

THE LIMITS OF MILITARY OFFICERS' DUTY TO OBEY CIVILIAN ORDERS: A NEO-CLASSICAL PERSPECTIVE

Robert E. Atkinson, Jr.

Several post-September 11, 2001, events—the invasion of Afghanistan and the second invasion of Iraq, the use of “enhanced interrogation,” the detentions at Guantanamo, the “air-only” attacks on the Islamic State in Iraq and Syria—have raised a perennially perplexing issue of civilian/military relations: principled limitations on military officers’ duty to obey civilian orders. Not surprisingly, contemporary answers have split along a familiar fault line. Those on one side emphasize, more or less rigorously, officers’ general professional duty to obey; those on the other side emphasize, more or less expansively, familiar exceptions for irrational, illegal, or immoral orders.

Paradoxically, both sides find support in the classic statement of modern military professionalism, Samuel P. Huntington’s *The Soldier and the State*. More paradoxically, flaws in Huntington’s original analysis compound the problem, even as the correction of those flaws offers a common ground. This reexamination of Huntington’s original position can thus narrow, if not wholly bridge, the gap between opponents in the current debate over military obedience.

Part I situates the general obligation of officers to obey the orders of civilian authorities in Huntington’s basic theory of civilian/military relations. Part II examines two logical limitations that Huntington’s theory implies for the duty of military officers to obey civilian orders: when civilian authorities usurp military officers’ tactical expertise and when civilian authorities lapse in the exercise of their own expertise

as “statesmen.” Part III maps this latter exception onto the two general exceptions to military obedience, illegal orders and immoral orders, and then ties all three exceptions back into the common ground of military professionalism, the common defense, which rests on the deeper foundation of both American constitutional law and neo-classical political theory: the common good.

More information about the programs of the Strategic Studies Institute (SSI) and U.S. Army War College (USAWC) Press may be found on the Institute’s homepage at www.StrategicStudiesInstitute.army.mil.

Organizations interested in reprinting this or other SSI and USAWC Press executive summaries should contact the Editor for Production via e-mail at SSI_Publishing@conus.army.mil. All organizations granted this right must include the following statement: “Reprinted with permission of the Strategic Studies Institute and U.S. Army War College Press, U.S. Army War College.”



This Publication



SSI Website



USAWC Website