

Obedience with Pauline Shanks Kaurin

[music: Blue Dot Sessions, Gin Boheme]

Christiane Wisehart, host and producer: I'm Christiane Wisehart, and this is Examining Ethics, brought to you by The Janet Prindle Institute for Ethics at DePauw University.

There's perhaps no better example of an obedient person than a soldier. And yet, soldiers often thoughtfully disobey direct orders, and in some cases, are *legally obligated* to disobey the rules. Pauline Shanks Kaurin, who is a philosopher and professor of military ethics at the U.S. Naval War College joins us to explore the ethics of obedience.

Pauline Shanks Kaurin: History is scattered with all kinds of examples of things where people were ordered or told to do things that were wrong, and then they were held accountable later on. So just because you're told to do something, doesn't necessarily mean that it's the right thing to do. And in many ways, our nation is founded on acts of civil disobedience, so this question of when and whether to obey the government is really something that's really an important part of American consciousness.

Christiane: Stay tuned for our discussion on today's episode of Examining Ethics.

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Christiane: Before we start the interview, my guest, Pauline Shanks Kaurin, has a disclaimer to share.

[interview begins]

Pauline Shanks Kaurin: So I'm here in my personal capacity and my views don't represent the views of the Department of Defense, the Department of Navy, or the U.S. Naval War College.

Christiane: Welcome to the show.

Pauline Shanks Kaurin: Thank you.

Christiane: So we're here to discuss your book *On Obedience: Contrasting Philosophies for Military, Citizenry and Community*. Briefly tell us what you're writing about here and is this a book that's just for a military audience?

Pauline Shanks Kaurin: To answer the second one first, it's not. It's intentionally a book that does engage questions of obedience and disobedience in the military, but also in civilian contexts. And one of the chapters looks at the intersection of the two looking at civil and military

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relations. And it's a book about obedience, but the intent was to provide a philosophical account of what obedience is, under what circumstances it might be considered a virtue, and how that's related to other virtues, as well as how you develop obedience, and also thinking about disobedience. And really wanting to get at that disobedience and obedience are not a binary, it's more of a range of action. But looking around there where not a lot of philosophical accounts of obedience that weren't rooted in religious literature, or weren't rooted just in questions of civil disobedience.

Christiane: So obviously you've written an entire book on obedience, so the point of it is that you're not going to be able to define obedience in two seconds, but I think it might be helpful to give us a bit of a working definition, just so we're all on the same page in terms of how we're thinking about obedience.

Pauline Shanks Kaurin: So I define obedience as the intentional and voluntary carrying out of orders and commands given by a commander or other authority figure who represents legitimate political authority in action. Obedience as a virtue has a more specific definition, but I was trying to think about contrasting obedience from compliance because compliance is what we usually think of when we think of obedience and I'm arguing that it has to be something different. So it's not just doing what you're told regardless of who the person is who's telling you or under what circumstance.

Christiane: I mean, I think most of your argument is about obedience as it exists sort outside of the law too, right?

Pauline Shanks Kaurin: Yeah. I'm talking about obedience of the moral concept, obviously the discussions of civil disobedience in the book intersect with the question of law, but not everything that is a law is something that ought to be obeyed. Sometimes there are bad laws and sometimes we decide that they ought to be disobeyed. Usually we want some kind of careful process for thinking about that, but I'm concerned more with obedience as sort of a moral category as opposed to just a legal category. So for me, legal, what we think of as legal obedience, I think of as compliance.

Christiane: So I had a sort of strange experience reading your book, because I realized I've never really thought about obedience. And as somebody who thinks of myself—I'm a sort of rule follower at heart, but I think I've always just implicitly learned how to obey, or when to obey and when to disobey, especially when we're talking about the state, right? Whether or not I should obey the state. So why does it matter how we think about and define obedience?

Pauline Shanks Kaurin: I think it matters a great deal because first of all, whether you're in the military and we're thinking about the problem of, let's say, being ordered to commit war crimes or ordered to use military force against your own citizens, there might be things that we might be asked to do by political authorities, legitimate political authorities or not, that are the wrong thing to do that we just shouldn't do, right? And history is scattered with all kinds of examples of things where people were ordered or told to do things that were wrong, and then they were held accountable later on. So just because you're told to do something, doesn't necessarily mean

that it's the right thing to do, right? And in many ways, our nation it's founded on acts of civil disobedience, so this question of when and whether to obey the government is really something that's really an important part of American consciousness.

I think with the COVID phenomenon and whether people were going to wear masks, or whether people were going to take vaccines, or whatever it is, or the interaction on 1/6, all kinds of things in our collective life often do boil down to questions of obedience and whether we're going to obey, in particular the state, but there are other kinds of obedience that we might want to think about. And this is a really important question in the military, because if you're a member of the military and you obey an illegal order, you can be held to account for that. Since Vietnam, for sure, but even post Nuremberg the, "I was just following orders" defense is not a defense. So there's this expectation that people will disobey orders or commands that are clearly either illegal or unjust, right? So this is part of what it means to be a moral individual, a citizen of a country is that we ought to think about when we should obey and when we should not obey.

Christiane: I do want to talk about the idea of obedience being a virtue, because that's just such an interesting question to me because you're right. As a United States citizen, I learned all about civil disobedience and why that's an important thing to think about, especially when it comes to justice, but why obey? Why might obedience be a virtue?

Pauline Shanks Kaurin: Only a certain kind of obedience, and here I'm talking about obedience within the bounds of the military, but there's an analogous account for civilians. So only a certain kind of obedience within the bounds of military professionalism and consistent with the military function and community of practice chosen through deliberation and acted on can be a virtue. And the analogy for civilians would be they also belong to a community of practice, right? Our political community is a community of practice. And so it has to be deliberated on, it has to be intentionally chosen.

So if you disobey because it's the path of least resistance, and we wouldn't necessarily, we would say that's compliance, that's not obedience as a virtue. Or if you obey or comply out of fear, that's not necessarily a virtue, right? So we want to ask, when is it a good thing to obey, right? When does that show that you are a virtuous, moral person, as opposed to all kinds of other reasons why we might comply or obey? So being obedient is not always a good thing is my argument, whether you're in the military or whether you're a citizen. And so part of the task of the book is to try to sort out when you should obey, when you should disobey, when you should take some kind of alternate position somewhere on the continuum.

Christiane: I was sort of new to this phrase, community of practice. And it really resonated with me, especially as part of why we might want to obey. It sort of gave me something to hold onto. So can you flesh out what that might be maybe with an example?

Pauline Shanks Kaurin: So this is Alasdair MacIntyre's term, he's a communitarian philosopher who wrote a book in the 1980s called *After Virtue*. And he uses the term community of practice to delineate communities, and they could be of different sizes and different sort of restrictiveness, but these are communities that have some kind of history, some kind of shared

identity, shared norms, shared values and the membership and the identity of that community may change over time.

So the military profession is one very narrowly constructed form of a community of practice. A religious community might be another form of a community of practice, your Kiwanis Club or other civic organizations. But our nation as a political community is also a community of practice. So I might belong to the national security profession as a community of practice, but I also belong to the United States of America as a citizen. I also have other religious community practices that I might belong to. I belong to, since I'm a Seattle Seahawks fan, there's a community of practice that is sports, that has norms and traditions.

Christiane: There are lots of examples, I think, that listeners could think of civil disobedience being public acts, right? But I wondered if there was a flip side to that for obedience. Is it possible for obedience to become a public act?

Pauline Shanks Kaurin: I think it very much is. In the book I talk about that, at least in most states, most communities, children, when they go to public schools, say the pledge of allegiance, right? That's a public pledge of obedience. When we have different kinds of patriotic festivals or rituals that people participate or don't participate in. Religious communities, depending on the community, there's often some kind of passage where new members of the community might articulate the tenets of faith and publicly avow that they're now a member of this community. And especially for authoritarian states, authoritarian states are really big on public displays of obedience and loyalty. And there may be loyalty oaths. Some places, some institutions of higher education have a statement of faith you have to sign before you can join as a faculty or a student member.

Sometimes there are loyalty oaths to different types of state organizations or communities. So actually, and part of my argument in the book is that it doesn't make any sense to think of obedience as a private act. It's a public thing because it's not just you, someone's giving you an order or there's someone else involved that you have to obey. So at least in some manner, it's at least between you and someone else. When I tell my kids to clean their room, I wouldn't consider that private. So I think of obedience as this more public kind of thing.

Christiane: What's the relationship between obedience and justice?

Pauline Shanks Kaurin: I'm going to take that philosopher cop out and say, depends how we're defining justice. I think proper obedience or obedience as a virtue may be part of justice. It may also be part of care. So there's a philosophy called ethics of care that sometimes is contrasted to justice. Some people argue that they're both important. So obedience may be a part of justice, but it has to be obedience as a virtue, right? It can't just be compliance, because there may be some times when being obedient is in fact being unjust, which is the argument that say, Martin Luther King Jr. makes in his "Letter from Birmingham Jail." He comes just straight out and says, "Listen, obeying unjust laws is unjust and ought not to be done." And in fact, he seems to

be making the point based on pulling from a long tradition that includes people like Aquinas and Martin Luther, the reformer saying, "Actually you have an obligation to disobey unjust laws."

So we might just think, okay, well, you don't have an obligation to obey, but that's different than saying you have an obligation to explicitly *disobey* unjust laws, right? And he actually says an unjust law is no law. He's pulling from Aquinas there. By which he means that it doesn't have any binding force, it's not a part of the picture of justice. Assuming we're talking about some view of justice that is not just whatever a given society thinks justice is, like some kind of objective view of justice that's not dependent just on the ruler, or power, or that kind of thing.

Christiane: I think this is related to the justice question, correct me if I'm wrong, but you have this really evocative phrase called critical obedience. So what's critical obedience, and why is that a big part of your argument?

Pauline Shanks Kaurin: If we're going to say that obedience is only a virtue under certain circumstances, we have to have some kind of account about how we sort out when those certain circumstances obtain, which means we need a process. And one example of critical obedience is in the British military, in the UK military, they have a process to defend if you think it's called reasonable challenge. And so I talk about critical obedience as the kind of obedience that is rendered with full deliberation, with full thinking about what the ramifications of obeying and disobeying are. In other words, you really sort thought it through and it meets certain criteria. In the book, I use some Just War criteria like proportionality, reasonable chance of success, those kinds of things, just cause, to talk about how to critically think about whether or not you should obey, what the consequences either way are, and whether this is something that is in keeping in particular with the standards of whatever community of practice is involved.

Now, sometimes you might decide to go against the standards of your community of practice, but typically you'll be making your case to that community. And so critical obedience also requires some kind of articulation to other people about why you're obeying or why you're disobeying, right? Especially in the case of disobeying, you owe it to your community of practice to say, "Here's why I'm disobeying." The Colin Kaepernick NFL protests were a really good example because the NFL is a community of practice of sorts. And he was, in a way, going against some of the norms, but he had also sort of negotiated a more, what he thought of and was told by Nate Boyer, who was in the military, was a more respectful way to protest. But he was very clear in articulating why he was taking a knee and what it meant and what his concerns are.

So critical obedience isn't just sort of going along. I contrast that with passive obedience, which I talked about earlier in the book, which is just going along the path of least resistance. And that's really more compliance than obedience. Critical obedience means you've thought about it, you have good reasons for obeying, and you can articulate those reasons to other people, especially other members of your community of practice, relative to the standards of that community.

Christiane: So that makes sense. But when I'm thinking about this in the war context—I'm very naive when it comes to the military, even though my brother is in the military—I imagine if I were a soldier in a war, if I were in Vietnam I feel like maybe you don't have time to do the articulation and use judgment and discretion. So how does critical obedience work in heated moments like that or in moments where you have to make split decisions?

Pauline Shanks Kaurin: Well, there's an assumption though, in what you just said, which is a pretty common assumption, which is, you haven't thought about it until you got to that point. So for our listeners out there, I would just say that there are no novel dilemmas in war. We have a long history of warfare, you know what's going to happen. Maybe not on that specific day, but we know what kind of moral and other sort of questions that you're going to face. What Charlie Company faced at Mỹ Lai was not new. So that's the first thing is that you could think about these things and you should think about these things well in advance. I tell my War College students, think about where your red lines are now while people are not shooting at you. So that's the first piece.

The second piece is I think that's a misconception because Hugh Thompson had time to think about it. Hugh Thompson was the helicopter pilot who put himself between the non-combatants in the village and Calley's troops who are in the process of massacring and doing other heinous things to them. So the other thing is, this is also a matter of practice and habituation, right? If we're going to expect moral courage from people, we have to give them opportunities to practice it. And it's like any kind of muscle memory kind of thing. The first time you do it, it takes a lot of thinking and intention. Like when you're learning to drive or whatever it is, or learning a new sport, it takes a lot of time. But once you've done it a while, it comes pretty fast and moral questions are no different. Whether or not to target non-combatants is not a new issue in the history of warfare.

And even in the context of Vietnam, this was something that was happening pretty regularly. So the notion that somehow people hadn't thought about this, and this was a surprise. And the fact that some of Calley's troops refused, right? One dude shot himself in the foot, a couple other people walked away. So the fact that other people actually refused in addition to what Hugh Thompson did tells you there actually is time to think about it and there is time to say, listen, this is not- We're looking at this going, this is a bad deal. We shouldn't be doing this. So I think we can over exaggerate that time issue.

It's real to some degree, which is why you rehearse these things. Military does all kinds of drills for all kinds of things. You do moral drills, too. You think about these questions before you get in that situation so that you have some moral muscle memory, right? You have some habituation to fall back on, and that's part of the point of training and education in the military. But also in other contexts, so when you were in school, you practiced fire drills. Why? So that when there's a fire, you know what to do. You didn't go, "Oh, wow. What do we do now?" No, you've practiced it. And obedience is the same way.

Christiane: I love that phrase, moral drills, right? Because I feel like a lot of civilians, myself included, I don't have the opportunity to do moral drills unless I'm imposing it on myself or something, right? That's not a part of my community of practice. Maybe I need to change communities or something—

Pauline Shanks Kaurin: Actually, I would push back and say, I bet it is. Because on any given day you have to decide, am I going to stop at the stop sign? Am I going to tell the truth? Am I going to do whatever? I mean, people think of moral questions as these high stakes life or death kinds of things, most of the moral questions we face are very pedestrian and small stakes, right? But you've practiced, you had habituation because for most people growing up and I have teenagers so I know this, right? The first time they lied to me, we sat down, had a conversation about first of all, how I knew. And second of all, what that means, and there's this repetition to how we become moral people. We don't think about it in those kinds of terms, but every day, all the time, you are making moral decisions.

I think this was really heightened during COVID, because we had to think about, “Is ordering food moral in this situation? Is wearing a mask moral?” But I think that was somewhat of a novel situation, but we're making really important moral decisions all the time. You make decisions about whether you eat meat or not eat meat. About whether you're going to give money to someone who's asking for it, right? So I think some of it is also just shifting how we think about this and realize that we actually are practicing these things every day. We may also be practicing them in bad ways. We may be engaging in bad habituation, so we just get used to doing something and don't think about it.

Christiane: So again, talking about how we're making these decisions, a question that comes up again and again in your book is about results, right? If in a certain situation being obedient will produce a bad result and being disobedient will produce a better outcome, that's something that you have to decide. But what I was curious about, especially in the military context is, do military officials think that this should be just up to individual discretion and then if the answer is yes to that, that individuals do have discretion, does that mean that every member of the military gets a sort of equal serving of discretion?

Pauline Shanks Kaurin: Absolutely not. In the book I contrast between when you're in garrison, when you're in combat, right? I think there's two different situations. Ironically enough, we give people much more leeway in combat than we do in garrison situations. So garrison is just when you're in base, right? When you're on base, when you're not in combat or a deployed situation. Typically, garrison situations are about training and habituating people, but there's quite a bit of difference between the professional judgment and discretion given to officers versus enlisted. But even within those two categories, the higher rank you have, the more experienced you have, typically, the greater discretion we're going to give you. So someone is a general officer, a flag officer, an Admiral, or a general, probably going to have a lot more discretion than Private Schmuckatelli who just showed up last week and just got out of boot camp, right? So there is

quite a range, but there is an understanding that the military is a profession and professions are communities of practice that regulate largely autonomously.

They are responsible for following their own rules, which requires that the members of the profession have some kind of discretion and are able to exercise professional judgment. So when I go to my physician, the medical field is also a profession. My doctor or physician assistant or whoever's prescribing my course of treatment has options. And they're going to choose based on their experience, and what the standards of the medical community of practice are, and what best practices are, and my history, and all kinds of things.

Same thing in the military to a greater or lesser extent, depending on what sort of field you're in, right? So if you're in a nuclear submarine, there's a checklist, you probably have less judgment and discretion. There's more prescribed in terms of best practices. In other areas, you might have more and there's a range depending on rank and experience, but there's something in the military called mission command, which is this understanding that the commander is going to give the intent, and then people in the field may have to improvise, may have to figure out different ways to get that done as the situation on the ground changes. And because they're professionals, we sort of trust them to be able to do that in certain kinds of ways, especially in the combat situations.

Christiane: A lot of what we've been discussing is about individual agency, individual discretion, individuals judging what the best thing to do is, so how can we balance that sense of individual autonomy with a sense of responsibility to our communities?

Pauline Shanks Kaurin: That's why I bring in the concept of communities of practice, because there's also lots of historical examples of people exercising individual judgment and discretion in really bad ways, right? They just get it wrong. They're doing it out of greed, or avarice, or ambition, or all kinds of reasons. And so the community of practice is the context in which the individual exercises that discretion and judgment. And so there are standards, there are norms, there are practices, there's an identity, there's a history within which that individual discretion gets exercised. And the member, especially if they are going against the standards of that community of practice, has to be able to articulate to everyone else why they're doing what they're doing.

So I don't know if people remember in 2020, there was a ship, the USS Teddy Roosevelt and the captain of that ship, Captain Crozier got in quite a lot of trouble because he had COVID on his ship and he sent a letter to various people, also members of his profession saying, "Here's what I think we should do." And he was making the case to the other members of the profession, of the community of practice that he needed to do certain things in terms of taking care of his sailors so that COVID didn't spread. And this was in the early days of COVID where it wasn't clear what was going on. We didn't have vaccines, we didn't have treatments yet. And so this was a really serious issue. And the Secretary of the Navy, Thomas Modly got quite upset

with him and said, you're not playing by the rules. You're not doing what the community of practice says we ought to do.

So you could argue that either he was being disobedient or some people argued he was being disloyal, but he had this letter that he used to articulate his reasons why he was doing this. So yes, it's to some degree about results, but it's also about making the case to the other members of the community that what you're asking for, or the reasons why you're obeying or disobeying, that you are hewing to the values of the community of practice. Even if you're going against what seems to be what we usually do.

So that community of practice is supposed to be to some degree, a check or a boundary within which individuals can exercise their judgment and discretion. Now, the other thing is that individuals like Martin Luther King Jr., it's called "Letter from Birmingham Jail" for a reason, he was in jail. And so the other piece is that if you do exercise what General Milley calls discipline disobedience, first of all, he says, you have to be right. And second of all, if you're not right, you have to be willing to take the consequences. And I think that's another important piece too, whether that's in the military or whether that's civil disobedience.

Christiane: Is there anything you feel like we didn't cover that you want to talk about?

Pauline Shanks Kaurin: Yeah, I don't know if people are interested in the question of loyalty and the intersection between loyalty and obedience, because they're not the same virtue. Being obedient is actually being disloyal and there may be sometimes when you're being disobedient and it's actually showing loyalty. So I think especially the Mý Lai case is a case where you have both disobedience and what many people at the time viewed as disloyalty. People thought Hugh Thompson was being disloyal. He was not a popular dude in the aftermath of the Mý Lai massacre and it's only many years later that he was given recognition and military award for what he did on that day. And now we use it as an example of moral courage, but that was not the narrative at the time. And I think in our political moment, we're also thinking about questions of loyalty.

So in the military, members of the military, as well as the national security apparatus, (I too took this oath) you take an oath to uphold and defend the constitution. So the loyalty is not to the president, not to Congress, not to specific individuals, but it's to the principles of democracy and to a document. We take an oath of loyalty to a document, which is a really weird, weird thing.

And so I think that question of loyalty is an important one to think about. I think one that we're struggling with now where people are in fact, privileging loyalty to specific individuals, or a specific party, or specific kind of world view, whether that's religious or otherwise over other considerations, and that might justify disobedience. Or they think in order to be loyal to this political party, I have to engage in this act of civil disobedience, right? So I think the intersection between the two is really interesting to think about because they're not the same virtue and so that's also a complicating factor if we're thinking about obedience and disobedience.

[Interview ends]

[music: Blue Dot Sessions, Calgary Sweeps]

Christiane: If you want to find more about our guest's other work, download a transcript or learn about some of the things we mentioned in today's episode visit prindleinstitute.org/examining-ethics.

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