CHAPTER 9

ETHICAL IMPERATIVES OF MILITARY OBEDIENCE
9. ETHICAL IMPERATIVES OF MILITARY OBEEDIENCE

"The Supreme Military Value is Obedience"

- Samuel P Huntington

9.1 Nietzsche who observed that obedience is a phenomenon noticeable everywhere was right in saying that no organisation can sustain itself without obedience. Obedience is implicit in all organisational relationships but this can be said of disobedience too. If we look around we find disobedience in every sphere of life, public and private.

9.2 Discipline is a functional requirement and is the backbone of the organisational structure of the Army. "It is an important moral virtue crucial to carrying out military function"\(^{26}\). For the profession to perform its function, each level within it must be able to command instantaneous obedience of subordinates. Therefore, loyalty and obedience are the highest military virtues. When a military man receives a legal order from an authorised superior, he does not argue, he does not hesitate, he does not substitute his own views, he obeys instantly\(^{27}\).

9.3 Military ethics also puts a great premium on obedience, basically because the lives of people, the lives of nations, are at stake. The military man is indoctrinated with the slogan: "Theirs not to reason why, theirs but to do and die". The military man believes that once a decision is reached he should salute smartly, say "Yes, sir", and then try to carry out that decision as vigorously as though that was what he had originally recommended to his boss. At the same time the military man takes pride in his manifestation of obedience, on the other hand critics say that military people are simply yesmen who tell their boss what they he want to hear.

9.4 Structure of military institution is such that it depends critically on acceptance of obedience as one of the highest values which may place a strain on the moral integrity of its

\(^{26}\) Wakin, Gen (Retd) Malham M.

members. Without the conservative values of obedience and self restraint the military function would disintegrate.

9.5 A number of intellectuals have questioned the authoritative structure of the organisation and the nature of command and control but no Army has prospered under a debating society. Due to disturbing external influences on the Army there is a need to preserve the organisational culture and prevent corrosion.

9.6 Discipline is a by-product of social development. The way the society has progressed, it is painfully apparent that disobedience will increase with the material progress. Values, attitudes, and socio-philosophy of modern life contain seeds of disobedience.

**Upbringing of Children**

9.7 The environment in which the children are brought up today is more liberal as compared to yesteryears. Children therefore are being groomed in a free atmosphere. The moot point here is that how these children will accept various constraints and restrictions imposed on adults in a society. The spirit of freedom does entail defiance and it will be incorrect to expect ability in them to distinguish between principles and practice nor can one expect patience and understanding from them. This is no way to suggest to impose restrictions on growth and development of a child but inappropriate bringing up of children will bring into the Army an inappropriate lot of youngsters.

**System of Education**

9.8 Swami Radhakrishnan rightly pointed out that education produces sceptics-educated people lack faith; they turn to God and religion for convention and convenience and doubt almost everything. The masses have learnt only material facts and defiance to promote self-interest by misinterpreting liberty and freedom. On the other hand modern education produces specialists. The specialists disagree and disobey propagating their own theories without understanding the totality of the situation.

9.9 Mere education does not give wisdom and as far as obedience is concerned, most of us will have to learn these from socio-environment and philosophy. The level of education for the Army entrants has risen and so has their functioning. The mind of a soldier today is questioning and leadership is stretched today in spending a major portion of their time in
explaining the ‘whys’ and ‘hows’ of an instruction/order.

**Family**

9.10 As Confucius said, “if only people can learn to live happily in a family, no other code of morality is needed”. The family is the primary unit of society wherein lies all the subtleties of obedience. Unfortunately the joint family system has broken and given way to individual units who at times rebel in their new found individuality. A child is brought up in this scenario and with these traits joins the Army. He in his own small way affects the prevailing work culture, which in turn affects organisational behaviour.

**Work**

9.11 The modern notion that all work is a contract is equally disruptive for obedience. Painfully in the contract is the absence of the principle of sacrifice and work for work’s sake. Contract is unavoidable in certain spheres but there lurks a danger of its extension into other fields. No wonder, confrontation and disobedience are the order of the day.

**Respect for Authority**

9.12. Our age is noted for lack of respect for the men in authority. Cry is against the competence and character of men in power and their privileges. It is known that power can corrupt any one. Therefore, the existence of an environment of obedience without respect is not at all surprising.

9.13 Modern views of a leader are that he is not that great as he is made out to be. Great men are those who do their work well, look after the welfare of men and look after their personal interests. But then it is also a fact that men who rise in hierarchical structure do possess uncommon qualities in spite of giving allowances to human weakness and faults in the selection system. Therefore these men must be respected. Today the situation has changed. For the men in authority despite all their show of simplicity, honesty and integrity no one bothers!

**Morality**

9.14 Morality changes with age and each age has distinctive features of morality. Disobedience is a by product of modernisation, which we have to accept, unless there is a radical change in social value - attitude system.
9.15 Can we control present trend of disobedience? If progress in a society keeps pace with expectations of people, there should be no cause for disobedience. The organisational structure of the Army is no more insulated from the general milieu and therefore is affected by a general environment of a lackadaisical approach to orders.

**Limits of Obedience**

9.16 It is once again reiterated that the supreme military value is obedience. But what are the limits of obedience? The purpose of obedience is to further the objective of the superior. *If the subordinate is thoroughly acquainted with the object, and circumstances are known to the superior and make it possible to achieve the object only through disobedience of orders, the subordinate may then be justified in disobeying*. Normally disruption of the military organisation caused by disobedience will outweigh the benefits gained by such obedience. In operations, ready obedience cannot conflict with military competence. It is essence of military competence.

**Rigid Obedience**

9.17 As Samuel P Huntington had once remarked, *‘Rigid and inflexible obedience may well stifle new ideas and becomes slave to an unprogressive routine’*. It puts a strain on an existing fragile ethical environment in the unit or headquarters. The onus rests with the leader as to what sort of environment he creates in his organisation. It is not infrequent that high command has had its thinking frozen in the past and has utilised its control of the military hierarchy to suppress uncomfortable new development in tactics and technology.

**Disobedience: Ethical Imperatives**

9.18 There are circumstances in which men and women find themselves under a moral compulsion to refrain from doing what is lawfully ordered to them. If they are under sufficiently powerful moral pressure and are strong and courageous enough to face the consequences of their action, they will then sometimes disobey.

9.19 The fighting man is bound to obedience to the interests of the stately service. He can still rightly or wrongly, question the authority of men constitutionally appointed to identify and interpret the States interest.

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9.20 There is disobedience on grounds of conscience to an order, lawfully given, whose execution might or might not harm the state but which the recipient flatly denies, for reasons he finds compelling to carry out.

Duty towards the State: Ethical Issues

9.21 There are certain pertinent issues which need to be addressed to at this stage. These are ethical issues pertaining to orders from the State to the Military and consequent obedience. And in doing so certain questions are but a natural outcome. What is the responsibility of the officer when he is ordered by the statesman to follow a course which he knows will lead to national disaster? Or when he is ordered something which violates law or commonly accepted standards of morality? If the statesman is pursuing a course which seems to be sheer political folly, is not the military Cdr justified in resisting it by appeal to the standards of political wisdom? What does the military officer do when he receives an order which his civilian superior does not have the legal authority to issue? If the statesman in ordering his action recognises himself that he is acting illegally, then isn’t the military officer justified in disobeying? Should the soldier surrender to the civilian his right to make ultimate moral judgements?

9.22 As Samuel P Huntington rightly says, ‘War is an instrument of politics, that military is the servant of the statesman, and civilian control is essential to military professionalism’. It is in this context that the questions raised above be analysed. Only rarely will the military man be justified in following the dictates of personal conscience against the dual demand of military obedience and state welfare.

Loyalty and Obedience

9.23 Loyalty is often confusing, much abused concept. Himmler's ingenious match word for his SS men was ‘my honour is my loyalty’. Unfortunately in the Indian Army this distorted idea too to a large extent prevails in the rank and file and that is the notion of the dedicated military professional as one who gives unthinking consent to all orders issued to him, whose very honour is a function of his unquestioning obedience.

9.24 Machiavelli once had said that a man may obey you if he is afraid of you, but his obedience is a weak and fleeting thing. Remove the immediate genesis of his fear and we

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29 Hackett, Sir John Winthrop. The Military in the Service of the State.
have removed the sole reasons for obeying. But if that same man is loyal to you, his obedience will have been ensured in a much more lasting way, for the attitude of loyalty is a stronger stimulus than attitude of fear. The concept of loyalty is one of loyalty inspired by trust, where that trust resides in the moral integrity of the Cdr.

**Blind Obedience or Reflective Obedience?**

9.25 **In combat situations orders are frequently given where life or death depends on instant obedience. There are instances where unthinking, instant obedience is necessary to preserve lives**. For example a column Cdr on a mission in C I role sees a suspicious moment out of the corner of his eyes, yells, “take cover fire”. These sorts of instances are often taken as paradigm when one sets out to defend the theory of unthinking obedience to orders, despite the fact that the instance listed is an exception and not the rule. Most orders are given in peacetime, not combat. And even in combat environment, there is usually some reasonable delay between giving the order and its execution. This interval allows time for reflection upon the order and produces a concern for the rationale of the order. Those operating under the said paradigm question whether such reflection ever has any place at all in the military. Is it not true, they might point out, that military runs on discipline, and is discipline not acquired by strict compliance of orders? The mistake in their reasoning is that they tend to reduce all instances of discipline to the model of life and death combat situations. They may employ the Aristotelian argument that the soldier acquires the habit of instant obedience in combat by practising obedience in peacetime. One might still raise a question as to which is the proper goal of the military, **blind obedience or reflective obedience**? It would be appropriate at this juncture to quote General ( Retd ) Malham M. Wakin who had once said, “We are concerned, all of us, about a picture of a profession that leaves a feeling that a man must give up his rationality, his very creativeness, the source of dignity of a man, in order to play his role as a soldier”.

9.26 **History has time and again proved that when soldiers have wrapped themselves up in their jobs and obeyed orders unthinkingly, they had aided in percolating some of the greatest crimes in human history**. The My Lai incident of the Vietnam War is one such glaring example. More recently is the prisoner abuse in the Abu Ghraib prison in Iraq. It is unfortunate that in many cases disciplinary action is forthcoming against the lower rank and

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file only. However, given the evils that unquestioning obedience has produced there is still certain reluctance on part of any thoughtful man to condemn a soldier categorically for sincerely following orders and remaining loyal to his superior.

9.27 General George C. Marshall had once remarked, ‘there is not to reason why there is but to do and die’. He said that it did not fit a citizen army. He believed on obedience based on respect rather than fear, on the effect of good example given by the officers, on the intelligent comprehension by all ranks of why an order has to be carried out, on a sense of duty, espirit-de-corps. It has always been Marshall's style to lead by commanding ascent rather than mere formal obedience.

Military Obedience: Moral Obligations

9.28 The emphasis on instant obedience and total loyalty to the military ideal of subordinates to military superiors and civilians leaders is critical and appropriate. An enlisted man in a battle context may well be unable to examine battle orders for legality. Obedience to orders is not in itself either legal or a moral claim of right action although it is certainly a mitigating circumstance. Contractual nature of service to the State is not merely legal. It is moral too. If one is morally bound to keep his promises, then he takes on a moral commitment to obey the orders of his superiors. We are justified in violating one of our moral obligations just when the obligation is in conflict with another higher obligation. Huntington had once said that ‘military obedience can conflict with aims of professional competence when subordinate perceives that the orders received will not accomplish the superior's objectives’. Military leaders remain responsible for ensuring that the law of land is carried out and are not permitted merely to accept the orders of an immediate superior when the order is in conflict with national policy. If one is torn between obedience to an order and fulfilment of another moral obligation, he or she must ethically judge which the higher obligation in those circumstances is. Unfortunately, in the Indian Army it is not feasible for a soldier to be able to comprehend and discern what the higher obligation would be. He is merely trained to follow orders.

Lawful/Unlawful Command

9.29 It is not soldier’s first duty to give instant obedience to orders given by his military superiors? Will not the soldiers suffer severe punishment, even death, if he refuses to do

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32 Wakin, Gen(Rtd) Malham O, Ethics of Leadership.
what is ordered to do? But it must be remembered that when, command is traitorous, then obedience to that command is also traitorous. A soldier’s duty is to obey lawful orders and that he must disobey unlawful orders. Does a subordinate obey at a peril that the order may later be ruled as illegal, or he is protected unless he has good reasons to doubt its validity? Generally speaking, in the Indian Army it is not possible for a subordinate at lower levels to determine the illegality of the order, and that the very nature of the military service requires prompt obedience.

The concept of military obedience is qualified by the requirement that the orders must be "legal" orders. This, of course, causes the problem of who is going to decide whether they are legal orders or not. As a matter of practice, the burden of proof is on the recipient of those orders and not on the giver. Thus the recipient has the difficult problem of whether or not to obey an order when no decision has been reached in a court of law as to whether or not it is legal.

-Major General Robert N. Ginsburgh, USAF (Retd),

British manual calls for prompt, immediate and unhesitating obedience only when orders of superior are not obviously and decidedly in opposition to the law or the land or to the well-known and established customs of the army. Dr Joseph Goebbels in 1944 had said, “no international law of warfare is in existence which provides that a soldier who has committed a mean crime can escape punishment by pleading as his defence that he followed command of his superiors”. This particularly holds true if those commands are contrary to all human ethics and opposed to well-established norms of warfare. But is a soldier capable to weigh scrupulously illegal merits of order received? Some orders are so atrocious, or plainly unlawful, that the subordinate must know, or can reasonably be held to know that they should not be obeyed. But in combat situations there are bound to be many orders the legitimacy of which depends on the prevailing circumstances, the existence, the sufficiency of which will be beyond the reach of subordinates’ observation or judgement. The military services are based on obedience to orders passed down the chain of command and the success of military operations often depends on the speed and precision with which orders are executed. Unquestioning obedience to orders especially by lower ranks other than those that are palpably vicious is a necessary feature of military life. If the subordinate is expected to give such obedience, he should also be entitled to rely on the order as a full

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Telford Taylor.
and complete defence to any charge that his act was unlawful. It is one thing to require men at war to risk their lives against the enemy, but quite another to expect them to face severe or capital penalties on the basis of their own determination that their superiors' command is unlawful. Such a course calls for a high degree of moral as well as physical courage; men are not to be judged too severely for falling short, any mitigation of the punishment is appropriate. Application of lawful order needs further deliberation: difficulty lies in his application – in weighing evidence that is likely to the ambiguous or conflicting. Was there a superior order? Especially at lower levels many orders are given orally. Was a particular remark or look intended as an order, if so what was the scope? If the existence and meaning of an order are reasonably clear, they may still be much doubt about the attendant circumstances - how far the obeying soldier was aware of them, and well-equipped to judge them. If the order was plainly illegal, to what degree of duress was the subordinate subjected? Especially in confused ground fighting, evidentiary questions like these may be difficult to resolve. The greater the indulgence shown to the soldier on the theory that his first duty is to give unquestioning obedience, the greater is the responsibility of the officer to see to it that it entails no criminal consequences.34

Moral and Legal limitations on Military Obedience versus the demands of Combat: Ethical Dimensions

9.30 Modern military history has many heroic and, conversely, humiliating examples where soldiers have placed personal honour above their duty to obey orders. Or have refused to acknowledge their responsibility by obeying manifestly illegal orders. This controversy must be dissected - what are, in fact, the limits to obedience? This is particularly true in democracies like India where the political situation demands parliamentary control over the military and where the rule of law protects the individual, including those persons who serve in the defence forces. How does this state of affairs affect the combat effectiveness of the soldier? Is the need for unconditional obedience a prerequisite for an efficient fighting machine? The subject is addressed in terms of the following aspects:

9.30.1 The ethical elements of the soldier’s duty, such as loyalty, obedience and

9.30.2 The ‘Oath of Allegiance’ made by the soldier on enlistment.

34 Wakin, Gen (Retd) Malhan O. Ethics of Leadership II, Discipline.
The Ethical Elements of the Soldier’s Duty: Loyalty, Obedience And Discipline

9.31 **Loyalty.** Inherent in military service is loyalty. This expresses itself in certain patterns of conduct: faithful service, sense of duty, reliability, preparedness and respect for the law. Such loyalty should be towards the nation and the constitution, rather than to any group or political interest. From a soldier’s point of view, however, a few additional factors should be considered.

9.32 The loyalty to institutions, pledged by an oath of allegiance to the constitution, should, of course, have priority. This form of loyalty is supplemented in the military by loyalty to a person. In the long term, no objective loyalty can exist without personal loyalty. Personal loyalty cannot, however, serve as an excuse for the possible abuse of military discipline and *unconditional obedience*. Loyalty to a person includes the respect for the weaknesses of the other person and mutual respect between those who lead, and those who are led. Esprit de Corps, respect for human dignity and comradeship are the characteristics of the personal loyalty of the soldier.

9.33 Loyalty in authoritarian systems like the armed forces is often misrepresented as *unquestioned acceptance of any actions or decisions of authority*. Unfortunately in our Army it is seen at times that critical and creative thinking is discouraged by certain leaders because it is feared that it may threaten the very structure which it is supposed to serve. Loyalty requires moral courage - the courage of one’s own conviction. Soldiers must stand up for what is morally right, particularly when others may want to act out of expediency or self interest.

9.34 **Obedience.** All armed forces in the world function according to the principle of discipline and obedience to orders. *Obedience is a fundamental requirement of the soldier as well as a legal duty*. That orders must be executed “to the best of one’s abilities, completely, conscientiously and immediately” is the commonly accepted standard laid down in military law books throughout the world. Even in this day and age, soldiers are subjected to very strict requirements in this regard for both political and military-professional reasons. Each is discussed in turn as follows:

9.34.1 **The Political Reason.** The structure of centralised control and an array of lethal weapon systems provide military leaders with a considerable amount of power. Such power tempts abuse. The history of military coups, in young democracies in
particular, illustrates the threat which often originates from the frustration or isolation of the military machine. Integration of the military in the democratic society is one way of avoiding this temptation. Another way is effective political control and, in particular, parliamentary control. The hierarchical order of the armed forces allows the political leadership to enforce its will down to the lowest level. Although co-operative leadership principles are promoted and practiced in modern command philosophies, decisions are finally the responsibility of the leader alone. The Cdr is, therefore, ultimately responsible for the accomplishment of the mission assigned to him. The responsibility stays with him and cannot be delegated. This moral principle of leadership supports the factor of primacy of politics over the military. Command structure and leadership principles must allow for the impact of political control mechanisms such as parliamentary control, and acknowledge them as important elements of the democratic value system. These political control measures are not aimed at usurping or interfering with the military chain of command. They are aimed at the integration of the military in a democratic society, thereby strengthening mutual trust between the public and the military and promoting a sense of honour and duty within the military in its service to the democratic constitutional state.

9.34.2 The Military-Professional Reason. As a fighting machine, which has to deal with rapidly changing and dangerous situations, the armed forces must be a reliable instrument in the hands of their Cdr. That was so in the past and still is a valid argument. Advanced technology, electronic systems, improved lethality and the precision of weapon systems has dramatically changed modern warfare as was demonstrated in the Gulf War. Modern mobile operations are critically dependent on dedicated and reliable leaders and men. Combat efficiency requires leadership qualities of the highest order. This means that mutual trust between all levels in the forces is essential for battlefield efficiency. The emphasis on individual responsibility and initiative is in accordance with the dictates of modern military doctrine. Initiative and responsibility must always be encouraged. General N. Schwarzkopf, former Cdr in Chief of the Allied Forces in the Gulf had once delivered a paper in Winterthur, Switzerland, to an audience of prominent businessmen and industrialists on leadership. His first principle read as follows:

(i) Leading of Men has nothing to do with Management. While you
manage your enterprise, you have to lead your personnel. And it means you have to motivate them, set an aim and give a mission, and then you leave them alone. This is in fact mission oriented command, which has been adopted as a command and leadership principle in Germany, France, Britain and in the US Army, the latter since 1985.

(ii) **Discipline.** As is the case of military leadership, military discipline should not be exercised in a vacuum. Discipline is the key to combat power and a prerequisite for good military performance. The maintenance of discipline is of benefit to all ranks. It ensures that the soldier reliably accomplishes his mission even under pressure and in danger of his life. Disregard of the rules of international military law and tolerance of injustice will quickly and effectively undermine the discipline and morale of the forces. Regular forces involved in guerrilla warfare are particularly tested in this respect. These forces have a well-documented tendency to abandon the precepts of the Geneva Convention on the pretext that they operate in an unruly if not criminal operational environment within which their opponents have no such restrictions. The surrender of ethical values which are exactly those the Army should defend, is too high a price paid for doubtful operational success.

**The Oath of Allegiance of the Soldier**

9.35 **The Moral limits to Obedience.** Considering the grave impact which the strict military principle of obedience has on the individual soldier as well as on the State, it is necessary to look at the ethical basis of military service with the aim of balancing certain perceptions and fears. In many societies, democratic as well as autocratic, the military professional value system is harnessed to an oath of allegiance. In comparing the many oaths of allegiance which soldiers have had to take since the establishment of standing/permanent armies in the 16th and 17th century, it is interesting to learn that nowhere was unconditional obedience (sometimes referred to as blind obedience) demanded. The oath of allegiance was always a confirmation of mutual commitment between the soldier and the sovereign. Every form of oath contained a reference to legal norms. It defined, in principle, the framework within which obedience was required. The person to whom the oath was dedicated, usually the sovereign, was obliged to fulfil his commitments to the soldier and these were also laid
down in the articles of martial law. The oath of allegiance has always been seen as a mutual promise of loyalty.

9.36 Loyalty and duties of the soldier, may be demanded by an oath of allegiance, any other pledge, or code of conduct, or even by the law, must be in accordance with the ethical basis of military service and the moral values generally accepted by society. The demand for loyalty and obedience can, in a democracy, only be justified by the commitment of the State not to abuse its powers.

9.37 In modern history only absolute, autocratic dictatorships have bound the armed forces to the political system or the political leader in person (Hitler and Mussolini are examples). Such dictatorships instituted an oath of allegiance demanding unconditional obedience. In some cases, such as the former Soviet Union, the oath even called for “the condemnation and contempt of his people and for the severe punishment of the law should he [the soldier] ever break his solemn oath”. Following the Soviet example, the oath and solemn pledges of the other former Warsaw Pact Armies were almost identical.

9.38 The ethical basis of mutual commitment and moral values was deliberately abandoned by these regimes, and which forced the military to impose draconian measures in order to protect themselves and their leaders and to enforce discipline. To this end thousands of soldiers were executed when they hesitated or questioned the criminal, often inhumane orders of the State or their superiors.

9.39 One example stands out, where honour and moral principles could no longer be reconciled with the oath of allegiance to the political leader. The attempted assassination and the coup of the 20th of July 1944 against Adolf Hitler serve as a tragic climax and an example of disloyalty towards a criminal system. The gruesome revenge of the Nazi system ended in the execution of more than 5000 persons, including 250 officers, who were directly involved in the coup. These examples serve to highlight the conflict of the duty to obey orders with the commitment of adherence to a moral value system. The nature of the oath of allegiance has also always been a promise of faith which defined the limits of military obedience. Faith as a moral value must not be abused in adherence to immoral and criminal orders. The officer corps of European armies, whose tradition was largely derived from medieval knighthood, was committed to a strict code of honour. It was an accepted article of war that the officer had to carry out the orders of the King, provided they did not violate his
honour. The consequence of these rules and directives was that officers maintained a certain degree of independence.

9.40 **Mission Oriented Command and Control Concept.** Derived from this tradition and ethical concept was the leadership principle of mission oriented command, which is based on the philosophy of officers who are loyal, but both critical and creative in the pursuance of their duties. The superior who granted his subordinates certain latitude in the way in which they could accomplish their mission, of necessity had to accept a certain risk of failure. On the other hand, the freedom of choice gave such a command and control exceptional flexibility provided the officers were well trained and loyal.

9.41 This is aptly illustrated by the words of Prince Friedrich-Karl of Prussia, a brilliant military leader in the wars of German unification between 1864 and 1871. The prince was particularly proud of the independence of his officer corps and considered this the main reason for his operational success. He once reprimanded a major, who carried out his tactical orders too rigidly with the following words: "*H M the King has not appointed you, Sir, as a staff officer to merely execute orders, but to know when not to carry them out*." This spirit of honour and independence is the best insurance against abuse of power. However, moral values alone do not prevent criminal acts - particularly in dangerous or politically controversial situations. Here, the adherence to the letter and spirit of the law and of certain codified rules, which foster a generally accepted value system, are necessary. The freedom of a soldier, as referred to in an old soldiers’ song, is evident in the degree of self-discipline which he applies willingly and voluntarily and which he maintains as a principle of honour.

**The British Example**

9.42 The question is, however, is it necessary to subscribe to the formal codification of moral standards? The British tradition is instructive in particular because of its strong emphasis on regimental tradition. The British Army does not have a Code of Conduct per se, although behaviour is regulated by the Queen’s Regulations and regimental traditions. It must be remembered that legal control is through the Manual of Military Law and, in particular, the Army Act of 1955. On recruitment a member of the permanent force, called a ‘regular’, is attested by a recruiting officer. This is, in fact, swearing allegiance to the Queen as head of state.

9.43 An officer on commissioning receives a commission signed by the Queen
stating: ...You are therefore carefully and diligently to discharge your duty and you are in such manner and on such occasions as may be prescribed by us to exercise discipline in duties of such officers, men and women as may be placed under your orders from time to time and use your best endeavours to keep them in good order and discipline. And we do hereby command them to obey you as their superior officer and you to observe and follow such orders and directions as from time to time you shall receive from us or any of your superior officers according to the rules and discipline of war.

9.44 One should be aware that the above law and regulations are re-enforced by a strong regimental ethic (tradition), which has been developed from generation to generation. Traditions are fostered not only in the officer’s mess but also in the warrant officers and sergeant’s mess and to a lesser degree in the corporal’s mess. All persons in authority in a regiment are taught these traditions and infringement of accepted behaviour or norms can result in discharge from the Army. On these grounds an officer can be asked to resign his commission. Basically, discipline is seen as self-discipline as against imposed discipline and this applies to all ranks.

9.45 Whilst the Queen’s Regulations and military law regulates the behaviour of the soldier, the general commitment of the soldier to serve the State is appropriately regarded as a mutual commitment, which clearly binds the soldier to exercise his duties within the framework of national and international law and which prevents the State (“The Queen”) from abusing its position.

**Legal Limits to Obedience**

9.46 In the authoritarian military environment, which is based on the values of responsibility and obedience, the law must balance the strict duty to obey and set limits. These limits are derived from:

- **9.46.1 Unimpeachable human dignity;**
- **9.46.2 Constitutional aim of military service; and**
- **9.46.3 Observance of the law, both domestic and international.**

9.47 Irrespective of the role in which troops are deployed, they must always operate within the law. If the conflict is international, the international law of armed conflict must be observed. If the operation falls short of international armed conflict, then the internal,
national law of the State, together with any provisions of international law by which the state are bound, must be followed.

9.48 It is vital for the individual soldier and his leader to know what law applies in a given set of circumstances and what are the legal limitations, which will guide the soldier in his operational duties. These legal limits must indicate conditions where disobedience to orders is permissible and even obligatory. There is, however, a considerable difference between these legal restrictions and active resistance by the individual.

9.49 Any act of the democratic state, whether overt or covert (such as intelligence operations), are controlled by the law. Consequently the military officer is bound and controlled by the law. He is, strictly speaking, only authorised to issue orders which are within the framework of the existing law.

9.50 As discussed previously, military operations require that orders have to be obeyed and executed immediately. There is often no time to consider or evaluate the legitimacy of an order. For this reason, it is generally accepted that a soldier, first and foremost, has to obey the order. It is, however, his basic right and in some cases his duty, even after having followed the order, to report the incident and to request a redress of wrongs, if he feels he has been given an unlawful order.

9.51 Although the considerations are based on the German legal concept for their armed forces, they are nevertheless applicable in most armies of democratic countries. In the Indian Army obedience of illegal orders is a punishable offence. In some countries, like South Africa, these legal limitations are not codified but accepted on ethical, moral and logical grounds.

**When is Disobedience Permissible?**

9.52 The soldier is a servant of the State, in other words, he serves the public good. Any orders given in the private interest of the superior are not covered by this objective and the subordinate can refuse to obey the order. This includes orders which serve an activity not covered in the constitution as a role of the defence force, such as running a business or party political activities.

9.53 A soldier as a ‘Citizen in Uniform’ is entitled to the protection of his personal dignity. The state is responsible to respect and protect this dignity. No operational
requirement can ever justify the violation of this right. Therefore an order which violates the dignity of the soldier cannot claim obedience i.e. ridiculing a soldier or requesting unnecessary, humiliating duties. This restriction includes orders which may, unjustifiably, place the life of the soldier in danger.

When is Disobedience Obligatory?

9.54 Disobedience of an order is obligatory when an order demands that the soldier commit a crime. Both national and international law such as the Geneva Convention are relevant. An order to murder, rape or mistreat civilians, to plunder, burn and destroy civilian property, to mistreat, torture or kill prisoners, and to deny medical assistance must be refused. In cases like this, both parties are fully responsible - the superior who issues the order and the subordinate who executes it, provided they are, according to the circumstances, aware they are committing a crime. The final responsibility always has to be accepted by the highest authority, which is in control of the forces involved. Nowhere in military history are there examples that armies who respected and adhered to these principles have suffered a loss of motivation, or displayed a decline in its combat capabilities. Even in the case of defeat by an enemy, who has made use of ruthless and criminal methods, they have earned the respect of their nation and of the enemy for the maintenance of their honour.

9.55 In peacetime these limits do not prevent realistic training for war, but ensure that the conditions for the soldier and superior are fair and just. This is the primary factor in the quest for mutual trust and confidence.

Psychology of Obedience

9.56 Two questions must be understood properly, firstly why does a man obey and secondly why does a group obey? In the Army, an individual obeys orders due to the following reasons:

9.56.1 To serve self-interests wherein the bosses have meaning so long as they are in chair in a position to help.

9.56.2 Fear of annoying the boss and repercussions thereof.

9.56.3 Physiological and psychological needs such as earning money, belonging
and self-respect.

9.56.4 Due to social codes, customs and conventions which elicit automatic obedience.

9.56.5 Inner need to emulate superiors who are admired and respected.

9.56.6 Due to idealist attitude of disregard to self-interest, fear, money, social customs, etc.

9.57 The problem of individual obedience is complex as no two individuals are the same. Our drives, motives and experiences are different but in groups they are fairly crystallised. It is comparatively easy to command groups, as the sentiments are fairly well defined.

9.58 **Group Behaviour.** A group is not an aggregate of individuals. Though there is no such thing as group mind, but a group definitely shows distinct personality traits with its own, likes, dislikes and sentiments. All groups differ from each other that are very conscious of their entity, preservation and progress. The ethical behaviour of a regiment of troops of one caste e.g., Sikh troops will be different from other units.

9.59 Much depends on the attitude of officers for maintenance of a healthy climate within a group. Their attitude can ruin or promote healthy atmosphere (Refer Table 9.59).

**TABLE 9.59 : TABLE OF ATTITUDES**

<table>
<thead>
<tr>
<th>Attitudes which Ruin Group Life</th>
<th>Attitudes which Promote Healthy Climate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hate</td>
<td>Sympathy</td>
</tr>
<tr>
<td>Dislike</td>
<td>Affection</td>
</tr>
<tr>
<td>Aversion</td>
<td>Trust</td>
</tr>
<tr>
<td>Distrust</td>
<td>Tenderness</td>
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<tr>
<td>Suspicious</td>
<td>Love</td>
</tr>
<tr>
<td>Suspicion</td>
<td>Kindliness</td>
</tr>
<tr>
<td>Spitefulness</td>
<td>Truthfulness</td>
</tr>
<tr>
<td>Malice</td>
<td>Courtesy</td>
</tr>
</tbody>
</table>

9.60 Attitudes that confirm to group sentiments find ready obedience. Leadership is a
projection of a leader’s personality to make a body of men do those very acts which they are not inclined to. Military leadership demands managerial ability plus something.

**The Environment Within**

9.61 Due to our cultural heritage there are still large levels of obedience prevalent in our society. Needless to say just like our age old cherished values, obedience too is falling prey to the changes in the society. So where does it leave our Armed Forces? As mentioned earlier, the Army is no more insulated from the ethos prevailing all around it. In fact it draws its human resource from this very society and along with it the associated good and evil aspects.

9.62 Training at all levels does imply heavy doses of automatic obedience from subordinates. A young recruit or a YO when he joins an outfit is full of hopes and aspirations. He has a flexible mind ready to be moulded in the existing ethos of his unit. It is understandable that he finds difficulty in adjusting to the new environment. The earlier he adjusts the better for him and for the organisation he belongs to. He is bound to compare his life with his counterparts in civil life. The initial euphoria dies down as, in terms of material benefits he finds himself way behind. Frustration creeps in and to top it all he is constantly bombarded with lectures of regimental spirit, service before self, etc. Instead of helping out this young man out of the state of confusion he is further pushed into a state of psychological isolation wherein he at the very outset starts questioning albeit on the quiet. The organisational ethos is threatened from the very beginning.

9.63 The officer or the OR grows in age and service and unless fully wedded to the words of Lord Chetwode spreads discontentment. He gets into a position of command and responsibility. It is nowhere intended to suggest that a general climate of disgruntlement prevails. But it is creeping in creating a crisis of obedience at all levels. Obedience has a direct bearing on work ethics in any organisation. It must be understood that the crisis of obedience wherever existing is due to increasing levels of intolerance amongst us and due to lack of mutual faith.

9.64 **Discipline is the backbone of the functioning of the armed forces.** Work ethics in the battalion is directly related to the level of discipline existing in that outfit. But certainly crisis is developing and the top hierarchy must sit up and address this problem with a sense of urgency.
The American Perspective

9.65 Intervention Magazine published an article, "The Good Soldier" written by Liz Larocca a freelance writer on 13 February, 2005. Excerpts of this article as relevant to the topic under debate are given in the block below:

What is a Good Soldier?

The American idea of a "good" soldier, created by the military and fully absorbed by most civilians, is a wholly obedient soldier. Our armed forces are not particularly concerned with creating comparatively clever soldiers that can think on their feet, as some other militaries are. Our soldiers are taught how to carry out directives and how to move the enemy's body count higher. Period. There is apparently no discussion of the ethics of warfare; the military prefers that our soldiers see themselves as combatants for the U.S, as opposed to protectors of all civilians and their allegedly inalienable rights. Right and wrong is whatever their CO say it is.

By contrast, an actual good soldier, one with a conscience who fights for the safety and freedom of all people, needs to believe certain things. He must believe that his army and his government are acting righteously, that they follow the rules of war, and they are ultimately fighting to make the world a better place. When those beliefs are shaken, his image of himself as a good person whose actions will lead to a better future is shattered.