it, and whether or not he \textit{will} obey it. He is not necessarily constrained by ignorance, manipulation, force, or the threat of force. The argument against obedience presented in the first paragraph of the chapter was shown to be unsound.

However, contrary opinions are quite common. Earlier in this chapter we noted particularly the emphasis placed on a supposed conflict between obedience and authority by Robert Paul Wolff.
Wolff's position has generated a number of critical articles, most rejecting his position, but some supporting it. Since Wolff's work on the topic considered in this chapter has generated so much interest, it would be appropriate to consider his treatment before we conclude this chapter. Our treatment will be necessarily brief, focusing in on those particular points that lead him to a position apparently contrary to the one developed in this chapter.

Wolff's key positions appear to be the following:

1. "Authority is the right to command, and correlative, the right to be obeyed." This starting point of Wolff's is supported only by saying that an authority has a different relation to me than a gunman and that the difference in the relation is that authority has a right. This we can readily admit. However, Wolff makes absolutely no effort to determine whether this right is a moral right, human right, societal right, or what. Apparently, he understands it as a moral right. Furthermore, he makes no effort to explain what he means by 'command'. But it becomes apparent that this is a very strong notion, at least to the extent that it is impossible to command an autonomous individual. As a final observation on his definition of 'authority', we might at least question whether or not a "right to command" has a correlative "right to be obeyed," because later on the "right to be obeyed" becomes a "correlative (moral) obligation to obey the person who issues the command." Wolff is too quick in turning a right to command into a moral obligation to obey.

2. As Wolff describes what it is to obey an authority, it becomes obvious that it is not enough to comply because an authority
has given a command; it is necessary to comply just because an authority has given a command. Of course, we said earlier that we were not interested in this sort of "blind obedience."

(3) Given the terminology of the previous two paragraphs, it is obvious that for Wolff anyone who is subject to a legitimate authority, by definition, has a moral obligation to obedience whether or not the subject considers it justified. Given our discussion of "obedience to authority" in Chapter II, we should at least recognize that he is using terms in a way that is different from ours.

(4) Wolff’s treatment of autonomy is not particularly clear. At times he seems to be speaking of what we called "autonomy of choice," at other times, "moral autonomy," and at still other times, something altogether different. However, it is possible to interpret him as making the non-problematic claim that human beings should not forfeit their moral autonomy. He then goes on to explain that to obey (i.e., his notion of obey, as mentioned above) is to forfeit one's moral autonomy. Hence there is no obligation to obey.

(5) It is not difficult to draw the obvious conclusion that the moral agent should not acknowledge that anyone has a legitimate authority over him. And this conclusion is true, but only because of what Wolff understands by 'legitimate authority'. As he understands it, we can indeed grant that there is an irreconcilable conflict between "obedience to authority" and moral autonomy such that we should never obey authority.

(6) Wolff claims that political philosophy is "the philosophy of the state," where 'state' is defined in terms of his unique kind
of authority discussed in paragraph (1) above. If that were true, of
course, the whole enterprise of political philosophy would be a vacu­
ous enterprise, except to show that there can be nothing for political
philosophers to study. Why Wolff would define 'political philosophy'
as necessarily associated with his unique kind of authority, I cannot
imagine. His mistake lies in not considering whether or not there are
other ways to define 'authority', 'rights', 'command', 'obey', etc.
To debunk the whole activity of political philosophy and to show that
all practical political systems are without any authority is too great
an undertaking to allow it to hang on a definition of terms. If
nothing else, our exploration of our subject thus far has showed us
that there are quite a few ways in which most of the pivotal terms can
be understood.37 Unfortunately, Wolff locked himself into too narrow
an understanding of his terms.

We might note, to conclude this chapter, that obedience does
not so much conflict with our autonomy or freedom as with our wants or
desires. Frequently we cannot do what we might otherwise want to do
if we decide to obey. One might want to steal, one might want not to
pay taxes, one might want to take more coffee breaks. If he obeys, he
does not satisfy those wants. But this causes no problem, because we
should not expect to be able to satisfy all our wants. For one thing,
the individual's wants clash so that in satisfying one he denies the
satisfaction of another. Furthermore, denying personal wants seems to
be almost a necessary condition for social cooperation or for realizing
significant personal goals. If one interprets the free person as one who always puts his own wants above all else, then indeed obedience must conflict with that sort of freedom. But that sort of freedom is in reality a slavery—a slavery to one's own bodily impulses.
A. THE PROBLEMS OF AUTONOMY WITHIN THE ARMED FORCES

Having concluded in the previous chapter that an autonomous obedience is possible (at least in principle), we need to recognize that in today's armed services it might be neither possible nor desirable to exercise such autonomy. If morally autonomous obedience is possible, then disobedience is also possible. Such disobedience could be based on moral considerations. And there are at least two reasons for thinking that disobedience—even conscientious disobedience—is undesirable in the military.

First, there is the obvious need for society as a whole (through its designated representatives) to control the use of the armed forces. On the one hand we cannot tolerate a unit's going off to fight its own private war, initiating a coup d'état, or launching a nuclear missile—even if the individuals involved were acting on their considered, autonomous moral judgment. On the other hand, we cannot tolerate a unit's not fighting when the society as a whole has tasked it to fight. The military should be the "tool of the state,"¹ as Samuel P. Huntington puts it. But, given that it is difficult to reconcile the concept of "tool" with the concept of the autonomous person, we must then ask whether autonomy is desirable in the military.
Second, it seems that if wide-spread autonomy could lead to disobedience and presuming disobedience would detract from military preparedness and effectiveness, then we would have to choose between autonomy and a realistic military force. Of course, if everyone always exercised autonomy in a responsible fashion, there would be no problem. But as a matter of fact many persons have never learned to act responsibly. Such persons tend to rationalize their behavior in such a way that they fail to subordinate their own desires to group needs. But in the armed services this is clearly not acceptable. Military preparedness would be destroyed if we allowed each soldier to do whatever he felt like doing.

If military personnel make their own moral judgments and act on them, we run the risk of both an ineffective military and the loss of control over the military. And in both cases the consequences could be disastrous.

B. CONTROL OF MILITARY PERSONNEL

Because of this dual danger, society has established strong controls over military personnel. There are, first of all, the systems of administrative and punitive sanctions obvious in the Manual for Courts-Martial. Effectively complementing such sanctions are the systems of rewards available in the form of promotions, medals, passes, favorable duty schedules, favorable job assignments, etc. Most individuals never are given formal sanctions (court-martial or administrative punishment); instead, their behavior is effectively controlled by the giving or withholding of the various rewards.
A third method of control is through various forms of psychological manipulation.

The conformity motive may function in all degrees of mildness and intensity, from withdrawal of interest in the individual as a penalty for nonconformance to the heights of condemnation expressed in scorn and ridicule. Few if any enjoy being laughed at. . . . In all matters of social consequence, the normal personality fears to flaunt established custom or to buck any proposition generally sanctioned by society, unless, in rare instances, he happens to have a superior grasp of the situation and is sure enough in his own mind to oppose the majority. . . .

Conformity is not merely expected, it is taken for granted; not only is it taken for granted, but nothing less than cheerful, wholehearted participation is socially acceptable. The utilization of the conformity drive is hence a first consideration. Its employment as a social control measure should never be required, but it is readily available as a powerful means for utilizing the group itself to insure the fullest participation of any type of person who through egocentric inclinations or ignorance of the fundamental tenets of democratic social order as stated above may be or become lax in his participant military behavior. The conformance drive is itself ordinarily sufficient, for the vast majority of any group, to constitute a dependable motivation in the military effort. It may, however, need some reinforcement of the nature outlined, in view of the fact that the institutional character of life today and the individual-group nexus cannot always be assumed to be too clearly comprehended.  

Many persons, when they obey, do so because they are manipulated into obeying. Certainly a whole host of books on leadership picture the good leader as being the one who is able to manipulate his followers into doing what he decides they are to do. And most certainly in the armed forces it would be a rather rare individual who could listen to an order, weigh the pros and cons of obedience to that order, and decide whether or not he will obey. In fact, it is possible to interpret basic training, Officers' Training School, or any other entry program which provides initial military training as an attempt either to change or to discharge anyone with a tendency toward
deciding whether to obey.

The military training area is spatially segregated from the larger community to assure the absence of competing authorities. Rewards and punishments are meted out according to how well one obeys. A period of several weeks is spent in basic training. Although its ostensible purpose is to provide the recruit with military skills, its fundamental aim is to break down any residues of individuality and selfhood.

The hours spent on the drill field do not have as their major goal teaching the person to parade efficiently. The aim is discipline, and to give visible form to the submersion of the individual to an organizational mode. Columns and platoons soon move as one man, each responding to the authority of the drill sergeant. Such formations consist not of individuals, but automatons. The entire aim of military training is to reduce the foot soldier to this state, to eliminate any traces of ego, and to assure, through extended exposure, an internalized acceptance of military authority.

In general, then, the armed forces use sanction, reward, and manipulation to secure the desired compliance. We can readily accept it as a fact that for many persons in the armed forces noncompliance with significant rules or orders is, for all practical purposes, impossible because of this control that is exercised over their behavior.

C. DANGERS OF CONTROL

Given the dangers described in Section A, above, the strong control exercised by military authority can be seen as highly desirable. Nonetheless there are obvious moral dangers in such strong control.

One such danger is that one's autonomy—in all four senses discussed earlier—could practically be destroyed in a situation of such pervasive control.
Consider, for example, autonomy of independence. Earlier we pictured the independently autonomous person as one who acts in a certain way because it is his own way. Obviously, when we control a person through sanctions, rewards, and manipulation, we are running the risk of obtaining his compliance without his making such compliance his own. Of course as we pointed out earlier, there is no absolute obligation to be independently autonomous; frequently one should subordinate his own way of doing things to group needs. This is especially true for the military. Even the Supreme Court has explicitly recognized the need for such a loss of autonomy:

While members of the military community enjoy many of the same burdens as do members of the civilian community, within the military community there is simply not the same autonomy as there is in the larger civilian community. The military establishment is subject to the control of the civilian commander-in-chief and the civilian departmental heads under him.6

Those subject to military discipline are under many duties and may not claim many freedoms that we hold inviolable as to those in civilian life.7 However, there is an ever-present danger that the military might go too far in reducing the independence of the individual. If the individual is denied any opportunity for creativity, for job satisfaction, for any sense of self-fulfillment, then certainly there could come a point—especially in peacetime—where refusal to follow overly restrictive regulations would be justified. Even the military recognizes the need to provide such opportunities for creativity, job satisfaction, and self-fulfillment; consider the following from an Air Force textbook for one of its command and management courses:
3. The motivation, the potential for development, the capacity for assuming responsibility, the readiness to direct behavior toward organizational goals are all present in people. Management does not put them there. It is a responsibility of management to make it possible for people to recognize and develop these human characteristics for themselves.

4. The essential task of management is to arrange organizational conditions and methods of operation so that people can achieve their own goals best by directing their own efforts toward organizational objectives. In spite of such an emphasis, however, a great danger is still the overly dominant commander who denies any genuine autonomy of independence to his subordinates.

Control by manipulation is in reality an attempt to decrease or even eliminate the individual's autonomy of assertiveness. For example, the use of degradation and humiliation, social isolation, fear of the unknown, fear of failure, guilt, peer pressure, and physical stress are well-known techniques of basic training. They are based on, and they contribute to, the individual's lack of assertiveness.

The trainee's fear of authority and his ignorance of what is and what is not a legitimate order . . . are imposed upon.

Not many people, except the cynical, perfectly adjusted, or feeble-minded, can long withstand social isolation. . . . The normal personality fears to flaunt established custom.

Earlier we noted the possibility that a soldier comply with military orders without even being aware that he is making a choice. His autonomy of choice can be destroyed through his developing a strong habit of compliance. In effect the individual can become a robot, going through various kinds of behavior on command.
Similarly, the continued habit of compliance will often become a kind of "blind obedience," oblivious to the moral implications of the individual's actions. In thus becoming morally heteronomous, the individual in effect becomes amoral as regards any commanded action.

While such a loss of autonomy is not necessary to military effectiveness (except autonomy of independence, to some degree), nonetheless the control exercised over members of the armed forces constitutes a potential danger to individual autonomy. As a matter of fact, the experiments conducted by Stanley Milgram point out that most Americans have suffered some loss of autonomy in the name of obedience. Our habit of obedience is so strong that in appropriate circumstances most Americans will find it very difficult to disobey authority even though obedience involves actions that they would consider highly immoral. In Milgram's experiments the vast majority of subjects continued to obey a perceived authority by apparently torturing another human being, even to the point (and beyond it) that they suspected he might be dead. Milgram attempts to describe this attitude, this habit of obedience—not merely by giving the data which suggest that Americans have such a disposition, but also trying to paint a picture of what is going on inside most Americans when they are in a situation that seems to call for obedience. As Milgram presents the average American, he is unable to disobey under certain conditions; his habit of obedience has become so strong that the very thought of disobeying is psychologically near-impossible, given the appropriate conditions.
Of course, a habit of obedience need not be so strong. Milgram himself encountered in his experiments several persons who were ready and willing to obey but who simply refused to obey when obedience conflicted with another moral issue. Nonetheless, we must admit the apparent fact that there is a danger that repeated acts of obedience can lead to a habit of blind obedience that is so strong that a person is for all practical purposes unable to disobey. There can be a blunting of the person's moral sensitivity and a lack of individual initiative.

This first danger arising from the strong control exercised by military authority—the danger of the loss of personal autonomy—contributes to the second danger: the danger that the blind obedience of the many can be manipulated by the few and lead to tremendous evil. As Milgram emphatically points out, if strong habits of obedience become widespread throughout a society, there is a real danger that a relatively few authorities could perpetrate monstrous evil with no objection from the members of the society—indeed with their full cooperation. Milgram believes that habits of blind obedience are so strong and widespread in America today that we are capable of the same sort of organized evil as was found in Hitler's concentration camps. In fact, Milgram sees little difference between Nazi Germany and our role in Vietnam: both were, he says, monstrous evils and both were made possible because ordinary, average persons have such strong habits of obedience that for all practical purposes they are unable to disobey.
The catalogue of inhumane actions performed by ordinary Americans in the Vietnamese conflict is too long to document here in detail. . . . We may recount merely that our soldiers routinely burned villages, engaged in a "free-fire zone" policy, employed napalm extensively, utilized the most advanced technology against primitive armies, defoliated vast areas of the land, forced the evacuation of the sick and aged for purposes of military expediency, and massacred outright hundreds of unarmed civilians.

To the psychologist, these do not appear as impersonal historical events but rather as actions carried out by men just like ourselves who have been transformed by authority and thus have relinquished all sense of individual responsibility for their actions.\textsuperscript{18}

The person who has a strong habit of blind obedience so that he is practically incapable of choosing whether to obey is himself both dehumanized and capable of the most monstrous atrocities. Certainly, we must at least be alert to the possibility that repeated obedience will lead to the worst kind of blind obedience; we need to be alert to the fact that there is a real danger in the control the military exercises over the individual--even if we do admit the need for that control.

D. AN ASSESSMENT

The problems mentioned in Section A of this chapter have given rise to the strong controls over the behavior of members of the armed forces discussed in Section B. These methods as a matter of fact are used and as a matter of fact are quite effective. However, no matter how desirable they may be, they are also associated with the dangers discussed in Section C. The question is: how do we assess the fact of such controls, the desirability of such controls, and the dangers of such controls?
(1) First of all, we must recognize—given the fact of the behavior controls discussed—that many members of the armed forces will comply with military policies either because of force or through blind obedience. They are not capable of resisting the controls enough to allow them to demonstrate the autonomous, freely chosen obedience we have in mind. Milgrim's point here is correct: many Americans—perhaps most—are incapable of disobeying in many situations.

(2) However, there are no doubt individuals who are capable of choosing whether to obey or to disobey—in spite of the controls. Their obedience is autonomous. They choose to obey, just as most of us choose not to drive the wrong way on a one way street or not to commit a burglary—even if we felt we could get away with it and escape the controls society places on us. People do not normally drive the wrong way on a one way street or commit burglaries, because it is unreasonable to do so. The fact that society also will punish us if we are caught committing such actions does not really enter into our decision not to commit them—at least, not for most of us most of the time. Similarly, we are presuming that there are members of the armed forces who will obey lawful orders because they judge it to be right, irrespective of the various controls established to secure compliance. Their reasons for thinking it is right to obey are based on the sorts of considerations discussed in Section A, above, as well as on considerations we will examine in the next four chapters. In short, we are presuming that for some persons the controls established in the armed forces to secure the compliance of its members do not
result in the loss of personal autonomy (except, to some degree, autonomy of independence). Thus, we are presuming that an autonomous obedience is possible, even in the military. Some people autonomously choose to obey lawful military orders; their compliance with orders is not based on force, threat, manipulation, or desire for societal reward.

(3) Nonetheless, each member of the armed forces needs to be alert that his obedience does not become so automatic as to be a kind of blind obedience wherein he never evaluates the morality of commanded actions. Our primary, overriding concern should be to do what is right and because of that concern to obey because obedience is right; if our primary concern should become obedience, without subjecting obedience to considerations of morality, then in effect we would be electing to block our reason out of a portion of our lives: we would become amoral with respect to obedience.

(4) We will need to examine how we are to encourage or support or develop the kind of soldier who habitually obeys (so as to avoid the problems of Section A) and who does so not out of blind obedience but because he chooses to, based on considerations of morality (so as to avoid the problems of Section C). We will consider this issue in Chapter IX.

(5) The armed services must continue to emphasize the need to increase autonomy of independence to the degree permitted by the obvious societal needs. Autonomy of independence is clearly morally desirable, even if its prima facie desirability must often yield to the higher desirability of satisfying group needs. To promote officers
who give little attention to the obvious human needs of subordinates or to assign such officers to positions of command is to implicitly approve of such individuals' lack of moral awareness, specifically their lack of sensitivity to human dignity. As we shall see later, to the extent that such an attitude is common in the armed forces, to that extent the strength of an individual's obligation to obey diminishes.

(6) Considerations such as those in Section A, above, seem to provide some justification for obedience. However, we are not yet at the point where we can say that military obedience is right, or under what conditions it is right, or why it is right. At this point we have established only that an autonomous obedience is possible, and we have posited a basic assumption that some members of the military are capable of an autonomous military obedience that is not an unreflecting obedience: we are presuming that such persons are able to choose to obey when they determine that obedience is right. Now we need to look at whether, when, and why, military obedience might be right. That is the purpose of the next four chapters.
A. DERIVED MORAL OBLIGATIONS

If we question whether there is a moral obligation to obey a societal authority and seek reasons for or against such an obligation, we are really asking whether we can derive an obligation to obey from other, more fundamental moral obligations. Ultimately, we would base the obligation to obey on the most basic principles of morality. Unfortunately, there is no general agreement about what constitutes the most basic principles of morality. The best we could hope to do would be to assume, in turn, specific ethical theories and show that the obligation to obey can or cannot be derived from each one. But then our conclusions would necessarily depend on the ethical theories considered, and to provide conclusions that would be widely accepted would mean deriving the obligation to obey from many different ethical theories. Obviously, this would be an extremely tedious (and often repetitive) task.

Fortunately, that is not necessary. There are certain principles of morality which are justified in one way or another by virtually every practical ethical theory a philosopher might be inclined to accept. "Do not lie," "Keep your promises," "Do not steal," "Treat others with dignity," and many others are accepted by nearly everyone. Our approach will be to attempt to derive the
obligation to obey from these generally accepted moral principles. We will make no attempt to determine why such generally accepted moral principles are correct. This is not to suggest that there are no reasons for accepting such principles; rather, it merely reflects our intention of not accepting or assuming particular ethical theories. We are not interested in why promise-keeping is morally obligatory; we are interested in whether a moral obligation to obey can be derived from the obligation to keep promises.

As we shall see, the obligation to obey military authority can be derived from several different moral principles. Each moral principle used provides a separate reason for obeying. In other words, there is no one reason for obeying military authority—there are several reasons, each one of which is independent of the others. In effect, there are several different arguments which can be used to establish that there is a moral obligation to obey military authority. In this and the next three chapters we will look at these different arguments.

B. AGREEMENTS, PROMISES, AND CONTRACTS

We do not always keep the various concepts associated with the words 'agreement', 'promise', and 'contract' clearly separated. A contract is normally looked at as a particular kind of agreement. And a common meaning of 'agreement' is 'an exchange of promises'. Another, completely different meaning of 'agreement' has to do with concurrence or harmony of opinion. While these words are obviously interrelated, it is necessary to keep distinct specific concepts associated with
these words, because the moral obligations generated by each are different.

Suppose the members of an organization get together and agree to hold a certain activity on a certain date. Suppose, for example, they agree to hold their annual convention on the first day of June. A societal agreement, a consensus, has been reached, but no one (except possibly the group officials and conference planners) has incurred any moral obligation to attend merely because a societal agreement has been reached. There must be something in addition to any societal agreement before a moral obligation to act on such an agreement is generated. (The additional element might be some kind of promise or a contract or the consequences of attending, etc.) The point is that societal agreements, by themselves, don’t generate any moral obligations.

But sometimes we use the word 'agreement' so that it means more than merely reaching a consensus—sometimes it means 'consensus and promising to do something'. For example, if the group reaches the agreement that the convention will be on the first day of June and that Mrs. Jones will head a planning committee, then in agreeing to that Mrs. Jones in effect promises to do what is necessary. Here group 'agreement' signifies not only consensus but also a promise. And because it is a promise, this kind of agreement generates a moral obligation.

In the example just given, Mrs. Jones agrees, i.e., promises, to be head of the planning committee. Her promise has no strings attached; she will do the job no matter what anyone else does.
suppose we change the example somewhat so that Mrs. Jones is to be paid for her work and the club promises to pay her in advance. Now the agreement is not merely consensus plus a promise—it is consensus plus a promise plus a contract. In this case, when Mrs. Jones is paid, she has not only an obligation to keep a promise; she also has an obligation of justice—an obligation to provide the services paid for. In effect, she is not only breaking a promise if she fails to do what she has agreed to do; she is also doing something very much like stealing. Mrs. Jones has two reasons to head the committee: one derived from the moral obligation to keep promises and the other derived from the moral obligation to be just.

In defining 'societal authority' in Chapter II, we basically pictured a societal authority as someone who, by agreement, i.e., by consensus of the society as a whole, makes decisions which are to be the decisions of the society as a whole. But the fact that there is agreement that such a person's decisions will be accepted as societal decisions does not in itself mean that there is any moral obligation to obey. The fact that someone is a societal authority does not establish an obligation to obey. More is needed.

C. PROMISES

1) AN EXAMPLE. Suppose I join a fishing club for the sole reason that I like to fish with amiable companions. The unwritten understanding at the time of my entering the club is that the club will go on one really outstanding fishing trip a year to a location that promises a lot of good fishing and a sense of adventure. For my
part, I promise to go on these trips, to pay my portion of the expenses, to plan and lead the annual trip when my turn comes up (in alphabetical order), and to accept the annual leader's decisions in those years when it is not my turn to be leader.

It is Tom's turn to be leader, and he is planning a trip to northern Greenland. The trip does not excite me. For one thing, I've been there before; for another thing, I don't like cold weather. I notify Tom that I will not go. Tom is bothered by this; he says that I made a promise when I joined the club to accept the decisions of the annual authority; he says I have a moral obligation to keep my promises. I respond that the club will not miss me this year; I am not essential to the trip or to others' enjoyment of the trip. Tom replies that he is not concerned about the trip—he is bothered by my lack of moral responsibility in not keeping my promises. As far as Tom is concerned, I have a moral obligation to obey his authoritative decisions because I promised to do so.

Tom's argument appears straightforward: if I have promised to obey authority and if I have a moral obligation to keep promises, then I have a moral obligation to obey authority. Given that most moral philosophers accept some kind of moral obligations to keep promises, we can accept a similar obligation to obey authority, if in fact the promise to obey authority has been made.

(2) ON MAKING PROMISES. There are several ways one might be considered to make a promise to obey authority. The most obvious, of course, is to specifically state such a promise. Many societies recognize the force of explicit promises and call for one on entering
the society. On entering the military, for example, one is "sworn in," making a quite explicit promise to abide by all the rules, including those requiring obedience to recognized authority. Fraternal organizations of one sort or another often have an elaborate induction ceremony at which the members of the society welcome in the initiates and the initiates make a promise to abide by the rules and regulations of the society. The baptismal ceremony in some Christian churches calls for a series of promises which includes a promise to support church authorities and follow the denomination's canon law.

But explicitly stated promises are not the only kind of promises. There are promises understood in many of the actions we perform. This is the point of theories of tacit consent. For example, by buying an airplane ticket and taking our seat, others usually infer that we are promising to submit to the authority of the stewardess and pilot. In going to the meeting of the local PTA we are understood to be implicitly promising (under normal circumstances) to abide by the rules of parliamentary procedure and to submit to the authority of the president. The student who volunteers to play football on the school team is normally seen as implicitly promising to submit to the authority of the coach. In general, our joining a voluntary society and taking part in its activities normally implies a promise to abide by its rules and obey its authorities; at least such a promise is normally inferred by the others involved.

The reason that our actions often imply a promise or agreement to act in certain ways is that, first of all, the situation is such
that any normal person recognizes that if the societal activity is to succeed, then each involved person must act in some agreed-upon way. Secondly, the nature of the activity is such that taking part in it would be done by the normal person only because of a desire to attain goals similar to or at least compatible with the others' goals. So, for example, if someone joins a poker party at another's home, the whole nature of the game and the purpose of his involvement in the game is such that to take part without accepting house rules would be irrational. (Of course, he could propose changes to house rules, before a hand, but once adopted, it would be irrational to reject them.) The whole game would be destroyed if each person used his own rules; one would be irrational to destroy a game he wishes to participate in; therefore, given that someone is rational, his participation in the game is itself a promise to abide by house rules (or at least to seek changes in the rules only before a hand). Similarly where participating in a voluntary society without accepting its "house rules" is to make one's participation meaningless, then in effect participating is itself a promise to abide by the accepted procedures of the society.

Whether participation in non-voluntary societies (such as the state or a job one is forced to take to support himself) also creates an implicit promise is less certain. This is because there can be no automatic presumption that one is in sympathy with the activities of the society. If one is forced to play poker, he might break house rules as soon as he is not being forced to keep them. If a person cannot be presumed to desire the furtherance of the activities of a
society, then his forced participation in the society makes no implicit promise to comply.

Fortunately for our purposes, we need not grapple with the whole issue of implied promises or tacit consent in non-voluntary societies—both because each member of the armed forces has made an explicit promise to obey and because we currently have an all-volunteer force.

Assessing an obligation to do what one has promised is really a two-step process. The one task is to assess the obligation to keep promises. What are the grounds of such an obligation? How strong is the obligation? This task has been addressed quite extensively elsewhere and will not be considered here. We will merely assume that there is a strong obligation to keep a promise. The other task is to determine whether a promise has been made and exactly what the content of the promise is. Given our purposes, we need to address this second task. Has the individual member of the armed forces made a promise? What has he promised to do? Answering these questions is really an empirical rather than moral issue. It is necessary to look at the social activity of promising to determine what counts as a promise and at the actual promise to obey made by members of the armed forces.

D. THE OATH OF ENLISTMENT AND COMMISSIONING OATH

I, Kenneth Herbert Wenker, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers
appointed over me, according to regulations and the Uniform Code of Military Justice, so help me God.4

I, Kenneth Herbert Wenker, having been appointed a Second Lieutenant, in the United States Air Force, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and freely discharge the duties of the office upon which I am about to enter, so help me God.5

All persons enlisting in the USAF must make the first oath; those being commissioned make the second. These oaths amount to solemn promises to act in certain ways. Given that most of us consider our word to be worth something, especially when given so solemnly, (i.e., given that we consider ourselves under a moral obligation to keep our promises, especially our serious promises), each member of the armed forces has a good reason for considering himself under a moral obligation to obey authoritative military decisions6 (presuming, in the case of officers, that obedience is normally part of the "discharge of the duties of the office").

Great efforts are made to solemnize these oaths. All present must stand at attention; the right hand must be raised; a relatively high-ranking officer usually administers the oath; the flag of the United States must be present; etc. Where there are a large number to take the oath, there will often be a full parade, complete with drum and bugle corps and all the trappings of a great ceremony. Normally, those present will wear their dress uniforms. These extraordinary concerns for an action that takes less than a minute to perform serve to impress on all concerned the importance of this promise. On the whole, it would seem that if there ever is an obligation to keep a
promise, there would be an obligation to keep this one, due to the special efforts made to solemnize it.

Furthermore, the services go to great lengths to insure that those who take the oath are aware of the seriousness of the oath and know what it is that they are promising to do. For example, the Uniform Code of Military Justice requires that seventy-seven of the articles in that Code "shall be carefully explained to each enlisted member at the time of his entrance on active duty, or within six days thereafter." Furthermore, the form on which the oath is signed (Department of Defense Form 4) requires two signatures: one for the oath itself and the other to a statement that "I certify that I have read this agreement carefully; it has been fully explained to me, and I understand it and the conditions under which I am enlisting." The balance of the form is very clear in emphasizing the unique nature of the military and the degree of control by the military over the individual's life which follows from taking the enlistment oath. (Various officer commissioning programs such as Officers' Training School, ROTC, the service academies, chaplains' school, etc., all provide similar information as part of the course of studies.)

(Of interest is the different wordings of the two oaths. Enlisted personnel appear to be under a stronger obligation to comply with lawful orders. Officers' primary commitment is more toward doing their job well [even if that means disobeying?]. The message between the lines seems to imply that enlisted personnel have an obligation to the letter of the law; officers to the spirit of the law. I'm sure such a distinction would not stand in a court, if made explicit.)
However, I get the impression that such an undercurrent exists in the attitudes of many persons. If there is such an undercurrent and if it results in enlisted personnel and officers having different notions of what they are promising when they take their oaths, then the moral obligations flowing from the oaths are different.)

The oaths are repeated on various occasions during a service-
man's military career: upon reenlistment for enlisted personnel and, for commissioned officers, upon being accepted into the Regular component of his service, upon being accepted into the Medical Corps, etc. If the serviceman was under any compulsion, fear, confusion, ignorance, etc., the first time he took the oath, such extenuating circumstances are alleviated by subsequent oaths.

Given a general obligation to keep one's promises, given the oath taken at the time of enlistment or commissioning, given the serious nature of that oath and the emphasis that seriousness provided by solemnizing the occasion, given the lengths to which the services go to insure the individual knows what he is promising when he takes the oath, and given the fact that the serviceman often has occasion to repeat the oath--given all this, there is a strong obligation to obey authoritative military decisions, which obligation is based on promise-keeping.

While the previous paragraph gives the main point of this section and should be kept in mind during the following discussion, nonetheless there are factors which could apply in some situations which would tend to weaken the obligation to obey based on promise-keeping. Compulsion, ignorance, fear, etc., can have a dampening
effect on the obligation to keep a promise. As Rawls puts it, "If one says the words 'I promise to do X' in the appropriate circumstances, one is to do X, unless certain excusing conditions obtain." And compulsion, ignorance, fear, etc., do not count as the "appropriate circumstances" or else their presence is an "excusing condition."

Rawls says:

One must be fully conscious, in a rational frame of mind, and know the meaning of the operative words, their use in making promises, and so on. Furthermore, these words must be spoken freely or voluntarily, when one is not subject to threats or coercion, and in situations where one has a reasonably fair bargaining position, so to speak. A person is not required to perform if the operative words are uttered while he is asleep, or suffering delusions, or if he was forced to promise, or if pertinent information was deceitfully withheld from him. . . . Unavoidably the many complications here cannot be considered.9

We cannot consider the many complications, either. But we can accept that such things as force and ignorance can weaken or nullify an obligation to keep a promise. Hence we should examine to what extent such factors might enter into the enlistment and commissioning oaths.

(1) FORCE

If someone forces another to make a statement that is in the form of a promise, it is not really a promise, and as a result there is no consequent moral obligation.10 For example, if a father trains his shotgun on a young man and orders him to go through the form of a marriage ceremony with one of the father's daughters, the young man's promises of marriage are not morally binding. In fact, as normally understood, they are not even promises. When such "marriages" are terminated because of the circumstances surrounding the ceremony, we do not normally consider that to be a divorce; it is rather an
annulment. A divorce terminates what had been a genuine marriage; an
annulment terminates what had merely appeared to be a marriage.

The oath of enlistment or commissioning oath can be taken as
a purely voluntary thing, or it can be taken more or less involuntar­
ily. Of course, there is always some alternative or other; one can
always go to prison rather than take the oath. But to take the oath
of enlistment under threat of prison or whatever punishment would
result from refusing to take it is not much different from speaking a
"promise" of marriage rather than get shot. There seems to be some
element lacking in a forced oath of enlistment, so that the apparent
promise is really not a promise at all. And since some draftees have
no intention of voluntarily entering the armed forces, there would seem
to be good grounds for claiming that their oath is merely a forced
legal nicety rather than a promise and hence no moral obligation
derives from it. (This is not to imply that all of the other reasons
for obeying military authority are without weight in the case of the
draftee. We will consider such other reasons later.)

Similarly, if a person "voluntarily" enlists in the Air Force,
Navy, or Marines rather than accept a draft notice to the Army, then
to some extent the oath of enlistment can be like a forced promise.
Similarly, if one enters Officers' Training School rather than accept
a draft notice, then to some extent his enlistment oath—and his
commissioning oath somewhat later—can be considered forced.

(Of course the situation becomes totally different if the
enlisted person reenlists or the officer remains in the armed forces
once his initial commitment is up. Remaining in the military becomes
equivalent to joining a purely voluntary society with the concomitant implicit promise to comply with the societal decisions of that society. 11

Even in the case of someone we normally consider a genuine volunteer, not motivated in any way by the draft and the threat of force associated with the draft, an element of force can creep in. For example, consider someone who volunteers for military service merely because he can't get a job and finds it necessary to eat. The economic/political system is such that he has few legitimate options available to him: starve, steal, or enlist. Apparently, this is becoming an ever-increasing problem in these days of an all-volunteer force: many, perhaps most, volunteers enlist solely because of the economic situation they find themselves in; unskilled, untrained, and inexperienced, they can find no other job in a time of high unemployment.

This company (a basic training unit) has seventy non-high-school grads out of 190. . . . A lot of these guys are young kids who never finished a thing they started. Many of the non-grads don't intend to use the Army to get a trade, or to get their high-school equivalency diploma, qualify for the GI bill, and eventually go to college. For half of them, this is just one more place they've drifted to.

I've talked at some length to eight of the nine I've considered recommending for discharge. Every one of them was just knocking around, living off the land, and a couple of them were literally hungry the day they enlisted. They wanted a meal, a roof, a shirt on their backs. Most of them said something like this: "Here I am, locked up for three years, and I never thought about it. The most I've ever thought ahead in my life is two days, and when those days came, I never looked back." This also applies to some of the jobless young marrieds, who were looking for a way to feed a wife and kids. I'd say there's a whole generation out there right now, the new drifters, almost like the bums during the Depression, except they're younger, they've got long hair. But they're just as uneducated, just as broke, just as hungry. 12
It would seem that in at least some cases it is possible that the oath is taken in situations where Rawls' condition that the person have "a reasonably fair bargaining position" is not met. And hence the promise is seriously weakened, if not altogether destroyed.

Because of the issues raised in this section, we should give serious considerations to making the taking of the oath of office voluntary for all first-term enlistees and certainly for all first-term draftees, in the event we start drafting people again. Promotions, special jobs, specific assignments, etc., would be available only to those who took the oath. The others would not be punished for not taking the oath; they would receive the normal pay and allowances so that at least they would not be totally destitute. Then those who took the oath would clearly be doing it freely. This would have little or no adverse effect on military preparedness—the individuals would still have a moral obligation to obey most lawful orders (based on considerations raised in the following chapters), and the various sanctions of the Uniform Code of Military Justice would remain available to encourage compliance. And there could be a genuinely positive result: if the oath were purely voluntary, then taking it would more likely impress on the individual the moral obligations he is assuming.

As a conclusion to this section we need to put this discussion on forced promises back into perspective. For the vast majority of members of the armed forces the oath of office is freely taken and does generate a moral obligation to obey lawful orders. This would be especially true for most officers and for most of those who have reenlisted.
Sometimes when a person takes the oath of office—at least his initial oath on entering the armed forces—he really doesn't have a very complete understanding of what he is promising. The military life-style, traditions, policies, etc., are so completely unexpected for many people that it is questionable whether they really are capable of making a binding oath. Is one morally obligated to keep a promise when he really doesn't understand what he is promising?

There is an initial plausibility to a negative answer. If someone promises another that he will fix his automobile the following day, his promise is normally considered void if upon arriving, he finds the car under twenty feet of snow, or without an engine, or if it turns out to be a two-week instead of a two-hour job.

But on the other hand, unexpected difficulties do not necessarily void the moral obligation arising from a promise. If a person does not really grasp the extent to which a marriage will modify his life-style, nonetheless his marriage vow is still binding. Just because he comes to realize that being a husband means more than providing for his family's physical needs and sleeping with his wife, that does not void the promise. When he realizes that being a husband means allowing his wife to support and encourage him emotionally, helping him to mature and find purpose in life, and when he realizes that being a husband means providing similar support for his wife, his marriage vows are not voided because he finds such mutual emotional support difficult or unpleasant.
What is the difference between a promise which is voided when the situation turns out differently than expected (the car is under twenty feet of snow) and a promise which remains binding in spite of the fact that the situation turns out differently (the marriage involves a lot of unexpected difficulties)? The difference seems to be threefold: one based on the manner in which the promise was made, another based on the subject matter of the promise, and the third based on the difficulties encountered.

The first of these has to do with the seriousness or solemnity or emphasis that accompanies the giving of a promise. Some promises are given so flippantly or casually as to be not much more than a general statement of intent to do something. Others are said reflectively, looking the other in the eyes, shaking hands, or other indirect communication that imparts the idea that this is a serious promise. Part of the social conventions of promising that adds to the seriousness of the promise are such things as writing down the promise, having witnesses, dressing up for the occasion, raising the right hand, touching a Bible, using the words "so help me God," calling the promise an "oath" or a "vow," having some sort of ritual or ceremony, etc. In general, greater solemnity surrounding the making of a promise is the accepted way for an individual to indicate that he will consider himself under a stronger obligation to keep it and hence to keep the promise in spite of greater difficulties.

Some promises concern subjects concerning which a lot is at stake: a marriage vow, a promise to fight in war, a promise to tell the truth at a trial, a promise to cooperate in a significant business
venture, etc. Others concern more trivial issues: a promise to cut the grass or take out the garbage. Sometimes it is important to the promisee that the promise be fulfilled; other times it is relatively insignificant. Where a lot is at stake, making a promise means being willing to struggle through many difficulties to keep the promise. Where little is at stake even minor difficulties could void the promise.

The third element which determines whether a promise is voided or not when difficulties are encountered depends on the difficulties themselves: how reasonable it is to expect such difficulties to occur and how serious the difficulties are. Suppose a person promises to show up at work early on a Monday morning. Unfortunately it turns out to be a cold morning and he prefers to stay in bed; since cold mornings can reasonably be expected he still must keep his promise. But if there is a psychotic sniper shooting at those going to work, obviously the promise is voided: the difficulties encountered are both unexpected and overly burdensome.

How does all this apply to the oath of office? The ignorance of future difficulties at the time the oath is taken does not void the oath. (1) The oath is taken in a very solemn manner, indicating a promise which will be kept in spite of serious unknown difficulties. (2) The oath concerns military preparedness—a serious issue. (3) The nature of the military is such that it is reasonable to expect many kinds of burdensome difficulties. In short, the oath of office is much more akin to a marriage vow than to a promise to fix a friend's car: the oath remains binding even if one did not understand what he
was getting into when he took the oath.

Nonetheless, even in the case of the marriage vows many couples see fit to explicitly renew those vows occasionally—perhaps on an anniversary. Of course, that is not necessary, and it does not add to their moral obligations to each other. But it does serve to impress on them and remind them of those obligations. Furthermore, it is an explicit recommitment to each other at a time when they have come to know each other better and understand marriage to a greater extent. While the original marriage vows remain in effect even though the bride and groom really didn't understand what they were getting into, nonetheless there seems to be some psychological value in repeating the vows in a situation of greater knowledge and understanding.

Applying this to the military situation, we would suggest that at an appropriate time—perhaps after basic training—each member of the armed forces be given an opportunity to voluntarily renew the oath. This would not incur any additional obligations, nor would declining to take it void any previous oath. The purpose would simply be to recommit oneself to keeping the oath once he comes to understand more of what the military way of life is like.

(3) MORAL BELIEFS AND THE OATH OF OFFICE

Certainly an individual, in taking an oath, should not promise to do whatever he might be commanded. Or, to say that in another way, if an individual promises to do whatever he is commanded, that promise is worthless since there are some things that he could be asked to do that are totally immoral and unreasonable (e.g., torture children).
Rawls suggests that for a promise to be morally binding it is not enough to say the words 'I promise . . .'. It is also necessary that the specific practice of promising in a given situation also be just. But a promise to do whatever is commanded cannot be just. If such a promise were just, it would amount to what Reiman calls a "wild-card morality." It is to suggest that someone "could hold a moral wild card entitling him to the moral obligation of others to do whatever he determines the wild card to represent." It would amount to a societal authority also being a moral authority, and we already indicated in Chapter III that there is no such thing. It thus seems like the oath of office is totally without any moral force: "I understand that . . . statutes and regulations . . . may change without notice to me and that such changes may affect my status, compensation, or obligations as a member of the Armed Forces."

To respond to this line of reasoning we must first of all grant that a promise to do what is immoral is not a binding promise. We can admit that if the oath of office were to be interpreted as a promise to do what is immoral, there would be no force to such an oath. We must assume, then, that if taking the oath of office is to make any sense, morally, there must be one of two possible interpretations of the oath. First, we could interpret the oath as generating only prima facie obligations to obey. Where satisfying the terms of the oath would conflict with higher moral obligations, the obligations arising from the oath would yield. A second, less common, interpretation would view the oath as containing implicit restrictions: since a promise to do what is immoral has no moral force, then, since we
intend the oath of office to have such force, it must be the case that we implicitly restrict from the oath any suggestion that we will do what is immoral. So it is possible to view the oath as creating a moral obligation to obey in spite of the apparent wording that one promises to do anything.

Still there are at least two situations where moral considerations could void one's oath. A person might have been a just war theorist when he originally took the oath, but now has come to believe that all wars are necessarily immoral. The changed moral belief could void his oath, even if there was little or no possibility that there would be a war and the individual would be ordered to do something immoral. Similarly, if the individual came to believe that ours was an immoral society and not worth defending, perhaps that it was immoral to defend it, then his oath would be voided. (The military recognizes the possibility of the first of these examples by having procedures established to permit conscientious objectors to get out of the service if their moral beliefs develop after entering the armed forces.)

This would be quite similar to a person who takes a very serious oath to belong to a street gang, obey the leader, etc. If he sees nothing wrong with such undertakings, perhaps even considers them to be morally desirable, then he is under a moral obligation, at least subjectively, to fulfill his oath. Later, if he comes to realize that the society itself was immoral, or that the normal activities of such a society are immoral, then his oath is voided.
We are not speaking here of a situation where the immorality of the commanded action is so immoral as to override the obligation of the oath; it is rather that in this situation the oath itself is a promise to do what is immoral. For example, consider a military doctor who is told to perform abortions of convenience, which he happens to consider immoral. The moral obligation not to perform such abortions, in his view, would override his obligation, arising from his oath, to obey lawful orders. But such an order would not void his oath. There is a difference between having an oath completely voided and having the obligation to keep an oath on a specific occasion overridden by a conflicting obligation. One lawful order to do something immoral does not make the whole activity of obeying authority to be immoral. Obeying authority is still a morally permissible thing; it's just that a particular order is immoral and overrides the obligation to keep the oath. But if the doctor came to believe that the whole of American society was immoral and that as a result it was immoral to "support and defend the Constitution of the United States against all enemies, foreign and domestic," then his new moral belief would void his oath to do so.

Other circumstances could also affect the strength of a person's obligation to keep his oath of enlistment or commissioning oath, such as the fact that the individual is insane or under age (lying about it) or so sick as not to be fully capable of making a rational commitment. However, these are the extraordinary cases. For the most part, we can recognize that persons in the armed forces have
a moral obligation to obey authority arising from the oath they took upon entering. The strength of that moral obligation to obey arises from the fact that the oath is made solemnly and is of such a nature as to be binding even under relatively serious difficulties. Furthermore, for those whose initial commitment is over, their continuation in the armed forces normally would amount to a reaffirmation of that oath.

E. CONTRACT TO OBEY

As pointed out earlier in this chapter, some promises are binding not only because of what Rawls calls an obligation of fidelity, i.e., the general obligation to keep any promise, but also out of justice. Specifically, when reciprocal promises have been made, calling for an exchange of goods and services, and one party has fulfilled his promise, then the other party is obligated in justice to pay for the goods or services, i.e., to keep the reciprocal promise. If a person accepts a loaf of bread from a bakery, promising to pay for it the following week, he has an obligation in justice (as well as fidelity) to keep the promise to pay for it. It is not merely an obligation based on fidelity but also one based on justice.

Or take another example, more similar to the military situation. Suppose that someone is out of a job and goes to Company A to get one. They tell him that if he has any experience as a machinist, they can hire him. He doesn't have such experience, so he goes to Company B. They are desperate for a machinist, so they hire him for training as a machinist. They make a reciprocal promise: Company B
promises to provide three months of training at half salary and agrees to try him out for a minimum of three months after that at full pay; he in turn promises to work for Company B for a minimum of six months (if they want him more than the three they promised) in order to make it worth their while to give him the training. Now suppose that he goes to school on half salary, comes out an apprentice machinist, but then, based on the training he received from Company B, takes a higher paying job with Company A.

The moral problem in this example is not merely that the person failed to keep a promise. More importantly, he stole three months' training and half salary from Company B.

When most persons enter the armed forces, they are not intending a purely gratuitous act. Of course, there may be elements of patriotism and perhaps a certain enthusiasm for the opportunity to display battlefield heroics. But normally the individual expects to be paid. He expects a salary, a place to sleep (or the equivalent in quarters allowance), nourishing food (or the equivalent in subsistence allowance), perhaps training in a particular skill or field, a guarantee of a particular assignment, certain recreation and welfare opportunities, veterans' benefits, survivor benefits, etc. Of course, the taxpayer isn't giving all this to him out of generosity. The serviceman is expected to earn his benefits by accepting the assignments he is told, by doing the job the authorities decide he is to do, by separating from his family when the services decide he will and for the period of time the services decide he will, being ready to go to fight in a war and be shot at in circumstances over which he will have
little or no control, etc. To look at it in another way, the individual member of the armed forces is paid to do a job, and the job description is contained in the various regulations and the Uniform Code of Military Justice. Since a person owes a fair day's work for a fair day's pay, there is an obligation in justice to perform those tasks called for in the job description—including obeying authoritative military decisions.

When the services provide the various pay, allowances, and other recompense to the serviceman, and when he accepts such pay, and especially as he continues to do so month after month, he has a moral obligation, normally, to do what he is being paid to do. He is being paid to obey authoritative military decisions, and hence he has a moral obligation to do so.

While the previous paragraph summarizes the main point of this section, there are still some clarifications and qualifications needed. First of all, the services try to make this obligation more obvious by placing a fairly precise statement of what they will provide the prospective serviceman on the very same form where the serviceman promises to obey military authority. On the same form where the serviceman signs his oath of enlistment is a statement of what the services will and will not provide in recompense. By putting both of these on one document, the reciprocal nature of the contract is emphasized.

Secondly, there is the possibility, especially in the case of the draftee, that the individual wants no part of the military's pay and allowances. He can look on his pay as something that society has
forced upon him. It could well be the case that he is the unwilling recipient of both his pay and his job. He could look on his situation in much the same way as if he were abducted by a gang of hoodlums and ordered to perform some task; certainly he does not incur a moral obligation to perform the task merely because he is occasionally given some food and water or even because they provide his wife the money she needs to support the family. Similarly, in the case of the unwilling draftee, he is not necessarily under any obligation in justice to perform his tasks just because he is paid to do so. We can grant that to the extent that the contract has been forced, to that extent the obligation is less binding. (Of course, there will still be other reasons for obeying, as presented in the following chapters.)

But for those who accept their pay willingly and at least in some way understand that it is recompense for the unique job they are doing, they have an obligation in justice to do that job as specified. To the extent that a serviceman looks on his pay, allowances, and benefits as something due to him for a job, he should look on obedience as something due from him for the pay, allowances, and benefits he receives.

Third, circumstances can arise which either void the contract or which generate conflicting obligations which override the obligation to comply with the terms of the contract. (A paramour who comes to the conclusion that it would be immoral to continue in her situation no matter how well she is paid would be under no moral obligation based on previous receipt of benefits.) Applied to the military setting, an example of voiding the enlistment contract is provided in
the case of a serviceman who becomes a conscientious objector. In fact, the military services recognize this and have explicit regulations allowing the individual to be discharged. The 1971 case of Lieutenant John P. McCullough exemplifies this point. Lt. McCullough received an education at the Air Force Academy at a cost of $53,575 to the taxpayer. Subsequent to graduation and commissioning, he developed a moral objection to the possibility of a just war and applied for and received a discharge on grounds of conscientious objection. (The Air Force unsuccessfully attempted to collect the $53,575 through the courts.) However, circumstances such as this are the exception; generally, the individual member of the armed forces has a reason for obeying authoritative military decisions based on his voluntary acceptance of his pay and other benefits.

Fourth, we should at least note the contention that has been made that the alleged contract the serviceman signs on entering the armed forces has no force because the wording of the alleged contract gives the government the prerogative of changing the terms of its portion of the contract at will. Supposedly this nullifies the contract from the start. Of course, whether this supposition is true or not is an empirical, rather than a moral, question. The moral issue is clear: one should abide by the terms of a contract he has freely entered into. What is at issue is an empirical question concerning the social activity of contracting: what counts as a contract? Certainly there is an initial plausibility that such an unspecified contract is no real contract. (Suppose I sign a contract according to which I advance you the cost of new siding for my house. You are to
install the siding, and then I am to pay you whatever I feel like paying you. It seems that there would be nothing immoral, if after I advance you the cost of materials and you purchase them, you got second thoughts and simply gave me the materials and refused to install them until a suitable contract had been worked out.) If this initial reaction is true concerning the social activity of contracting and if the armed services want to insure a morally binding contract, then we need to change policies pertaining to the enlistment contract. Specifically, a way needs to be devised of making the pay, allowances, benefits, promotion policies, etc., more permanent and less subject to the changing attitudes of whoever happens to be our federal political authorities at any particular time.

F. CHAPTER SUMMARY

(1) Members of the armed forces have an obligation to obey military authority based on the obligation to keep promises and on the oath of office.

(2) This oath amounts to a very serious promise, and for that reason the obligation is a strong obligation.

(3) Nonetheless, to the extent to which a person is forced to take the oath, to that extent this obligation to obey is weakened.

(4) Because a forced promise is not morally binding, the recommendation was made that the enlistment oath for first-term enlisted personnel (especially for first-term draftees) be made voluntary.
(5) A person's oath of office is binding in spite of the fact that on taking it initially he did not really understand what military life was like.

(6) Nonetheless, we recommend that the oath be repeated once the person has come to understand how the armed forces work. This would not affect his moral obligations, but it could well serve to make him more aware of those obligations.

(7) The moral obligation arising from one's oath can be overridden in specific situations by conflicting moral obligations. Furthermore, if a person becomes a pacifist or comes to view our society as immoral and not worth defending, he would have grounds, subjectively, for believing that he was under no general obligation to keep his oath.

(8) In addition to the obligation of fidelity to keep one's oath, there is an obligation to obey lawful orders arising out of justice. This obligation arises from the contract which each member of the armed forces has entered into.

(9) The obligation to keep that contract and hence to obey lawful orders is weakened to the extent that the individual was forced to enter into the contract.

(10) The obligation to keep the contract can be overridden by conflicting obligations.

(11) The armed services need to develop an enlistment agreement which commits the government to less arbitrary contractual obligations.
In this chapter we examine what amounts to the primary reason for obeying. We will show that an individual has an obligation to comply with societal decision procedure, provided it is accepted, effective, and fair. And in the armed forces the use of societal authority constitutes, in general, an effective, accepted, and fair decision procedure. In fact, this provides a reason why a person would take his enlistment or commissioning oath: only if obedience to military authority is an effective, accepted, and fair decision procedure, would we be inclined to freely promise to obey such authority. We don't normally take an oath without a reason for doing so; this chapter provides the reason. Furthermore, even if the oath were not taken, one would still have a moral obligation to obey based on the reason presented in this chapter. The oath merely provides additional reasons based on fidelity and justice.

The general approach to this chapter is as follows: (1) in Section A we will examine the general obligation—in any moral society—to comply with the accepted, effective, and fair decision procedures of that society; (2) in Section B we will look at authoritative decision-making as the accepted decision procedure in the armed forces; (3) in Section C, we will examine the effectiveness of this
decision procedure; (4) in Section D, the fairness of the decision procedure in the armed forces will be examined; (5) in Section E we will conclude this chapter.

A. THE NEED TO COMPLY WITH SOCIETAL DECISION PROCEDURES

(1) The Argument

In this chapter we will consider this argument for obeying authority:

(a) Assume that there is a morally desirable goal to be attained by the members of a society.

(b) Assume that the goal is likely to be attained if and only if the members cooperate.

(c) Assuming (a) and (b), there is a prima facie moral obligation for the members to cooperate.

(d) Assume that the situation is such that the societal cooperation is likely to result only if the members comply with a societal decision.

(e) But a societal decision is the product of some accepted societal decision procedure; to comply with a societal decision is to comply with the decision that follows from an accepted societal decision procedure.

(f) Assume that authoritative determination is the accepted societal decision procedure, and that general compliance with the authoritative decisions is likely to produce the required societal cooperation.
Then, given a situation in which the assumptions of (a), (b), (d), and (f) are in fact true, there is a **prima facie obligation** to obey authority.

If this argument is sound, then our task is to determine whether the assumptions of (a), (b), (d), and (f) apply to the armed forces. But before we can do that we need to look at the argument more closely. We will present an example that illustrates how the argument applies in practice, and then we will discuss each premise.

(2) An Example

Suppose Mr. Smith is a member of The Society for the Advancement of Ecological Awareness. The group is the only one of its kind, struggling in a pre-1960 setting to bring ecological concerns to the public attention. Because of the general apathy over this issue throughout the nation, lobbying, advertising, and similar programs have little effect. As a result, the group has adopted a well-publicized program to make a trip annually to a lake, river, forest, national park, or other popular scenic area and collect trash that is strewn about. The sheer volume of trash and the publicity make a strong impact on the public; many people are becoming aware of ecological concerns as a result of the program. In short, the goal of this society—to go on the annual clean-up trip—is a morally desirable goal.

Planning and carrying out the annual trip is obviously not an easy task. There are decisions needed as to when and where the trip will be made. Arrangements for food, transportation, trash pickup, publicity, and the like have to be made. Each person's activities...
have to mesh with that of the others. If each person simply did whatever he felt like doing, the whole program would be a disaster—it is necessary that the members cooperate if the society's goals are to be attained. And, of course, that cooperation is impossible unless the society makes the necessary decisions which permit each member to constructively participate in the group activity.

Over the years the group has reached an agreement that the responsibility for planning the annual trip will rotate in alphabetical order from one member to the next. No explicit restrictions have been set on the planner's authority, although everyone understands that the trip must be such as to generate a lot of favorable publicity.

This year Smith is unimpressed by the decision to make the annual trip to Grand Canyon. It's in an area too remote from large population centers, and hence it is difficult to generate publicity. It's too hot to work in the canyon during the summer months when the members have their vacations. Besides that, it's difficult and dangerous to climb around off the trails in order to pick up the trash. Smith wants to plan a different trip to clean up the shores of Lake Michigan in the area near Chicago.

The other members of the group point out that there are thousands of places that the society could go to each year—any one of which would be suitable. Each member of the group has his own idea of the best place so that no location is readily identifiable as the most desirable. There are many acceptable places, but only one can be selected. Morally speaking, it is important to go somewhere, but it is relatively unimportant to which of them the group goes. There is a
method for determining the group action, and the group is more likely to arrive at the morally desirable group action by following the accepted method than by any other means. And since the method provides the best chance for morally desirable unified group action, all else being equal, the members should unite behind the action selected by the method. In this case the method established is to give someone the responsibility to decide the group action, the understanding being that each will accept the decision as authoritative. Thus each person is under a moral obligation, all else being equal, to do what the authority says.

There is nothing about a trip to Grand Canyon that makes it morally required, but the trip to Grand Canyon is morally acceptable and would be morally desirable if the members of the group would unite in making it. Because of the established authority, the members of the group can unite, and morally desirable group action is possible. Furthermore, the morally desirable group action is likely to be realized only if the individual members accept the authoritative decision. Thus, all else being equal, it is morally desirable that each member accept the authoritative decision.

(3) An Examination of the Argument

Let's look at each step of the argument given in (1), above.

"(a) Assume that there is a morally desirable goal to be attained by the members of a society." This assumption is crucial to this reason for obeying. If a society is an immoral society (e.g., the Mafia) or a non-moral society (a purely social club), then this argument will never generate moral obligations. Since, as is
generally accepted, prescriptive conclusions cannot be generated only from descriptive premises, we must bring into our argument in some way a prescriptive premise. An obligation to obey is not self-justifying; it must be justified by reference to more basic obligations. And in this reason for obeying it is justified by reference to a moral obligation to bring about the goal which a society seeks. Hence, this argument is basically teleological: under certain circumstances, obedience is most likely to bring about a morally desirable goal; hence, given those circumstances, we should obey.

"(b) Assume that the goal is likely to be attained if and only if the members cooperate."

'Cooperate' here does not mean some kind of morally desirable method of interacting with others, as when we teach our children that they must "cooperate," i.e., that they must be considerate of others, try to understand others' thoughts, opinions, feelings, and values, and seek to reach some sort of mutually agreeable course of action. 'Cooperate' here refers more to the etymological meaning of the word: a "working together." Thus, for example, in a small business with a few employees it might be the case that the employees are thoroughly selfish, highly competitive, suspicious of each other, unwilling to help another with his tasks, etc.—they don't cooperate in the sense of seeking to develop a mutually agreeable way of getting along with each other. Nonetheless, if the employer has organized his business well, with clear duties for each employee, it could well be the case that there is perfect "cooperation" in the sense that the efforts of each combine perfectly toward getting the overall job accomplished.
This "working together" or cooperation comes in a variety of forms, some of them so commonplace that we rarely pay attention to them. For example, we cooperate socially when we speak the same language with each other. We cooperate socially by the very fact that we listen to someone. We cooperate when we use the same method of figuring time. We cooperate when we agree on rules to use in playing a game. Other forms of cooperation are rather more complex, as when an army of some million persons needs to have the efforts of each soldier mesh with the efforts of the others.

Besides the cooperation coming in different forms, the need for cooperation comes in different forms: the degree to which social cooperation (or the lack of it) will contribute to or detract from the probability of obtaining the goal varies. Hence, we must evaluate how important social cooperation is in attaining that goal. The moral obligation to obey and the strength of that obligation will depend in part on that evaluation.

In the example presented above, cooperation is essential in attaining the goals of the Society for the Advancement of Ecological Awareness. If each person were to make the trip he felt like making, there would be no chance of attaining the societal goals. At a minimum, each member must make the trip at the same time and to the same place.

(The act theorist would want to assess the degree to which each specific instance of cooperation or non-cooperation contributes to or detracts from group goals. For example, if the annual authority for the Society for the Advancement of Ecological Awareness decides
the trip is to Grand Canyon, cooperation in that issue is crucial to the group goals. But if he decides that everyone will wear a certain kind of shirt with some ecological slogan on the back, cooperation in this second issue is simply not as crucial. Of course, there might be some importance to the group goal in cooperating by wearing the shirt (e.g., the heightened impact of any photographs taken for publicity), so that there is some obligation to cooperate, but certainly the obligation to cooperate by wearing a specific shirt is not as strong, for the act theorist, as the obligation to cooperate by going on the same trip the rest of the group is going on.)

"(c) Assuming (a) and (b), there is a moral obligation for the members to cooperate." This is simply because of what is assumed in (a) and (b). Cooperation is obligatory because it is the necessary means to a moral end. As DeGeorge puts it:

Since some things an individual wishes may be attainable only with the help of others, his freedom clearly would permit him to join with them to achieve their common ends. In so doing he subordinates his freedom to the necessities of the end. If to achieve his end, for example, requires cooperation, then he is not free not to cooperate.

However, we need to ask whether each member has an obligation to cooperate. If Smith refuses to go to the Grand Canyon, the Society for the Advancement of Ecological Awareness will still go and will probably still accomplish its goal. In most societal undertakings, no one person is essential. Most societies of even minimal complexity are structured so as to be able to cope with a lack of cooperation from some of its members. Thus, it seems, a particular individual has no moral obligation to cooperate in a society, because (or at
least when) his cooperation (or lack of it) is unlikely to affect the pursuit of societal goals.

The act teleologist would have to accept the previous paragraph's conclusion, were it not for the notion of universalizability. The problem is that if Smith—or any one individual—has no obligation to cooperate in a society, then universalizability demands that we grant that no one else does either (unless Smith is unique in some way). But then we would be forced to admit that a society should pursue a certain goal (that a society has an obligation to pursue a certain goal), but that no member of the society has an obligation to pursue the goal. But if no one in the society has an obligation to bring about a morally desirable group goal, then there is little meaning that can be given to the whole notion that a society should pursue a particular goal. In other words, if we accept that universalizability is a logical feature of the use of moral expressions, then it is inconsistent to maintain that a society should pursue a certain goal but that there is no obligation for its members to pursue it. (However, we can admit that the obligation to obey is stronger for those who are indispensable than for those whose participation is of less importance.)

"(d) Assume that the situation is such that societal cooperation is likely to result only if the members comply with a societal decision."

Sometimes it is very obvious what is needed in order to cooperate socially, so that everyone knows exactly what each member of
the society must do in order that the efforts of each mesh with the efforts of all. In such cases societal decisions are not needed to effect societal cooperation. For example, in most places around the world there is currently no need to decide what language the populace should speak in their communication with each other. There is a need for them to cooperate socially by speaking the same language, but there is no need to decide what language that should be. If some authority appeared and "commanded" them to speak the native language, we would find that quite strange. If the authority commanded them to start using some other language, they would most likely ignore him, unless he could either force his decree on them or persuade them that there was some kind of social need to use a different language and that they should give him the responsibility of deciding which language that should be.

Another example is provided by the fact that in some societies the goal of social cooperation is very clearly defined while in others it is quite vague. A football team has a very clearly defined goal, in most cases. It is to win football games. There may be other goals, of course, such as learning fair play, gaining self-confidence, etc., but all of these goals must be sought in the context of trying to win a football game. If the quarterback announced in the huddle that he had decided that the team was not going to try to win the game and that some other goal was to be sought, for example, to set a record for the most penalties in a single game, the other ten players wouldn't know how to react. The quarterback has no responsibility to decide what the group goals are because there is no need for that
decision—everyone recognizes what the goal is. In other groups, the
group goal might not be so clear. For example, an artists' cooperative
might have to decide whether its primary purpose is to sell paintings
or produce good art. A sportsmen's club might have to decide whether
its primary purpose is to preserve the environment or enjoy good
fishing trips. In other words, there is no need for the football team
to cooperate socially in deciding group goals because there is no need
for such a decision; but there is a need for the artists' cooperative
and the sportsmen's club to cooperate socially in deciding group goals,
because those goals are not clear.

Part of the task of assessing one's obligation to obey lies in
determining whether a group decision is needed in order to permit
social cooperation. If a societal decision is not very important in
arriving at social cooperation, then any obligation to obey is minimal.

"(e) But a societal decision is the product of some societal
decision procedure; to comply with a societal decision is to comply
with the decision that follows from an accepted societal decision
procedure."

There are many different kinds of societal decision procedures.
Brian Barry, for example, lists seven: \(^3\) combat, bargaining, discussion
on merits, voting, chance, contest, and authoritative determination.
In any given society several of these will be used, one in some
situations, another in other situations, etc. For example, in the
United States chance has been used to decide who will be conscripted
into the military forces. When trying to decide which airplace to buy
for the Air Force, a contest might be held, putting each airplane
through a series of maneuvers to see which one performs best.

Which decision procedure to use can itself be a subject of dissent, so that a decision procedure is needed to decide what decision procedure to follow. For example, if the members of a fraternal organization are trying to decide who will be allowed to become a new member of the organization, they might vote to establish a membership committee whose decision will be accepted. The membership committee might identify several different methods to use to select members; they vote on the methods and have a tie, and so they decide to break the tie by flipping a coin (chance). The method that is finally settled on might be to establish a membership chairman who authoritatively establishes the criteria for membership.

Just as it is not always clear which decision would be best in a given situation, it is not always clear which decision procedure would be best in a given situation. But somewhere along the line it is necessary that a society be able to unite behind some decision procedure. Without such unity, social cooperation is impossible. Given that social cooperation is morally desirable, as we are supposing, it becomes morally desirable to unite behind some decision procedure. When a society cannot agree on a decision procedure, either the society will split or one faction or another will attempt to impose a decision by force or the necessary social cooperation will not be attained.

If there is a need for social cooperation and if there is a decision procedure generally accepted by the society for arriving at such social cooperation, then there is a *prima facie* moral obligation
for each member of the society to accept the decision procedure and the decisions that result from it. It would be best, of course, if there were some kind of certainty that the accepted decision procedure would result in the best decision, but that certainty is not often attainable. In practice, if it appears that an accepted decision procedure has at least as much chance as any other of reaching an acceptable decision, then that decision procedure should be accepted by all.

When we presented the notion of "societal authority" in Chapter II, we explained it in terms of a societal right to make societal decisions. Then, in discussing what a societal right is, we explained it in terms of "the agreements, desires, understandings, and expectations of those who form a society." Another way of looking at societal authority is to say that a person is a societal authority if the society is willing to accept his decisions as the decisions of the society. A person is a societal authority if and only if the society considers his making of decisions as an acceptable decision-procedure in given situations. In asking whether one has a moral obligation to obey societal authority, we are asking whether he should comply with one kind of accepted societal decision procedure. The answer of course is in the affirmative, given only that compliance with such a societal decision procedure contributes to morally desirable social cooperation.

"(f) Assume that authoritative determination is the accepted societal decision procedure and that general compliance with the authoritative decisions is likely to produce the required societal
cooperation."

The truth of the first part of premise (f) depends only on the factual situation. Together with premises (d) and (e) it establishes that compliance with authoritative decisions is a necessary condition for societal cooperation in the society in question.

But more is needed, because there must be some likelihood that the societal cooperation would in fact result if the authoritative decisions were followed. In other words, the obligation to obey societal authority (or to comply with the decisions which come from any societal decision procedure) requires that the decision procedure be both accepted and useful. The second half of premise (f) provides the necessary assumption that authoritative determination is a useful decision procedure.

The conclusion, (g), follows deductively from (c), (d), (e), and (f).

(4) Balancing Acceptance, Effectiveness, and Fairness

In morally justifying compliance with the decisions that come from a societal decision procedure, some authors try to base a moral obligation on the supposition that the decision procedure in question is the best decision procedure. According to this thinking, we should accept the decisions of the majority in a democracy because or when majority vote provides the best decision procedure.6

But surely this thinking is mistaken. We can admit that a society should accept the best decision procedure available, but often, as a matter of fact, the best decision procedure is not the accepted decision procedure. If some members of a society refused to
acknowledge an obligation to comply with an accepted decision procedure, "A," because they considered "B" the best decision procedure, and others refused because they considered "C" the best, and still others considered "D" the best, and so on, the society would never work. What is important is not that they accept the best decision but that they accept some decision procedure and follow it. One should follow, in general, an accepted decision procedure rather than hold out for a better decision procedure. The exception to this would occur when the better decision procedure is so much better than the accepted procedure that temporary refusal to follow the accepted procedure (and the consequent temporary delay in attaining the desirable societal cooperation) is justified by the superiority of the new decision procedure. In short, it is necessary to balance or weigh the merits of the decision procedure against the society's acceptance of the decision procedure.

What goes into the "merits" of a decision procedure? One element is the effectiveness of the decision procedure, i.e., the probability that the required societal cooperation will result and that it will enable the society to attain its goals or ends. Thus, a decision procedure in an economic society, for example, is effective if it produces the "primary goods," it is intended to produce. Or a military organization is effective if it prevents or wins wars. The decision procedure must be more or less effective if there is to be an obligation to comply with it. This is basically the point DeGeorge makes in claiming that subordination to authority is justified to the degree that it "increases or enhances effective teleological freedom
of action,"⁹ i.e., to the degree that it increases the possibility of attaining our goals.¹⁰ This means that assessing the obligation to obey lawful military orders means assessing the effectiveness of the system of authoritative decision-making in the military.

Another element must go into the "merits" or usefulness of a decision procedure. Following Rawls, we will call that element 'fairness', although we might want to put more into the notion of fairness than Rawls does. It is not enough that a social system be effective; it must accomplish its goals within certain parameters or constraints. The reason is that the immediate goals of the social system do not necessarily coincide with the ultimate goals of the individuals who set up the system. We are not interested merely in having a system that produces and distributes "primary goods" or that defends a society. We are interested in the more ultimate goals for which "primary goods" and national defense are means: goods such as freedom, security, self-esteem, happiness, etc. It is not enough to produce the "primary goods" or to develop a strong defense posture; we must bring such things about in a way that is compatible with the more ultimate goals. If a system is effective (e.g., produces and distributes "primary goods") but makes it impossible for people to be happy, then clearly it is not worth cooperating with such a system.

Rawls makes this point by claiming that a social system should be fair or just, meaning that it should comply with his two principles of fairness.¹¹ If the system exhibits the two principles of fairness, then that insures that the opportunity to attain ultimate goals is not closed off. Whether Rawls' principles are adequate is problematic, but
that does not affect the basic point: in assessing the obligation to obey military authority we must assess not only whether authoritative determination is accepted as the required decision procedure and is effective in attaining the society's goals; we must also determine whether it is a fair decision procedure, i.e., whether it brings about the necessary societal cooperation in such a way that it does not make it impossible for the citizens of the country to realize their ultimate goals.

B. AUTHORITATIVE DETERMINATION AS THE ACCEPTED MILITARY DECISION PROCEDURE

To apply the argument in Section A(1) above to the military setting, we must determine whether the assumptions in premises (a), (b), (d), and (f) are in fact true in the armed forces. In this section we will examine premises (a), (b), (d), and the first part of (f). In the next two sections we will examine the second part of (f).

The armed forces of the United States are supposed to prevent aggression against the United States through the deterrence effected by a credible military capability and potential enemies' belief that we are willing to use it; they are also supposed to fight in the event that such deterrence is not effective. Whether this purpose is moral, of course, can be debated; the case for pacifism has been defended—and continues to be defended—by a significant number of persons. And even among non-pacifists, many would claim that the maintenance of a large standing army in peacetime is morally indefensible. Obviously, we cannot enter into any significant debate of such issues now; the issue of pacifism is at least as complex as the issue of obedience and
hence well beyond the confines of what is here appropriate. Nonetheless, the point is clear: the key reason in favor of military obedience depends on the fact, belief, opinion, or assumption that the goal or purpose of our armed forces is indeed morally defensible. The reason for obeying being presented in this chapter simply would not be accepted by the pacifist or, in today's military situation, by those who reject the need for a significant military capability in peacetime.

Furthermore, the argument of this chapter could not be accepted by the just war theorist on those occasions when he is convinced that the armed forces are engaged in an immoral war. It is not merely the case that in such a situation the immorality of fighting in an unjust war overrides the *prima facie* obligation to obey; rather, in an immoral war the immediate goal of the armed forces is immoral and the reason for obeying provided by this chapter never gets off the ground, eliminating the obligation to obey right from the start. The obligation to obey is not overridden in such a case; rather, there is no such obligation. Practically speaking, this presents a real problem in our society—or at least it will if we ever get into another war. The person who is convinced that he is being asked to contribute to the waging of an unjust war will find himself with no obligation to obey—or even with an obligation to disobey. But our society has not seen fit to tolerate a person's acting on such a selective conscientious objection to war. Such a person is likely to end up in jail if he acts on his moral beliefs—even if such beliefs are more or less reasonable. Certainly our society's position is understandable: if a man is not a pacifist and still refuses to fight in a war even though
our national leaders (presumably prudent, rational individuals) have found it right to do so, then there is a good chance that his objection is a matter of fear, uncertainty, or cowardice; such a person is jailed on the grounds that he is refusing to contribute to society at a time when universal cooperation is critical. However, if one of the purposes of our society is to provide an environment which fosters or at least permits the development of moral character in its citizens, then certainly we need to find a way to tolerate the selective conscientious objector who is acting because of his moral character. If we can find a way to tolerate the pacifist and if we can find a way to grant amnesty to those who fled our country rather than be drafted to fight in Vietnam, then there is probably a way to recognize the moral position of the selective conscientious objector. Selective conscientious objectors' not fighting would have a significant effect on our waging a war only if there were an extremely large number. But if we have that many citizens refusing to participate in a war, it would seem that there is probably a good reason for thinking that it is not right to fight that war. In short, it would appear that we can and should tolerate the moral position of the selective conscientious objector.

At any rate, the argument of this chapter could not be accepted by the pacifist, the selective conscientious objector in an unjust war, or the person who sees little need for a sizable military establishment in peacetime. The assumption of the first premise would not hold in such cases. Nonetheless, the assumption seems quite plausible to many persons and hence would provide them with a
foundation for one reason for obeying.

The assumption of the second premise seems relatively non-controversial: in order for the armed forces to realize their purpose a high degree of social cooperation is necessary. Given the facts of the modern military situation, it is simply unimaginable that the armed forces can be successful if the efforts of each individual do not mesh smoothly and precisely with the efforts of the others.

However, the second premise does not apply with equal strength in every situation. Cooperation in some areas is critical to attaining societal goals. But in other areas it is merely helpful—and sometimes marginally helpful at that. This means that some decisions of a military authority have a direct effect on societal goals; others are only remotely related. The failure of the hobby shop supervisor to open his shop exactly at the specified time is not as serious as the bomber commander's failure to take off on time in a large, closely coordinated wartime strike. In other words, the probability or likelihood that obedience will lead to societal goals or that disobedience will keep the group from reaching its goals varies. And hence, at least for the act theorist, the strength of the obligation to obey will also vary.

The strength of the obligation to obey will also vary depending on whether the obedience of specific individuals is critical to the attainment of a goal. Will the disobedience of a few really make it more difficult to attain? In a small, closely coordinated wartime attack in which five participants depend on the others' unique skills, failure to obey by even one man would spell defeat, and hence the
obligation to obey is extremely strong, so that it would override even such important considerations as sickness, minor wounds, etc. But in a very large attack the plans are normally made so that no one is indispensable: quite a few could disobey without affecting the success of the attack. The obligation to obey in the latter case is weaker than the obligation to obey in the former. (This is not to say that the obligation is trivial or insignificant; it can be a strong obligation without being as strong as the other.) If general obedience is just as likely to reach those goals as universal obedience, then the obligation on any one person is not as strong as it might otherwise be.

Premise (d) applies rather obviously in a military society. It is unimaginable that the desired cooperation will take place without some sort of societal decision to determine what each individual's task will be. The necessary cooperation will not just happen automatically; it will be effected only through some kind of group decision. So the assumption of premise (d) is non-controversial.

Basically, premises (a) through (e), as applied to the armed forces, establish that there is a moral need for the members of the armed forces to comply with the decisions of some accepted societal decision procedure. Premise (f), when applied to the armed forces, brings in authoritative determination as the decision procedure in question.

It is fairly obvious that in the armed forces authoritative decision-making is the decision procedure that is accepted for the vast majority of the needed societal decisions. Clearly there are
exceptions: the voting of the legislature is the decision procedure to be used in determining whether to declare war and how much to pay the service member and whether public funds will be used to build a new bomber and whether a senior officer will be promoted; discussion on merit or the vote of committees (e.g., the Joint Chiefs) will often determine policies, decide war plans, etc.; the policies that must be followed by the military supervisors of civilian employees of the armed forces are often determined through bargaining with one or another of the local unions that represent civilian employees. Nonetheless, it is obvious that authoritative determination in most cases is the decision procedure that is accepted for the armed forces. The procedure has been established, ultimately, by our acceptance of those clauses in the Constitution appointing the President as Commander-in-Chief (and hence accepting his delegating authority to subordinate commanders) and giving Congress the authority to raise an army and navy (and hence accepting its laws establishing the armed forces, commissioning officers, etc.).

C. AUTHORITATIVE DETERMINATION AS AN EFFECTIVE MILITARY DECISION PROCEDURE

(1) Effectiveness of Authoritative Determination

If we accept Brian Barry's list of the types of possible decision procedures (conflict, voting, bargaining, discussion on merits, chance, contest, and authoritative determination), it becomes clear that some kind of authoritative determination must be used for societal decision-making in a military society. Conflict would not be effective, because it is incompatible with the group unity
and cohesiveness that is needed for military victory. Voting, bargaining, and discussion on merits all take too much time, given the complexity of many of the issues and the frequent need to arrive at group decisions quickly; this is especially true in actual wartime situations. Chance and contest offer little probability that the merits of each alternative, relative to the goal to be attained, will be realistically considered in reaching a societal decision; such decision procedures are likely to be appropriate only when the alternatives are equally likely to lead to the desired goal. Authoritative determination is the only decision procedure which could work in the armed forces, given the need for decisions which must be based on the merits of the alternatives, given the need for group unity, and given the need for making the decisions quickly.

The question then is not merely whether authoritative determination is an effective decision procedure but rather whether our particular system of authoritative determination is effective. Our system of authority, of course, is primarily founded on the commissioning of officers (and their promotion, separation, retention, or retirement) by the Congress based on their perceived leadership potential, their completion of required training programs, and their level of performance. Some other historical systems have based authority on political appointment, on the appointee's purchasing a commission, on the appointee's being a nobleman, on the fact that someone had charisma and power to simply assume a position of authority, etc. The potential deficiencies of these other systems are obvious; their ineffectiveness has been documented by historians. By and
large, history documents the effectiveness of our system in the fact that we have established, organized, equipped, trained, transported, and used an effective armed force. The wars we engaged in for the most part have ended in victory, and our strength is widely perceived as helping to deter global conflict. Although we will note some qualifications below, our system of authoritative determination by and large has proven effective.

(2) Ineffectiveness of Authoritative Determination

While we must be careful not to de-emphasize the point we have just made—authoritative determination is an effective decision procedure—nonetheless, there are some problems which detract from its effectiveness. And because our system of authoritative determination is not as effective as it might be, our obligation to obey is accordingly weakened. The reason for obeying which is presented in this chapter depends on a decision procedure's being effective; hence, the obligation to accept the decisions coming from a particular decision procedure is strengthened or weakened to the extent that it is more or less effective.

(a) The first kind of ineffectiveness is seen in the inefficiency and waste that appears to be built into the system. Such waste and inefficiency to some extent can be accepted as inevitable in any institution as large and complex as our armed forces. Furthermore, the purpose of the armed forces (being prepared for and fighting in war) will inevitably generate a certain amount of waste: since the lack of a nail could spell the difference between victory and defeat and since defeat is viewed as so absolutely unacceptable, there
is a natural tendency to overestimate how many nails will be needed when deciding how many to buy and keep on hand. And, of course, since victory depends to some extent on the raw power available, there will always be some emphasis on having as large an armed force as the priorities of the country permit. Nonetheless, there appears to be more waste and inefficiency in our armed forces than we can reasonably expect. And since the purpose of the armed forces is not merely to prepare for and fight in wars but also to do so with the least expenditure of men and materiel, unnecessary waste indicates a lack of effectiveness. Furthermore, and this is a key point, some of this kind of ineffectiveness is due to the system of authoritative determination itself.

For example, the system of assigning officers, i.e., commanders and other authorities, from unit to unit and place to place along with the competitive nature of the promotion system generates a need for officers to draw attention in some way to their abilities and successes. This demands that officers, if they wish to be promoted, make themselves "visible" to their superiors in a variety of ways. One way of doing this—a expensive, wasteful way—is through pageantry and ostentation of one sort or another. The emphasis on parades and other ceremonies may be one sign of this; the practice of painting an entire base because a general or admiral is making a visit is another. (For example, over half of the larger buildings at Laredo Air Force Base were painted in a one-week period in 1966 simply because President Johnson wanted to take some of his friends hunting in south Texas and made arrangements a week in advance to land his plane there and
transfer to a helicopter for the trip to the hunting site. As a matter of fact he was on the base for less than an hour, never left the flight line, and actually saw few, if any, of the newly painted buildings.) Another way of making oneself "visible" in a short period of time is to successfully complete a number of short-term, quantifiable tasks that will be noticed by one's superiors, while at the same time avoiding any short-term, quantifiable failures. One need not worry about long-term success or failure, because one will probably be transferred out of the unit before he could be praised or blamed for long-term projects. The non-quantifiable is unimportant because one's promotion is based only on one's records. If it doesn't look good on paper, it has no practical importance to the officer whose interest is in getting promoted. As a result, much time, effort, and expense will go into making a person look good, irrespective of whether or not it actually contributes to the attainment of military objectives. This point is strongly emphasized in a 1970 study done by the U.S. Army War College at the request of General Westmoreland, who was at that time Chief of Staff of the Army:

> There is widespread feeling that the Army has generated an environment that rewards relatively insignificant, short-term indicators of success, and disregards or discourages the growth of the long-term qualities of moral and ethical strength on which the future of the Army depends. . . .

> The individual officer is greatly hampered in any local crusade for adherence to ideal methods by the need to produce results in order to remain competitive for future advancement.

> Today efforts are made to quantify every facet of a unit's activities, leaving the commander little latitude to allocate resources and forcing him to at least create the appearance of achieving a plethora of numerical goals.
The Army rewards system focuses on the accomplishment of short term, measurable, and often trivial tasks, and neglects the development of those ethical standards which are essential to a healthy profession.¹⁹

An example of such waste produced in an effort to make supervisors and managers look good is provided by the use of the Air Force's Maintenance Management Information Control System (MMICS) in electronics maintenance activities. The system is designed for—and perhaps useful in—aircraft maintenance activities. But the fact that the tons of data produced by the electronics activities are rarely, if ever, used for anything other than unit and personnel evaluation turns the system into an attempt to quantify competence. Many hours are spent by maintenance personnel filling out forms, by key punch and computer operators in entering the figures into data processing equipment, and by hundreds of staff workers analyzing the statistics that result. And the irony of the situation is that the data produced is, practically speaking, meaningless: since maintenance technicians know that they and their supervisors are being evaluated on the data they enter into the system, they tend to enter what they think should be entered rather than what actually took place. If a task normally takes thirty minutes, the technician will enter "thirty minutes," whether it took him five minutes or an hour. Mission effectiveness is seen as not affected by such practices, and the only ones hurt are those supervisors and managers who insist that their technicians be honest in the reporting process.

Accuracy in documenting and reporting has consistently been a problem in the Air Force. Lieutenant General Louis L. Wilson, while he was serving as the USAF Inspector General, criticized commanders who were being less than honest in
reporting their accomplishments. In almost all the units inspected during one inspection period, he found that supervisors were signing off inspection requirements without actually conducting the inspections, people were disregarding safety requirements as spelled out in regulations and manuals, training requirements were being documented when the training had never been conducted, and personnel were failing to report discrepancies even though they were aware of them.20

The point here is not simply that there are many false reports. The point is that many reporting systems have little or no effect on mission accomplishment—i.e., on effectiveness—but instead serve only to measure or evaluate performance. Given the current need to provide hard data on which to base officer promotions, such reporting systems may appear useful in the evaluation process. But they are expensive, of limited reliability, and appear to contribute little or nothing to military effectiveness.

In addition to the waste generated by an officer's need for "visibility," waste is generated by the expense involved in maintaining the very obvious distinction between the officer and the enlisted person. There are separate quarters, separate messing facilities, separate latrines, separate recreational facilities and activities, separate assignment policies and distinct offices to manage such policies, separate promotion systems and distinct offices to manage these systems, and similar duplications in virtually every aspect of military life. While some might judge that such duplications are in fact useful or necessary21 and therefore well worth the expense, we must at least recognize that they do come at a high cost. And such cost is a waste, at least in the sense that it means fewer men and fewer guns on the front lines. Over thirty years ago Air Force General
James Doolittle headed a committee which recommended that the gap between the officer and the enlisted person be narrowed while main-
taining the distinction between officer and enlisted person.22 A
more recent paper by Colonel Richard F. Rosser, former Head of the
Department of Political Science at the United States Air Force Academy,
recommends that even the distinction between officer and enlisted
person be eliminated. A hierarchy of authority would of course
remain, but it would be more akin to the rank structure of the federal
civil service.23 Our point is not that the two-class system should
be eliminated (although a thorough study of that issue should be
undertaken to evaluate the costs to be saved and the effects, both
negative and positive, on military preparedness). Rather, the point
is that all else being equal a one-class system would be preferable
to the current two-class system if only because of the waste involved
in maintaining the two-class system.

Besides the waste involved in increasing officer "visibility"
and in maintaining the two-class system, there is the waste involved
in catering to the

vast array of customs, interests, prestige, actions, and thought
... transcending true military purposes. ... Since modern
armies are not so constantly engaged in combat as were the
ancient armies, they are more liable to ... dream that they
exist for themselves alone. An army so built that it serves
military men, not war, is militaristic; so is everything in
an army which is not preparation for fighting, but merely exists
for diversion or to satisfy peacetime whims.24

It would seem that many policies associated with the current authority
system are both militaristic (in the sense just indicated) and costly.
For example, the policy of mandatory separation of competent officers
should they fail to be promoted in the normal time periods costs both separation pay and the training expenses of replacements. Such policies (except when used as a device to reduce the size of the armed forces to levels considered desirable) are based on the militaristic notion that the good officer must seek advancement, power, prestige, and success—even when success means victory not over the enemy but over one's peers. The related notion that all competent officers must be "generalists" rather than "specialists" is essentially militaristic. The officer who wishes to function merely as an electrical engineer, for example, and who avoids taking a command position, a position outside his field, or training slots in the various professional military courses will not be promoted and hence will be dismissed. While the failure to promote is understandable if he refuses to accept increased responsibilities, there should be a way to accommodate the desires of the professional engineer to be a specialist, even if it means his forfeiting the opportunity of reaching the highest ranks. Indeed, a civilian engineer can work indefinitely for the Air Force doing the same job as a young officer, but with no intention of ever working outside his field. There seems to be little reason, except militaristic tradition, why the young officer cannot do the same.

Engineers, transportation or supply specialists, intelligence experts, academicians, etc., can be treated in the same way as military doctors, lawyers, or chaplains. To insist that all officers be generalists is to waste the interests, talents, and training of many competent and dedicated specialists.
(b) The second kind of ineffectiveness that characterizes the military system of authoritative determination is the stagnation, the lack of creativity, the poor judgment, the refusal to accept responsibility—in short, the general incompetence—sometimes reflected in the decision of military authorities. Certainly any system which generates a disproportionate number of such decisions is not as effective as it should be.

The U.S. Army War College Study on Military Professionalism, referred to earlier, found "a lack of professional skills on the part of middle and senior grade officers." The study noted as typical "an ambitious, transitory commander (who is) marginally skilled in the complexities of his duties." It also found that "the most frequently recurring themes describing the variance between ideal and actual standards of behavior in the Officer Corps include: . . . technical or managerial incompetence." Finally, it noted: "Any organization . . . must select and train competent and dedicated people to be its future leaders. . . . The adequacy of the system for supporting (this) may be in doubt."

We need to see what elements of our authority system lead to the incompetence noted. There appear to be at least four elements: isolation, inbreeding, generalization, and concern for the superficial.

In general, the member of the armed forces—particularly the officer—is isolated from the civilian community. The officer is isolated from the enlisted person. And the senior officer is isolated from the junior officer.
The central fact about the American armed forces today is that they are not of the 20th century. Aspects of their structure and lifestyle date from the 2nd century B.C., from the 17th, 19th and other centuries. The armed forces are increasingly out of tune with the world in which we all must live. Society has changed radically and they have not. Indeed, we see signs everywhere within the American military of attempts to pursue . . . isolation from society to avoid change.

If the "armed forces are increasingly out of tune with the world in which we all must live," then certainly it is no wonder that questionable decisions are made. The armed forces has its own doctors, its own lawyers, its own chaplains, its own movie theatres, golf courses, shopping centers, colleges (even at the graduate level), psychiatrists, drug and alcohol treatment centers, airlines, residential areas, churches, and even resorts and campsites. By and large, it is difficult for the officer to make his decisions based on the weighing of wide and varied opinions presented to him by the community as a whole.

Some of the missing broad-based insight could be brought to the decision-making process if senior officials had free access in informal, day-to-day contact with enlisted personnel or junior officers. But for the most part such contacts are infrequent and superficial. The officer/enlisted separation is too obvious to need further comment. But there is even a junior officer/senior officer barrier:

In May 1970 several officers from the USMA class of 1966 who were resigning were interviewed by the USMA Office of Research. Included in the preliminary draft of a paper summarizing the interviews were the following: . . .

A second complaint was that no one has shown any real interest in them, their careers, in their opinions. Without exception, each of the resignees states that this interview was the first time that any senior officer had ever sat down and talked with them as opposed to talking at them.
This theme—of a senior not listening—permeated the seminar sessions conducted at the schools by the USAWC study group. Many officers, including those up to the grade of lieutenant colonel, expressed the view that the seminar sessions conducted by the USAWC teams were the first time their opinions had ever been solicited by their seniors. . . .

The most frequently recurring specific themes . . . include . . . inadequate communication between junior and senior . . . .

The communication between junior and senior is inadequate; the junior feels neglected and the senior is often out of touch with reality. Junior officers believe that lieutenant colonels and colonels in particular do not listen to them; they talk "to" rather than "with" them.31

The senior officer is often "out of touch with reality," and poor decisions result.

The second element leading to incompetent authorities, in-breeding, proceeds from the first. Not only are senior officers out of touch with the broader community; there is also a tendency to select, retain, and promote only those who reflect the attitudes, beliefs, and life-style common to the group. Those who are judged not to reflect the proper kind of professionalism receive poor ratings, are not promoted, and hence are separated from the service.

The functional imperatives of security give rise to complex vocational institutions which mold the officer corps into an autonomous social unit. Entrance into this unit is restricted to those with the requisite education and training and is usually permitted only at the lowest level of professional competence. . . .

During the post-Civil War decades the officers as a whole developed a uniquely military outlook, fundamentally at odds with business pacifism and the rest of civilian liberal thought. By World War I this corporate military viewpoint had hardened into a stable pattern of belief and a fixed way of looking at the world. . . . The emergence of the ethic was the necessary corollary to the isolation of the military and the rise of military institutions. Sherman, Upton, Luce developed professional ideas; these led them to create professional institutions; and the institutions, particularly the schools, associations, and journals, fostered the further acceptance and articulation of a professional ethic.32
Janowitz emphasizes the homogeneity of the officer corps. He sees a group which is "heavily recruited from native-born, Anglo-Saxon, and upper social stratum parentage." Officers tend to have a rural background and strong feelings of nationalism. The individuals must possess administrative, interpersonal, and verbal skills. And, at least at the highest levels, the officer possesses a service academy education, which necessarily includes an element that can be described as "professional indoctrination." The academies set the standards of behavior for the whole military profession. They are the source of the pervasive 'like-mindedness' about military honor and for the sense of fraternity which prevails among military men." And, it should be noted, the standards of the service academies are to some extent self-perpetuating: a high percentage of their faculties are themselves graduates of the service academies. Fully one-third of the faculty members of the Air Force Academy, as listed in its 1977-1978 catalogue, were graduates of West Point, Annapolis, or USAFA; another sizable group were graduates of specifically military undergraduate institutions (such as The Citadel) or had graduate degrees from the Air Force Institute of Technology. And all are handpicked based, in part, on their military record, i.e., on whether their "professionalism" conforms to the pervasive group standards.

This homogeneous group of officers is further inbred by the nature of the rating and promotion systems. The commander, when faced with the task of rating his subordinate officers, will naturally tend to give the top ratings to those who most vigorously pursue his
objectives. What happens to the person who has the insight—and the courage—to question and challenge those objectives? He, clearly, normally gets the lower ratings, and so he will be the first to be forcibly separated from the service. Who survives such a system? On the whole, those who discover that the surest way to promotion is to avoid "rocking the boat" and simply tell the superior what he wants to hear. In short, the system ensures that only those who display the attitudes and behavior of the ranking officers ever become ranking officers themselves.

Earlier we referred to the fact that an officer is expected to be a generalist rather than a specialist. Whatever other good or bad effects this might have, it can easily produce a superficiality and hence a lack of in-depth understanding when the authority comes to make a decision. And, of course, a poor decision will often result. An example of this would be Billy Mitchell's difficulties in building realistic air forces in the pre-World War II era: the authorities simply didn't have the genuine, in-depth understanding of the potential of airpower.

We also referred earlier to the officer's need for establishing a favorable "image," for "visibility," for maintaining the accepted facade of the successful, confident, and perfect leader.

Up to a point, of course, concern for image is wholesome. Unfortunately, few people recognize this point or are willing to accept it as a limit if they do. The natural tendency is for this concern to grow until in many instances, programs, policies, and even the mission itself are geared to such things as profit and personal advancement. Put another way, concern for image can, and often does, become an end in itself and the personal excellence that would guarantee that image may well
be sacrificed to create and maintain a reflection that is basically false. . . .

In the military, it is this concern for image, invariably carrying the mask of respectability, that has led to numerous instances of distorting and hiding facts so that major incidents and/or defects remain obscure or buried. It is also why institutions very much in the public eye—such as NASA, the Service academies, the FBI, etc.—may, on the one hand, openly and severely punish relatively minor infractions, (it gives the image of vigilance) and, on the other, hush up misconduct approaching the scandal level.42

This concern for the superficial at the expense of the meaningful clearly detracts from the effectiveness of the current authority system of the armed forces. Decisions are often made not so much on the basis of what is good for the country or for military preparedness but rather on the basis of what enhances the image.

We have necessarily dwelt in this section on many of the ills of the current system of military decision-making. This section is lengthy and, perhaps, somewhat pessimistic and harsh in tone. It is easy to forget what was said in the previous section,43 namely that by-and-large our system has proven effective and appears to continue to be effective. A balanced outlook is needed; we need to weigh the effectiveness and ineffectiveness of our system against each other. We will do that later in the last part of this chapter, after we have examined the issue of fairness.

D. AUTHORITATIVE DETERMINATION AS A FAIR DECISION PROCEDURE

(1) Fairness of Authoritative Determination

'Fairness' in this chapter does not refer merely to equal treatment, justice, and the like. We used the word in the absence of
a more suitable term to describe the quality of a decision procedure which does not make the attainment of more ultimate goals difficult in the process of attaining the specific proximate goal of the society in question. For the armed forces, this means that a decision procedure is "fair" if it strives to attain military preparedness or victory in such a way that the further goals of the citizens remain attainable: freedom, happiness, equal opportunity, equality of treatment, or similar goals.

The system of military authority in the United States is designed to help guarantee that peculiarly military objectives remain subordinated to the goals of the citizens. The Commander-in-Chief is elected by (and hence responsible to) the citizenry as a whole. He in turn is checked by a judiciary which weighs his and his subordinates' decisions against the will of the people as expressed in the Constitution and federal law. He is further checked by the Congress (of elected officials) which is responsible for declaring war and maintaining the armed forces. Such a system guarantees that by-and-large the armed forces will remain subordinated to the will of the people.

(In this regard it is interesting to note the mutually supportive roles of obedience and fairness in this chapter's peculiar sense; the armed forces' remaining subordinated to the Commander-in-Chief and hence to the people demands obedience, but obedience is required, in part, because the armed forces do support the goals of the people.)

Largely because of this underlying need for responsiveness to the values and goals of the citizenry, the armed forces have led many
other societal institutions in seeking immediate goals within the constraints of the professed values of our nation. The racial integration of the armed forces preceded by nearly a decade the Supreme Court ruling calling for the integration of schools. Promotions and supervisory responsibility are open to minority groups and women, perhaps more than in any other similarly major institution in our nation. More and more jobs are gradually opening to women. The advent of the all-volunteer force has made the hierarchy of military authority (from Congress and the President on down) more sensitive to the needs and wants of the individual. The various leadership training courses emphasize the need to provide a working environment in which one can attain job satisfaction and attainment of his personal goals and values. The individual member of the military is, after all, a citizen, and the system of military authority needs to be such as not to unnecessarily keep him from realizing his personal goals.

Fairness is insured in the military in several other ways besides through the subordination of the armed forces to elected officials. One way is through the mutual dependence of superiors and subordinates. Superiors need the cooperation and support of subordinates in order to attain organizational objectives; without such support, they are unable to do their job and hence unable to get promoted. And so superiors must treat subordinates in a reasonable and equitable fashion. On the other hand, the subordinate depends on the superior for his ratings and hence for his promotions; he needs to treat the superior in a fair and supportive manner. In other
words, those who do not treat others fairly tend not to advance in the system of military authority, thus tending to insure that the overall system operates in such a way that individuals can realize their personal goals and values from within that system of authority.

The availability of adequate grievance channels helps to insure that individuals are not unnecessarily imposed upon. There are four officially recognized grievance channels: (1) the inspector general complaint system, (2) the access to the Service Secretary guaranteed by Article 138 of the Uniform Code of Military Justice, (3) the access to Congressmen guaranteed by 10 USC 1034, and (4) the access to the federal courts when discrimination or other denial of constitutional rights is involved.

Basically, the system of authoritative determination in our armed forces is under sufficient constraints to insure that the immediate military ends will remain subordinated to the more ultimate goals of the citizens, including members of the armed forces. Our system of military authority constitutes a fair decision procedure.

(2) Unfairness of Authoritative Determination

In spite of the general claim of the previous section—that our system of military authority is a fair decision procedure—still there are quite a few aspects of the system which could be interpreted as unfair. Certainly if unfairness is built into such a system, hence unnecessarily preventing citizens from attaining their goals, then any obligation to obey is weakened.

Many allegations of systemic unfairness could be presented; we will focus in on only four.
First is the two-class society established in the system of military authority: the officer class and the enlisted class. While some sort of hierarchical rank is necessary, it is probably only the heritage of the middle ages that requires that the officer be related to the enlisted man as nobleman to commoner. Surely it is contrary to the egalitarian values of our country to perpetuate such a system. While we can admit that the distinction is breaking down somewhat, nonetheless while it remains it is degrading.

Second is the discrimination to which the unmarried are subjected. Besides the segregation from some social activities due merely to the different interests of the married and the unmarried, the unmarried are subjected to official discrimination in several ways. Their housing allowance when they are not living in government quarters is substantially less. When occupying government quarters they typically have a one or two room apartment (often shared) in a barracks or bachelor's officers' quarters; a married person would typically have a much larger three or four bedroom house or at least a relatively large duplex or apartment. Military personnel receive a portion of their earnings in the form of benefits, rather than being paid and buying the benefits they need. This has certain advantages, but one of the results is that the unmarried have less earnings than the married: the benefits they receive from commissaries, exchanges, recreational facilities, medical care for dependents, moving expenses, etc., are simply not as great as the married receive. Furthermore, should they die in the line of duty, there are no dependents to receive the benefits normally going to a widow and children. This
situation can be interpreted as contrary to federal provisions re-
quiring equal pay for equal work regardless of marital status. 50

A third example of unfairness is provided by a certain preju-
dice against those who don't fit into a vague, hard-to-identify notion
of the military person. Being too slender or too stout, having a
high-pitched voice, having stooped shoulders, or the wrong kind of
personality makes it nearly impossible to continue to advance in rank
no matter how well one does his job. Those fortunate enough to have
certain skills will receive special benefits: proficiency pay, rapid
promotion, desirable working conditions, etc. Personalities which
naturally tend to discipline, order, fastidiousness, prudence, and
group identification will succeed where creativity, bluntness, inde-
pendence, or a carefree attitude will be penalized.

A fourth kind of unfairness can be seen in the restriction
on personal liberties imposed on a serviceman—even in a peacetime
situation. Even the Supreme Court has affirmed this in recent years:

While members of the military community enjoy many of the
same rights and bear many of the same burdens as do members
of the civilian community, within the military community there
is simply not the same autonomy. 51

Certainly some restrictions are necessary and understandable; the
purpose of the military demands a certain amount of dedication, self-
sacrifice, and subordination of personal desires to group goals. The
need to separate the political governing bodies from military inter-
ference also demands restrictions on certain political freedoms. The
need to deal with thousands of persons often means failing to recog-
nize the uniqueness of each individual. The individual's preferences
and unique needs often must be ignored and hence sacrificed for efficiency.

A particularly difficult kind of restriction of personal freedom arises from the need to develop certain psychological traits (e.g., discipline, order), group identification, reliance on others, etc. The need for such "morale" is not unique to the military, of course. Whether it's a football team or the workers on an assembly line, the product of group effort suffers where there is low morale. But morale is particularly significant in the military, given the "working conditions" found in remote assignments or in battle, the separation from friends and family, the disastrous consequences of failure, etc. Unfortunately, the need to improve morale frequently requires developing in a person a certain psychological outlook and doing so not because the person wants that outlook but merely because he happens to be in the military. Furthermore, it is not at all clear that such an outlook is desirable for the individual, even though it is desirable for military efficiency. And in order to develop some of those psychological traits, especially when conflicting traits were developed in an individual from his earliest years, it is often necessary, or at least useful, to subject the individual to a program which affects even the most insignificant details in his life, with a reinforcement system of rewards and punishments, with a regimentation and often a manipulation. Marching, wear of uniform, emphasis on extreme order in living and working areas, saluting, running obstacle courses in training programs, encouragement of athletic endeavors, contests and competitions between various military units, an
early-to-bed-early-to-rise regimen, tightly-scheduled and on-time activities, military parades, a "spit and polish" attitude, and on and on—all these are part of the military environment not because in themselves they provide skills needed in combat. Rather it's because, repeated and repeated over months and months so that they become part of the serviceman's daily routine, they are seen as developing the discipline, the group unity, the confidence in others, etc., that is needed as part of any successful military endeavor.

The problem is that even though all the various restrictions in personal liberty are seen as extremely useful in attaining societal goals, nonetheless they are still restrictions in personal liberties. We are still denying personal liberties to a large number of citizens. And this situation exists not for relatively short periods of time in wars or the immediate preparations for war. The restrictions on liberty are extended and continuous and are no less demanding because they are required in peacetime situations which bear no resemblance with any conceivable wartime environment.

We need to find some way of giving to members of the armed forces more of the liberties and autonomy due to all citizens—especially in peacetime—while at the same time permitting no loss in military preparedness. In the meanwhile the restrictions on the liberties of the citizen-soldier creates a system which prevents us from attaining one of the ideals of our nation—liberty for all. As such, the obligation to obey is weakened by the failings of the system of authority.
E. TOWARD A BALANCED PERSPECTIVE

We have seen in this chapter that the moral need to attain societal goals, the need for group cooperation to attain those goals, and the need for societal decisions to effect the necessary cooperation establish a *prima facie* moral obligation to accept such decisions proceeding from a decision procedure which is accepted, effective, and fair. The current system of authoritative determination in the military is in fact accepted and, for the most part, is effective and fair. Hence there is a *prima facie* moral obligation to obey the decisions of military authorities.

However we also noted that our system of military authority is not as effective or as fair as we would like it to be. The defects are quite obvious and are not isolated deviations from an otherwise perfect system. In many cases they are built into the system itself.

In parts of this chapter it was necessary to emphasize such defects; they are real and cannot be glossed over. Nonetheless, there is a danger in such an undertaking, because there are always certain elements of sensationalism involved in pointing out the deficiencies of our public institutions. The danger is that, depending on one's political and psychological perspectives, either of two erroneous interpretations could be made. The one interpretation, overemphasizing the strengths of the current system and hence emphasizing the obligation to obey, would view the attempt to point out the shortcomings of the system as mere sensationalism, exaggeration, and attack—and hence would dismiss it without further consideration. The other interpretation, overemphasizing the deficiencies of the system, would fail to
notice its strengths and hence would find little or no grounds for obedience.

The need at this point is for a balanced perspective, recognizing the genuine strengths of the system (and hence a *prima facie* obligation to obey) while at the same time recognizing that the system has defects which need to be dealt with (and that the obligation to obey is thus not as strong as it might otherwise be). This chapter then does establish an obligation to obey, but at the same time it is a call to correct the elements of ineffectiveness and unfairness built into the system and in doing so to strengthen the obligation to obey.
CHAPTER VII: IGNORANCE AND TRUST

A. ACTING IN IGNORANCE NOT ALWAYS RIGHT AND NOT ALWAYS WRONG

Many of the times when the serviceman is confronted with an authoritative military decision, he will not know the circumstances that gave rise to that decision. This is true both for the major decisions, such as whether we will go to war, but also for relatively minor ones, such as where the individual will be assigned next or whether one's duty hours will be changed. Depending on the nature of the decision and on the position of the one who made it, it will sometimes be possible to determine all the circumstances surrounding a decision; other times it will not. Many of the decisions seem to be relatively innocuous, from a moral perspective, such as what hours the installation hobby shop will be open. Since such decisions do not raise any moral issues of significance, most of the time the individual serviceman need not go to the trouble to determine why the hours were changed. He may look into the matter for other reasons (for example, because it causes him inconvenience), but the moral implications are not such as to require him to determine the reasons for the authoritative decision. Most authoritative decisions are of this nature—they simply do not command any action which by any stretch of the imagination is likely to be immoral. Most of the time ignorance of the factors that went into an authoritative decision does not affect one's
obligation to obey.

At other times, however, the nature of the action commanded might be such as to cause one to suspect that he might be contributing to an immoral action or policy, if he obeys. For example, one might be assigned to duty in the installation housing office and notice that a new policy in assigning personnel to quarters might be the occasion for some favoritism or discrimination. The person who notices such a possibility would have, it would seem, an obligation to clear up any ignorance of the morally relevant factors before cooperating with a possibly immoral policy. The risk of morally undesirable consequences is such as to overcome the general obligation to obey.

Sometimes the need to clear up one’s ignorance of the circumstances surrounding an authoritative decision might be due not so much to the relatively high likelihood that what is commanded is immoral but rather by the fact that, if immoral, it would be grossly immoral. Thus, one’s obligation to determine the circumstances surrounding the test firing of a missile equipped with a supposedly inert nuclear warhead would be much stronger than his obligation to determine the circumstances surrounding the test firing of a more conventional weapon. One might think that there is little likelihood of immorality in either situation, but if one is wrong in such a belief, the possibility of moral calamity in the one case is such that there could be an obligation to look into the situation and eliminate any doubts in spite of the fact that those doubts are relatively weak.
B. ACTING IN SPITE OF AND BECAUSE OF IGNORANCE

Suppose you are in a large city you have never been in before. Suppose, further, that you are the kind of person that finds maps absolutely unintelligible; for you, a map is totally useless in finding where you are to go. Most likely, you will approach someone and ask directions to where you are going or you will drive into a service station or an information booth for directions. Suppose that the person you query tells you that he will give you two sets of directions. Set A provides the shortest, quickest route and Set B provides the easier route to follow with less chance of getting lost. Given your inability to find your way in a strange city, you would probably choose Set B; you would choose Set B because of your ignorance. One acts because of ignorance when ignorance provides part of the motivation needed to take a particular line of action. However, if you happened to be in a hurry and were likely to be late for something important if you used Set B, you would probably choose Set A; you would choose Set A in spite of your ignorance. One acts in spite of ignorance when his action has certain risks that it would not have were he not ignorant.

In the first section of this chapter we were primarily talking about obeying in spite of ignorance, questioning whether one should risk obedience under conditions of ignorance. Obedience to authoritative military decisions under conditions of ignorance usually carries with it some element of risk—at least some small risk. Obedience under conditions of ignorance—even when morally permitted or morally obligatory—will involve acting in spite of ignorance; there is nearly always some risk that would not be there if there were no ignorance.
But it can also be the case that obedience to authoritative military decisions involves acting because of ignorance. Thus, suppose a soldier has decided to participate in some sort of commando raid to rescue a group of people being held hostage by an insurrectionist organization. He would follow his specific instructions extremely precisely. Any deviation by even one soldier might totally ruin the split-second timetable for the raid and result in the unnecessary loss of life. If a particular soldier were knowledgeable of the whole timetable and how each soldier's efforts would mesh with the others, then he might know where deviations could be tolerated. Given his ignorance, however, each soldier would follow orders exactly. Each soldier obeys because of his ignorance of the overall plan.

One can act in spite of ignorance and because of ignorance at the same time. In the commando raid, the soldiers obey exactly, and they do so because they don't know all the implications of disobedience; that is they obey because of ignorance. But at the same time there is an element of risk, in that the individual soldiers have no guarantee that the authorities have figured everything out well enough; they would prefer to know how everything fits together, and without such knowledge they act in spite of their ignorance.

Obedience to military authority—in fact to any societal authority—often amounts to an acknowledgement that the individual does not know all the factors involved in a decision and is willing to act on an authority's decision because of the individual's ignorance. It's not that the authority is some kind of expert whom we agree to follow because of his expertise. In fact, he may have to rely on experts
because he has no expertise. Rather, the society has made the authority responsible for making decisions which the society will accept as its own—not because the society believes that the authority will invariably come up with the best decision, but because the authority will use available information and expertise to come up with a decision in which the members of the society can place a good amount of trust.

This means that where the individual member of the armed forces is faced with an authoritative decision under conditions in which he is ignorant of the factors that went into that authoritative decision, his ignorance might be such as to ground a moral obligation to obey (as in the case of the commando who must obey in order to avoid ruining the timetable of a rescue raid). The individual soldier must weigh the possible good and the likelihood of realizing that good if he should opt to act because of ignorance against the possible harm and the likelihood or realizing that harm if he should opt to act in spite of ignorance. The dangers of acting in ignorance can ground a moral obligation to disobey; the opportunities made possible by acting in ignorance can ground a moral obligation to obey. In practice, the dangers, the opportunities, and the probabilities of each must be evaluated together. Neither "I don't know what's going on, so I guess I'll obey" nor "I don't know what's going on, so I refuse to obey" can be justified as general moral rules. Each situation must be evaluated to determine what moral principles will apply.

What are the factors that would go into such an evaluation? There seem to be five: (1) the degree of ignorance, (2) the difficulty of attaining knowledge, (3) the degree of trust of authority,
(4) one's societal responsibilities, and (5) the degree of moral good or moral harm that is likely to result from obedience or disobedience. We will discuss each of these in the next five sections of this chapter.

C. THE DEGREE OF IGNORANCE

To the extent that a person knows all the relevant circumstances of a moral situation, he can directly assess the moral obligations of that situation. The reasons on which the obligations are based are considerations such as those presented in the previous two chapters or to be considered in the next chapter. Under such conditions of knowledge those circumstances which are known serve as the source of, or grounds for, one's specific moral obligations. In this chapter, however, such an approach to assessing moral obligations is not taken. In this chapter we are establishing an obligation to obey based on the fact that some of the morally relevant circumstances are not known. Ignorance of morally relevant considerations (combined with certain other conditions discussed in the next four sections of this chapter) generates an obligation to obey. In other words the reason for obeying considered in this chapter applies only under conditions of ignorance; remove the ignorance, and any moral obligations will have to be based on other considerations. This means that even if the authority is extremely trustworthy, if the subordinate knows the situation well enough to realize that obedience would be wrong, then he should not obey, based on whatever moral considerations apply.
But there are degrees of knowledge. If a person is fairly certain that something immoral is being decided by the authority, then his obligation to disobey is correspondingly strong. If he suspects something immoral is being decided, then his obligation is changed. If he is totally ignorant of the situation, then his obligations are quite different. For example, if I were helping someone do a maintenance chore at a business establishment, and I was on one of my first jobs so that I had absolutely no idea of how to proceed and of what constituted acceptable professional standards, I would comply with every last detail of instruction asked for by my boss (presuming I trusted him). Obedience would be much more likely to have desirable consequences than disobedience. If, on the other hand, I had been on several jobs and was beginning to grasp what professional standards required, then if I noticed something that seemed out of order (the boss was ordering extra work to run up the bill, he was using poor quality materials or taking shortcuts to save on costs, etc.) I would have to make a different moral judgment. My obligation to obey the boss would be weakened by the degree to which I was now aware of proper maintenance procedures. That is, to the degree to which I was not ignorant, to that degree any obligation to obey would be lessened.

D. THE DIFFICULTY OF GAINING KNOWLEDGE

Very often one can clear up any doubts or ignorance relatively easily. A telephone call or two or a visit to the right person or persons will often result in straight answers. In some cases, a friend
who has more rank and influence can easily make the inquiries and get straight answers. Many commanders are quite willing to explain any decisions that one finds difficult to accept. In fact, many Air Force installations now have special telephone lines hooked up to tape recorders to which one can call and ask the installation commander for an explanation or clarification of policies or decisions. The queries can be phoned in anonymously and the questions and the commander's replies are printed in the base newspaper.

At other times getting the facts clarified is more difficult or even impossible. Sometimes one has to visit the installation Inspector General to get satisfactory answers; occasionally someone might find it necessary to write a congressman and precipitate a congressional investigation. Of course, one is not likely to go to such trouble and inconvenience over a trivial issue; whether one is under a moral obligation to clear up one's ignorance depends on how likely it is that immoral policies exist and on how immoral such policies are likely to be. It also depends on the opportunities for good that would be lost by taking time to remove one's ignorance.

The existence of classified information creates a special problem in the military. In such cases no amount of inquiry is likely to produce straight answers. In this situation the individual serviceman has no choice but to act in ignorance: whether he obeys or disobeys, he will be acting in ignorance. In such situations, he has to make his best judgment, based on the known facts and on the degree to which he trusts the authoritative decision makers.
(1) Trustworthiness of Military Authorities

Several comments on the issue of trust are in order. Basically, there are two kinds of trust: trust in persons and trust in a system. One might trust the authorities on an installation because he knows them and has confidence in the personal qualities he observed in them. He works, plays, and worships with them, and he knows them well enough to accept many of the decisions that he might not otherwise accept. This trust which some authorities are able to elicit from the society in which they have authority is often an essential element in an individual's ability to function well as an authority. Such trust in a person need not always come from personal acquaintance. The trust can be generated from a knowledge of his previous decisions and their soundness, from the opinions of those who do know him personally, from the attitudes and values portrayed in commander's briefings and other large gatherings, etc.

The other kind of trust is trust in a system. The system is such that people who make bad decisions do not get promoted to a position of greater authority (although there will always be the inevitable exceptions). The system is such that every authority is subject to scrutiny by other authorities. Especially in recent years the decisions of military authorities from the President on down have been subjected to more and more scrutiny from Congressional committees of one sort or another. In general, the citizens of the United States are unwilling to give blanket permission to make military decisions behind a cloak of secrecy: laws have been passed making it more difficult to
classify information; tons of documents have been declassified; most documents in the military are now available, by law, to lobbyists, special-interest groups, investigative reporters, etc. By and large, any military decision that affects a number of people is subject to a whole system of official and unofficial checks and balances, so that many questionable decisions will eventually be subjected to public scrutiny. For the most part, the military decision-maker realizes that he cannot make his decisions in a vacuum; he knows that his decisions will eventually be reviewed and that he therefore has to be able to justify his decisions. For the individual serviceman, this means that he can have a fair amount of trust in the decisions of military authorities, not because he trusts the authorities but because he trusts the system which places certain checks on the authorities' decisions.

(2) Untrustworthiness of Military Authorities

However, there is also some evidence to suggest that we ought to be slow to place our trust in military authorities.

The My Lai case, the Lavelle case, and many others provide numerous examples of authorities who fail to exemplify minimal standards of emotional, intellectual, and moral maturity.

The findings of the Study on Military Professionalism done by the U.S. Army War College indicate that many officers are "disheartened by those seniors who sacrificed integrity on the altar of personal success."1 The study noted as common "selfish behavior that places personal success ahead of the good of the Service."2 Furthermore, "the poor example of senior officers—in matters of ethics and technical competence—was a recurring theme."3
The situation in the 1970's is not a new one. We should not look upon it as a temporary aberration. The military historian, Alfred Vagts, points out similar themes in the armed forces of the United States in World War I (and even earlier):

Against the civilians . . . a closely united front was seemingly presented by the officers in the First World War. Yet behind this camouflaged front, a frantic, ruthless, un­scrupulous, interminable jealousy operated on all sides to divide the generals battling for their individual recipes for victory and the officers of lower rank seeking advancement and decorations while the war raged. . . .

They (the American generals) were in truth no less inclined to divide on the one side of the ocean in this matter than their colleagues on the other side. 4

(3) The Need to Assess Trustworthiness

In practice we need to assess the extent to which any particular authority can be trusted. The personal and systemic reasons for trusting, presented in (1) above must be balanced against the constant realization that many authorities simply are not trustworthy. Our experiences with the Watergate situation and its aftermath show that no authority can automatically deserve to be trusted—even at the highest levels. The system of checks and balances we have placed on our authorities—both military and civilian—probably guarantees that for the most part we can expect mature decisions, and hence in most matters we are justified in placing our trust in authorities. But no system of checks and balances has yet been devised which will guarantee that we will not be taken advantage of. We need to be alert not to place trust blindly.

In an organization in which obedience is important, trustworthiness must also be important. The need for insuring this trait in
every military authority is critical. If we want each member of the armed forces to be under a strong obligation to obey, then the armed forces must develop programs to improve the trustworthiness of its officers. As the U.S. Army Air War College has pointed out:

The present climate is not self-correcting, and because of the nature and extent of the problem, changes must be credibly instituted and enforced by the Army's top leadership. . . . Correcting the climate will require more than superficial, transitory measures.5

F. RESPONSIBILITY

Suppose that a decision is made to drop a particular philosophy course from the Air Force Academy curriculum. Under normal circumstances this would not appear to be a decision with any particular moral implications; most persons involved (e.g., scheduling clerks, student academic advisors, etc.) could simply accept and obey the decision with no obligation to determine why the decision was made. But suppose that the person who is in charge of the philosophy curriculum is not aware of the reasons why the course was dropped. It would seem that if anyone had a reason for seeking further knowledge of the circumstances, it would be him, particularly if there were even the slightest reason to suspect that some immoral design were behind the decision.

For another example, consider a case where an individual is given orders to be discharged from the armed forces, against his will, and the circumstances are such as to slightly suggest that in some way the decision was immoral—perhaps it is the result of some discriminatory personnel policy. All kinds of persons, of course, have to follow
orders to effect the discharge: the personnel clerks, finance clerks, transportation specialists, the first sergeant, his commander, etc. If any of these persons actually knew that the order was immoral, then they would have to weigh their obligation to obey against their obligation to not take part in effecting the immoral action. However, given that they don't know, then they have nothing to weigh their obligation to obey against. The question is whether each of them has an obligation to determine the circumstances surrounding the decision or whether they can simply rely on their trust of the military personnel system. It seems that the commander has a greater obligation to determine the actual circumstances before obeying. This is true for quite a few reasons: because of his higher rank, he is more likely to be listened to and answered by the decision-makers; because of his position, he can stop all actions associated with effecting the discharge, rather than merely a few; even his different oath of office suggests that his responsibility is more to make sure a good job is done rather than that orders are obeyed. But more than anything, he is more directly responsible for and more closely associated with decisions which affect such things as promotions, reenlistments, discharges, disciplinary actions, unfair treatment, discrimination, etc. In general, those who have a societal right to make a decision also have a societal responsibility to make that decision and to take some effort to insure that it is the best decision that can be made, all things considered. (I think that a good argument could be made suggesting that the reason a person has a societal right to make a decision is because society has made the person responsible to the society to make that decision; in other
words, a person has a societal right to decide because he has a societal responsibility to decide.)⁶ Others involved in the various actions needed to effect the serviceman's discharge will most likely judge that they can rely on their trust in the personnel system to make sure that any injustices are not imposed on individuals. But part of that trust is a trust that responsible persons will as a matter of fact act responsibly. The various clerks can do their job even though they don't really understand what sorts of decisions their actions are supporting because they rely on those with societal responsibilities to act responsibly. They can confidently do their jobs because the commander will do his: namely, in our example, to challenge question-able decisions which affect the well-being of any of the persons in his unit.

In general, the closer a person is to the decision-making process for a particular decision, the greater his obligation to determine the morally relevant circumstances surrounding a decision. A safety officer or a commander or a flight surgeon would have a greater obligation to clear up any doubts about safety equipment issued to pilots, for example, than would the individual pilot. (Not to deny that a pilot might also have such an obligation.) A large society could not function if each and every individual in it challenged every question-able decision. But this does not mean that no one should challenge the decision. It is a case where some persons need to seek further information about a decision but only a relatively few. Accordingly, society designates certain persons to do this; the others trust that they will do it well. Those who have been so designated, of course,
have an obligation that the others do not have.

Perhaps this is why the officer and the enlisted person take different oaths upon entering the service. They don't have different obligations because they take different oaths. They take different oaths because they have different obligations. Usually an officer would be in a more responsible position, so that often he must challenge an order rather than obey—at least more often than the enlisted person would. Perhaps this is why more effort is taken by the services to keep commanders and officers in general aware of why decisions are made. The Air Force Policy Letter for Commanders, The Inspector General's Brief, various informative briefings, etc., are routinely provided to officers. (They are available to others, but there is not necessarily any special efforts made to encourage enlisted personnel to take advantage of such things.) Classified intelligence briefings are routinely provided to all officers who desire to attend at many bases, but enlisted personnel usually have to establish a need to know. That is, it is presumed that officers have a need to know. In general, the greater the rank and the greater the responsibility, the greater is the obligation to question an order rather than simply rely on one's trust in the authorities and the system.

G. DEGREE OF GOOD OR HARM

We noted earlier the greater danger involved in obeying an order concerning the use of nuclear weapons than an order concerning the operating hours of the base hobby shop, given that we are ignorant of the circumstances surrounding each one. In general, the greater the
evil that might occur through obeying and the greater the likelihood that it might occur, the greater is the obligation to get more information before obeying. But while this is true, it must be balanced by another truth, namely, that the greater the good that might be attained through obeying and the greater the likelihood that it might not be attained if one hesitates in obeying, the greater the obligation to obey without delaying to get more information. No general rules can be laid down: in each situation, given conditions of ignorance, the expected value of instant obedience must be weighed against the expected value of first seeking more information and the expected value of disobedience.

H. BLIND OBEDIENCE

To act in ignorance is to act blindly. But the expression 'blind obedience' can have several other meanings. At this point we have seen four different kinds of obedience that could be considered "blind obedience." Perhaps we should bring these together. They are (1) the obedience of one who has not considered whether obedience is morally permissible or not, (2) heteronomous obedience, (3) the obedience of one who is ignorant of many of the circumstances of the situation which generated a specific authoritative decision, and (4) rapid, instantaneous or unquestioning obedience.

The first of these was mentioned earlier and rejected: it is morally wrong to act without any concern for the morality of one's actions. Similarly, we also pointed out the deficiencies of the second kind of blind obedience, namely, heteronomous obedience.
The third kind of blind obedience is the obedience discussed in this chapter. As we have seen, this kind of obedience is sometimes right and sometimes wrong, depending on the trust that can be given to authority, the societal responsibility that one has in a particular situation, the ease of gaining more knowledge, and/or the opportunities for doing good and the dangers of doing what is harmful.

The fourth kind of obedience was also mentioned earlier. There we pictured the obedient person as similar to the person who more or less spontaneously performs any typical moral action: he need not delay and ponder in order to assess the morality of an action in a normal, common situation. The serviceman has placed himself in a position where obedience is the moral response to normal situations in which an authority has made a decision; such a response is moral due to the considerations presented in Chapters V through VIII. In nearly all situations the morality of obedience does not have to be reassessed; the serviceman may obey immediately with little or no reflection. The only thing required is that the individual be sensitive and alert for the abnormal and that his moral awareness not be dulled to the point that morality ceases to be relevant to his obedience. At that point his "blind" (i.e., quick) obedience has turned into another kind of "blind" obedience—namely, the first kind, i.e., unjustified obedience, and/or the second kind, i.e., heteronomous obedience. The danger that a habit of instantaneous obedience degenerate into the unacceptable kinds of blind obedience has already been emphasized in Chapter IV.
I. SUMMARY

Under conditions of ignorance and trust there are some situations in which obedience is likely to have better consequences than disobedience. In such situations the ignorance and trust thus provide a moral justification for obedience.

Some military authorities have personally demonstrated the moral integrity and professional competence to merit such trust. Furthermore the system in which military authority is exercised places enough checks on the exercise of authority to merit a certain amount of trust in authoritative decisions. Nonetheless, the lack of integrity and competence is common enough in the military authority system to require us to at least hesitate before placing our unqualified trust in an individual.

As long as "blind" obedience is interpreted as obedience under conditions of ignorance or as rapid obedience, blind obedience is often morally permissible or even morally obligatory. There are other kinds of "blind" obedience which are not morally permissible.
CHAPTER VIII: OTHER REASONS FOR OBEYING

The principal reasons for obeying have been given in the previous three chapters. These reasons apply in most ordinary situations. There are other reasons which apply only in certain specific situations or for certain classes of military decisions. In this chapter we will very briefly look at some of them.

A. REGULATED CUSTOMS

The military services are very fluid, mobile societies. By their very nature they take persons of a wide economic and religious and cultural background and throw them together in rather close working and living relationships. They will, of course, work together; but they might also share the same barracks room, the same dining table, the same church services, and the same recreational facilities. Frequently this happens under the most adverse conditions, where each individual is under his own particular set of pressures, especially since he is usually without the accustomed support of family and friends. Given such close, constant, and semi-permanent relationships under such difficult conditions, it is almost inevitable that there will be a number of difficulties in interpersonal relationships. Not only do the resulting frictions, arguments, fights, etc., detract from morale and hence from the effectiveness of the military unit; in themselves they can also be considered morally undesirable:
most persons would agree that there is something valuable in relating to others without anger, hate, threat, etc.

When one's close living relationships are relatively permanent, as in a family, stable neighborhood, etc., certain customs, courtesies, and expectations of one sort or another develop, which serve to minimize friction between persons who live close together. In more transitory societies, there is a tendency to group according to similar backgrounds, so that, among other things, common customs, courtesies, and expectations simplify the task of interrelating amicably. Where such customs, courtesies, and expectations do not exist, usually no meaningful social relationships can exist.

In the military, many of the rules and regulations of military authorities are established to provide common expectations in areas that are frequently sensitive for some people. For example, you can't keep dogs or cats in a military barracks; some people wouldn't like the barking or meowing, others wouldn't like the odors, and still others wouldn't like the idea of having an animal in the same room in which they sleep. Without such a decision, there would be misunderstandings and friction. The authoritative decision could equally well be otherwise: one might have pets with the permission of the base commander, or one might have pets less than twelve inches high at the shoulder, etc. Whatever decision is reached provides a ground of common understanding. What the common understanding is, is not that critical an issue. What is important is that there is a common understanding and that all abide by it, so that friction can be avoided. Most of such decisions do not regulate things that are significant
in themselves: they usually cover such things as neatness of barracks, offices, etc.; personal hygiene and clothing; behavior in public places; office hours, flying schedules, and duty schedules in general; certain customs and courtesies peculiar to the military, such as saluting, the use of 'sir', and marching as a method of orderly movement of persons; etc. Most of the time such authoritative decisions are not particularly hard to comply with; however, they can be irritating, since they often regulate things which some persons consider private affairs—how long to cut one's hair, whether and how to greet someone, etc. Some are obviously necessary (the dogs in the barracks), others are more questionable, designed more to instill discipline than foster amicable personal relations.

In general, if an authoritative military decision provides a ground of common understanding, eliminating a possible source of friction between individuals, there is a reason for obeying such decisions. This would be particularly true where unregulated behavior would most likely result in rather serious disagreement.

Related to this is the fact that most often we expect others to comply with the decisions. If we were to universalize this expectation, as many would have us do, then we should ourselves comply with the decisions. For example, if one expects the fellow who is attracted to semi-pornographic posters to avoid posting them in a barracks because of an authoritative policy against posters, then he in turn has an obligation to avoid putting his religious posters in the barracks. The supervisor who expects his subordinates to comply with his policies in order to avoid conflicts (or to have an effective
unit) thereby has a similar obligation to comply with the policies of his superiors. The recognition of authority not only provides efficiency, fair treatment, etc.; it also provides a method for social interaction without friction and disagreement. In holding others to such a method of social interaction, one thereby commits himself to similar obligations.

B. ALTRUISM

Many moral theorists place emphasis on duties to other people. This can take quite a few forms. It might be a general obligation to love others or an obligation to be charitable. It might mean "loving your neighbor as yourself." It might be general obligations to be considerate, to perform works of mercy, to serve others, etc.

Frequently we serve others or love them or whatever by doing for them those things that we think need to be done or should be done for them. However, it would seem that the truly altruistic person should sometimes do what others think needs to be done or should be done for themselves. Altruism sometimes means helping or serving or loving others in the way they want to be helped or served or loved. There is something inconsistent about an altruist imposing or forcing his altruism on the objects of his altruism. In other words, it would seem that an altruist would have a prima facie duty to do what others want him to do. (Of course, such a duty would be overridden when what they want would be harmful to them.)

Most often, or at least very often, the members of a society
want us to do those things which are in accordance with the decision procedures of that society. If we were to go to the local PTA meeting and refuse to follow the standard procedural rules, trying to implement our own procedures and refusing to comply with the instructions of the leader, at a minimum we would not be acting in the way that others want us to. Irrespective of all the other reasons one might present for acting in a more cooperative fashion, we would be failing in our duty to act altruistically or lovingly or charitably or whatever. The other participants want us and expect us to follow the established rules and obey the leader of the meeting.

In general, the members of any society want us to act in certain ways. If we accept altruism as a general moral principle, then we have a prima facie reason for acting in those ways. If the members of a society want us to obey authority, then we have a prima facie reason for deciding that obeying authority is what we should do.

In the military obedience is a way of life. Obedience is not just a means to societal goals; for some people, it assumes the role of something prized in itself. Obedience becomes, for many members of the armed forces, part of what is considered common courtesy and consideration for others. For them, to disobey a superior's order is to refuse to follow standard procedural rules, to be discourteous, and to reject one of the bonds on which morale, unity, and brotherhood are based. While such an attitude might seem anachronistic—more appropriate for the aristocrats of a feudal society—such an attitude has indeed been passed down to today's officer corps. (This has been
widely documented by others and need not be dwelled on here.¹

Given the desirability of pleasing others, of being courteous, and of being considerate of others' expectations, and given the accepted attitude in the armed forces toward obedience, we will often find an obligation to obedience in a variety of military settings. An order to go to a dining-in, an order to wear the uniform to some non-official function, or an order to keep a more orderly office can all be considered the occasions for altruistic action.

C. THE GOLDEN RULE

The obligation of a particular individual to obey a particular law derives from his express or tacit invitation of others to like behavior. And this primary obligation does not depend upon the utility of the law or on the manner in which it originated.²

In the previous section we suggested that altruism demands that we act in a certain way (obeying authority) because others want us to. Here, there is a similarity, but the emphasis is on acting in the way that we want others to. If we accept the golden rule as having any moral significance at all, then we can often use it to ground an obligation to obey.

The Golden Rule says that we must do to others as we would have them do to us. But most of the time most of us want others to obey authority, all else being equal. Obedience to authority often provides a common ground for social expectations. If two persons differ in values, attitudes, standards of behavior, etc., so that social interaction between the two is difficult, they can let the decisions of an authority regulate the extent to which they must
tolerate the other's behavior. One need not tolerate the other's stealing, raping, or whatever, because the standards that are agreed upon in the society have been established by authority. And since we often expect others to stay within the limits established by authority, then the Golden Rule demands that we stay within those limits also.

Thus, if I am in a PTA meeting and inclined to demand the floor, interrupt speakers, and the like, I might reason in this fashion: "If anyone else were to carry on in such a fashion for their particular interest, I would be quite upset. I would expect them to follow the procedures established by the leader of the meeting. But if I expect them to follow the procedures established by the leader of the meeting, then I should follow them myself."

For the serviceman who expects others to obey military authority, he himself is under an obligation to similarly obey. If he expects others to do their job, then he ought to do his. If he expects others to obey various rules—no noise in the barracks between midnight and 6:00 AM, no pets in neighbors' yards, no smoking in the theatre, get off the tennis court when your time is up, and other similar rules—then he ought to obey these rules and others like them.

D. FAIRNESS TO OTHERS

In every military organization (and in most non-military organizations, for that matter), there are a number of desirable and non-desirable tasks which someone in the organization must do. Some persons will be engaged in front-line activities; others will be more involved in support. Some will directly support ground troops,
others the air efforts. Some will fight and some will train the fighters. For most of the jobs that are normally considered desirable and for most of those normally considered undesirable, the military simply cannot merely ask for volunteers: there will be insufficient volunteers for the undesirable tasks and so many volunteers for the desirable ones that another decision procedure will have to be implemented in order to choose from among the volunteers. The normal manner of distributing such tasks is through authoritative decision, with the authorities trying to make an effort to effect some kind of equitable distribution. Efforts are made to make sure that, within each job specialty, the number of remote or hardship assignments are equally distributed (so that, for example, a doctor receives the same number of such assignments as any other doctor). Efforts are made to insure that each person gets his fair amount of annual leave. Efforts are made to insure an equitable distribution of government housing, recreation facilities, etc.

A large number of the military regulations are designed expressly to guarantee some kind of equitable distribution of hardships and benefits among the otherwise unmanageably large number of servicemen (in order that all can be better off). But if this is so, and if (as we might presume) each of us has an obligation to support systems which tend to generate an equitable distribution of hardships and benefits, then each military member has a reason for obeying those authoritative military decisions which are intended to insure such an equitable distribution. Why do I have to obey the military decision that I go to Thule Air Base, Greenland? One reason is because others
go on such assignments when it is their turn, as determined by a relatively fair distribution procedure. Why should the serviceman clean the barracks latrine when told to? One reason is that others will clean it when it is their turn. Why should the serviceman who manages the dining hall follow all the rules and regulations he is given? Because, first of all, it will insure that each member gets his fair share of food, and secondly, other servicemen follow their rules and regulations so that he can get proper support, so he should follow his rules and regulations so that they can get their proper support. That is, other persons do a good job (defined by various rules and regulations) to provide him with a good hospital, clean sheets, and a well-kept gym, etc.; therefore he has an obligation to provide a good job for their support. In short, we owe it to our fellow workers to follow rules and regulations in order to support them because they are following similar rules and regulations to support us. We take our share of the bad with our share of the good, in order that others can get their share of the good with their share of the bad. If I don't do my share, then others will have to make up for my actions by pulling more than their share.

This line of thought presumes at least two things: that the basic system of authoritative military decisions does tend to bring about an equitable distribution of hardships and benefits and that as a matter of fact most others are complying with such decisions and hence doing their share. We will not consider these factual issues again, having already considered them in our discussion of a fair
decision procedure. At that time we noted a system which for the most part is fair, although there are exceptions. And given the overall fairness, each serviceman has an obligation in justice to do his share.
A. THE OBLIGATION TO OBEY

The concept of obedience developed in Chapter II is such that the morally mature individual can and must evaluate, justify, and choose obedience or disobedience. Obedience is not something that necessarily imposes itself on a helpless agent; the agent indeed should impose it on himself upon determining that obedience is desirable.

We have seen that in the armed forces there are good reasons for determining that obedience would normally be desirable—indeed, we presented eight reasons for so judging. The moral obligation to obey is based on such considerations as the moral need for effective armed forces, the need for cooperation in military units, the overall fairness and effectiveness of the military decision-making system, the obligations to keep promises and contracts, the strong oath of office taken by all members of the armed forces, the contract signed by them, the trust that can be placed in the military authorities or in the system of military decision-making, and other such factors discussed in Chapters V, VI, VII, and VIII. Unfortunately, however, the issue is not as clear-cut as one might prefer. This is because there are quite a few shortcomings in military policies and practices which directly impact on the obligation to obey. Such things as rapid
rotation of officer assignments, the insistence that all officers be
generalists, the inbreeding and isolation of the officer corps, the
unfairness of several military policies, the limited trustworthiness
of military authorities, the dangers of the loss of individual autonomy
and of undesirable varieties of blind obedience—all of these and
similar factors, do seriously weaken, or at least lead to the weaken-
ing of, the *prima facie* obligation to obey.

Certainly we would find life easier if the answers to this and
to similar moral issues were more straightforward and unambiguous. We
would prefer to be able to say that there *is* no obligation to obey
or that the obligation to obey is so strong as to be overridden only
by the most extraordinary conflicting moral obligations. But we have
seen that the obligation to obey is simply not that way. What could
be a strong obligation to obey is seriously weakened by factors over
which the individual has little or no control.

Given the rather ambivalent conclusion that we have reached, it
is difficult to provide any conclusive practical guidelines. However,
some recommendations can be made based on our examination into the
obligation to obey. In the next few sections we will present some
recommendations—for the armed forces as a whole, for military
authorities, and for those who are asked to obey lawful orders. The
presumption behind the recommendations is, in the case of the armed
forces as a whole and of military authorities, that they would want to
take steps which would tend to strengthen the actual and perceived
obligation to obey; in the case of the individual member of the armed
forces, the presumption is that he will want to find a way in which
he can deal with both the moral and the legal demands of obedience without compromising the demands of conflicting moral obligations.

B. RECOMMENDATIONS FOR THE ARMED FORCES

The basic task facing the armed services, if it wishes to strengthen the obligation to obey, is to correct those shortcomings of current policies and procedures which we previously noted as weakening the obligation to obey. Policies which detract from the effectiveness and fairness of the decision process, from the trust which can be placed in authorities and the authority system, or from the force of the oath of office and the enlistment contract need to be corrected. Certainly such goals are not novel; what is novel is emphasizing the extent to which progress in these areas affects the strength of the obligation to obey.

Our treatment of obedience identified some specific problems. The following recommendations are provided to address those problems and thereby to strengthen the obligation to obey.

(1) Consider seriously the 14 pages of recommendations of the U.S. Army War College's Study on Military Professionalism. The study focuses on, and recommends elimination of, several of the causes of the ineffectiveness, unfairness, and lack of trust we noted in Chapters VI and VII. The recommendations primarily address themselves to the problems of inbreeding, attempts to quantify competence, unethical behavior, isolation of senior officers from junior officers, focusing on short-term rather than long-term effectiveness, and the short duration of tours. The study emphasizes the extent to which such
policies detract from the effectiveness, fairness, and trustworthiness of military authorities.

(2) Consider seriously whether every officer need be a "generalist." Consider modifying the promotion, separation, and assignment systems in such a way as to permit full utilization of the officer specialist.²

(3) Study the necessity of the current class differences between the enlisted person and the officer.³ Eliminate the class differences as much as possible; consider eliminating even the officer/enlisted distinction, except possibly at the higher ranks.

(4) Consider increasing the number of civilian instructors at the Air Force Academy and West Point to at least five percent of the faculty. This is intended to reduce the inbreeding and isolation of the officer corps.⁴ Note that similar recommendations have already been made by other studies.⁵

(5) Make the oath of office optional, and allow no one to take it until he has been in the military long enough to understand the life-style he is promising to commit himself to.⁶

(6) Find some politically acceptable way of eliminating the arbitrary, changeable nature of the government's responsibilities on the DD Form 4.⁷

(7) Find some way of permitting selective conscientious objection⁸ and selective conscientious disobedience.⁹ Emphasize in the various training courses, particularly those for officers and non-commissioned officers, that our primary responsibility is to do what is right and that obedience is required when and because it is
right. To so recognize the moral autonomy of the individual is to lessen the dangers of mass, unreflective obedience pointed out by Milgram. It is to emphasize the moral need for obedience rather than the attitude that obedience is something imposed on the individual and thus to be avoided whenever one can get away with it. At the same time the justification of obedience will have to be thoroughly presented.

(8) Encourage creativity and initiative on the part of junior and field grade officers, tolerating all but the more serious mistakes. This would serve a triple purpose: (1) it would increase the autonomy of the officers; (2) it would increase their effectiveness through their learning from their mistakes; and (3) it would decrease unethical behavior in the form of false reporting and other efforts to cover up one's actions.

(9) Develop a strong program to eliminate any unfairness, any degradation of individuals, or any unnecessary restriction of the freedoms available to most citizens. Since the draft was ended great strides have already been made in this direction, but more is needed. Individual members of the armed forces must perceive the competence, the fairness, and the trustworthiness of military authorities if they are to recognize a very strong moral obligation to obey. If single persons or junior enlisted married persons perceive the authority system as systematically unfair or if they perceive the authorities as not to be trusted due to their lack of concern for human beings, then obviously they will never recognize a very strong obligation to obey. Whether long-term restrictions on personal freedoms in
peacetime genuinely contribute to military effectiveness needs to be honestly assessed.

C. RECOMMENDATIONS FOR AUTHORITIES

Except at the highest level of military authority, a specific individual has little or no opportunity to significantly and directly affect the broad policies which impinge on the obligation to obey. Nonetheless, those broad policies normally are such that military authorities themselves—at all levels of command—can detract from or add to the strength of their subordinates' obligation to obey. Their own competence, fairness, and trustworthiness affect the obligation to obey. Based on an authority's need to be, and to be perceived as, competent, fair, and trustworthy, we can offer the following recommendations.

(1) The officer needs to develop his own personal professional competence. This would include competence both in one's chosen specialty and in the officer's general responsibilities as a military manager. Reading and study, learning from the insights and leadership techniques of others, along with honest self-evaluation and self-criticism are perhaps essential. In particular, given the current environment, the officer will have to make a special effort to avoid the isolation we noted. This will probably require the reading of non-military books and journals, including those that provide a perspective different from one's own, the cultivation of friendships among civilians, enlisted members, and junior officers, and open and honest communication with subordinates.
(2) Given the pressures often put on a military manager for short-term, superficial success, he will have to make a special effort to avoid being completely engulfed by the trivial, but current, problems that invariably seem to demand one's sole attention. The competent professional will need to emphasize more significant, long-term concerns.

(3) Absolute fairness to one's subordinates is essential. One must give them the freedom and autonomy appropriate to their sense of responsibility and to their job requirements. This point has been emphasized in the various programs of professional officer education for at least the last fourteen years, but the inflexible, autocratic management style is still common throughout the armed forces. Similarly, the individuals' desire for job satisfaction and attainment of personal goals must likewise be one of the authority's primary concerns. The military manager needs to give the individual the greatest opportunity possible, consistent with group needs, to define his own job requirements, to establish his own procedures, and to exercise his own creativity and ingenuity. This will necessarily mean that the manager will have to be tolerant of subordinates' mistakes to a degree that is not common in today's armed forces. Note that this is not only one of the elements that must go into treating subordinates fairly; it is also a means of increasing the effectiveness of the system of military authority: creative, fresh ideas can be introduced into a system only if a tolerant attitude towards mistakes is taken, and the authorities of the future can develop their own sense of responsibility only if they are given opportunities to exercise
their own best judgment—even when that means mistakes.

(4) Uncompromising integrity is required as the source of personal trustworthiness. This includes an absolute insistence on honesty in reports of all kinds—which has frequently been portrayed as a significant problem in the armed services today. Deceitful or misleading statements or explanations of policies must be avoided. Attempting to reach numerical goals or attain statistical standards must be done in an open and honest way.18

(5) In particular, the recommendations included in an article by Major William Gernert, "On Fostering Integrity,"19 must be implemented. Specifically, this means eliminating or changing any policies over which one has control, which fail to meet the following five criteria: (1) the policy must not "attempt to measure a complex reality by using oversimplified criteria"; (2) the policy must not "ignore or contradict known reality"; (3) the policy must not be such as to require or appear to attain error-free human performance; (4) the policy must not levy wholly inappropriate sanctions for failure; and (5) the policy must not require personal certification on items that are either too complex or too trivial to make personal knowledge of such items reasonable.

(6) Finally, it should be pointed out that the issues of competence, fairness, and trustworthiness are intimately connected. The authority who is not trusted is not likely to be an effective leader, i.e., he is incompetent. But if he is incompetent, then he must resort to devious, unsound, or unfair techniques in order to get his job done or at least appear to get his job done. But then we
complete the circle: any authority who operates in such a manner is not trustworthy. The nature of the responsibilities of authority is such that deficiencies in any single area is likely to result in deficiencies in another. The intimate connection between competence and integrity in the military authority has been pointed out by others; here we are concerned to show that the relationship between competence and integrity has a significant impact on the subordinates' obligation to obey.

D. RECOMMENDATIONS FOR INDIVIDUALS

(1) The Moral Acceptability of Membership in the Armed Forces

When a person is a child he often wants to be a fireman or a forest ranger or a doctor or, perhaps, even a bank robber when he grows up. Normally these are mere passing fancies which are not likely to be acted on. However, as a child grows older he will eventually come to a point where he can act on his desires to be a fireman or whatever—even if those desires are not much different than the passing fancies of his childhood. The problem, of course, is obvious: one's occupation or profession should not be merely a function of the glories, excitement, or mystery that is associated with an occupation or profession. Various moral considerations come into play: the bank robber's occupation cannot be justified even if the mystery, feelings of superiority, and pay are extremely high. The occupation itself is associated with an activity that cannot be morally justified. Even to indirectly support those who actually do the bank robberies cannot be justified: to do the gang's accounting and investing and to distribute
pay to the members of the gang is not an occupation that can be justified morally—at least not if the job is done with knowledge of the sort of activity with which his "company" is primarily concerned.

The application of this analogy to the armed forces is rather straightforward: the moral agent needs to assess the morality of the organization as a whole. Is the whole activity of the armed forces to be judged immoral? We earlier noted the problem of pacifism in explaining that the primary reason for obeying lawful military orders depends on the assumption that the goal of the armed forces—deterring or winning war through military force—is in fact moral. The related point here is that it is wrong to make the armed forces one's occupation or profession if one is a pacifist. To willingly become part of an activity that one judges to be immoral is itself immoral. In other words, anyone who cannot accept, morally, the goals of the armed forces is under a moral obligation to quit the organization.

Furthermore, it is important to realize that the ultimate goal of the armed forces is not merely to deter or fight in war. It is to deter or fight in war in the manner and at the time and for those purposes determined by the political leaders of our country. In other words, our armed forces are to uphold and protect a certain political, economic, and cultural system with all the values associated with it. Clearly, if one cannot or does not morally accept, in general, such a system and its values, then he is under a moral obligation to leave the armed forces protecting it.
Basically, then, we must assume that the individual member of the armed forces who is morally mature is in basic agreement with the methods and goals of the armed forces and with general values of the society which he is protecting.

(2) **Normally, One will not be Ordered to Do What He Considers Immoral**

Suppose one is in general sympathy with the immediate and ultimate purposes of our FBI. But further suppose that he has a moral objection to domestic spying, especially where federal congressmen and other national leaders are concerned. If the individual works for the FBI and is recently assigned to a branch (whose existence he previously was unaware of) and if his new duties call for regular spying on congressmen, then it would seem that he has an obligation either to get out of that branch, if that is possible, to stop the questionable activity, or to get out of the FBI. To directly be involved in an activity he considers immoral is itself immoral. The general, *prima facie* obligation to obey the FBI authorities is overridden by the immorality of his normal, daily duties. In other words, it is wrong to belong to an organization or branch of an organization—even if the overall goals and methods of the organization are morally acceptable—if in the normal course of events one is required to engage in immoral activity.

In this section, we will see that under most foreseeable conditions it is unlikely that a member of the armed forces will be ordered to do what he considers immoral. Were that not the case, the practical recommendation for individuals would be to get out of the
armed forces (unless he could find some way of getting out of obeying the immoral orders).

In this regard, we can admit that some authorities will give apparent orders to do what is immoral. But we can question whether such orders would be lawful and we can also question whether such orders would not be changed when appeal is made to the various redress channels available.

The fact that there are restrictions on what would count as a lawful order serves to minimize any conflict between a lawful order and one's moral convictions. That is because a lawful order must fall within limits established by the Constitutions, federal law, and other higher authority.

A general order or regulation is lawful unless it is contrary to the Constitution, the laws of the United States, or lawful superior orders or for some other reason is beyond the authority of the official issuing it. . . .

An order requiring the performance of a military duty may be inferred to be legal. (But) an act performed manifestly beyond the scope of authority, or pursuant to an order that a man of ordinary sense and understanding would know to be illegal . . . is not excusable.22

And, of course, this restriction on what can be considered a lawful order eliminates many of the potential conflicts between a lawful order and conscience--because many common moral beliefs have been embodied in the Bill of Rights, federal law, and various military rules and regulations.

Of particular interest is the fact that the United States explicitly recognizes and accepts the International Law of Armed Conflict, as established by the Hague Conventions and Regulations of 1899 and 1907 and by the four Geneva Conventions of 1949 protecting
(1) the wounded and sick, (2) the wounded, sick, and shipwrecked at sea, (3) prisoners of war, and (4) civilians. Any order that conflicts with these conventions is not a lawful order. While there can obviously be cases where it is not clear whether the conventions apply, nonetheless they do provide guidelines which can definitively invalidate those orders which command certain obviously immoral actions.\textsuperscript{23}

It is well-established that members of the Armed Forces of the United States did indeed violate at least some of these conventions during the Vietnam hostilities. While there may be disagreement as to how extensive such violations were, nonetheless at least some violations were both obvious and subsequently well-publicized.\textsuperscript{24} In an effort to reduce such violations in the future, the Department of Defense established the Department of Defense Law of War Program on November 5, 1974 (DOD Directive 5100.77). Basically, the program calls for adequate training to all members of the armed forces in the requirements of the international conventions and for prompt reporting of alleged violations of such conventions by our own forces. Previous training in the conventions had emphasized the rights and responsibilities of military personnel should they be taken prisoner. But there was little or no emphasis on our responsibilities to others. The new program represents a healthy shift in emphasis. As implemented by the Air Force, for example, the program takes on a positive tone:

Air Force personnel will comply with the law of armed conflict in the conduct of military operations and related activities in armed conflict. . . . The Air Force will
carry out programs designed to prevent violations of the law of armed conflict.

a. ... The Air Force will insure that the principles and rules of the law of armed conflict are known to all Air Force personnel, the extent of their knowledge to be commensurate with each individual's duties and responsibilities. This program will include training required by the 1949 Geneva Conventions for the Protection of War Victims and Hague Convention IV of 1907.

b. Violations of the law of armed conflict alleged to have been committed by or against members of, or persons accompanying or serving with the Air Force, are to be reported promptly, investigated thoroughly, and appropriate action taken.

In short, there is at least some guarantee that a member of the armed forces will not be ordered (and certainly not be lawfully ordered) to perform those immoral actions covered by the international conventions.

In addition to the restrictions on lawful orders due to higher law, there is another reason which makes it likely that one will not be ordered to do what he considers immoral. That reason lies in the fact that he knows in advance what sort of policies and procedures the armed forces will follow: most of the authoritative decisions made by military authorities have been put into writing. Whether in the form of the Uniform Code of Military Justice, various regulations and manuals of the services and of intermediate levels of command, or merely office operating instructions, the military reduces its decisions to a form which is readily available to its members, except for those decisions that apply to a one-time situation. In fact, there is a specific written regulation that verbal instructions and even written instructions contained in letters and memoranda should be put into a more permanent format of regulations, office instructions,
etc., before a specified period of time.²⁷

Some individuals get rather upset at the resulting plethora of rules, and, indeed, most members of the military—whether of the highest or of the lowest rank—would agree that there are far too many rules and regulations. Many persons would feel extremely limited, confined, regimented, repressed, or whatever, in the face of a seemingly never-ending array of requirements. However, it is possible to interpret these written instructions in a totally different manner which has some bearing on our topic. The rules and regulations not only put certain restrictions on one's own behavior; they also put similar restrictions on the behavior of one's immediate superiors. They serve to insulate a person from the idiosyncrasies and excesses of supervisors and middle-managers. Even the commander of a large military installation or of a combat organization is extremely limited in what kinds of decisions he can make. Furthermore, since he must eventually reduce most of his decisions to writing, they are subject to the scrutiny of his own superiors, so that he needs to make his decisions based on reasons rather than on whim—he realizes that his decisions will eventually be reviewed and possibly challenged. This means, of course, that many otherwise possible decisions have been ruled out in advance; one can know in advance what range of actions can be expected of him.

The availability of established, legal grievance channels also suggests that one is not likely to be put into a situation of having to comply with an order that he considers to be immoral. Of course, it is possible that one will be subjected to orders commanding him to
do what he considers immoral. But presuming that one's moral principles are fairly conventional, then most of the time any conflict between authoritative military decisions and moral principles can be resolved through the established grievance channels. This is not to suggest that one's moral principles should be conventional; it is merely to make the factual observation that if one's moral principles are fairly conventional one can usually successfully challenge an order that conflicts with one's moral principles.

Finally, we should note that we are assuming in this section what was established in the previous section, namely, that "the individual member of the armed forces who is morally mature is in basic agreement with the method and goals of the armed forces and with the general values of the society which he is protecting." But, given that assumption, it is highly likely that his principles of morality are embodied in the Constitution, federal law, the rulings of higher authority, and the myriads of rules and regulations to which his superiors are subject. Furthermore, it is highly likely that those to whom he might appeal for redress will be in accord with his moral outlook.

In practice, this means that the individual can presume that he is under an obligation to obey orders under normal circumstances. The obligation arises from considerations of the previous four chapters and from the position thus far established in this section, namely, that normally there are no conflicting obligations which override the obligation to obey. In effect the individual can quickly and almost unreflectingly obey orders, provided he remain alert for indications
that the circumstances might not be normal. 31

(3) The Possibility of an Obligation to Disobey; How to Deal with Such an Obligation

In spite of all that we have said thus far, it is possible that one might find himself in circumstances in which his best moral judgment calls for disobedience. Even the Manual for Courts-Martial recognizes the possibility that one's moral convictions will conflict with orders: "The fact that obedience to a command would involve a violation of the religious (or moral) scruples of the accused is not a defense." 32

The practical question remaining is how the individual might cope with this possibility. Without compromising his moral convictions, he needs to find some way of minimizing the possibility of incurring legal sanctions due to disobedience.

The recommendation of this section is based on the presumption that most superior officers are basically well-intentioned. They want to make the right decisions; they want to treat subordinates fairly; they are not so enamoured of their own ideas that they will refuse to listen to others; they are flexible enough in their decisions to be willing to bend enough to accommodate the strong and reasonable desires of their subordinates. Of course, this presumption is not true of every superior officer, and where it is not true there is little chance of alleviating the danger that one's moral principles will clash with the inflexible demands of an unreasonable superior. But where the presumption does apply the individual can take positive steps to avoid such a clash.
The first step to be taken is a long-range undertaking. The individual must develop a reputation for professional competence, for the highest standards of integrity, honor, and fairness, for a thoroughgoing commitment to duty and to supporting one's superior, and for acceptance of group standards of bearing and behavior. In addition, one needs to develop both the ability to explain one's position in a reasoned, non-threatening manner both in writing and in speech. In other words, an individual needs to convince his superiors that any questioning of orders or refusal to obey is a result of his competence, professionalism, and commitment to duty rather than an indication of his indifference, poor judgment, or refusal to subordinate himself to group needs.

The second step is to question one's own judgment, to determine the reasons for the questionable order, and to reassess whether a genuine moral issue is at stake. Significant doubt, of course, would normally be resolved in favor of obedience, given the certainty of that obligation.

The next step is to discuss the issue with the authority, explaining one's reservations, suggesting alternatives, or asking to be exempted from the order issued. Frequently—most of the time—any differences between a military authority and a serviceman will have been resolved by this time, provided the issue is approached in an adult, rational manner, provided the subordinate is not looking at the issue from a narrow, self-serving perspective, provided the subordinate approaches the issue with a supportive, constructive attitude, and provided the subordinate has established a good performance record.
If the issue is not resolved the individual needs to seek redress through grievance channels and/or to weight the obligation to obey and the morally undesirable consequences of disobedience against the moral issue at stake. He might eventually have to simply decide whether to obey or disobey. But his constructive approach to the problem will minimize the occasions on which he will be faced with such a decision.

Sometimes it takes a bit of creativity to approach the issue in a constructive way. One might have to invent a new approach to a problem in order to provide the authority with positive, constructive alternatives. One might have to work hard to dig out all the facts bearing on the issue. One might have to write out the alternatives and make drafts or suggested revised regulations and policies. But it can work. And even if it doesn't and even if the subordinate ends up deciding to obey an order he is not in full agreement with, still he has acted in a fully human manner. The point is this: the individual who approaches the issues in the way suggested is doing more than merely making his objections known; he is refusing to merely be manipulated. When he obeys, he has weighed all the alternatives and considered the merits of each, and he chooses to obey. He may not agree with the authoritative decision, but he recognizes his obligations to obey (based on considerations presented in earlier chapters), and he chooses to cooperate with the group decision, having done his best to determine whether and how he should try to get the group decision changed.
No doubt, the military (as well as non-military societies) will always have a large number of individuals who are manipulated into obeying in one way or another. But hopefully there will continue to be room for the person who chooses to obey based on good reasons. In allowing the individual to choose to obey, of course, there is the risk that the individual will choose not to obey. Certainly the risk is worth it: those who are constantly manipulated will never have the creativity and the leadership potential so desperately needed throughout society today. If allowing persons to act based on good reasons would result in excessive disobedience, then perhaps we should look at the wisdom shown in our authoritative decisions.

There will always be those who would choose to act selfishly, at the expense of the society, if they were given a chance. The danger is that the society, in attempting to gain such persons' cooperation, would try to force everyone into a mold—to manipulate everyone into obedience. The challenge is to allow the person committed to acting on good reasons the freedom to do so, while channeling the others into supportive activities as they are given enough freedom to grow into a more constructive maturity.

E. CAN THE ARMED FORCES TOLERATE MORALITY?

The armed forces have long had a history of emphasizing certain values which would seem to indicate a deep concern for issues of morality. Duty, honor, and integrity have been emphasized over and over. Honor codes at the service academies are a tradition. Military law prohibits "conduct unbecoming an officer and a gentleman."
Religious affiliation and practices are encouraged. Even the supreme court has recently reaffirmed that the armed forces have a "higher code termed honor, which holds its society to stricter accountability."35

And yet, there are reasons to think that the military's emphasis on these values has little to do with morality. Janowitz describes honor in over seven pages with no reference to anything that would suggest that the military's emphasis on honor is based on considerations of morality.36 There he describes honor in terms of gentlemanly conduct, personal fealty, brotherhood, and the pursuit of glory. He describes gentlemanliness in terms of "social manners."37 References to integrity suggest that it has only to do with honesty, and it is justified more because it is necessary to brotherhood than because it is called for by moral considerations. It is often said that there is honor even among thieves--there has to be, because thieves must be able to rely on one another. Similarly, there has to be honor among military officers--otherwise there could be no successful military officers (military success requires being able to rely on one's comrades-in-arms to do what they say they will do). Janowitz suggests when military honor is effective, its coercive power is considerable, since it persistently points to a single overriding directive: The professional soldier always fights.39

Certainly there can be no moral justification for such a portrait of honor.

Can the military tolerate widespread morality in its ranks, even when morality would require disobedience to lawful orders? We
have given many reasons for obeying in this dissertation, yet we have not even questioned what we take as a fact: that sometimes it is morally obligatory to disobey a lawful order.

If the military were to ask its members to be moral, it would have to ask them to make moral judgments in acting and to act based on those moral judgments. The question is whether the military could tolerate servicemen acting on their own moral judgments, if such a practice were to become widespread. There is good reason to think that it could not. Consider the following.

(1) It would appear that the society from which the armed forces draws its personnel does not put the same emphasis on discipline, order, and obedience as it once might have. The recruits who come into the service have to be taught discipline, commitment, order, and the like. As one officer puts it, today's recruits are largely "young kids who never finished a thing they started. . . . For half of them, this is just one more place they've drifted to." Obeying authority is not a very popular thing nowadays--somehow recruits need to be taught to obey. If a person has been acting over a long period of time on whim, on impulse, on his feelings at the moment, you can't change that very quickly; somehow you have to make him want to act in the way you think he should or in the way you want him to act, if you are going to start forming him into a soldier. You manipulate or force him into doing the things you think he should do. You can't afford to tell him that he has to make a moral judgment and act on it. You can't expect a person to act in a rational manner just because you tell him to, especially if he does not know what it is to act
rationally and if he has never acted that way in his life.

(2) If the military were to allow people to act on what they consider good reasons, i.e., because of considerations of morality, so that disobedience to orders would be tolerated when the person had reasons of morality as his justification, then a large number of persons would deceitfully appeal to morality in order to get away with disobedience even when that disobedience is actually based on non-moral reasons. This has already been shown in a related problem. The armed forces must, by court ruling, discharge those who pass the three-pronged conscientious objector criterion. This puts the services in what one Pentagon spokesman called "the impossible bind of having to disprove the sincerity of the C.O. applicant." Indeed, 3800 servicemen were released as conscientious objectors in the 1970 to 1972 time frame. Given the world situation at the time, we can well agree that there would be at least that many soldiers who would be considered selective conscientious objectors--opposed to the Vietnam hostilities on moral grounds. But it is hard to believe that 3800 servicemen in a three-year period developed what the courts have called a "late-blooming conscientious objection" to all war. Many of those 3800 simply found a way to get out of an undesirable situation. Furthermore, many others would develop "moral" objections to obeying certain orders if having such moral objections meant not having to obey such orders or meant being able to get out of the service. Indeed, the Manual for Courts-Martial explicitly states that "the fact that obedience to a command would involve a violation of the religious scruples of the accused is not a defense" in cases
where violation of Article 90 of the Uniform Code of Military Justice has been alleged. As one military judge put it, "conscience is not a defense."46

(3) Were the military willing to tolerate a person's disobeying because he considered himself under a moral obligation to do so, then the military would have to tolerate selective conscientious objection, something which to date has been permitted not even to civilians. Could a military force be possible if each soldier were given the latitude to make his own moral judgment about the morality of a war he was fighting in and be legally free not to fight if his conscious so dictated?

At present, the serviceman who adopts a policy of always acting on what he considers moral principles hopes that he will not be ordered to do something he considers immoral or that his superior will change the order or overlook disobedience when he tells the superior he will not obey. Perhaps under most situations this would be the case: most authorities are sensitive to the moral beliefs of their subordinates and go out of their way to respect them. Nonetheless, the services do not guarantee such consideration; rather, they try to secure obedience through force, threat, or various kinds of manipulation.47

This should not imply that the situation is totally intolerable. Most of the time, perhaps nearly all the time, the person who joins the armed forces brings with him certain attitudes, values, opinions, etc., which are compatible with the attitudes, values, opinions, etc., of those authorities who make policy decisions. If
this were not so, such persons would not join the armed forces, or they would get out as soon as they were eligible to do so. By and large, soldiers have attitudes, opinions, and values similar to those held by civilians. Since political authorities are responsive to the attitudes, opinions, and values of the voters and since political authorities ultimately establish military policies, we should expect that serious conflict between the serviceman and authoritative decisions would be minimal.

Nonetheless, sometimes there will be conflict between a person's moral judgment and a lawful order. At present such conflicts result either in a man's being punished for disobedience or in his yielding and acting in a way that he considers immoral. Is there any alternative? I would hope that one can be found, but at present I do not see it. I call upon the military legal experts to find a way. We need in the military today as many persons of high moral integrity as we can get. As former Attorney General Ramsey Clark has stated, "The government need not fear those who act on conscience; if it strikes out at those who do, it injures itself and the rule of law."
Chapter I

1. Article 90, Uniform Code of Military Justice (UCMJ).

2. For example, officers assigned to the Air Force Academy were required to wear the uniform to intercollegiate athletic events, even at away games as spectators, up until September, 1977.


Chapter II

1. For example, see the works by Richard T. DeGeorge noted in the Bibliography.


8. Of course, we could ask whether or not there is such a thing as a legitimate authority, which question might seem the same as whether or not we should obey authority. But it is not. On Wolff's account of legitimate authority, there is no such thing as a legitimate authority. But this does not mean that there is no obligation to obey some other sort of authority. What we want is an account of authority such that we can characterize those persons we normally consider
Chapter II, continued

authorities, such as kings, presidents, pastors, etc., and ask whether we have a moral obligation to obey them. Certainly such persons can be considered "legitimate authorities" in some sense which distinguishes them from those who hold office due merely to force, etc. The problem is that Wolff's method of talking about authority allows no middle ground between someone who holds office through force and someone who is the sort of authority who, by definition, should be obeyed.


10. I will not use the term 'society' specifically as a sociological term referring to a group that is large and/or self-reliant. As I use the term, a "society" can be very small (even as small as two persons), as in "The Flat Earth Society." The only requirement is that these be joined together at least minimally, most likely in a common purpose; otherwise there will never be the societal agreements, desires, understandings, and expectations that are the source of the kind of authority we are interested in, namely, societal authority, as discussed in Section C, below.

11. The expression 'charismatic authority' is used by DeGeorge in "Freedom and Authority," p. 145, footnote 2.

12. Cf. note 10, this chapter.


15. Of course, some societal authorities are notorious for never making a decision. But even in these cases it is usually part of their authority to decide whether certain decisions are to be made. Their apparent failure to decide is itself a decision which is accepted as authoritative by the society as a whole.

16. This feature of societal authority requires that we not consider as societal authorities some persons we would normally consider authorities. For example, meter maids and other non-decision making policemen. An authority who does not make a decision is not the kind of authority we are interested in.


18. The expression 'society as a whole' is clearly ambiguous, and I don't believe I can resolve that ambiguity. For some societies in some situations, it would take unanimous participation for "the
Chapter II, continued

society as a whole" to act; for other societies or other situations the "society as a whole" can act when only a few participate. For our purposes, we will have to rely on our intuitions to determine when a "society as a whole" does something.

19. I am neither suggesting that these three be considered the same nor that they be distinguished.

20. Of course, it is debated whether there are natural rights. But this is irrelevant here. My point is that the right of authority is a societal right, not a natural right.


23. This might seem a surprising example, particularly if we think of ourselves going to a football game in order to be entertained. However, if we think of a high school student going to a football game not just to be entertained but also to join with classmates in supporting the team, then we can interpret that society as acknowledging the cheerleaders as the group to decide how the society will support the team—i.e., which cheers to use at a particular time.


27. Rahner, pp. 3-4.


29. If they had a custom of never eating breakfast, and had modified their eating habits 364 days of the year in order to comply with the rule, then we could agree that they obeyed 364 days of the year.

30. Wolff, pp. 6, 9.
31. This is an ambiguous expression. For further clarification, see pp. 195-196.

32. Of course, this could also be a blind obedience; for example, if the person blindly accepted the moral principle that one should obey authority. The determining factor is whether he holds his beliefs arbitrarily or for good reasons.

33. I use double quotation marks here to indicate that I am not using 'obedience' in the technical sense of this chapter. As a matter of fact, one of the problems of the current debate about whether obedience and autonomy conflict is that 'obedience' has never been tied down to a clear, specific meaning.

Chapter III


2. Wolff, p. 18.


5. Of course, the hard determinist would not agree with the approach here taken; he would accept premise 1 because no matter what a person does, he is not free (on the hard determinist account). But, then, the hard determinist would not accept premise 2. So, one way or another, the argument is not sound.


7. Aristotle, Nicomachean Ethics, 1109b35.

8. Tennyson, "The Charge of the Light Brigade."


10. Milgram, p. xii.


13. For some moral philosophers, this point is quite dominant and emphasized, e.g., Kant, Nietzsche, Sartre. Others presume it without mentioning the point. Still others would accept the idea, although the terminology would have to be revamped to accommodate
Chapter III, continued

their ethical system; for example, Aristotle would substitute 'virtuous' for 'right' since the person who has not yet become virtuous could well be performing a 'right' action merely by performing the actions that a virtuous man performs; or, for another example, Aquinas would insert 'human' before 'person', since God, for him, can rightfully make my moral decisions.

14. Of course, this does not mean that we should ignore the insights of moral experts. For clarification on this, see below, pp. 86-87.

15. This expression needs much clarification, which is provided below in Section N, pp. 85-89. It is what DeGeorge calls 'executive moral authority' in his "Authority and Morality," in Frederick J. Adelmann, S. J., Authority, (The Hague; Nijhoff, 1974), pp. 31-49.

16. We have not yet considered how authoritative decisions might generate prima facie obligations to obey, given that they don't generate them necessarily. An authoritative decision should be looked on as a fact--one of the morally relevant facts that enter into any moral judgment. When combined with the kinds of morally relevant facts discussed below in Chapters V through VIII, a prima facie obligation to obey is generated. But when such relevant facts are not present, then no prima facie obligation to obey is generated.

17. See note 15, above.

18. For example, is the purpose of the society moral, is the authoritative judgment related to the purpose of the society, etc. Cf. Jeffrey H. Reiman's In Defense of Political Philosophy, Chapter IV: "Is There a Moral Duty to Obey the Law?" (New York: Harper & Row, 1972), pp. 53-59.

19. Reiman, p. 45. Emphasis is Reiman's. (I am not sure I can accept the "right to command" terminology, inasmuch as I am not sure what he wants built in to the term 'command'.)


22. See note 18, above.

23. DeGeorge discusses this type of moral authority in his "Authority and Morality," pp. 31-49.
Chapter III, continued

24. E.G., Kant, *Groundwork of the Metaphysic of Morals*, 88-9; Reiman, Chapter I: "The Impossibility of Moral Authority"; DeGeorge, "Authority and Morality," *passim*.

25. But even here most would reconcile the moral authority of God with the demand for individual autonomy. For example, even a Thomas Aquinas, who holds that all morality comes from God, nonetheless holds that each man should determine for himself as best he can what objective morality requires, and then, right or wrong, he should follow that determination. Thus, for him, in all cases a person's conscience should be his guide, whether right or wrong. So, for example, Aquinas explicitly says that if someone's conscience says it is immoral to be a Christian, then it is his duty to refuse to be a Christian. See *Summa Theologica*, I-II, Ques. 19, Art. 5.


27. Eleven of these articles are listed and briefly reviewed in notes two and three of Paul T. Menzel, "Wolff's Critics: Confusing the Confusing," *Personalist*, 57:320, Summer, 1976.


29. For example, he says on page 9: "Legitimate, or de jure authority thus concerns the grounds and sources of moral obligation." (My emphasis.)

30. Wolff, p. 15.


32. Wolff himself does not use the "just because" terminology; however, the general thrust of what he is saying indicates that he has the "just because" idea in mind. For example, he says on pages 15 and 16:

If someone in my environment is issuing what are intended as commands, and if he or others expect those commands to be obeyed, that fact will be taken account of in my deliberations. I may decide that I ought to do what that person is commanding me to do, and it may even be that his issuing the command is the factor in the situation which makes it desirable for me to do so. . . . But insofar as I made such a decision, I am not obeying his command.

Of course, given the kind of obedience to authority that we presented in Chapter II, we would indeed consider such a person to be obeying authority, presuming that the person doing the commanding is indeed an authority.
Chapter III, continued

33. Cf. above, pp. 45-46.

34. For example, on p. 12 Wolff speaks of autonomy as "taking responsibility" for his actions and on p. 13 describes that as going through a reflective process before acting; it seems similar to, if not the same as, what I have called "autonomy of choice." Later, on p. 13, he speaks of responsibility in terms of being one's own moral judge; this is our "moral autonomy." On p. 14, he equates the expressions "refusing to engage in moral deliberation" and "accepting as final the commands of another"; but these are different, the former concerned with moral autonomy, the latter concerned with autonomy of choice. He makes the curious claim (p. 15) that a man forfeits his autonomy when he places himself "in the hands of" a doctor—I don't know what sense of autonomy he could possibly be talking about.

35. Wolff, p. 18.


Chapter IV


11. Meier, p. 78.


13. Cf. pp. 195-196 for a more complete treatment of this notion.

14. Milgram's terminology differs from ours. Where we discuss "loss of autonomy," Milgram speaks of the individual's entering the "agentic state." His discussion of this issue from a psychological perspective provides a good deal of insight into what a loss of autonomy amounts to, psychologically. The loss of all four kinds of autonomy we discussed in the previous chapter is noted. Cf. Milgram, pp. 143-152.

15. For example, the case of Gretchen Brandt, discussed by Milgram on pages 84-85. He says, "The woman's straightforward, courteous behavior in the experiment, lack of tension, and total control of her own action seems (sic) to make disobedience a simple and rational deed."


17. Ibid., pp. 179-189.


Chapter V


2. I recognize the existence of an extensive literature relating both to the topic of promises and to the topic of contracts, both discussed in this chapter. In general political and social philosophers discuss them under the title, "social contract theories." However, I avoid that terminology, primarily because I do not here present what I understand by a social contract theory. A social contract does not provide the primary justification for obedience in the military, as I understand the issue. The primary justification is presented in the next chapter, and it is teleological rather than contractual in nature. Promises and contracts come into the picture when military obedience is at issue, because in this case the oath of office and the enlistment contract provide justification for obedience in addition to the teleological justification. Whether social contract theory provides the justification for political obedience is not really of concern for our purposes.

3. For example, see David H. Jones, "Making and Keeping Promises," Ethics, 76:287, and his short but excellent bibliography.


6. Again, I do not here consider why we might consider ourselves under a moral obligation to keep a promise; I merely assume that there is such an obligation. Cf. note 3, above.

7. Article 137, UCMJ.


9. Ibid.

10. Cf. Rawls, p. 343: "Extorted promises are void ab initio."


14. Reiman, p. 3.
15. P. 89.

16. DD Form 4.


18. This position has been upheld by the Supreme Court. See Reinhold v. Schlesinger, Civ. A. No. 71-1597-C (D. Mass., July 29, 1974): "A number of cases have established that a late-blooming conscientious objection is just as valid as one arrived at earlier, and several Supreme Court decisions, as well as a decision of the Court of Appeals for the First Circuit, have clearly established that a late-blooming conscientious objection is not to be ruled invalid solely for that reason."


20. DD Form 4.


22. This is just one case. Christian Century reported on January 24, 1973, p. 95, that "in the past three years 3,800 servicemen have been released as C.O.s." However, they also reported that "others have been transferred to noncombatant duties; still others have had their requests turned down."

23. That is, I am asserting, most servicemen are not conscientious objectors. They do believe that the values professed by our culture are worth preserving through armed force, if necessary.


Chapter VI


Chapter VI, continued


6. E.g., Peter Singer takes this approach in his Democracy and Disobedience, (New York: Oxford University Press, 1974): "I believe that I have shown that there are at least two significant reasons for obeying the law in a model democracy which do not apply to other political systems." (P. 59)

7. I use this terminology following Rawls, pp. 90-95.

8. I use the expression 'more or less' in the same way as Rawls, as in "There exists a viable constitutional regime more or less satisfying the principles of justice" (Rawls, p. 353). This recognizes that in actual practice we cannot expect to have a perfect system in any large-scale undertaking. It would be unrealistic to expect perfection before we had any obligation to cooperate with the system. Furthermore, given the obvious difficulties in precisely measuring effectiveness or fairness (we are unable to determine whether a system is "sixty percent effective" or "eighty percent fair"), we must be content with the rather vague "more or less" terminology.


10. Ibid., p. 138.


17. Ibid., p. vi.

18. Ibid., p. B-1-5.

19. Ibid., p. 31.
23. Ibid., pp. 7-11.
27. Ibid.
28. Ibid., p. 31.
29. Ibid., p. 32.
30. Rosser, p. 5.
32. Huntington, pp. 16, 254.
34. Ibid., p. 81.
35. Ibid., pp. 82, 85.
36. Ibid., pp. 68-71.
37. Ibid., pp. 59, 127.
38. Ibid., p. 131.
39. Ibid., p. 127.
Chapter VI, continued

41. P. 164.

42. Flammer, p. 13.

43. P. 158.

44. Air Force Regulation 123-11, "The Inspector General Complaint System," 18 June 1976, states: "All members of the Air Force, military and civilian, have the right to present complaints without fear of retaliatory action. . . . Any military or civilian member who has knowledge of mismanagement, violation of Air Force directives, or the existence of an error or an injustice, deficiency, irregularity, waste, fraud or similar condition has a duty to report it. . . . Commanders must foster an environment that encourages individuals to make their complaint known. How effectively this responsibility is discharged is a measure of an individual commander's performance. . . . In each inquiry an objective approach must be used by persons not closely associated with the problem in order to assure an impartial review and findings. . . . A credible complaint system must exist to give fair and prompt consideration to a member's complaint and provide redress when warranted. The complainant must feel he can enter the system at any level without fear of reprisal or stigma. Interviews or conferences are conducted at times and places convenient for the complainant. All personnel should be aware that the complaint system exists to help them. A cooperative attitude must be exhibited and fostered through proper responsive consideration of all complaints. Followup action must be taken on each complaint and disposition placed on record. No form of reprisal, however subtle, is to be taken against the individual." Army Regulation 20-1, "Inspections and Investigations, Inspector General Activities and Procedures," 22 August 1968, provides similar policy for the Army.

45. "Any member of the armed forces who believes himself wronged by his commanding officer . . . may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall . . . send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon."

46. Cf. Robert S. Rivkin, GI Rights and Army Justice, (New York: Grove Press Inc., 1970), pp. 189-91. 10 USC 1034 makes it illegal to interfere with a soldier's corresponding with congressmen. Air Force Regulation 123-11 implements that law in the Air Force: "Air Force personnel may communicate with any Member of Congress on any subject at any time unless such communication violates a law or security regulation. Disciplinary action will be taken against a member of the Air Force who discriminates in any manner against a member
Chapter VI, continued

for communicating with a Member of Congress or with The Inspector General." Army Regulation 600-20 establishes the same policy in the Army.

47. For example, the court decisions declaring unconstitutional the service academies' policy of mandatory chapel attendance on Sundays and the statutory law prohibiting female cadets. But on the other hand The Supreme Court has ruled that "while members of the military community enjoy many of the same rights and bear many of the same burdens as do members of the civilian community, within the military community there is simply not the same autonomy as there is in the larger civilian community." (Parker vs. Levy, June 19, 1974, 417 U.S. 733 [1974]).


50. Cf. Major Gary W. Matthes, "A Case for Equality in Housing," Air University Review, March-April 1977, pp. 91-99. On p. 91 he quotes from Title V of the U.S. Code: "It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principle that there will be equal pay for substantially equal work" (sec. 5301).


Chapter VII


2. Ibid., p. 13.

3. Ibid., p. 19.


5. U.S. Army War College, p. 32.

6. I think that authority as a right to do one thing or another has been overemphasized. Authorities can be looked at as those responsible for doing certain things. We obey not because authority has rights over us, but because they are responsible to make decisions. Of course, this is a societal responsibility, meaning that the society as a whole grants (or rather imposes) that responsibility. But the very giving of responsibility implies a certain willingness to support that responsibility by cooperating with efforts to make good
decisions and to obey the decisions made. Societies often have to give special incentives to entice people to accept responsibility. Money, privileges, rights, status, etc., are often used to make sure that someone will take on those responsibilities. Accordingly, we often tend to look on those positions as something desirable; we see the power, the rights, etc. And we often—we usually—explain authority in terms of that power or those rights. And yet it seems quite plausible that any societal right an authority has results from or proceeds from the societal responsibility he has, and not the other way around. "Rights" implies benefits to the possessor; "responsibilities" implies benefits to those to whom the possessor is responsible. And certainly we would want to say that authority is something which is for the benefit of the society, not for the one in authority.


Chapter VIII

1. See Chapter VI, note 48.


3. Air Force Regulation 36-20, "Officer Assignments," Chapter IV, "Oversea Duty," 30 June 1976: "It is an objective of Air Force assignment policy that oversea service in all areas be shared equally among all similarly qualified officers. . . . Toward that end, the Air Force attempts to distribute short oversea tours among all officers."

4. Air Force Manual 177-373, Volume III, Chapter 1, "General Policy and Conditions of Leave and Liberty," Change 2, 1 October 1976: "An aggressive leave program at all levels is an essential military requirement. . . . Commanders must: (1) Strongly encourage the use of leave to provide a respite from the work environment. . . . (2) Provide opportunity for members to use leave, including one period of 14 days or longer each year.

5. Air Force Regulation 90-1.

6. Another reason, or perhaps another factor which strengthens this reason, is that all are better off if everyone does as they are told, irrespective of whether such benefits are fairly distributed.
Chapter VIII, continued

However, such teleological considerations are more appropriately associated with the reasons for obeying given in Chapter VI. In this section we are concerned with distributive justice and not primarily with teleology—at least not directly.


Chapter IX

5. For example, the Final Report of the West Point Study Group, submitted to the Chief of Staff, U.S. Army, by the Office of the Deputy Chief of Staff for Personnel on 27 July 1977, p. 18.


16. As early as 1964 in Officers' Training School, the Air Force was emphasizing a management and leadership style in which concern for persons, as opposed to concern only for mission accomplishment, played a significant role. Clearly the change to such a
leadership style is not universal. The previously cited works by Flammer, Gernert, and the U.S. Army War College are indicative of such a failing.

17. This need is emphasized by General William G. Moore, Jr., Commander, Military Airlift Command, in "A Major Commander Speaks," The Inspector General Brief, March, 1978, p. 1. The lack of such an attitude is emphasized by Flammer, pp. 13-14, 16.

18. Some examples of how numerical goals can lead to deceit: In Clear, Alaska, in 1974, the amount of food consumed through the dining hall at this BMEWS site exceeded the amount stipulated by Air Force directives for the number of persons being fed; the solution was to instruct all personnel on the site, including those who did not normally eat at the dining hall, to sign the roster of those fed; soon the reports indicated that enough persons were eating in the dining hall to justify the amounts used. In Thule, Greenland, in 1975, those taking government vehicles to the motor pool for repair were sometimes told to bring the vehicle in after a few weeks; this was done to avoid logging in a vehicle when maintenance personnel knew the parts needed were not available; in this manner the standards for supply fill rate were met. More recently, and closer to home, the Air Force Academy seriously considered in January, 1978, the hiring of some 80 temporary GS-2 civilians for the primary purpose of meeting the standards for average civilian grade levels; the obvious cost involved would have gone directly counter to the intent of imposing the standards in the first place; fortunately, such a deceitful program was not implemented—but only because of the direct intervention of the most senior officers.


20. For example, Colonel Malham M. Wakin, "The Ethics of Leadership," American Behavioral Scientist, May-June 1976, pp. 355-375. Colonel Wakin also notes similar findings in the U.S. Army War College study that we have already referred to (pp. 30-31), and he also points out the strong position taken on this issue by Lieutenant General Sir John Winthrop Hackett, The Profession of Arms, (London: Times Publishing Company Limited, 1962), pp. 45-46.


23. "If there is an objectively true directive that these aid-men were to be trained to commit war crimes, then I think a doctor would be morally bound to refuse to give his aid and comfort and
training to those individuals.' With these quiet words, American jurisprudence entered a new era. For the first time in a court, the Nuremberg principles would be accepted as a standard." Joseph DiMona, Great Court-Martial Cases, (New York: Grosset & Dunlap, 1972), p. 234; his quotation is of Colonel Earl V. Brown, the Law Officer at the court martial of Captain Howard Levy.

24. In addition to the much-publicized My Lai Affair, see Daniel Lang's "Casualties of War," New Yorker, October 18, 1969. It should also be noted that 1/Lt Calley was "at least the 60th U.S. serviceman convicted by court-martial of murdering South-Vietnamese civilians." This was reported by Scripps-Howard writer Mike Miller in the April 6, 1971 Rocky Mountain News, p. 17. Mr. Miller did not say how many of these were conceivably war crimes and how many were more like bar-room brawls in Saigon. Major Burrus M. Carnahan, Assistant Professor of Law at the United States Air Force Academy, has determined that approximately 120 servicemen were prosecuted for war crimes committed during the Vietnam hostilities.


26. It is especially encouraging to note that the DOD program has received the highest level of emphasis, including an article in the AF Policy Letter for Commanders, 1 January 1977. General Russell E. Dougherty, Commander, Strategic Air Command, was quoted as publicly presenting the program in terms of the moral (rather than legal) obligations of combatants.


28. Cf. Chapter VI, notes 44, 45, 46, 47.


30. P. 218, above.

31. This same point was emphasized by Michael Scriven in an address to the faculty of the U.S. Air Force Academy, January 31, 1978.

are based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent. The test might be stated in these words: A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition."


34. Article 133, UCMJ.


37. Ibid., p. 219. It should be noted, however, that the Manual for Courts-Martial explains "conduct unbecoming an officer and a gentleman" in terms of "moral attributes" and "ideal moral standards," although it makes no effort to explain what 'moral' means, except to offer some examples of patently immoral conduct. The context is such that "social manners" could be substituted for "moral attributes" or "moral standards" with little loss of meaning. (Sec. 212)

38. For example, the Gernert, Henderson, and Janssen articles referenced in note 33 above all can be interpreted in that fashion. General Ryan's letter referenced in the same note makes very clear that a compromise of integrity is understood in the context of making false official statements.


40. See Chapter V, note 12.


43. Ibid.
Chapter IX, continued

44. Reinhold vs. Schlesinger, see note 41 above.


48. For example, see the article "No More C.O. Soldiers?" in Christian Century, January 24, 1973, p. 95, discussing the cases of Sergeant Ernest R. Pounder and Captain Michael J. Heck, both of whom refused to obey orders on moral grounds.


Uniform Code of Military Justice, (UCMJ). Originally enacted as PL 506, 81st Cong., sec 1; 64 Stat 108. It has been amended several times; the current version is Appendix 2 of the Manual for Courts-Martial.


