EURO ISME

International Society for Military Ethics in Europe

registered in FRANCE as ASSOCIATION loi 1901 - W863003728

Military leadership: through dissent against moral disengagement

by:
Dr. Florian Demont-Biaggi

EuroISME Occasional Paper No. 2

Military leadership: through dissent against moral disengagement

by:
Dr. Florian Demont-Biaggi

Cover image:
Pictures of "Nam", WorldPress.com

Military leadership: through dissent against moral disengagement

by:
Dr. phil. Florian Demont-Biaggi

Military Academy (MILAK)
at ETH Zurich, Switzerland

The Series Editorial Board consists of:

Enquiries: chiefeditor@euroisme.eu

www.euroisme.eu

Table of contents

Introduction

Based on conceptual analysis of leadership ethics, the role and relevance of followers' dissent and moral disengagement in the context of military leadership are discussed. It is, I shall argue, its power to prevent and act against moral disengagement that renders dissent important for military leaders. The upshot of the discussion in this paper is that there is a moral obligation for military leaders to harness that power.

In general, the public demands responsible and ethical leaders. Where there is moral doubt about upper echelon politics or private economy, dissent is often not only articulated interpersonally or within the organization, but also publicly through various media. Restrictions on articulating dissent exist primarily in the form of social sanctions. In contrast, formal-institutional sanctions on articulating dissent are usually regarded as restrictions on basic democratic values like freedom of speech and therefore exist only in exceptional circumstances (e.g. *vis-à-vis* the results of properly conducted democratic elections; in the private sector one can find contracts preventing somebody from articulating dissent and the moral code of some professions forbids them to say anything that goes against their client's intentions or to communicate anything that involves sensitive information).

When it comes to military leadership, public interest is high and media presence plays an ever more important role, since military leaders are responsible for the employment of military force in accord with a political mandate. Unlike domains of leadership that do not rely on a political mandate, the

possibilities of articulating dissent without impunity (or at least a real chance of being heard) are often restricted on a formal-institutional level, because dissent is commonly regarded, not necessarily accurately, as having a negative influence on military efficiency partly due to an impact on good order and discipline, especially during engagement. There is hence a question whether more general principles of leadership ethics can be applied to the military context, in particular when looking at the possibilities of articulating dissent. More precisely, should military leaders allow dissent in the sense that it must be possible to hold or express opinions at variance with those commonly or officially held? Under what circumstances? And should there be a more active sort of dissent, which aims at cancelling, reversing or modifying an action? In order to approach these questions we first have to clarify some basic points about moral privileges and moral obligations in the context of military leadership. For, after all, if any sort of dissent is to play a sensible role, that will come with very particular privileges and obligations for both leaders and followers.

There is a general agreement that leadership in normal circumstances does not come with particular moral privileges. And Michael Walzer has argued that even in exceptional military circumstances, the conditions for doing something that is immoral without thereby becoming morally blameworthy are very demanding. These are the standard answers to what is commonly known as the dirty hands problem: may leaders sometimes bend moral rules in order to get results? And if the answer is indeed negative, one role dissent may play in relation to this consists in preventing, cancelling, reversing or modifying

immoral leadership action. This will constitute both a moral privilege and a moral obligation for subordinates – they must blow the whistle when things go wrong. On the other hand, even if leaders do not have moral privileges over and above those of their subordinates, they might still have an additional obligation to act against immoral action simply due to the fact that they enjoy more power. It is, however, an open question is whether leadership, and here we confine ourselves to military leadership, comes with such a particular moral obligation. It is the central concern of this article to spell out whether we can make good sense of such a moral obligation.

One might, following Peter Drucker's suggestion for management ethics in general, argue that within the limits of a political mandate and of what counts as an effective and efficient pursuit of military objectives, the only moral obligation is to minimize harm. That is, of course, closely related to utilitarian ethics and, when it comes to leader's freedom to act, Mill's harm principle. This perspective plays a central role in both classical and contemporary treatises on military ethics, because the obligation to minimize harm provides a (seemingly) straightforward way of defining a standard for judging whether a military action is proportionate or not. However, when looking at the role dissent does and should play in a military context, neither the observation that there are no particular moral privileges (or only ones which are severely constrained) nor the observation that minimizing harm is the only moral obligation for leaders helps us determine whether and how dissent should be allowed or restricted.

The key to a more comprehensive understanding of the role of dissent in military leadership ethics lies in examining what positive influence it can have on military efficiency, how it can help maximize military benefits and minimize costs. Not only can dissent prevent and act against groupthink and thereby support (and even safeguard) sound decision-making, it is also an efficient means against moral disengagement.

Following Albert Bandura's conception of moral disengagement, the basic idea is that under certain circumstances leaders make immoral decisions, can and should question it (or, at least, enquire further) and employ various psychosocial manoeuvres to disengage moral self-sanctioning. Note that Bandura does not, in his overall vision of human agency, accord emotions a central role. Even though empathy, processes of emotional numbing etc. are relevant for moral psychology in general, the phenomenon, which Bandura explains in great detail, is despite this omission highly relevant for the military context. And a sober management of dissent and of the subordinates articulating it can turn it into an antidote for moral disengagement.

In armed forces of democratic societies, military dutifulness involves staying within the limits of the political mandate, pursuing military objectives effectively and efficiently, and—where uncertainties arise—acting in accord with the spirit, i.e. the political values, of the mandate. I take military dutifulness in this sense to be a moral value with enough normative force to found a variety of moral obligations. Moral disengagement in the military context makes leaders consciously decide in ways incompatible with either the letter or the spirit of the political

mandate settling their objectives. Military dutifulness must surely involve acting against that phenomenon. And since a sober management of dissent is a powerful antidote for moral disengagement, we may infer a moral obligation for military leaders to allow and even encourage dissent.

But, of course, only dissent which has a positive influence on a pursuit of legitimate military objectives and which does counter moral disengagement should be allowed and encouraged. Dissent not having such effects should be restricted. But why should there be such a restriction? The main reason is that it would not be acceptable to somebody generally sceptic of dissent, because it threatens—they might think—military efficiency. But I do not think this is the best reason, because we have just seen there is a constructive form of dissent, which does actually promote military efficiency. Thus, a more sensible reason is that if we are really pursuing legitimate military objectives, we should focus all we have on achieving them. This includes forms of dissent which help with these objectives and excludes forms of dissent, which are mere distractions (because they cost time, energy and possibly other resources).

Here, we encounter an epistemological problem: how can a military leader distinguish the sort of dissent she or he should allow and encourage from the sort of dissent he or she should restrict? Courage and experience seem to be the most reliable means to deal with that problem. Courage is needed to build a culture among one's subordinates, which makes it possible for dissenting voices to emerge. Then a leader needs experience to be able to distinguish which sort of dissent is being articulated. Of course, an inexperienced leader will have more trouble with

foreseeing what a dissenting voice will bring in its wake and this is precisely why they need more courage at the beginning. But experienced leaders will also need a bit of courage to remain open to things they might never have heard before. At any rate, the result must be a culture of voice, which harnesses the power of dissent. And this is the main point I want to argue for here: fostering such a culture of voice is a moral obligation for military leaders.

1. Moral disengagement as a leadership challenge

When thinking about military leadership, one might have a very clear take on dissent: once an order has been given and the commander's intent has been elucidated, there is no room for dissent. Whether the order is within the limits of the political mandate, the values behind it, or within the limits of what counts as an effective and efficient pursuit of military objectives is the commander's problem. The only place where dissent can come in is in the context of executing the order. Here, soldiers may sometimes disagree with each other about the commander's intent, clarify it among themselves and then carry out their tasks more or less effectively and efficiently. There might also be possibilities to gain advantages (or simply to act on negative emotions) by bending the rules of law and moral integrity a bit and there might be disagreement in a group of soldiers about whether such possibilities should be taken. Where dissent among peers is possible, chances for dutiful, irreproachable military action are better. But followers' dissent vis-à-vis the order is out of question.

Of course, adequately trained military leaders are aware of groupthink. They are aware that in homogeneous groups with much cohesion, as typically found in military contexts, overestimation of the group's power and morality, closed-mindedness and pressures toward uniformity do exist and that they do jeopardize success and moral integrity. Of course, there are unconscious and emotional factors, which sometimes

prevent them from putting that knowledge into action. But limiting ourselves to Bandura's perspective, we shall focus on the conscious factors relevant in that framework. So, in order to prevent groupthink prudent leaders will encourage followers' dissent during the decision-making process and sometimes also during the execution of an order, depending on what sort of military action they envisage. But too much dissent will also hinder military efficiency (and sometimes even moral integrity) if discipline is relaxed too much. What they are seeking is a fine balance between retaining control and encouraging dissent so that, on the one hand, the power of dissent can be harnessed to improve decision-making and military action and, on the other hand, military discipline is firm enough to guarantee effective and precise execution of orders. This is one way of approaching follower's dissent, which has already found its place in much good military practice.

It is, however, less well known that there are also other sources of bias. Neither the political mandates behind military employment nor the commander's intent behind an order are value-neutral. In particular, neither of them is devoid of moral values and the functioning of the entire system depends on soldiers of all ranks adopting and adhering to them—especially under the pressures of employment. It is therefore crucial to understand cases of military personnel, who profess to adhere to and act in accord with such values, but still do harm in ways not compatible with the spirit of the system. As we have already mentioned, this is precisely what Bandura calls moral disengagement. In what follows, I shall first explain the concept in more detail, explain the role of followers' dissent vis-à-vis

moral disengagement and then draw some conclusions from all that for military leadership.

Traditionally, psychological research on human moral behaviour focuses on moral development. How do people develop moral judgment? Are there stages in this development and, if there are, how can we characterize them? To what extent can we train adults in moral matters? These are the questions much psychological research is based on. But according to Albert Bandura, moral psychology should also care about a different phenomenon and ask how people can behave immorally and still retain their self-respect and feel good about themselves. It is through this line of inquiry that we can hope to better understand the exercise of moral agency. After all, not only in extreme circumstances like war do we selectively disengage moral self-sanctions from harmful conduct. In everyday life we also use the capacity to selectively disengage moral self-sanctions in order to behave immorally while still being able to assert adherence to moral values. A crucial aspect in this sort of selective disengagement is self-influence: in the face of situational inducements to behave immorally, people can exert self-influence (or learn to do so) to behave otherwise.

Military training also involves education in the sense of transmission of values. We select and train people to a level where military values have been fully adopted, where not adhering to those values results first and foremost in self-sanctions, maybe even self-condemnation. That there is such an internalized standard is one of the characteristics we want to see in military personnel. For them, military values are standards of orientation, that is, of right and wrong—not only intellectually

but also emotionally—and acting in accord with these values gives them satisfaction and a sense of self-worth and accomplishment. What Bandura describes as the exercise of moral agency is readily applied to the military case. We simply take military values together with political mandates as the relevant standards and hold that fully trained soldiers act morally through negative self-sanctions for conduct that violates the standards and through positive self-endorsement for conduct faithful to these yardsticks.

A central place is taken, in the military case as well as in Bandura's more general account, by self-control. It is the capacity for self-control that we employ—or can learn to employ—to adhere to standards even if situational inducements prevail, that have the potential to precipitate immoral behaviour. This, of course, harks back to traditional philosophical discussions about the relation between free will and moral responsibility. The fact that we have intentional influence over our actions (and what consequences flow from them) is a necessary requirement for moral agency. It would be pointless to ascribe responsibility, blame or praise to people if that weren't so. Bandura is explicit about the philosophical commitments of his psychological account:

To be an agent is to exert intentional influence over one's functioning and over the course of events by one's actions. The capacity for self-influence gives meaning to the exercise of morality. If human behaviour were controlled solely by external forces, it would be pointless to hold individuals responsible for their behaviour.

For our purposes here, I shall focus on exercises of that capacity by which we selectively disengage self-regulation from harmful conduct. This will prepare the ground for asking what good dissent can do in all this.

Selective activation and disengagement of self-sanctions permits people to behave differently in different situations or towards different people without switching moral standards. One can see oneself as an impeccably moral person and still do harm if only the capacity for selective activation and disengagement is exercised in the right situations. Bandura remarks that large-scale "inhumanities are typically perpetrated by people who are considerate and compassionate in other areas of their lives" and then mentions as an example Amon Göth who, while dictating a compassionate letter for his ailing father, shot a prisoner who he thought was not working hard enough.

According to Bandura, there are eight psychosocial manoeuvres by which people can selectively disengage moral self-regulation from harmful conduct. The eight manoeuvres operate at four sites of moral self-regulation.

- The first site of moral self-regulation is the *behaviour locus*, where we have three mechanisms of disengagement. All three mechanisms at this site have a dual function, they engage morality in the harmful mission (that is, *vis-à-vis* the objectives), but disengage morality in its execution. There are moral justifications, where righteous ends are used to justify harmful means. Apart from them, palliative or advantageous comparison as well as euphemistic labelling are used to frame and talk about harmful behaviour in ways that make them seem much less harmful. In the military context we often find

such cases, when ad bellum criteria are fulfilled, but in bello transgressions prevail. Good reasons for entering an armed conflict are used to justify such things as white torture or proportionality calculations, which expose civilians to a bit more risk in order to attack the enemy's morale. Along similar lines, one might compare the case at hand with cases of a similar structure that are generally seen as innocuous. Or one might call, for example, white torture "enhanced interrogation".

- The second site of moral self-regulation is the *agency locus*, where we have two mechanisms of disengagement, which are both about evading accountability. First, responsibility can be dispersed by cutting a process into smaller pieces–just like the different actions taken to execute a prisoner on the death row–so that different agents, who all just play one small part in the execution process, do not need to feel responsible for the harm that results from the entire process. Technology can also be helpful to disperse responsibility, because some parts of a process can be taken care of automatically. Furthermore, automation is all about cutting up a process into smaller parts, which are then processed more or less automatically, possibly (and sometimes even deliberately) giving some human operators in the loop the impression that they cannot feasibly be made responsible for any harm resulting from the entire process.

  The second mechanism at the agency locus—displacement of responsibility—is most conveniently explained through a technology example. When anything goes wrong in the employment of a computer system, it is

sometimes hard to find somebody who is fully responsible for mistakes. If you ask people in the loop who witnessed the mistake, they will point to those who decided to employ the system. Asking the decision-makers, they might point to those who set the system up. Those who set it up will point to the programmers, who in turn will refer us to the engineers who planned it. Finally, when asking the engineers who planned the system, they will point out that all depends on how the system is put to use.

Any organization can be designed to disperse and displace responsibility. This may be part of natural growth and change processes if leaders neglect matters of responsibility. Such neglect might stem from a lack of experience, lack of courage to demand from subordinates to take responsibility or, in the most baleful case, they are deliberate. Organizations with blurry responsibility structures are hard to deal with when bad things happen. Individuals might be able to withstand situational forces conducive to harmful actions, but it is very hard for them to counter the root of the issue, as that involves changing the structure of the system. Thus, precautions must be taken when designing organizational systems, especially if there is considerable likeliness of unethical harm when things go wrong.

- The third site of moral self-regulation is the *outcome locus*, where we have three mechanisms through which disengagement happens by manipulating the consequences of actions. The motto in this category is: "out of sight out of mind". Harmful effects of actions can be minimized, misconstrued or ignored. This is particularly easy in contexts,

where there is an information asymmetry. For example, information about the consequences of particular military actions is often classified. And if the opponent or a third party publishes contrary information, one's own information can more easily be doubted or disputed. Consequently, already a seed for uncertainty about what the harmful effects of an action were, can serve the purpose of driving a wedge between self-sanction and harmful action. Military history is full of events, where the flow of information was decisive, which is why military leaders are usually quite sensitive to what positive and negative potential information handling has.

- The fourth and last site of moral self-regulation is *the victim locus*, where the relevant mechanisms are dehumanization and attribution of blame. Perpetrators sometimes exclude those maltreated from their category of humanity by divesting them of some human qualities or by attributing to them some animalistic qualities. The effect of such judgments is that seeing victims as subhuman weakens moral qualms over treating them harshly. Alternatively, victims can also be blamed for bringing the maltreatment on themselves. Perpetrators may also cite some sort of compelling circumstance. At any rate, they seek to turn the table by viewing themselves as victims, compelled to retaliate or harm in self-defence.

Thus, adherence to values and acting on them is threatened from various sides. Preventing such moral disengagement means taking a safeguarding stance towards those values. After all, in order to check our language for false excuses, to remain truthful

regarding the consequences of military actions, to respect human dignity and to bear full responsibility for what we did do (or intentionally decided not to do) we have to work hard, especially during military engagement, where there is pressure from different sides to produce results that look good.

This helps us to sharpen the focus of our questions. First, we now have to explain what role follower's dissent plays in this context. How can dissent promote more desirable forms of military agency? A second point to be added here is more basic. Why should we as military leaders care about moral disengagement and dissent? After all, if we follow our orders more or less within the scope of possibilities opened up by our commander's intent and if, in particular, we do not do anything that is clearly illegal, we will be beyond reproach—or so one might think. Nevertheless, is there not more we should do? Is there some sort of obligation for military leaders to care about moral disengagement and to see follower's dissent as having more to offer than mere prevention of a threat to measurable military performance?

2. Roles of, and an obligation to dissent

There are different sorts of dissent. Peers can disagree with each other and one can express dissent vis-à-vis views dominant in one's group. Or a leader can disagree with an opinion held by subordinates and dominant in that group. In that second case, I believe, we will bend semantics only a little if we call it dissent. Just imagine a leader who was promoted and now leads the group he previously was a part of; in such a group disagreement with a commonly held view may easily count as dissent. Still, the most relevant form of dissent for military purposes is follower's dissent. Here, a subordinate disagrees with commonly held views in the group, with something his or her leaders believe or the subordinate even disagrees with beliefs commonly presumed in the entire organization. But why is this the most relevant form of dissent? Imagine how things would be if this was not the case. If leaders needed not to care about followers who disagree with their (the leaders) views or with views generally held in the organization, dissent would not really be a problem. In such a scenario, whistleblowers, for example, would be impossible. So, if this were not true, organizational life (especially in the military) would be very different from what it is now and there would hence be no point in discussing the topic of dissent (and disobedience) in an edited volume on military ethics (or anyplace else).

So, one way to clarify the concept of dissent distinguishes between the subjects of dissent and the people who commonly hold a belief that the subject disagrees with.

Another strategy to clarify the concept of dissent distinguishes motivations for dissent. This is the strategy to be pursued below. Here, one may speak of *prompted dissent* when it is the result of situational factors. We might think of a case where somebody yields to pressure and expresses dissent because of it–maybe somebody is blackmailing that person in order to make him speak up against a commonly held belief that the blackmailer wants to work against. Prompted dissent, as I use the term here, can also be the result of moral disengagement. If somebody consciously decides to disengage her or his values from harmful actions, that also counts as prompted dissent, because something else than the value system is prompting dissent. So, for example, it is a case of prompted dissent if somebody during a discussion about which military weapon should be employed against an enemy decides to dehumanize the enemy and argues that they themselves are to be blamed for any harm they incur in order to disagree with common sense views about proportionality.

Apart from prompted dissent, one may speak of *cued dissent* when dissent is the result of self-regulation, especially if there are situational factors pulling into another direction. Cued dissent is, hence, a form of dissent, which can work against groupthink and moral disengagement. Cued dissent requires what Bandura calls self-efficacy: the belief in one's causative capabilities. He writes:[1]

These agentic functions are rooted in the belief in one's causative capabilities. This core self-belief, called *self-efficacy*, is

1 Bandura (n. 1) 5.

the foundation of human aspirations, motivation, and accomplishments […]. Unless people believe they can produce desired effects by their actions, they have little incentive to act or to persevere in the face of difficulties. Whatever other factors serve as guides and motivators, they are rooted in people's core belief that they can affect the course of events by their actions.

So, what cues cued dissent? A value system that one adheres to plus the belief that one should and can put it into action. Cued dissent is, thus, dissent motivated by sincere adherence to values. More specifically, and in relation to moral disengagement, it is an attempt to counter a dissociation between values and harmful conduct through expressing disagreement. Focusing on the military context, decision-making and the execution of orders is framed by values, adherence to which is vital for the entire system and the legitimacy of its employment. Sometimes, however, it is easier or quicker to not fully consider these values while making decisions or executing orders and a group of people might convince itself that it is indeed a good idea to proceed along such lines. It is precisely in these situations where cued dissent directly addresses the dissociation in order to demand full adherence to the prevailing values.

Bandura provides a detailed account of how agents can act against situational factors prompting moral disengagement. And that account is useful to elucidate more concretely how cued dissent works. It is best to see the capacity to withstand the situational factors as having three phases during which self-

control can be exercised. According to Bandura there are forethought, self-reactiveness and self-reflection.[2]

Forethought is anticipatory self-guidance, which requires cognitive representation and allows people to shape and regulate the present to realize a desired future.[3] Anticipated legal, social or self-evaluative consequences, which are not desirable, cue dissent through self-regulation. Exercising forethought, thus, has a cognitive and a conative aspect: the agent must not only be able to anticipate undesirable consequences and also possess knowledge about legal regulations, moral values, social conventions and self-knowledge, the agent must also be able to envision a future state of affairs as desirable and form a suitable intention to bring it about. Negative legal and social consequences are external sanctions and the sort of control they give rise to is called fear control. Negative self-evaluation gives rise to guilt control. The control we hence find during the forethought phase presupposes a legal and social framework, for which sanctions have been defined, which may be anticipated when transgressions happen. It is a mark of military organizations that they provide precisely this. There should, however, also be a shift from fear to guilt control in individual agents.[4] And a sensible military education aims at such an internalization of military discipline. Especially training in the laws of armed conflict, military ethics and military values should provide the sort of knowledge and motivation to soldiers that when they are forming intentions, guilt control prevents them

2 Bandura (n. 1) 4.
3 Bandura (n. 1) 4.
4 Bandura (n. 1) 4-5.

from transgressions. So, cued dissent regarding forethought requires knowledge and is optimally based on internalized standards (i.e. guilt control) rather than fear of penalty.

Self-reactiveness is the second phase where cued dissent becomes possible. This phase is about regulating concrete planning and the execution of actions based on adopted standards, for having formed an intention we cannot simply "sit back and wait for the appropriate performances to appear".[5] Divergence from standards (normally) prompts a reaction and divergences can happen anytime we make our plans more concrete, revise or execute them. In other words, we monitor and judge while constructing appropriate courses of action and while motivating and regulating their execution. For this we employ evaluative standards, responding with self-approval or self-censure depending on whether our behavior matches the standards.[6] When moral disengagement is in force, we might monitor what we do as we go along; there might also be some sort of judgment, but the relevant standards are dissociated, thus disabling self-approval or self-censure where appropriate. It is, therefore, not enough to simply have thought things through beforehand and to have come up with a morally impeccable intention; things can go wrong again while concretizing and executing plans.

---

5 Bandura (n. 1) 5; see also John Searle, *Rationality in Action* (MIT Press 2001).
6 Albert Bandura, 'Self-regulation and motivation through anticipatory and self-reactive mechanisms' in: R.A. Dienstbier (ed), *Perspectives on motivation: Nebraska Symposium on Motivation* (Vol. 38, University of Nebraska Press 1991) 69.

Soldiers are familiar with this under the heading of owing one's weapon: we use drill to develop the discipline to monitor and retain full control over our military means (weapons or other means). This leads us to an interesting implication of cued dissent. During the phase of self-reactiveness, cued dissent involves keeping monitoring and judgment closely associated with the application of evaluative standards—dissent must come in when evaluative standards fail to apply (or apply less strictly). But what precisely will cue dissent? If soldiers are not trained to constantly monitor for a possible dissociation and to exercise appropriate control to bring evaluative standards back to bear on the situation at hand, no dissent can arise where appropriate. I surmise that soldiers must learn to identify the psychosocial maneuvers as part of their craft, as part of what it means to own their weapons, since it is hard to see how else they can assure moral behavior in the heat of engagement.

Cued dissent can also work during a third phase, which is again more general: self-reflectiveness. Self-reflectiveness is about regulation due to the metacognitive capacity to reflect on oneself and one's actions. It primarily concerns moral identity, the soundness of one's values etc. What sort of person, what sort of soldier do I want to be? What do I fight for? Am I coherent in what I believe, say and do? These are important questions, which trigger the sort of reflections meant here. According to Bandura this is when individuals confront moral predicaments and might seek to distance and exonerate themselves from harmful behavior they have done.[7] There are,

7 Bandura (n. 1) 5.

however, only two ways of disengaging moral standards from harmful behavior during this phase: either one ignores, downplays or neglects important facts or one's reasoning is not sound (*i.e.* one draws false inferences). Military after-action reviews seek to get all facts on the table and draw valid inferences about what has happened. Because, during this phase, the relevant standards and what has happened should be clear, dissent can only be cued when facts get distorted or bogus inferences are drawn. In other words, when it comes to self-reflection, dissent is cued by becoming aware of cognitive and rational failure.

So, this closer look at cued dissent and the different phases at which it can play a role in human behavior has revealed the importance of what we might call cognitive command and rationality. In order to relate this to the more general picture about follower's dissent, recall what one might take to be the standard military perspective on dissent:

Followers do have a *prima facie* responsibility to carry out orders—only under *exceptional* circumstances is there an obligation to dissent.

Bandura's action theory helps us establish more clearly what exceptional circumstances are. Carrying out orders can go wrong when planning actions (in the phase of forethought), when executing them (when self-reactiveness is relevant) or when reflecting on behavior in more general ways (during self-reflection). If the orders are morally impeccable, cued dissent at each phase is either directed at one's peers (if they promote moral disengagement) or against one's own inclination to drive a wedge between moral standards and behavior. But if orders

are not morally impeccable, that might appear when forming one's intention, during the execution of orders or upon self-reflection. At each phase, cued dissent might manifest differently and need not always lead to a direct confrontation.

If it appears during forethought that orders are not morally impeccable, one might feel compelled to articulate a cued dissent. But it is possible that a soldier who raises doubts (probably when the commander's intent is presented and discussed) will be ordered to simply carry the order out. There can be many reasons for such a reaction and not all are bad. For the dissenting soldier, there are of course also alternative ways during forethought to deal with pernicious orders. They might wait and later simply act as if they followed the order, but actually ignore them, be negligent about details or even consciously sabotage the overall execution of the orders.

Very similar possibilities present themselves when the perniciousness of orders appears when self-reactiveness is relevant. Just the probability that a leader will not listen to an open discussion of orders in the heat of battle is much higher than success in launching a discussion when the mission is explained beforehand. Doing things clumsily seems a most likely tactic, because there can be no sure execution of pernicious orders anyway if a soldier is upright enough and unwilling to fall into moral disengagement.

During self-reflection, pernicious orders can also show their true face and here a soldier can probably most easily seek to discuss matters with his or her leaders, a psychological or spiritual counselor or even consider internal or external whistleblowing. The only problem is that it is too late. Harm has

already been done. This does net render cued dissent at this stage meaningless, but it would be much better if immoral, harmful actions can be stopped while planning or right when they happen.

Now, all of these forms of cued dissent are more or less detrimental to a smooth working of military organizations. But then again, pernicious orders should not happen and if they really are pernicious, it is better if a military organization halts. What is important here is that soldiers know what pernicious orders look like, they must have had the relevant education in the law of armed conflict and military ethics. This is also a necessary requirement to distinguish between possible differences between what their respective military organization (and the political leadership behind it as well as international law) see as a pernicious order and their personal moral standards of what is moral or immoral. Sometimes, soldiers must make choices between personal values and the values of the organizations they are part of. It is in the interest of military and political leaders that the standards for these choices are the right ones.

Military hierarchy protects soldiers from bad decision of their superiors and this in turn results in the *prima facie* responsibility to carry out orders, which is simply a necessity for military organizations to work effectively and efficiently. But when things go very wrong, soldiers must recognize that it is the case and then also have the heart to pull the brake—either openly or by secretly not following these orders. This requires not only knowledge of the relevant normative standards, but also of the patterns of moral disengagement (Bandura's 8

psychosocial maneuvers) and what it is like to be in such situations. From the perspective of soldiers, hence, cued dissent is not something they should expect to encounter often. But if they do, they must act.

For leaders, the situation regarding follower's cued dissent is very different. They have a legal and moral responsibility, which is not at all *prima facie*, to ensure proportionality. If we look at the details of the law of armed conflict, we find that its distinction between planning and execution of an action corresponds to Bandura's action theory, demanding precaution during forethought and self-reactiveness:

> *API, art. 57 – Precautions in attack:*
> 2(a): "Those who plan or decide upon an attack shall:
> (iii)...refrain from deciding to launch any attack which may be...[disproportional]."
> 2(b): "An attack shall be cancelled or suspended if it becomes apparent that...the attack may be…[disproportional]."

So, at the very least, military leaders have an obligation to stick to proportionate means when planning or executing an attack. And sticking to that standard also means acting against situational factors that might dissociate proportionality considerations in accord with the law of armed conflict from military action. There is hence a normative reason to consider ways to prevent moral disengagement and one good strategy for leaders is not to try to do this all by themselves but to involve their subordinates. This means creating a culture among subordinates which does not only tolerate cued dissent, but

which construes it as praiseworthy. It can also involve creating a more transparent information policy in order to put subordinates in a better position to identify anything that might negatively influence the pursuit of objectives in accord with the law of armed conflict. I am hence arguing that there is a normative reason to empower subordinates in a very specific way.

This conclusion can seem too daring. After all, relinquishing much power by giving subordinates a right—even an obligation—to veto in matters of proportionality goes against the image of a military leader who has full control over his domain and who enjoys, in that domain, full autonomy in his decision-making. There could also be a worry that one gives up command responsibility and erodes the kind of hierarchy, which protects subordinates from persecution when they only follow orders. Add to this a worry that more transparency regarding information relevant for proportionality matters further threatens military leaders' control, autonomy and the legal protection they provide by acknowledging full responsibility for their decisions.

Such worries are weighty. But they also rest on questionable presumptions. Ask military leaders, especially those who have been in armed conflict, whether they always retain full control over their domain. If they are honest, they must admit that such moments are rare, because people do not always do what they want and because there are always factors that require improvisation. It is therefore also questionable, whether military leaders enjoy full autonomy in their decision-making. Apart from the fact that most military decisions have to be taken in

situations of time-pressure, uncertainty and other stressors, the very existence of phenomena like groupthink and moral disengagement (as well as a host of psychodynamic factors which I do not discuss here) make abundantly clear that full autonomy is unattainable most of the time. Furthermore, regarding informational transparency, civilian communication technology often provides soldiers with information that would be relevant for proportionality matters, if only they could be sure that it is reliable. Sometimes, even military leaders learn facts through these means, which might at some point prove relevant for decision-making.[8] I therefore doubt that these worries pay enough attention to the details of how military leadership actually works in practice.

There is, however, not only a price that we pay for the sort of empowerment I propose. There is considerable gain: we can uproot situational factors that are a serious threat to proportionate military action. If the worries, as just argued, are not as serious as it might seem at first glance, we should opt for this sort of empowerment of subordinates by institutionalizing follower's cued dissent.

Creating a culture, where cued dissent is possible and where it can effectively counter moral disengagement from below, should be seen as an extension of the «own your weapon»

8 For this claim on information see 191-192 of Ophir Weinshall Shachar, Henrietta Cons Ponte, Eyal Ben-Ari 'Social Navigation and the Emergence of Leadership: Tactical Command in the IDF Ground Forces in the Second Lebanon War' in: M. Holenweger, M.K. Jager and F. Kernic (eds) *Leadership in Extreme Situations* (Springer 2017) 181; that chapter also provides evidence for other claims made about contemporary military leadership experience in engagement.

principle ensuring proportionality. The sort of self-control Bandura describes enables human soldiers to use military force in a precise and ethical way even if situational pressures prompt disengagement. On levels where bigger decisions are made, the same is true. Self-control and the possibility of cued dissent it gives rise to in well-educated soldiers do promote employment of military force in a precise and ethical way on all echelons even if situational pressures prompt disengagement.

3. Conclusions for military leadership

We now have discussed a definition of follower's dissent and what it can do for military leadership. To conclude, some of the main consequences for military leadership will be summarized. There are basically four points which deserve special mention:

1) LEADERS AND FOLLOWERS NEED SUFFICIENT SELF-CONTROL TO ACT AGAINST PRESSURE TO MORALLY DISENGAGE.

Human beings can deliberately engage or disengage values. The question moral disengagement raises is whether soldiers on all levels dissociate behavior from values if situational factors prompt it. In order to train both leaders and followers to stick to values and the political mandate they received, they need to be able to identify a possible dissociation (preferably before it happens) and act against it. This requires knowledge of the relevant values, familiarity with the mechanisms of moral disengagement and enough self-efficacy to act in accord with this knowledge. Much of this is part of military education and is traditionally subsumed under the concept of military discipline. The notion of moral disengagement and the association of self-discipline (or self-control) with self-efficacy may be not that current yet in military practice, but suitable adjustments in education and selection should not require too much. Nevertheless, the upshot will be a suitable foundation for

military cultures and group dynamics that are much less susceptible to moral disengagement.

2) LEADERS NEED TO TRUST FOLLOWERS: GIVE UP SOME OF THEIR POWER AND CONTROL TO MAKE EFFECTIVE CUED DISSENT POSSIBLE.

The empowerment proposed above envisages giving more information and a veto right to subordinates in order to enable them to counter situational forces, which might lead to disproportionate military actions. Such an empowerment is only possible if the subordinates are trustworthy. Leaders must have full confidence that subordinates possess the knowledge and the heart to use that power correctly, to aim at proportionate military action based on values and a legitimate political mandate. Part of that trust can come from education and selection. If subordinates have been selected carefully at the beginning and the training has been adequate, we should ask military leaders to empower them. But if such a foundation cannot be presupposed, a sensible culture of voice will be more difficult to establish and the likelihood of having to live with moral disengagement here and there increases accordingly. Much less empowerment will then be possible.

3) LEADERS AND FOLLOWERS HAVE TO BE FAMILIAR WITH THE PATTERNS OF MORAL DISENGAGEMENT AND UNDERSTAND WHY IT IS NOT DESIRABLE.

This third point is closely connected with the first and also with what has already been said about military education. Naturally, proportionate military action based on values and a legitimate political mandate has to make sense for all involved. If we do not have that, nothing else will fill the lacuna. But it must also be clear to all involved at what moments self-control must be employed and what situational factors have to be withstood. This is the essence of the "own your weapon" principle as applied to decision-making processes, self-reflection and much that is involved in executing orders before anybody pulls any trigger.

4) ORGANIZATIONAL ADJUSTMENTS MIGHT BE REQUIRED: DIFFERENT FOLLOWERS OBSERVING DIFFERENT LOCI FOR PATTERNS (ALWAYS READY TO BLOW THE WHISTLE).

Installing the kind of culture of voice presented here in different military units will require different measures. The kind of employment and preparedness of all involved will necessarily make a difference to the sort of empowerment that is practically feasible. But one thing one can probably always do as a leader is to make different followers responsible for monitoring specific patterns of moral disengagement. One soldier might observe the agent locus, one soldier the victim locus and so forth. This need

not require much additional work, but if the leader has somebody who monitors these possibilities and if he or she can count on an honest answer, there will already be added value for her or his decision-making.

For all this, trust matters. And trust always involves vulnerability. Self-efficient subordinates can use their self-regulation capacities to act against situational pressures prompting moral disengagement or they can use them to act against desirable situational pressures. Giving up power and control comes at a price. But, arguably, the detrimental effects of moral disengagement are much costlier (morally and otherwise) than the effects of soldiers who evade situational pressures for bad reasons. If soldiers are selected and given a training based on sound values, the possible downside can be minimalized. After all and at any rate, military leaders must be able to trust the selection processes and the training their subordinates went through—if they cannot, the real problem might actually be their lack of trust in the organization and not the empowerment of subordinates.

Bibliography

Albert Bandura, 'Self-regulation and motivation through anticipatory and self-reactive mechanisms' in: R.A. Dienstbier (ed), *Perspectives on motivation: Nebraska Symposium on Motivation* (Vol. 38, University of Nebraska Press 1991) 69

Albert Bandura, *Moral Disengagement. How People do Harm and Live with Themselves* (Worth Publishers 2016)

Peter Drucker, *The Essential Drucker* (Butterworth-Heinemann 2001)

Irving L. Janis, *Groupthink: psychological studies of policy decisions and fiascoes* (Houghton Mifflin 1982)

Terry Price, *Leadership Ethics. An Introduction* (CUP 2008)

John Searle, *Rationality in Action* (MIT Press 2001)

Ophir Weinshall Shachar, Henrietta Cons Ponte, Eyal Ben-Ari 'Social Navigation and the Emergence of Leadership: Tactical Command in the IDF Ground Forces in the Second Lebanon War' in: M. Holenweger, M.K. Jager and F. Kernic (eds) *Leadership in Extreme Situations* (Springer 2017) 181

Jospeh Soeters, Tom Bijlsma 2017 'Team Leadership in Extremis: Enschede, Uruzgan, Kathmandu and Beyond' in: M. Holenweger, M.K. Jager and F. Kernic (eds) *Leadership in Extreme Situations* (Springer 2017) 61

Michael Walzer, 'Political Action: The Problem of Dirty Hands' (1973) 2(2) *Philosophy and Public Affairs* 160

Michael Walzer, *Arguing about War* (Yale University Press 2004)

Dr. phil. Florian Demont Biaggi, (1982) Switzerland, is a lecturer at the Leadership and Communication unit of the Military Academy at ETH Zurich, where he teaches on a variety of leadership topics. His research mainly focuses on leadership ethics and the philosophical foundations of military ethics. Apart from a variety of publications in applied philosophy, ethics and leadership studies, he edited *The Nature of Peace and the Morality of Armed Conflict* (Palgrave, 2017).

EuroISME's Occasional Papers series is a second line of publications, next to EuroISME's book series. The submitted Occasional Papers are too short to merit a stand-alone volume, nor do they necessarily fit into one of EuroISME's conference volumes. They are peer reviewed and can be published quickly when needed. They aim to discuss topical subjects on military ethics and they will be published on an open-access basis on EuroISME's website.

EURO ISME
International Society for Military Ethics in Europe
Awarded Special Prize "Europe of Peace" of the European Award for Citizenship, Security and Defence 2013