



The younger generation of officers once again faced with war operations...

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Commandement

...where they sometimes have to decide in the face of extraordinary situations.

In these cases, must we always obey? What are the foundations for exercising their free will?

How to prepare for such dilemmas? This is what the GCA (2S) Alain BOUQUIN invites us to think about.

A dossier devoted to military ethics cannot ignore the subject of discipline. In fact, one could write many pages without exhausting this theme, as it is at the heart of military ethics.

But it is also a delicate subject because it remains, in France in particular, marked by events, situations or contexts during which obedience may have ceased to exist. A few dates (1904, 1917, 1940, 1957, 1961...) are enough to evoke for each one of us, in various ways, difficult, even tragic episodes: Situations in which soldiers, for more or less just reasons, decided to stop obeying and assumed the consequences of their actions. Should we deduce from this that obedience is, contrary to popular belief, an attitude that is not necessarily self-evident in the armed forces? Has obedience somehow become "relative" ?...

First of all, it should be remembered that discipline is historically an imperative linked to combat effectiveness. Our old General Discipline Regulations stated that it was "the principal force of armies". It is a fact of experience: in extreme adversity, the strongest organizations have an unfortunate tendency to fall apart. When friction, fog or chaos seem to reign on the battlefield, the coherence of warfare can only be based on what binds the troop together: its cohesion and discipline. This is why it has always been erected as an almost absolute safeguard.

But this principle of obedience is not (no longer!) a principle of submission. For it has been tempered since 1966 by a principle of responsibility which completes and orders it. The order received from the superior can no longer today exonerate the responsibility of the subordinate. The subordinate is not obliged to accept, let alone execute, an illegal order, especially a criminal or delinquent one. A "duty of disobedience" has in some way been introduced into the texts and formalised ...

In military action or in the conduct of an operational mission, both those who order and those who obey are now responsible for their actions. The General Statute of Military Personnel (since 1972) and regulations, but also the Penal Code, enshrine this provision.

It can thus be considered, probably in a simplistic way, that limits have been placed on the principle of obedience by the principle of responsibility. They are schematically of two very different kinds:

- The first one is objective; it is the only one that is formalized. The first is objective; it is the only one that is formalized and explained by the texts; it is that of legality; it is generally easy to identify;
- The second, less formal, is a consequence; it is the one that one can fix on oneself.²⁷ by a kind of extension of the notion of responsibility; it is the limit of the morality (or of the "moral conscience") of the actions of a person. It is the limit of morality (or of the "moral conscience") of actions decided and undertaken; it is the limit of legitimacy, the outline of which may be less easy to appreciate.

What is therefore the real issue of obedience? It is not that of daily discipline, generally easy and naturally traced. It is finally the following: one day, in combat, it may happen to every soldier to ask himself the question "what should I do? Should we obey? ». And, even more delicately, subordinates may turn to their leader and ask, "What should we do? ». For they will be faced with an "abnormal" case, with difficult decisions, in situations where doubts have set in and certainties are outdated.

In such situations, the principles previously stated will serve as a guide, but they alone will not be able to determine the choices to be made. For these choices will depend on the circumstances: the economic situation will have taken precedence over the structural situation; references may not be sufficient, and the moral bases will only be an anchoring point from which one must consciously make up one's mind. Obedience will then have become, no longer an automatism, by reflex, but a reasoned attitude, endorsed, made up of adherence and shared understanding of the situation. Or, on the contrary, it will be refused to the leader... which will then have to be duly motivated!

Is it useful to list in advance these situations of potential exceptions? History gives us a number of examples of this; with recurring or more occasional themes such as torture, respect for conventions related to the law of war or the loss of legitimacy of the authorities in place. Other less "classical" subjects also deserve to have been addressed beforehand, such as conscientious objection, mutiny or the prohibition of the right to strike... Knowing that "ready-made" solutions are rare on this kind of subjects.

However, it is for these exceptional situations that we must be prepared: the interest of a deep, substantiated, illustrated, permanent ethical reflection is precisely to be prepared to face, if necessary, "extraordinary" circumstances for which principles are no longer sufficient and ordinary solutions no longer work. It is then a genuine "culture of

discipline" that must take over to provide the keys to the actions to be taken. It is based on learning based on experience, the study of concrete cases, the refusal to take the easy way out, knowledge of texts, education in the notion of duty, a sense of values patiently instilled... It is a culture of discipline that is based on the principles of the discipline, the principles of the discipline, the principles of the discipline and the values of the discipline, and the values of the discipline. It is a way of life that we build to ensure that, when the time comes, obeying or disobeying will be the fruit of a choice taken, in all legality, in all legitimacy, in all justice, in all dignity.

But has obedience never been anything else: an expression of the freedom of each individual to accept, within a given framework, to submit his destiny to the will and discernment of a man because he is better equipped than himself to understand, choose, decide and direct?

27 ... knowing that some may not!

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