

Moral Courage and Intelligent Disobedience

by Ted Thomas and Ira Chaleff

The military needs men and women who have courage—the physical courage to go into battle, to overcome fear in the face of bodily injury or death, mental pain, and lifelong disabilities. Militaries run on physical courage. Without it, they run from a fight and surrender. Many sources quote Aristotle as saying, “Courage is the first of human qualities because it is the quality which guarantees the others.”¹ Courage is a primary virtue, as all other virtues require it.

There is another type of courage the military needs, but it is hard to measure or even define—moral courage. The following words of Robert F. Kennedy are as salient today as they were in June of 1966 when he spoke them in Cape Town, South Africa. “Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change.”² Bravery in battle is needed, but so is the courage to stand up for what is right and against what is immoral, unethical, or illegal.

A critical application of moral courage is knowing when and how to disobey—which can be thought of as intelligent disobedience. This involves an ability to work within the system to maintain standards and uphold moral values. Organizational culture and operational pressures can sometimes cause the values of people to become blurred when the mission becomes more important than virtues. These can take us down the slippery slope of ends justifying means. Good people and good Soldiers can do bad things in these situations. An organizational emphasis on personal accountability for our

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actions, regardless of situational pressures, will support the courage needed to do what is morally and ethically right. This article will make the case that moral courage, including intelligent disobedience when warranted, should be taught and encouraged to ensure those in the follower role have the disciplined initiative to disobey orders when appropriate and to recommend alternatives that uphold professional military core values. First, we need to define the terms we are using to understand their importance.

Obedience

Society and culture place a large amount of pressure on people to obey orders. It starts with children as they are taught to obey their parents and other adults such as teachers or people in uniform like policemen or firemen. Stanley Milgram, a psychologist at Yale University, conducted a classic experiment in the early 1960s on obedience to authority. Two thirds of those in the experiment followed the orders of someone who looked like an authority figure due to a lab coat and a clipboard. The experiment used predominantly males between 20 and 50 years old who were ordered to administer electrical shocks to another person. This individual was a confederate in the experiment who purposely answered questions incorrectly. The recruited subjects obeyed orders by administering shocks of up to 450 volts. These people believed and were disturbed that they may be injuring or even killing another innocent human being (who was a part of the experiment, although this was unknown to the person administering the shocks).³

People in the military have a legal obligation to obey lawful orders. Military order and discipline, as well as mission accomplishment, are built on obedience to orders. Failure to do so is punishable under the Uniform Code of Military Justice in Articles 90, 91, and 92. Article 90 makes it a crime to willfully disobey a superior commissioned officer; Article 91

makes it a crime to willfully disobey a superior noncommissioned officer or warrant officer; and Article 92 makes it a crime to disobey any lawful order. Punishment can range anywhere from loss of pay to imprisonment to loss of life in wartime.⁴

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Intelligent Disobedience

However, there is a concurrent obligation in the U.S. military to disobey orders if an order is illegal. The Uniform Code of Military Justice articles listed above apply only to lawful orders. The service member can be prosecuted for executing the illegal order. In the war criminal trials that followed World War II, Nuremberg Principle IV was established. The fact that a person acted pursuant to an order of his government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him. Many Nazi defendants were executed or received life sentences despite their defense that they were “following orders.” In U.S. military history, First Lieutenant William Calley used that defense in his slaughter of innocent civilians at My Lai in Vietnam in 1968. He was found guilty and sentenced to life in prison (which was later remitted when President Nixon pardoned him).⁵

Even more recently, four Soldiers in Iraq from the 101st Airborne Division claimed their commander ordered them to “kill all military-age males” in a raid during May of 2006. They captured three Iraqis in the raid, let them loose, told them to run, and then shot them in the back. The defense of following orders did not work for them either, since the order was unlawful. They were convicted and sentenced to prison.⁶

Intelligent disobedience requires refusing

to follow orders that are either unlawful or will produce harm. While this often takes courage to do so, failure to find and act on that courage often does more damage to a career and life than the risk that would be taken by disobeying.

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Moral Courage

William Miller, in his book *The Mystery of Courage*, defines moral courage as “the capacity to overcome the fear of shame and humiliation in order to admit one’s mistakes, to confess a wrong, to reject evil conformity, to denounce injustice, and to defy immoral or imprudent orders.” Miller makes the case that “moral courage is lonely courage.”⁷ It risks being isolated and singled out for painful personal consequences such as ridicule, rejection, and loss of job and social standing. Given this, moral courage might seem like it would be a rare occurrence, but when it is displayed it is of real value in preventing and righting wrongs. However, *knowing* what is right is not enough. *Acting* on one’s obligations, morals and convictions is necessary for moral courage.⁸ The following examples will help illustrate moral courage, as well as illustrate the subjectivity and the difficulty in defining it.

Did the 9/11 hijackers demonstrate moral courage? The question seems outrageous to us, but it provides an extreme example to analyze. The hijackers are considered evil and cowardly by most of us in the U.S. but are considered courageous heroes and martyrs by others in the world. We find it abhorrent to call anyone who kills innocent men, women, and children courageous, and that it is misplaced to call those who commit suicide martyrs.

Nevertheless, cowards do not usually willingly kill themselves and these hijackers died for a cause they apparently believed in. Therefore, objectively it is hard to label them cowards since they knowingly took actions leading to their own certain death. Yet, maybe the label is still correct. Why?

These attackers must have had the courage of their convictions but did they have moral courage? They did not brave the disapproval of their fellow jihadists, the censure of their colleagues, or the wrath of their social group. In fact, they conformed to its prevailing thinking. They did not have moral courage since the subset of society from which they came approved of their actions and gave them praise instead of wrath. They planned and schemed as a group, so there was no loneliness involved. If courage is a morally neutral virtue and not defined by the values of the specific group, the attackers could be said to have had physical courage in order to act in the face of grave bodily harm and death, and perhaps spiritual courage to sacrifice themselves for their extreme religious beliefs, but they cannot claim moral courage; it was not needed or evidenced in their actions.⁹ Only individual resistance to the group’s destructive plan would have been an act of moral courage.

Moral Courage and Civil Disobedience

The case of Edward Snowden further illustrates the difficulty in defining moral courage. Edward Snowden is considered a villain and traitor by some and a brave individual by others. Snowden was a contractor for the National Security Agency who leaked documents to the media concerning massive amounts of internet and phone surveillance by United States intelligence agencies.¹⁰ He committed several crimes by doing so, including communication of classified documents, stealing government property, and unauthorized disclosure of information vital to national defense. He stated,

“I do not want to live in a world where everything I do and say is recorded.”¹¹ Viewpoints depend on where one stands on certain issues. The question becomes, did Snowden display courage in what he did, and if so, what kind of courage?

When Snowden committed his crime, he knew that the government would prosecute him on criminal charges that would potentially result in a lengthy prison sentence. In this sense, Snowden’s act was one of civil disobedience, which is defined as knowingly breaking a rule or law that is considered unjust with the intention of bringing it to the light of public scrutiny to have it remediated. This is distinct from the concept of intelligent disobedience, which is working within the framework of an existing law to resist or refuse a harmful order. Nevertheless, we can use this as another extreme example to determine if his actions could be considered courageous.

To the best of our knowledge, Snowden was not working as part of a group of people trying to disclose government secrets, but acted on his own inner convictions. After he went public, there were many like-minded people who rallied around him, calling him a hero and whistleblower. Without approving of his methods, Congress even passed legislation correcting the abuses he brought to public light. However, before that, he felt very much alone and fearful of sharing what he was doing with any colleagues or even his girlfriend. In one author’s words, “he sounds like that most awkward and infuriating of creatures—a man of conscience.”¹²

In Edward Snowden’s mind, he took actions he thought were correct and did so in isolation at the expense of the disapproval of his fellows, the censure of his colleagues, the wrath of his society, and incurring the legal machinery of his government. This would meet the objective definition of moral courage. It also highlights the difficulty of an objective assessment, as many in our security apparatus view his acts as those of a traitor. It is the contention of this article,

that if we can create cultures that value acts of internal attempts to correct abuse, which we are characterizing as intelligent disobedience rather than civil disobedience, we will avoid morally fraught decisions such as those made by Snowden.

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Intelligent Disobedience

The Army is considered by many to be a culture of blind obedience. While this is not as true as many believe, General Mark Milley, the 39th Chief of Staff of the Army, is trying to break that paradigm. He recently described the need for intelligent disobedience when he discussed warfare in the near future. General Milley asserted that in the current asymmetric warfare of ill-defined front lines and fighting on land, sea, air, space, cyberspace, and electromagnetic spectrum, Soldiers need to disobey orders to accomplish the mission when battlefield realities have fundamentally changed and there is no ability or time to consult with superiors.¹³ This type of thinking is based on an assumption that the boss would do what the subordinate did if only the boss knew what the subordinate does.

Though General Milley did not use the term directly, he captured the essence of intelligent disobedience. Knowing when and how to disobey is a higher order skill than to just obey.¹⁴ It requires an atmosphere of trust and empowerment, and the ability of the leader to recognize the person closest to the action may have the best picture of what needs to be done. Army doctrine uses the term mission command (ADRP 6-0) to describe this idea. Mission command includes the ideas of disciplined initiative and commander’s intent.

Disciplined initiative allows subordinates the freedom of action to quickly adapt to changes in the environment as long as they stay within the leader's intent for the mission.¹⁵ Intelligent disobedience goes beyond disciplined initiative to address violations of values, asking tough and relevant questions to clarify orders, and looking beyond rationalizations and pressures to engage those giving orders.¹⁶

Intelligent disobedience can simply involve the professionalism to not execute an order that would clearly have negative operational consequences. It often also involves moral courage. The individual in the follower role will need moral courage both to disobey unethical, illegal, and immoral orders and to disobey orders that would inadvertently bring harm to the organization and its mission.

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Obedience and disobedience are terms and concepts, which are neither inherently good nor bad. However, put in a context, they can gain either positive or negative connotations.¹⁷ We can intelligently disobey when no moral courage is needed, as in the case of the U.S. Army's concept of disciplined initiative where trust and empowerment are given. "Disciplined initiative is action in the absence of orders, when existing orders no longer fit the situation, or when unforeseen opportunities or threats arise. Commanders rely on subordinates to act."¹⁸ Leaders expect their followers to disobey in these instances.

We can be called upon to disobey when courage is clearly required to do so. A recent

example shows the convergence of moral courage and intelligent disobedience. Political pressure played a large role in coercing distorted intelligence reports in the U.S. military's Central Command. Over fifty intelligence analysts filed a complaint that their senior officials altered reports that effectively rose to the level of lying to fit a political narrative in line with President Obama's contention that the fight against ISIS and al Qaeda in Syria was going better than it actually was. The analysts claimed they worked in a hostile climate where they could not give an accurate picture of the situation because their commanders wanted to protect their careers. Some of those who complained were even encouraged to retire.¹⁹

It took moral courage and an act of intelligent disobedience to go around the hierarchy to the press to report the misuse of power coercing them to lie and alter reports. Compared to Snowden, though they blew the whistle, they did so largely within the system. Their actions were vindicated by society. At the time, it took moral courage to risk losing their job and status, and it took intelligent disobedience to get results in a moral and legal manner.

Organizational Culture

Military culture is replete with such terms as "make it happen," "that's NCO business," "check the block," "what happens in theater stays in theater," and "make your statistics." These mental models have the potential to encourage either immoral, unethical, or illegal behavior, yet Service doctrine and values stress ethical, moral, and legal behavior. The Uniform Code of Military Justice is written to enforce even higher standards of conduct on the military than those in the civilian world. Nevertheless, codes and laws still do not keep people from breaking them. The climate and culture of organizations are key predictors of the morality and ethics of those organizations.

Lord John Fletcher Moulton, an English

judge from about 100 years ago, wrote on the concept of “obedience to the unenforceable.” He envisioned this idea as a domain between law and pure personal preference. He stated this middle domain is the obedience a person enforces on himself to those things which he cannot be forced to obey. It includes concepts of moral duty, social responsibility and behavior, and doing what is right when there is no one to enforce it. He stated the true greatness of a nation is the extent to which a country can trust its citizens to act in appropriate ways without being forced to do so.²⁰ It requires virtuous citizens who act with civic responsibility. The culture in an organization reflects the attitude of its people in their conduct of obedience with or without force. Leaders set the standard in what they enforce, reward, punish, and how they act personally. Followers then reinforce the culture or develop a subculture counter to the espoused culture.

Leonard Wong and Stephen Gerras wrote a monograph asserting that many leaders in the Army lie in order to succeed. Their premise is that the military has “created an environment where it is literally impossible to execute to standard all that is required.”²¹ Their solution to changing the culture is to recognize the Army has a problem, exercise restraint, prioritize what can be done instead of lying about what was done, and lead truthfully.²² This requires moral courage of the leadership to step forward, risking loss of job and status by going against the culture. If everyone follows, then moral courage is no longer needed, but if only a few are doing what is right and risking their employment, reputation, and friendships, then moral courage is most definitely needed. Since the Wong and Gerras article was written over a year ago, not much has changed in the culture. As General Patton said, “Moral courage is the most valuable and usually the most absent characteristic in men.”²³

Of course, it is not just the military that is subject to these stresses. Pressure from superiors,

as well as self-interest and greed, can create an atmosphere of compliance and doing what one is told. Scandals at Wells Fargo Bank and Volkswagen are both indicative of cultures in desperate need of intelligent disobedience and moral courage. There was no one who visibly stood up and disobeyed in the face of lying, falsifying results, and illegally earning bonuses. At Wells Fargo, their employees created over two million fake accounts, incurring various customer expenses to include interest charges and overdraft protection fees. Wells Fargo fired 5,300 employees who made up PIN numbers and email addresses to enroll their existing customers in more accounts.²⁴ Volkswagen equipped 11 million of its cars with software designed to lie about emissions tests. This deception started over a decade ago when their leaders knew they could not meet United States clean air standards.²⁵ In both instances there was a culture driven by pressure from above and greed which encouraged cheating and fraud by involving thousands of people. Individuals with moral courage using intelligent disobedience could have prevented these scandals and the great costs their companies ultimately payed for lack of a culture embracing these virtues.

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Those who are just obeying orders and conforming to the culture are just as culpable as those giving the orders. More people need to come forward to decry and stand against immoral, unethical, or illegal behavior, or just plain wrong orders that will cause avoidable failures and harm. Corporate culture has a tremendous influence on corporate behavior. New employees to an organization quickly determine the business norms. The

organizational culture becomes the standard to which their behavior is held and whether they are retained, promoted, fired, or voluntarily leave. Thus, many employees will follow a separate set of ethical standards at work than they will at home, thereby living a form of corporate cultural ethical relativism.²⁶

There are at least four ways our moral standards and values are turned off at work. First, improper behavior is relabeled as good because it appears to achieve organizational goals. Second, we distance ourselves from wrongdoing by rationalizing that we are just doing our job and performing what we were hired to do. Third, we use euphemisms to reduce the impact of what we are doing; for instance, a boss might tell an employee to use “creative accounting” to make numbers for the quarter, implying they need to lie. Fourth, we dehumanize the victims of harmful or even evil acts through derogatory terms to make them seem less human and deserving of poor treatment.²⁷ All four of these instances are seen in both Volkswagen and Wells Fargo, as well as in many other crises. Oftentimes it just takes one person to take a stand and bring the voice of reason and light into a dark room.

Cultures that focus on short-term gain and stifle dissent will tend to damage long term growth and success.

Responsibility of Leaders and Followers to Change Culture

It is the responsibility of leadership to find and encourage people who are willing to take action and disobey when needed. President John Adams made the statement, “It is not true, in fact, that any people ever existed who loved the public better than themselves, their private friends, neighbors...”²⁸ If that is the

case, then where does the moral courage arise when one’s reputation, position, or influence is at stake? President John F. Kennedy made the case that love for self is at the root of one’s need to maintain respect for self over popularity with others; the desire to maintain one’s honor and integrity is more important than job or position; conscience and personal standards of ethics become stronger than public disapproval; and the conviction that the justification of the course chosen will then overcome the fear of reprisal.²⁹ Love of self, not in a narcissistic sense but in a sense of being true to one’s values, is then at the root of moral courage and intelligent disobedience.

Organizations that punish whistleblowers and others who attempt to do the right thing will maintain a culture where lying, cheating, and dishonesty are encouraged in the unwritten culture, outside of the corporate creed or posted values. Cultures that focus on short-term gain and stifle dissent will tend to damage long term growth and success.³⁰ Organizational values are put into place to encourage honorable long-term behavior. Policies that reward results, no matter how they are achieved, are ones which send a double message—we want employees to be honorable, but will look the other way if they bend the rules to get the results we want. Leadership starts at the top and leaders who stress ends or results over means or methods will breed dishonesty and reap the results of a culture which says one thing and does another.

Leaders have a moral obligation to lead ethically, and followers have a moral obligation to inform, and even confront their boss when ethical standards are ignored or when truth needs to be told. General Eric Shinseki, the 34th Chief of Staff of the Army, told Congress that it would take twice the number of troops in Iraq to win the peace. He was marginalized and vilified with the result of silencing other military critics precisely at the time when critical judgment was most needed.³¹

Conclusion

It takes moral courage and intelligent disobedience on the part of followers to know when not to obey and even to know when to go outside of the hierarchy and report any malfeasance and wrongdoing. It may cost a job, reputation, or other adverse consequence, but it is the right thing to do. The historic virtues of courage and obedience now require additional virtues of moral courage and intelligent disobedience with the capacity to disobey and innovate when morality or rapidly changing field conditions require doing so. Moral courage and intelligent disobedience are concepts that need to be taught in every organization. **IAJ**

Notes

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