

- 21 Harman makes a similar point in "Epistemology Today," in *Philosophy in Mind: The Place of Philosophy in the Mind*. Dordrecht: Kluwer, 1994, pp. 11-12.
- 22 But this dispute provides an interesting example of philosophers arguing past one another. Scientific realists and anti-realists occupy different justificatory world versions and as such do and can only talk past one another. The case is completely analogous to "debates" between atheists and theists, who cannot possibly be talking about the same entity, since the former group denies that the word "God" refers to anything at all.
- 23 "Pragmatism and Reasons for Belief," p. 19.
- 24 See my: "A Two-minute 'Defense' of van Fraassen's View on Scientists and Belief," *Explorations in Knowledge*, Volume XII, no. 1, 1995.

## POLITICAL OBLIGATION AND MILITARY RULE

OLUFEMI TAIWO

### 1.

The world awoke on the morning of August 20, 1991, to the chilling news broadcast over Radio Moscow. There had been a *coup d'état* in the former Soviet Union and President Mikhail Gorbachev had been placed under house arrest. News of *coups d'état* and the overthrow of elected and unelected leaders are standard fare for most of the rest of the world including, until recently, some Western countries. But the news was greeted with incredulousness by Western leaders. Their incredulousness has its counterpart in an absence in political philosophy: while political scientists have always studied military coups and other forms of extra-constitutional rule, political philosophy is remarkable for its lack of concern with the fecund philosophical problems of authority and obligation under military and other forms of extra-constitutional rule. Suppose that the coup in the ex-USSR had followed the path of most of the coups in Africa, Asia, Latin America, and some parts of Europe. Would the current literature on political obligation illuminate the problem of political obligation under military rule? The answer, simply put, is no.

There is a gap in the literature on political obligation. I propose in this essay to contribute to filling this gap. One often is struck by the narrowness of the content of the vast body of writings on political obligation. Most writings treat of the nature of political obligation, the nature of the person or group of persons to whom the obligation is owed, the nature of the person or persons who have this obligation, why people have the obligation and under what circumstances the obligation may be overridden. These features of political obligation discourse look general enough to cast doubt on a charge of narrowness. Once we move away from the general features, however, we find that most writings (in English, at least) on political obligation are variations on the following themes: (1) a denial that anyone

has any political obligation at all or its obverse, an affirmation that we all do; (2) for those who affirm that we have political obligation, it is an obligation that citizens or persons have to their commonwealth and the representative institutions or governments which act in the name of the commonwealth; (3) the grounds of the obligation are one or a combination of the following: the express or tacit consent of the obligor; the duty of gratitude which the obligor owes to the obligee arising from the obligor's enjoyment of services provided by the obligee; the duty of fair play which an obligor has to her fellow participants in a mutually-benefiting cooperative venture; the natural duty of justice arising from the moral requirement to share in the sustenance of just institutions where they already exist or assist in creating them where they are lacking.<sup>1</sup>

In the discourse on political obligation there is little awareness, even less, a discussion of the problem of political obligation under conditions of extra-constitutional or extra-legal rule. Among the classical theorists of political obligation, Thomas Hobbes and John Locke addressed the question of what the duties of citizens are under conditions of usurpation or when those who are charged with the furtherance of the welfare of the commonwealth turn themselves into disturbers of the peace of the realm or perpetrators, aiders, or abettors of the subversion of the commonwealth, but the discussions do not even begin to apprehend the gap I have identified.

The problem we are concerned with is the following: Can one coherently and plausibly defend political obligation under conditions of military rule? Put differently, does it make sense to say that people who live under military rule have any political obligation to the government or regime constituted under such circumstances? One is mindful that some will be inclined to query the appropriateness of our enterprise. To such people, it is preposterous to consider that the question of obligation could arise at all under conditions of extra-constitutional rule in which a group of armed men has shot its way to power. The enterprise itself has to be justified. The need to justify discussing this question at all is a good index of the breadth of the gap in the discourse on political obligation. By the gap in the literature on political obligation, I mean the absence of any discussion of the problem of military rule in contemporary times and the issue of whether or not we could say that we have a political obligation to obey military regimes, or that people's behavior under military rule may be motivated by a feeling of obligation, and what the nature and ground of the obligation are.

In what follows I explain why there is a gap. I suggest a modest beginning to an understanding of political obligation and military rule. To do this I

specify what we mean by "military rule." I ask and answer the question: does it make any sense, given the nature of military rule, to say that people who live under a military regime may have or may be construed to have an obligation to it? If they do, what is the nature of the obligation? What justifying ground could we adduce for the obligation?

## II.

Except in those countries without armies<sup>2</sup> the military has always been involved in politics. It has always wielded influence in politics. Military involvement in politics has been frequently acknowledged by political scientists, political sociologists and sociologists of the military. Only political philosophers of contemporary times seem either ignorant or neglectful of this fact. In antiquity ancient Rome gave us the linguistic root of the concept "praetorianism" which has come to be used to identify military rule.<sup>3</sup> In contemporary times too no nation's army does or can remain apart from politics. Politics is determinant of what the military gets by way of materiel, training institutions, and other resources it needs to be a fit fighting force. What requires analysis is the nature of military involvement in politics.

Although it is generally correct to say that the military is involved in politics, it is not every case of involvement which yields military rule. Military rule is a special case of military involvement in politics. Sometimes military involvement does not exceed the level of *influence*. The military seeks to influence the allocation of resources to it or to military-related activities by lobbying the civil rulers to further its corporate interests. For example, few would say that the United States is under military rule. And many would probably deny that the American military wields considerable influence in American politics. This is regardless of their agreement that there exists what Dwight Eisenhower called the "military-industrial complex." For many, the "military-industrial complex" refers merely to the influence of defence contractors and others involved with the economics of military procurement. But it is difficult, on a closer look, not to acknowledge the preponderant influence of the American military in areas beyond its traditional role of defending the Union. In other countries, the military *participates* even more actively in politics by vetoing policy choices or individual candidates for public office when the military thinks that such policies or the holding of office by such candidates will not be to the advantage of the military. Thailand is a good example of this kind of military participation in politics. The Thai military is quite well-known for vetoing personnel choices for executive posts, and the

Defence Ministry is almost always held by a serving General. As recently as 1991, a retired Army General and erstwhile coup leader was chosen to become Prime Minister by military-backed elected majority Members of Parliament. Moreover, in Thailand, the line between *participation* and *outright control* is often bridged when the military feels that it could not entrust its vital interests to politicians. There is a line, nonetheless. Military *control of or intervention in politics* is the highest form of military involvement in politics.<sup>4</sup>

Military *control of or intervention in politics* occurs when the military violently overturns a government and establishes overt military rule. Military intervention or the imposition of overt military rule occurs when military officers "threaten or use force in order to enter or dominate the political arena."<sup>5</sup> On such occasions they use their control of the troops and weapons either to force the government into taking decisions the military wants or to occupy the seat of government itself. When this happens, to use Eric Nordlinger's term, the officers become "praetorians." Military rule does not mean that soldiers alone form the government. There may be and often are many civilians in the governments formed by praetorians. There are two defining characteristics of military rule: (1) The military comes to power in a *coup d'état* or has power handed over to it on the real threat of a *coup d'état*; (2) The military does not merely work behind the scenes to influence policy; rather it *makes* policy and, even when civilians form the government, the highest policy-making bodies are peopled with military personnel and the civilian "governors are primarily dependent upon the support of the officer corps for the retention of power."<sup>6</sup>

### III.

So far we have considered what military rule is. Next we consider the nature of political obligation. It is very difficult to talk about political obligation in short compass, but in a work of the present sort I must do so. Often political obligation is couched in terms of the obligation we have to obey legitimate authority. By this is meant obeying the laws enacted by that authority. However, political obligation is more than just obeying the law. It is an obligation to conform our actions to the directives of political institutions. These directives include much more than legal promulgations. They include legal proclamations, declarations of duties of citizenship respecting the defence of the commonwealth, rules of interpersonal relations, and policy options concerning entitlement to private and collective goods. For example, ordinary Argentines mobilized for the

war with Britain over the Falkland Islands in 1982 even though the country was under military rule; the then military regime in Nigeria fought a Civil War from 1967 to 1970 with an all-volunteer army. As Alan J. Simmons has pointed out, "an obligation is a *requirement*."<sup>7</sup> It is a requirement of a certain sort to perform in a particular way. As such, an obligation always constrains us to act in the manner required or to refrain from acting in the manner forbidden even though what we are called upon to do or refrain from doing is contrary to our desires. As a requirement to perform some act an obligation gives us a good reason for performing the relevant act.<sup>8</sup> Obligation is, on the one hand, a *requirement* that we do A. It is, on the other hand, a *ground* for doing A.

Following Simmons, I propose to use "political obligation" in this essay to refer to the requirement that individuals *in their capacity as citizens*, at any given time, act in accordance with, or at least not in opposition to, the directives of the personnel of the institutions of governance in their polities. And when they have so acted, they may cite this obligation and the need to obey it as the reason for their action. Admittedly this is a lean description of political obligation. It should suffice for our purpose, though. Moreover it is plausible and it encompasses the essentials of most descriptions of political obligation to be found in the literature. But it is much narrower than most definitions of political obligation.

Political obligation derives its *specificity* as a special kind of requirement from the fact that it pertains to individuals in only one aspect of their individuality: their capacity as citizens, i.e., members of a political unit. Although it is not always easy to separate one aspect of a person's life from others in a well-integrated life, methodologically we must so separate them. One obvious fruit of a methodological separation is that it enables us to appreciate how the requirements of professional life might conflict with those of political life and how such a conflict might be resolved. In addition, by identifying the personnel of the institutions of governance as those to whom we are obligated, our definition places the vertical/hierarchical relationship between the state and the citizens at the vortex of the discussion. The state is held to be superior to the individual citizen and it is the obligation citizens concede they have when it is not driven by fear that is of interest to us in this paper. There may be obligations to one's fellow citizens arising from the requirement of fair play. Such obligations are different in kind from political obligation, properly conceived. Finally, by distinguishing between *acting in accordance with* and *acting not in opposition to* the directives of the state's personnel, we can speak of political obligation in comparative terms. The minimum that political obligation requires is that one *not act in opposition to* the direc-

tives of the state. The maximum is achieved when one not only acts in accordance with the directives of the state, one thinks it is right so to do and one tries to get others to view them the same way and behave accordingly. A polity in which only the minimum obtains will be an unhealthy one. A better one is one where citizens think that theirs is a good society endowed with a good state worthy of their obedience, and one that commends itself to their fellow citizens.

The conception of political obligation presented above leaves out questions concerning the true obligee to whom we are obligated: is it the personnel of the institutions of governance *sans* differentiation? Or could we make a distinction between the governors and the institutions they operate and a further distinction between these two and the abstract polity they are taken to represent or embody? Is the current incumbent of a political office the true recipient of our obligation? Or is it the office itself? Or is it the entire state structure, nay, the society itself, of which the specific office and the particular incumbent are mere representatives?<sup>9</sup> Doubtless, in particular situations, these distinctions can be crucial in determining questions of political obligation. For instance, military regimes have been known to distinguish between *regimes* they overthrow and the *State* to which they say they ultimately are responsible. They then insist that their breach of the principle of legitimacy is a breach of "regime-legitimacy" not one of "state-legitimacy."<sup>10</sup> Ordinary people also make use of these distinctions when they oppose a government, sometimes violently, in defence of the self-same principle of legitimacy the regime claims in its behalf.

Having given a characterization of "political obligation" our initial question can now be formulated more concisely: Can one coherently and plausibly say that citizens of a polity in which the military has violently overturned an elected regime, or has usurped the power to make policy and has its men sitting at the apex of the State, have a political obligation to act in accordance with, or at the least, to not act in opposition to, the directives of the personnel of the institutions of governance constituted by the perpetrators of the overturning? If yes, what grounds might there be for such an obligation? What support can be given for our answers? I propose to answer the first two questions in the affirmative. Before that one last preliminary comment must be made.

#### IV.

Why should we be interested in the problem of political obligation and military rule? In contemporary times, military rule has proliferated in

different parts of the world.<sup>11</sup> Empirically, at least, it would appear that the frequency of military regimes over time ought to have attracted some attention from political philosophers. Conceptually, too, the phenomenon of military rule has obvious implications for some of the perennial problems of moral and political philosophy. It raises questions about the nature of legitimacy, the morality of obedience, and who should have political power in the State. One is then right to ask why political philosophers have not been concerned with the many philosophically significant questions attaching to the phenomenon of military rule.<sup>12</sup> There are two different but related explanations of the absence of analyses of the moral and philosophical implications of military rule within the political philosophical tradition with which this essay concerns itself.

In the first place, since 1945, only four Western European countries have experienced military intervention: France 1958; Greece 1967; Turkey 1960, 1971, and 1980;<sup>13</sup> and Portugal 1974. Only three of them had actual military rule: these are Greece, Turkey, and Portugal. Of the principal countries that are home to the political philosophical tradition of which I write, Britain, the United States of America, Canada, and Australia, the last three have never experienced anything that remotely resembles military rule. In the case of Britain, the country has not had to contend with military rule or the violent overturning of government since the demise of the Commonwealth instituted by Oliver Cromwell in the seventeenth century. Thus military rule has not been a part of the political socialization of generations of political philosophers in the tradition. The consequence is that military rule or the threat of it enjoys no salience in the political culture of most Western countries. Hence neither is of any interest to political philosophers within the tradition. It is instructive to contrast the non-salience of military rule with the preponderant concern with civil disobedience in the literature on political obligation in Western political philosophy.

Secondly, the dominant liberal motif in Western political philosophy is often dismissive of extra-parliamentary regimes. Considered as an epitome of totalitarianism, military rule does not seem a fit subject for philosophical inquiry. For many the only point of philosophical interest is whether individual citizens have a duty to resist such a regime, or may obey it inasmuch as considerations of prudence so dictate. This explanation of the lack of interest of political philosophers in military rule has considerable power.

By its nature, military rule is antithetical to the liberal ideal of representative governments freely elected by citizens who are relatively free from coercive restraints on their choice of representatives. Excepting those

situations in which military rule has come about as a result of civil war, military regimes are born of violent actions always in breach of the principle of legitimacy—the rule of succession, the rule of regime change, etc.—of the relevant political order. The principle of legitimacy specifies the qualifications for, and the legitimate modes of, acceding to power. It is usually held to supply the minimal moral element which accords the right to wield power to the governors and provides grounds for the acceptance by the governed of a duty to obey the pronouncements of the power-holders. Insofar as military rule emerges from a breach of the principle of legitimacy, it would seem that military rule cannot lay claim to any legitimacy. Its power lies only in naked force and simple coercion. If military regimes are utterly devoid of legitimacy, it seems to follow that we cannot even begin to talk of citizens having any obligation to obey the directives of the rulers, save that dictated by prudence and the requirement of self-preservation. But does it really follow?

I wish to argue that the basic premise of the liberal dismissal of the relevance and propriety of obligation-talk under military rule is flawed. It is mistaken to say that no military regime ever has or ever could have legitimacy or moral authority which might, in part at least, provide some ground for an obligation to obey its directives. Indeed, by refusing to entertain the possibility of some appropriate form of obligation-talk under military rule, political philosophers are prevented from contributing vital elements towards the understanding of why people so often obey military regimes and how we may steer them away from doing so. In any case, empirically speaking, in many countries where military rule prevails, the citizens quite often do obey and conform their actions to the directives of the military regimes under which they live. In many of these countries, once the military regime effectively establishes itself, life pretty much settles back to normal: the regime makes laws, people go about their daily chores, including obeying the directives of the military rulers. Generally government and governed settle into the routine of law-making, law-minding, plus the occasional law-violating.<sup>14</sup> It does not seem that any liberal would deny that citizens and governors behave the way we describe in relatively stable polities. The problem is that of determining *why* citizens obey and *what sorts of reasons* the citizens might give for their actions, or what plausible explanations a philosopher would give of people's obedience to military regimes' directives.

#### V.

Consistent with the thesis of denying any legitimacy or moral content

to military rule, a liberal political philosopher might say that the only reason people have for obeying military regimes is that it is prudent to do so. People obey out of the fear of what the consequences of disobedience would be.<sup>15</sup> That they do so would be an empirical claim to be established by polling people in the relevant situation. But it could also be an explanation advanced by a theorist who is concerned to account for the general obedience she observes in the community. I am interested in the explanatory character of the thesis. On this thesis, noncompliance with the directives of the military rulers would attract coercion from the latter and enormous disutilities to the individual ranging from the mild (such as harassment or beatings) to the harshest form of punishment (death). People therefore obey in order to escape coercion and avoid disutilities to their person. They do not obey because they may be said to have or feel they have an obligation to comply with the directives of the military rulers. Nor can they be said to have an obligation to obey in any coherent sense of the term. I call this *the explanation from coercion*.

There are many points one could adduce in support of the explanation from coercion for why people obey military regimes. The military rulers are very well-equipped to unleash coercion on recalcitrant members of the polity. In the first place, the military enjoys a monopoly of legitimate violence in modern states. Its distinctive professional feature is the management of violence. Where it is subject to civilian control, it can unleash violence only when duly authorized by the civilian rulers. Under such conditions, citizens can at least hope and expect that their elected representatives will restrain the military from excessive eagerness to deploy violence on those they are employed to protect. There are no such checks on military regimes.

Secondly, the military is often the best organized corporate group in the polity. Its close-knit organization and its internal coherence, structured by a hierarchy of command that brooks no insubordination or questioning, combine to make the military a united body against the often fragmented opposition forces with which it sometimes has to contend. When one adds to these two attributes a third one of access to advanced technology for intra-military communication, one can then understand the military's capability for easy mobilization to put down opposition to its rule.<sup>16</sup> All the foregoing attributes combine to make the explanation from coercion seem quite appealing, if not irresistible. Yet I would like to argue that the explanation from coercion is inadequate.

The explanation from coercion tends to ignore the real limitations on the resort to coercion or force and to exaggerate the military's coercive reach and its efficacy. Although the modern army has a reach that its

ancestors in antiquity only dreamt about, in most societies, except the extremely small ones, such is the number of people and the complexity of forms of social interaction that the military can never be in a position to "police" an entire society effectively. The military/civilian ratio is massively weighted against the military. What should puzzle us about military rule is not why people sometimes disobey its directives but why, given the adverse (to the military, that is) military/civilian ratio, more people obey than disobey military rulers. I do not wish to underestimate the power of the military to coerce in spite of the limitation just mentioned. Sometimes all they need do is issue thinly-veiled threats to various salient sectors of the society to secure compliance. One way is to coerce the media and the bureaucracy. Yet, all this may not suffice where the military does not enjoy any modicum of legitimacy, as we shall see below.

A second limitation is the hierarchical command structure itself. Its intolerance of dissent and questioning denies it the flexibility of thought and action required for administering modern polities, and points to the lack of the technical ability on the part of the military "to administer any but the most primitive community."<sup>17</sup> The consequence is that military rulers have always required and sought the support of civilians in the task of governance. It may be argued that such civilians agree to serve in military regimes out of a fear of coercion, but this will not be the whole story. There will likely be plenty of political jobbers, opportunists, and ideological soulmates, who will readily accede to the military rulers' request. This is one way to explain civilian involvement in the regimes of murderous tyrants like Idi Amin, Jean-Claude Duvalier, Samuel Doe, Jean-Bedel Bokassa, and others. In addition, there might be those who are conscientiously inclined to view military rule as an *acceptable* form of rule.

Explanation from coercion ignores a salient feature of military regimes which permits us to entertain the idea that force is not enough. Military regimes are themselves always aware of their lack of entitlement to rule. With the possible exception of the most murderous regimes headed by megalomaniacs, every military regime knows, or acts as if it knows, that even though the immediate means of its accession to power is force, unless it is able soon thereafter to add some moral stature to itself, i.e., make itself legitimate or appear legitimate in the eyes of those it governs, it can neither expect to remain in power without costly repeated challenges to its rule nor survive in the face of superior force.

The military itself knows that the threat or actual deployment of force is an inefficient and uneconomical way of securing obedience to political rule. They recognize Jean-Jacques Rousseau's dictum: "The strongest is

never strong enough to be always the master unless he transforms might into right and obedience into duty."<sup>18</sup> The transformation Rousseau speaks of will come from two interlinked processes: (1) the regime which has come to power through force or the threat of force appeals to criterion *other than* force to justify its breach of the principle of legitimacy of the polity. Such appeal is meant to persuade the governed that the breach was *right*, that not to execute it would be wrong; (2) the citizens who are the subjects come to believe that force had been exercised on behalf of right and that the new regime does have a *right* to govern.<sup>19</sup>

Even the most coercive of military regimes seeks to cloak itself in some legitimacy or a moral right to govern. To the extent that it persuades its subjects to look upon it as legitimate, and the citizens themselves act in accordance with this perception, the regime would have to depend less and less on force or the threat of force to secure its rule.<sup>20</sup> My argument is that it is precisely the insufficiency of force which permits us to cast doubt on the liberal attitude that relies on the explanation from coercion.

## VI.

No one denies that many people obey military regimes and act in accordance with their directives. The question is why do they do so? So far we have examined one approach to answering this question. We have found that although the explanation from coercion is plausible and relevant in some cases, generally speaking, for reasons stated in the last section, it is inadequate. We next advance a different kind of explanation for why many people obey military regimes and act in accordance with their directives. They do so, in part, because they *accept* military rule as part of the political system of their communities. The idea of acceptance supplies the middle term between the military's own, in appropriate circumstances, belief in its legitimacy, and the citizens' own widespread tendency to behave in accordance with the military rulers' directives. Insofar as people accept, in ways to be specified later, a military regime, they presume its legitimacy and are, consequently, disposed to act in conformance to its directives. In the rest of this essay, I shall argue that (1) once they accept the regime, many people behave as if they have an obligation to obey it and they may be expected to appeal to this obligation as their reason for so doing in appropriate circumstances; (2) theorists who are concerned to offer a more adequate explanation for the obedient attitudes of many people towards extraconstitutional rule must include some reference to this sort of obligation; (3) if all talk of obligation is unwarranted under military or other forms of extraconstitutional rule, we would have

to rely solely on variants of the explanation from coercion.

Whether or not people accept a military regime depends, in part, on what kind of regime it is. Typologies of military regimes abound in the literature on the military.<sup>21</sup> With proper allowance made for variations within each category, we can identify two very broad categories of military regimes. The first category is made up of those regimes that, no matter what changes they endeavour to bring about in their polities, try to preserve their basic character. Regimes of this sort might tinker with various aspects of the political system with a view to making them work better for a smoother running of the entire society. The second category consists of military regimes interested in altering the foundations of their society in a revolutionary way. Regimes of the latter kind are very rare. An example will be the military regime in Ethiopia which in the aftermath of the Revolution in 1974 dismantled the old feudal structures, got rid of the landowning aristocracy and generally sought to introduce new modes of social organization and property-regimes into Ethiopian society.<sup>22</sup> Most military regimes fall within the first category. They are the ones we are interested in.

Military takeovers are normally accompanied by confusion. Once the initial confusion is cleared the new rulers will make announcements stating the reasons for the takeover. They solicit the support and cooperation of the populace. They threaten unpleasant consequences for those who might be inclined to oppose them. They make efforts to restrict the movements of the former rulers by clamping them into detention or placing them under house arrests. The same treatment is applied to those who had not been part of the ousted regime but who, in the estimation of the military rulers, might constitute rallying points for opposition to the new regime.<sup>23</sup> Meanwhile the new rulers would quickly set about the task of administering the polity.

Apart from some immediate exigencies that might need to be taken care of, the task of administering the polity, keeping the government going, as it were, and generally creating the conditions for ordinary people to go about their normal business, is ultimately the most important task to be discharged on the morning after. If the military has not come to power at the head of a revolutionary ferment, it means that it does not want to upset the *status quo* very much. If the *status quo* had had widespread acceptance before the immediate crisis that preceded the military takeover, the continuity of the political system, save the new faces in the executive offices, virtually guarantees the acceptance of the regime.<sup>24</sup>

The distinction between *the state* and *the various regimes* which dominate it from time to time is crucial to the possibility of coherent obligation-

talk under military rule. The military rulers themselves exploit this distinction to their advantage. It sometimes happens that a particular regime acts contrary to the larger interests the state is meant to serve. No regime can afford to vaunt openly its partisanship in a stable polity. Even when it is busy pursuing the narrow sectional interests of the class its personnel belong to, the regime must continue to find and maintain a fair balance between its fundamental interests which must prevail, and those of other, subordinate, social groups which must not be sacrificed. In so far as a regime is able to present its interests as convergent with those of the state, it is unlikely that its occasional lapses into sectarianism would arouse the ire of other classes and move the latter to challenge its supremacy. To that extent the regime will enhance its legitimacy and, at least, appear to have right on its side. The people too will continue to accept it, act in accordance with its directives, and justify their actions by, among other reasons, appeals to the obligation they have to comply. The possibility of accepting a state and the political morality which undergirds it while rejecting a regime as illegitimate creates the continuity on which the initial legitimacy of a military regime is based.<sup>25</sup> Inasmuch as the military rulers are able to persuade the populace that what they have done by overturning the previous government was to prevent the social order from being ripped apart by chaos and that, thanks to their intervention, conditions would once again be created for people to go about their daily lives as before or even in happier circumstances, they can count on the acceptance of the people. But what is *acceptance*?

## VII.

I have adapted the idea of acceptance from William L. McBride.<sup>26</sup> According to McBride,

'(A)acceptance' may designate either (a) a long-term, perhaps life-long, perhaps highly unreflective, dispositional attitude towards a [political] system or (b) an act of choice (here, of a [political regime] as one meriting allegiance) occurring at a given time, though surely capable of being repeated at any other given time, or (c) any of the gamut of shorter-term dispositions or long-term series of acts of decision and choice that may be regarded as intermediate possibilities between the extremes of (a) and (b).<sup>27</sup>

The idea of acceptance offers us a concept with which to describe a wide variety of dispositional attitudes exhibited by different individuals and groups of individuals towards political systems and the particular regimes that dominate them from time to time. As an expression of an attitude, it permits us to incorporate behavior and elements of decision-making and choice by individuals in their relationship to political systems

and regimes. For example, an individual who accepts in sense (a) a political system may nonetheless oppose a particular regime that momentarily dominates it. In addition, an individual may, in the short term, accept in sense (b) a military regime even as she thinks that, in the long haul, the military has no place in politics. The fact that this disposition may be life-long or episodic and unreflective or very well-thought out means that time might make a difference to the acceptance or nonacceptance of military rule.

*Time* is a very important variable to consider when and if someone *accepts* a particular socio-political order or a regime momentarily at its apex. Almost everyone accepts in sense (a) the political morality that undergirds the political system prevalent in our native communities. One of the goals of the socialization process is the inculcation in the young of precisely this acceptance of the socio-political order. As time goes by and we attain deeper understanding of social processes and alternative modes of social ordering, we either continue to accept the extant order but with better and independent reasons; or modify our acceptance in light of new knowledge of other societies or even better understanding of the intimations of our tradition of political behavior (a consequence of an appropriate political education);<sup>28</sup> or reject the extant principles of social ordering and seek to replace them with new and, one would hope, better ones. The last option turns us into revolutionaries. With the exception of the last option, the other possibilities always include, as a key component, the approbation that those who so accept confer on the foundations of their society and its principle of social ordering. Ultimately, the approbation involves some belief in the rightness of their social order, the possibility of their having conceptions of the good life, and of gaining access to the relevant means of realizing their conceptions, the ability of their social order to protect their life, liberty, and property. People might be wrong to have these beliefs. They may even give the wrong grounds for their beliefs. What is important is that people have these beliefs and they act in consonance with them in appropriate situations. One of the main purposes the state exists to fulfill is to create the conditions in society for the realization of the possibilities just adumbrated. Each regime that dominates the state at any given time must seek to fulfill this purpose. When it fails, its acceptance among the people is attenuated and their sense of obligation to obey its directives diminishes.

In a plural society with a stable political order, the contending groups and classes often work out principles of regime-legitimacy and regime-succession which allow for struggles for dominance in the state without jeopardizing the widespread acceptance of a common social order. For

as long as the social equilibrium does not come unstuck, the polity could go through periodic, bitterly fought struggles for succession among different regimes, with people accepting the winning regimes they might have opposed in the struggle solely because they still accept the political morality that informs the rules of the game in which they are immediate losers. All that I have said so far obtains under normal circumstances. What happens in abnormal circumstances is what interests us. For military rule is a product of abnormal circumstances.

Military intervention is almost always the result of the breach of the principles of regime-legitimacy and regime-succession. Consequently it cannot be said to have legitimacy on the basis of any of the three criteria identified by Alan Simmons, viz:

Sometimes in calling a government legitimate we mean that it has acquired its political power in the proper way (e.g., by free election rather than by military overthrow or conquest), regardless of the quality of the government. Sometime we call a government legitimate if it is a good government, regardless of how it obtained its power; thus we may hold that a government is legitimate if and only if it serves the interests of its citizens, does so fairly and in accordance with their wishes, remains open to change, etc. (all within reasonable limits). In a different sort of context, such as an international one, we may call a government legitimate if it is recognized as legitimate by other governments, or if it exercises effective control over a certain population.<sup>29</sup>

A military regime, at least on its first time out,<sup>30</sup> cannot be said to be "legitimate on procedural grounds."<sup>31</sup> That is, we cannot say that "it has acquired its political power in the proper way." Nor can we say that its legitimacy derives from its substantive merits as a good government. Perhaps after a few years in power a military regime could submit itself to a legitimacy test hoping on its success as a good government up to that time. When it has newly shot its way to power it has no substantive merits on which to base legitimacy. Recognition by other governments is often useful only in international contexts.

If we restrict ourselves to only the three criteria identified by Simmons and Harry Beran, it should be obvious that a newly-established military regime cannot be said to be legitimate. The accounts given by Simmons and Beran are too limited to enable us to make sense of the character of a military regime and the relevance of obligation-talk under it. All the criteria suggested by Simmons and by Beran are *externalist* ones. That is, they are consistent with what an outsider, a sociologist, a political scientist, looking in might be able to report as the grounds of political obligation. But, given that after a while in power, a military regime, too, might be said to be legitimate on the basis of its having been "a good government, regardless of how it obtained its power;" or that once the



regime has demonstrated that it is in control of the territory, it is usual to accord it international recognition, it should be obvious that it is only on account of its having shot its way to power that we might say that it is illegitimate. What the present accounts omit is *the internal aspect* of the problem of legitimacy and obligation. On its accession to power, what sometimes determines whether or not a military regime lasts long enough to acquire legitimacy in externalist terms, is how it is viewed and treated by its own citizens, the potential beneficiaries or victims of its rule. The crucial moment here is that many citizens *do in fact accept the regime as legitimate* on the morrow of its take-over. That is, they accept the right of the government instituted by the military to direct them and to expect them to obey. We may argue about the grounds of this acceptance but we may not suggest that the people have no good reasons for doing so and can therefore be adjudged stupid and irrational or victims of self-deception.

Given that the acceptance of the military regime cannot be based on any acts of beneficence it has performed, we must find its ground in the acceptance by the people of the political morality of their society and the approbation they give to its foundations as well as to its principle of social ordering. If the military regime can successfully appropriate the political morality of the social order and *persuade* people that it intervened to ensure the continuity of their society along the lines that they already approve of, but which had been placed in jeopardy by the excesses of the ousted regime, the new regime more than likely will be accepted. This latter acceptance is the ground of the legitimacy that military regimes appear to have when they newly come to power. Whatever other reasons people may have for obeying military regimes, one plausible reason why they do so is that they accept the regimes and, consequently, think it is obligatory for them to obey and that the regimes have a right to exact obedience from them. But the legitimacy which a new military regime enjoys on the morning after shooting its way to power is of a peculiar kind.

### VIII.

I would like to suggest that in some places where military rule has occurred, at least the first time out, the military rulers are inheritors of what I would call a *presumptive legitimacy*. It is the relevant form of legitimacy that, I submit, explains why the people *within* the society concerned accept the military government. Why call this legitimacy *presumptive*? And for *whom* is it presumptive? I answer each question in turn.

(1) The legitimacy is *presumptive* because it is not acquired by any of

the practices which are ordinarily supposed to yield obligation to obey the directives of government or the moral right to govern which vests in the government the right to demand and expect to be accorded obedience. We cannot say that people have an obligation to obey a military regime because they have explicitly or tacitly consented to the regime's rule.<sup>32</sup> Nor could such an obligation be traced to a duty of gratitude they owe the regime for having conferred some benefits on them.<sup>33</sup> Only subsequent military regimes or the original one, *after a time in power*, could be deemed deserving of such gratitude. Similar considerations should dissuade us from appealing to considerations of justice, fair play or any of the other traditional grounds of political obligation.

The legitimacy ascribed to the regime is based on the presumption that it comes into existence complete with a *minimum* legitimacy constitutive of its emergence but whose roots must be traced to two possible sources. One source is provided by the circumstances prevailing in a society in the period *immediately* preceding the violent overturning of the constitutional regime. Examples abound in the political science literature of the role that the situation on the eve of a military takeover plays in the construction of regime-legitimacy. No doubt, there are many reasons that might dispose the military to unseat procedurally-legitimate, constitutionally-elected civilian regimes. Some of these reasons include self-interest, opportunism, megalomaniac tendencies of some of its officers. But it is not every time that the military acts on its disposition to intervene. These reasons are seldom *decisive* until an additional ingredient is thrown in the mix.

In those instances in which the presumptive legitimacy of the military rulers is due to the circumstances immediately preceding their accession to power, the decadence of civilian rulers and the loss of legitimacy that Nordlinger has termed "legitimacy deflation"<sup>34</sup> of particular civilian regimes have probably been the most crucial factor in the collapse of civilian regimes. The legitimacy deflation is usually due to some "performance failures" on the part of the civilians such as the inability to protect the life and limb of their citizens or to stem the tide of public disorder and widespread chaos in the community.

The most important answers (to the question when do officers intervene?) are to be found in the civilian governments' performance failures and their resulting loss of legitimacy. Performance failures (e.g., the inability to preserve public order) strengthen the officers' resolve to act upon their interventionist motives insofar as they come to hold the incumbents in greater or lesser contempt. . . More important, performance failures lead to the deflation of governmental legitimacy within the politicized stratum of the civilian population. *It is this factor that encourages and allows the officers to act upon their interventionist motives.* Despite the enormous power enjoyed by the military, there are several reasons why it is almost never used against civilian governments unless (or until)

they have lost their legitimizing mantle. Legitimacy deflations are crucial in facilitating the transformation of interventionist motivations into coup attempts.<sup>35</sup>

Officers may miscalculate the point at which they figure that the government's legitimacy deflation is sufficient to warrant their intervention. They sometimes do. At other times, they may be right about the legitimacy deflation the erstwhile regime had suffered but fail to reckon with the likelihood that the populace or its salient groups have begun to see beyond the putative salvific power of the military in their society. This is usually the case in societies where military rule has become so routine that the military can no longer claim to be above the ills of the political environment. On such occasions, the military rulers would need to engage in a costly pacification program that is sure to undermine their legitimacy. The risk of civil war is real in such situations. Military rulers do their best to avoid such situations. But these contingencies do not diminish the force of the argument that legitimacy deflations, in the absence of extenuating circumstances, "are crucial in facilitating the transformation of interventionist motivations into coup attempts."

What has been described so far concerns not what the military has done but what the erstwhile government did or failed to do. By themselves, they may not suffice to warrant the presumption of the regime's legitimacy. But when one adds to the legitimacy deflation of the overthrown government another legitimacy-defining factor to be found *remotely* in the conjunction of the history of a given state, the place of the military in that history, what esteem it is accorded among the populace through that history, and the nature of military service itself, the presumption of legitimacy becomes very strong indeed. In many countries in Latin America, for example, the military is a part of their political lore: their military led quite a few of the struggles for independence. The military is held in high esteem and, at least on their first time out, the political morality of their societies provides some basis for legitimacy. In the extreme case, the military is appointed by the Constitution as guarantor of the constitutional order. It is charged with the responsibility of preserving state-legitimacy when particular regimes seem poised to let the constitutional order go under. The only example I know of and which I will refer to again shortly is Turkey. Military intervention is thus *presumed* legitimate so long as the military persuades the governed that it has intervened in performance of its constitutional duty.

The second conjunct refers to the nature of military service itself. In most societies, a military career is highly respected, and venerated in certain cases. People see soldiers as their ultimate defence against foreign invasion and internal disorder. People are proud to serve in the military,

especially in volunteer armies and those who have relations in the military are proud to identify and associate with them. The source of these attitudes can be traced to the respect, awe, and dignity attached to a calling which requires of those who take part in it a willingness to risk their lives for the good of others. According to G. W. F. Hegel, "sacrifice on behalf of the individuality of the state is the substantial tie between the state and all its members and so is a universal duty."<sup>36</sup> This universal duty of sacrifice on behalf of the state is professionalized in a standing army and the latter's "appointment to the particular task of state defence makes [the military] a class."<sup>37</sup> The willingness to die for others, to become indifferent to the sway of personal interests, to life itself, is what sets the military apart and turns the rest of the populace into admirers of enlisted men and women.

The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualize this final end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum of self-subsistence of individuality, yet only as a cog playing its part in the mechanism of an external organization; absolute obedience, renunciation of personal opinions and reasonings, in fact complete *absence* of mind, coupled with the most intense and comprehensive *presence* of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.<sup>38</sup>

The reward that we give to those who renounce the privileges of individuality, who face death to preserve the sovereignty of the state, is a near universal presumption of their disinterestedness and ritual celebration of their courage. The stronger the control of civil power over the military class, the deeper the veneration the military attracts on account of its nature.<sup>39</sup> Thus, contrary to received wisdom, one can say that the presumptive legitimacy that the military enjoys on account of its place in the history of its society and its nature, is not limited to those countries with "less developed" political cultures. In fact, it may well be that this presumptive legitimacy is more pronounced in the so-called advanced countries where the principle of civilian control and the carefully cultivated self-effacement of the military redound to its approbation among the citizenry. Perhaps, if the military in these countries were to intervene directly in civil affairs, it would not be far-fetched to expect their people to accept them, other things being equal.

(2) Given what was said in (1), it is plausible to suggest that many people or at least the dominant segments of the society are willing to accept the regime. The putschists, needless to say, presume their own legitimacy.

This is interesting. On one hand, they know that they *ordinarily* are not entitled to rule. Simultaneously, they are the *professional* defenders of the state who, presumably, have no other interest. It is easy to see how they might view their intervention as an extension of their duty to protect the nation. This is the basis for their presumption. They may miscalculate. And we should not underestimate the tendency of putschists for self-serving rhetoric and sheer opportunism. Moreover, whatever the coup makers may think of their action, if their assessment is at wide variance with that of the populace, the consequences for them can be grievous.<sup>40</sup> It thus turns out that it is equally important that military rule be *presumed* legitimate by either the majority of the people or its salient segments. Even when they are opposed to military rule in the long haul, opposition elements, ordinary people and, on occasion, disenchanted elements of the ruling groups, would presume the new regime legitimate insofar as the two conditions for acceptance obtain. Finally, a theorist who is called upon to explain the enthusiasm that greets some coups and who is not persuaded by the explanation from coercion can appeal to this presumptive legitimacy that the new regime enjoys.

Presumptive legitimacy provides the grounds for the dispositional attitude to accept (in its different senses) military rulers which is expressed in the euphoric dancing in the streets, the collective sigh of relief, the good-riddance-to-bad-rubbish orientation of the people towards the ousted regime.<sup>41</sup> This presumptive legitimacy is the absolute minimal political capital the new regime needs to be allowed respite from strenuous opposition to its rule.

Under conditions of widespread chaos and public disorder people are usually disposed to look upon whoever or whatever group appears to represent a hope for the restoration of peace and security of life and property as deserving of their cooperation. The value people place on political order and peace as conditions for carrying on their lives—even in poverty procures a *legitimacy check* for the military rulers. Where the new rulers additionally hold the promise of a better life and the termination of flagrant injustices, there will tend to be an enthusiastic reception for military rule. Whether this legitimacy check gets multiplied or is quickly expended will, of course, depend on the actions of the military regime in the months, and sometimes years, following its assumption of power. Depending on the performance in power of the preceding military regime(s), every subsequent military intervention starts out with ever depleting legitimacy checks until it gets to a point where intervention might just trigger civil war or mass revolt. Let us consider two illustrations of the impact of presumptive legitimacy.

Nigeria illustrates the first element of presumptive legitimacy traceable to the legitimacy deflation of the ousted regime. The country experienced its first military coup on January 15, 1966.<sup>42</sup> The announcement of the overthrow of the civilian regime which had governed the country since her independence in October 1960, was greeted with euphoria by most segments of the population. But why would people dance in the streets and literally see as saviors those who had overturned a constitutionally elected regime in breach of the principle of succession to power enshrined in the then Nigerian Constitution? There are those who would suggest that Nigeria is an example of a country with "low political culture" in which "the public's attachment to its political institutions is so shallow that the military's deposition of the government by force or the threat of force is at least not resisted and more often than not is initially very popular indeed."<sup>43</sup>

Explanations like the above are apt to ignore the specificity of local examples. In the Nigerian situation the issue is not whether or not the political culture was minimal, low, or developed. After all the years from 1960 to 1965 were not exactly easy and peaceful years given the rancorous exchanges over and cancellation of one census and the acceptance of another, the Tiv Revolt in 1964, etc.<sup>44</sup> We may then wonder why the military did not intervene until 1966. The reason people danced in the streets in many parts of the country when the soldiers came should, in the main, be sought in the fact that by the end of 1965, the government could no longer ensure in parts of the country the performance of the minimal functions of any government: *the preservation of order and peace that would enable even poor people to stay alive in expectation of a better tomorrow*. Although it might be possible for a venally corrupt regime to remain in power for a while, the scales are tipped when its venality leads to a deadlock in political succession and the eruption of disturbances to public peace. Following is a description of the Nigerian scene on the eve of the first coup.

The true picture was . . . far from rosy. Accelerating violence in the Western Region; unease in the Eastern Region about ebbing influence in the Federal government; continued pockets of discontent in the Northern Region; suspicion and hostility engendered by the census and electoral disputes—all these produced a climate of profound distrust. To these concerns must be added one further factor: growing popular resentment of politicians. Politicians seemed increasingly to live for "dash," the ten percent bribe that usually accompanied political transactions in Nigeria. Cynicism about their motives and competence was widespread. Political loyalty, it seemed could be bought and sold. . . . The Nigerian public felt they had been bilked of the fruits of independence. In this vacuum of legitimacy, members of the armed forces could easily assume power. The civilian regime had squandered its support. Tensions provoked within the parties and governments afflicted all sectors of society. The coup was not long in coming.<sup>45</sup>

In light of the picture painted in the quoted passage one could then understand the enthusiasm which greeted the coup on January 15, 1966.<sup>46</sup> Anyone or any group of people who appeared in the then circumstances to hold the promise of arresting the further deterioration of public order and of ending the nightmare forced upon Nigerians by the civilians would have attracted the same enthusiasm. However, it is not the enthusiasm *per se* that interests us. Rather it is the philosophical significance of this enthusiasm for the grounding of political obligation.

### IX.

By dancing in the streets and, in some cases, garlanding soldiers who have shot their way to power, people indicate to the new regime that they accept it or, as a minimum, that they are not inclined to oppose it in the short term. Simultaneously, the demonstration of support kindles or reinforces in the regime a belief that *it has done right or has at least not done wrong* and that, no matter what happens eventually, it can count on people going about their normal business, obeying the laws in the books which have not been suspended, obeying the new laws the new rulers will make. Going about their normal business brings to the fore an aspect of the acceptance that we hold to be the ground of political obligation. Recall that the military regime that we are interested in is one which does not seek to overturn the basic principle of social ordering and its concomitant political morality. Recall, too, that to *accept* in any of the senses we have specified is to exhibit behavior concordant with the acceptance in appropriate circumstances. Thus, acceptance involves performing appropriate actions. Such actions will include, under a military regime, obeying the laws in the books which have not been suspended by the new rulers, and obeying the new laws the new rulers will make, bringing suits before the courts for redress of tortfeasances, attending rallies, taking part in government-sponsored programs, accepting government appointments, seeking employment in the government bureaucracy, etc. I do not want to claim that other reasons may not be found for performing the preceding actions on the part of many citizens. But it may not be suggested that appeals to some "felt obligation"<sup>47</sup> are excluded. After all, the citizens still accept the political morality which informs the grounds for those actions and their acceptance of the military regime is conditioned by their perception that military rule is not inconsistent with that morality.<sup>48</sup> Where what I have just described is the case, there is a convergence of *presumptive legitimacy* of the regime derived from the legitimacy deflation of the overturned regime, and the nature of the military. This will suffice to insure

acceptance by the relevant sections of the populace. Such convergence induces in the military the belief that it can count at least on the acquiescence of the people in its authority on the morrow of the takeover. The acquiescence frees the regime from having to worry about the possibility of a civil war or widespread disturbances which might require an expensive pacification program.<sup>49</sup>

Once the initial euphoria subsides the military rulers would have, like any other government, to deliver. Whereas public order and peace are requisite goods they, by themselves, cannot, without more, sustain a regime's moral right to govern. In addition it must ensure that people have jobs, food, good health, adequate shelter. Part of the reason that people accept their social order is that it will provide for their needs and create the conditions for them to realize their conceptions of the good life. To the extent that the military cannot deliver these other goods its legitimacy check will begin to shrink. If the regime begins to replicate the vices for which it pushed out the civilians, the acceptance begins to wane and some regimes come to face similar conditions to those which brought their predecessors to power. The more the military intervenes in government and the more it is unable to deliver on the promise of good government, the less acceptance it commands until such a time that a military takeover might provoke a civil war. We might refer to this as the paradox of military rule:<sup>50</sup> frequent interventions or incessant military rule diminishes its presumptive legitimacy. This contrasts with traditional political parties, where experience at ruling counts in favor of a particular party. This paradox arises from the nature of the military that we alluded to earlier. It would be tragic for it to become or appear to be another party jockeying for political power and its spoils with other parties in the state.<sup>51</sup>

By the time we get to the denouement we described above, talk of acceptance, legitimacy and obligation would have become so attenuated that the play of coercion can no longer be masked. The argument that I am defending, then, will be relevant to, at the minimum level, a military regime's first time out. It might be relevant also on other occasions when the conditions which generate presumptive legitimacy and acceptance obtain. Time does make a difference to whether or not a military regime is accepted. Nonetheless, we do not always have a linear regression from a legitimacy-embodiment first-time appearance of military rule to ensuing gradual loss of legitimacy on subsequent occasions.

We might have a situation like that of Turkey where the civilian rulers seem to have a proclivity towards decennial cycles of misrule that provoke military intervention. This makes Turkey another illustration of the first source of legitimacy. But Turkey is peculiar in a different respect. It

illustrates the second source of legitimacy: that originating from the history of the Turkish polity and the place of the military in that history. As Bener Karakartal remarks, whereas the Turkish army created by Mustafa Kemal at the turn of the century was made apolitical and totally subordinated to the civil power, Kemal himself entrusted this army "with the mission of securing the unconditional defence of the political institutions of the state against both external and internal attack. The system is placed beneath its protection, and the internal regulation of the army recognises its right to intervene in case of danger. The three military interventions of 1960, 1971, and 1980 were, according to their leaders, carried out in accordance with this provision."<sup>52</sup> In all three interventions the civil power had declared states of siege, and invited the military to associate itself with the civil power. Needless to say, a state of siege is the highest condition of disorder, short of war, in any community. A declaration of a state of siege is an admission of the insufficiency of normal mechanisms for the preservation of peace and order in a polity. Karakartal's inference is significant for how repeated performance failures on the part of the civilian rulers might build the military into legitimate alternatives in the eyes of the people.

A military takeover in Turkey is therefore seen by public opinion more as an accomplishment than as an affront to democracy. It helps to overcome a major crisis, and at the moment of takeover, the army thus appears in the public eye in a doubly favourable light: it has fulfilled its historic mission, and at the same time saved the country from a serious threat [of civil war] of which citizens were aware.<sup>53</sup>

## X.

So far I have talked about *presumptive legitimacy* and the *acceptance* of military regimes. Where does obligation fit in all this? In light of the foregoing how may we answer the question asked at the beginning of this essay? To have a political obligation is to have an obligation to act in accordance with or, at least, not in opposition to the directives of the personnel of the institutions of governance in a given society at any given time. It is also to *have a prima facie reason for so acting*. Although to have a political obligation is to have a *prima facie* reason for performing the requisite action, it does not offer us a *conclusive* reason for acting. It is not an indefeasible reason.<sup>54</sup> Political obligation can be overridden. In this wise I share Beran's point of view that there might be a conflict between the many *oughts* that make up a complex life. One might have a political obligation to do something whereas *one ought not do it* for

moral reasons. The political obligation to act in accordance with or not in opposition to the directives of military rulers is a context-dependent obligation, that deriving from one's role as a citizen. It does not exhaust all the obligations that an individual has or may have. Nevertheless, having an obligation constrains our action and simultaneously furnishes a ground for the constraint.

How then may we answer the question at the heart of this essay? Again, the question is: Can one coherently and plausibly say that citizens of a polity in which the military has violently overturned an elected regime, or have usurped the power to make policy and are sitting at the apex of the state, have a political obligation to act in accordance with or at least not in opposition to the directives of the personnel of the institutions of governance constituted by the perpetrators of the overturning? I answer with a qualified yes. My reasons are as follows.

Many people in such polities behave as if they do have such an obligation. As we said earlier, once people *accept*, in any of the senses we have specified, the political morality of their society and they do not have any reason to think that the military has abandoned that morality, even though it has acted in breach of the principle of procedural legitimacy and of succession, they will look upon the military regime as one that is legitimate and, consequently, deserving of their obedience. If this is true, then it cannot be that the only reason that people obey the directives of military regimes is that they (the people) are afraid of the consequences of disobedience. It follows also that citizens in stable polities under military rule would likely cite as reasons for obedience their acceptance of the regime, its goodness and its entitlement to their obedience. And insofar as the regime remains *good* it can continue to count on their obedience to its pronouncements. But, once the regime begins to replicate the evils of the ousted regime or to undermine the accepted political morality of the state concerned, whereas the majority of the people or the salient group within the community are yet to abandon the relevant political morality, we can expect to witness more and more acts of disobedience. What all this means is that the political theorist, armed with the twin concepts of *presumptive legitimacy* and *acceptance*, can offer us explanations of why people obey military regimes in terms of obligation which have more explanatory power than rival coercion-explanations. Finally, there are those who will point to their obligation to obey the directives of military rulers because, for them, it is the right thing to do. The next and final section considers possible objections to our thesis.

## XI.

I conclude the essay by considering some possible objections to the thesis it defends. The first objection is a political one. It might be objected that this paper has endowed military rule with a respectability that it not only does not deserve but one which might mask some of the self-serving careerism for which some military rulers are notorious. It risks being accused of providing an apologia for military rule. I should reply that the risk is real. But such a risk should not deter us from asking and answering the question why ordinarily nice and thoughtful people do not lament the loss of civil rule and, in some cases, enthusiastically welcome or energetically defend military rule. I have answered that people do so sometimes because they hold that it is right so to do and, sometimes feel that they have a duty to do so. They may be wrong, as they often are in reality, in their estimation. It is no help to pretend that people do not sometimes respond in the ways described herein. And there is a definite advantage to be derived from our manner of proceeding. As I have suggested above, the presumptive legitimacy of the military, especially that deriving from the nature of military service and the place of the military in the history of a polity, is well founded. Of course, the reality of the military may not be a true reflection of the ideal that is disseminated in political lore. But if the military were truly a body of disinterested men and women dedicated to the protection of the state, and willing to die for it, then it would be reasonable to turn to it when civilian misrule puts the state in jeopardy. This will hold true for all countries in which military traditions are venerated. Perhaps by conceding some legitimacy to military rule on some occasions we might begin to take seriously the task of understanding the conditions on which rest the presumptive legitimacy and acceptance of military intervention with a view to blocking their development. For these reasons, it is a risk worth taking.

The second objection focuses on the nature of the obligation involved. What kind of obligation is it that arises from the acceptance of military rule and justifies obedience to it? Is it a moral obligation? If by moral obligation is meant an obligation that cannot be overridden by competing obligations or one whose rightness is intrinsic to it it should be obvious that the political obligation we are speaking of is not a moral obligation. For even though we say that people act as if they have an obligation and an observer would be able to report that one of the reasons people would give for obeying military regimes is that it is the right thing to do, the question may still be asked whether it is right or moral that they do so. The latter question will not be answered by polling nor by sociological

observation. No doubt, many Germans must have thought that it was right to obey the Nazi regime. Few, if any, would however concur in that judgment or embrace it in our day. The reason I have mentioned the Nazi regime is that it got into power by way of an election. The moral here is that perhaps what is important sometimes is not how a regime got to power but what it does in power and judging the latter by some criteria of morality or rightness which would refer to the attributes of a good society and what conduces to the realization of what is best about our being.

Once we pose the latter question, I am persuaded that no matter how well a military regime discharges the responsibilities of government to its citizens it will eventually fall short insofar as it cannot create conditions for genuine democratic control over the levers of life for the majority of its citizens. If increasing democratization remains a highly valued good in political society, military regimes would always be inadequate. In a sense this democratic imperative may be seen to be at work in the impulse which makes military rulers want to civilianize and create representative institutions. Such civilianization almost always fails and is doomed to fail because it embodies a contradiction that military regimes can never resolve to their advantage. Genuine civilianization must ultimately lead to the military regime abolishing itself, creating the conditions to render itself superfluous. To do this the regime must leave every sphere open to democratization. One such sphere is the nature of the regime itself, its personnel and its leadership. Civilianization must ultimately include the possibility of the military leadership being voted out by the people. As long as the military leadership (in uniform or in mufti) does not allow the possibility of its being democratically ousted it will always fall short of the requirements of genuine democratization.<sup>55</sup>

*Loyola University Chicago*

## NOTES

- 1 For a compendious treatment of all the grounds of obligation just listed, see Alan J. Simmons, *Moral Principles and Political Obligation* (Princeton: Princeton University Press, 1979).
- 2 E.g., Costa Rica. I shall use "army" to cover the armed forces—army, navy, air force, paramilitary units.
- 3 See Eric A. Nordlinger, *Soldiers in Politics: Military Coups and Governments* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1977), p. 3.
- 4 This paragraph is a modification of the distinction made by Claude E. Welch, Jr. and Arthur K. Smith, *Military Role and Rule* (North Scituate, Ma.: Duxbury Press, 1974), p. x.

- 5 Nordlinger, *Soldiers in Politics: Military Coups and Governments*, p. 3.
- 6 Nordlinger, p. 3.
- 7 Simmons, *Moral Principles and Political Obligation*, p. 7.
- 8 On the idea of obligation offering a good reason for acting, see the discussion by Harry Beran, *The Consent Theory of Political Obligation* (London: Croom Helm, 1987), pp. 14ff.
- 9 For an illuminating discussion of the problem posed to legal systems and its continuity in the aftermath of usurpations in English legal history see, J. M. Finnis, "Revolutions and Continuity of Law," in A. W. B. Simpson, ed., *Oxford Essays in Jurisprudence*, Second Series (Oxford: Clarendon, 1973), pp. 46–48.
- 10 Consider the following from Michael Walzer: "The state itself can sometimes be imagined as an ideal or potential community, obligating its members to oppose those authorities who act legally but (it is thought) immorally in its name. Thus those men who disobey the commands of a collaborationist government after military defeat, or of a satellite government after some less formal capitulation, often claim that their state has been betrayed and that they are obligated by their previous membership and driven by their patriotism to resistance." "The Obligation to Disobey," in Edward Kent, ed., *Revolution and the Rule of Law* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1971), p. 116.
- 11 For empirical details see, Nordlinger, *Soldiers in Politics: Military Coups and Governments*, p. 6.
- 12 The scope of this essay is limited mainly to political philosophy writings in English, especially of the Anglo-American variety.
- 13 There were two unsuccessful attempts by Colonel Aydemir in 1962 and 1963. See Bener Karakartal, "Turkey: The Army as Guardian of the Political Order," *The Political Dilemmas of Military Regimes*, Christopher Clapham and George Philip, eds., (London and Sydney: Croom Helm, 1985), p. 46. There was also an unsuccessful attempt in Spain in 1982.
- 14 Of course we are talking of relatively stable polities. Where there is instability and the governors are spending a lot of time defending their tenure against repeated challenges, our discussion will be irrelevant.
- 15 It should be borne in mind that we are not interested in military regimes which civilianized or have sought to legitimate themselves by organizing plebiscites or elections.
- 16 For a fuller discussion of the attributes of the military see, S. E. Finer, *The Man on Horseback* (London and Dunmow: Pall Mall Press, 1962), chapter 2.
- 17 Finer, p. 14.
- 18 Jean-Jacques Rousseau, *The Social Contract* (London: Everyman, 1950), Book 1, chapter 3.
- 19 For a similar view see Finer, *The Man on Horseback*, p. 17.
- 20 In a society cleft into antagonistic classes it makes sense sometimes to distinguish the question of why members of the ruling class and their allies obey military regimes which ostensibly govern on their behalf and that of why ordinary people who make up the subordinate classes obey regimes in which they have no stake, which sometimes subvert their humanity and are generally unreflective of their aspirations. Although I think it will be inadequate to say so, there is some minimal ground supplied by interest for the obedience of members of the ruling classes to military regimes. The same answer will not do for the ruled classes. Yet we must explain why the subordinate classes too obey military regimes. This is the problem of differential obligation which I do not discuss herein. Carole Pateman discusses the problem in relation to women under liberal democracy in her book *The Problem of Political Obligation* (London: 1985). Here is a good point at which to consider an objection advanced by an anonymous reader for this journal.

- According to this objection, I have failed to consider the possibility that "even if we accept the limits on the 'explanation from coercion,' we can't suppose the alternative is rational—morally significant—consent." For the ordinary people we speak of may be engaging in "self-deception, *amor fati*, the drive to reduce cognitive dissonance, and the general, though perhaps defeasible, propensity of humanity to conspire in its own degradation, subjugation, and defeat." This objection lacks force for the following reasons: First, think of the analogy with the experience of women and their obedience of laws that deny them sovereign subjecthood in a liberal democracy. Are women guilty of self-deception? Of course, one could always say yes. But such a move would be problematic. Women who defend the idea of differential endowments and spheres of competence for men and women do not think of women's situation as degraded, or subjugated. They think of the spheres/competences as complementary. In a similar manner, many who obey military rulers, outside of those who stand to gain from military rule, consider the military rulers to be worthy of their support because the military may indeed have moved because the previous regime did subvert/subjugate the people in ways that made them wish for "deliverance." I discuss such a case below. But even if we were to accept that self-deception plays a role in why people obey military regimes, a possibility that my thesis does not exclude, it would require an unacceptable stretch of the argument to say that it is the only or the best alternative to coercion; that no obligation talk is possible or warranted under conditions of extra-constitutional rule. I am trying to tell a complex story about a complex phenomenon. Appeal to self-deception will be an unhelpful reversion to a simple explanation for a complex issue. On the contrary, there are no easy answers. I hope that this paper helps my readers to appreciate this fact.
- 21 The following is a fairly representative sample. Welch, Jr. and Smith, *Military Role and Rule*, chapter 3; Clapham and Philip, eds., *The Political Dilemmas of Military Regimes*, Introduction; Finer, *The Man on Horseback*, chapters 7–9.
  - 22 The regime was itself pushed out of power by a guerilla insurgency in 1991.
  - 23 As any student of coup making will attest, this was one of the signal failings of the coup makers in Moscow. Their failure to capture individuals who could provide rallying points for opposition to the coup, the most important being Boris Yeltsin, was one crucial reason the coup unravelled.
  - 24 The Soviet coup was instructive in this respect. Recall that the coup took place against the background of six years of political reforms during which the pylons of the old legitimacy had been critically undermined and disobedience of governmental directives had become a legitimate option in political behaviour. Add to that the dissonances in the structures of governance and the disruptive questioning of the legitimacy of the entire Soviet state not only by state functionaries themselves, but also by oppositional groups some of whose leaders had in the immediate past sworn by the Soviet state, national groups clamouring for autonomy and, finally, conservative elements fighting bitter rear-guard battles against reform. The consequence was a void right at the heart of the Soviet system which made impossible the emergence of the requisite convergence of interests that is a staple of successful coup making. The Soviet state on the eve of the coup showed all the classic symptoms of what Nordlinger calls 'legitimacy deflation'.
  - 25 Sometimes, the military intervenes to preempt the revolutionary overthrow of the socio-political order. On such occasions, there are likely to be autonomous political organizations predisposed to hostility towards the military rulers because they look upon the military as a brake on social change. Then the military might find itself confronting the real possibility of a civil war or at least widespread chaos and disorder. One may cite

- the situation in El Salvador in 1979 and that of Indonesia in 1966 as examples. Burma in 1988 is another instance. Chile in 1973 could be another example. More recently, Algeria has been wracked by an undeclared Civil War precipitated by the military's abortion of the General Elections of 1991 that the Islamic Salvation Front (FIS) was set to win. Similar circumstances would likely ensue where the military regime tries fundamentally to alter the principle of social ordering at a time that significant segments of the populace are still committed to the extant principle.
- 26 William L. McBride "The Acceptance of a Legal System," *The Monist*, 49, 3, (1965), pp. 377-396. He used the idea in connection with a legal system. I have substituted "political system" for all occurrences of "legal system" for my purposes.
- 27 McBride, pp. 382-383.
- 28 See Michael Oakshott, "Political Education," *Politics, Philosophy and Society*, Peter Laslett and W. G. Runciman, eds., (Oxford: Basil Blackwell, 1957).
- 29 Simmons, *Moral Principles and Political Obligation*, pp. 40-41; see also Beran, *The Consent Theory of Political Obligation*, pp. 146-147.
- 30 Again, the temporal dimension asserts its relevance. For, having altered the principle of regime-legitimacy and succession within a polity, a military regime could succeed itself and meet the requirement of "procedural legitimacy." Most military regimes which "civilianize" are of this sort, e.g., Samuel Doe's regime in Liberia, Gamal Abdel Nasser's in Egypt. In Chile General Pinochet tried and failed to succeed himself.
- 31 Beran's phrase, p. 146.
- 32 Were one to subscribe to the membership version of consent theory as expounded and defended by Beran, then one could be said to have consented to military rule insofar as one does not relinquish one's membership of the relevant state. See Beran, *The Consent Theory of Political Obligation*, p. 29. He is the only theorist to consider that a military regime which shoots its way to power may nonetheless be legitimate. But he omits to tell us what sort of legitimacy this will be. He says merely that "if the dictators acted in the interests of the people they would be morally justified in assuming power and the people ought to obey them" (p. 145). There is a problem with this utilitarian justification. It assumes that the military's claim to have acted in the interests of the people is unproblematic. It is problematic. The military's say-so is not enough. It is necessary that a sufficient number of people or the salient segments of the population believe the military's claim. Equally, if not more, important, the relevant portion of the population must believe either that their present situation offers no viable alternative or that their political morality permits the new regime to assume power. It is only when the military's say-so is convergent with any or two of the attitudes just described in the populace that the military is presumed legitimate.
- 33 Some might argue that a duty of gratitude exists since the people have just been delivered out of chaos. This may be the case. But it is not in every situation that chaos has resulted. In some, the putsch might have pre-empted the descent into chaos.
- 34 Nordlinger, *Soldiers in Politics: Military Coups and Governments*, p. 92.
- 35 Nordlinger, p. 64. Emphasis added.
- 36 G. W. F. Hegel, *Philosophy of Right*, Trans. T. M. Knox (Oxford: Clarendon Press, 1958), #385, p. 210.
- 37 Hegel, #326, p. 210.
- 38 Hegel, #328, p. 211.
- 39 Nowhere is this attitude more pronounced than in the liberal democracies of Europe and North America where few would be inclined to entertain the idea of a coup and, for the generality of the population, to condemn the military or query its traditions tantamounts to a lack of patriotism. One can cite the enormous popularity of military heroes and the readiness with which military officers are embraced in politics when their service is over.
- 40 This was demonstrated in August 1995 when the military leadership in Sao Tome and Principe thought that because of economic crisis, it could push out the elected government and install itself in office. It miscalculated. For not only did the elected officials resist, with the Prime Minister seeking refuge in the French embassy from where he directed opposition to the military rulers, but the people did not signal that they were happy to be rid of the regime they had elected. The would-be rulers quickly realized their defeat, negotiated an amnesty for themselves, and surrendered to the authorities after only a few days.
- 41 For consent theorists, these actions will be called "consent-implicating acts." We have no need for such a locution. On our thesis, acceptance involves more than these. These actions might mean different kinds of acceptance for different people from the enthusiasm of rank and file soldiers who see themselves as parts of the power structure to the reluctance of opposition (to the ousted regime) politicians who are happy to see the old regime go but are not fully convinced that military rule is the way to go even though they appreciate the necessity for it in the interim. All we claim is that these actions are *morally relevant* without being *morally decisive*. Other factors are important.
- 42 Since then the country has had five successful and three unsuccessful coups. In its thirty-four years of existence as an independent state, Nigeria has been governed by the military for twenty-two of those years. Military rule has ceased to be an interregnum; it has become a coregnum, to borrow the apt description of the Honourable Justice Kayode Eso. See Kayode Eso, 'The Court as Guardian of the Constitution', Paper presented at the All Nigeria Judges' Conference, Abuja, Nigeria, 1988, (Lagos: Federal Government Printer). If the evidence in the literature on the sociology of the military and on military intervention in politics in various countries of Asia, Latin America and Africa is proof, much of what I describe in the following paragraphs can be found elsewhere with necessary allowances made for the historical specificity of each country.
- 43 Finer, *The Man on Horseback*, p. 115. The concept of 'low political culture' explains little. Were we to rely on it, it would be difficult to explain the embrace of military rule in countries that are not ordinary described as exhibiting low political culture. For instance, unless we are prepared to describe Spain, Portugal, France, Italy, Germany, Turkey, and Greece, as countries with low political culture, we must provide an explanation for their embrace of military or quasi-military rule at one time or the other in this century. The same is true of the phenomenon of the quick transition of soliders like Dwight Eisenhower and Alexander Haig to the Presidency and the Secretaryship of State, respectively, in the United States. More recently, a similar phenomenon is the current widespread courting of General Colin Powell, immediate past Chairman of the Joint Chiefs of Staff of the United States Armed Forces, by various political groups to be part of their ticket. The concept of 'presumptive legitimacy' is advanced as a much better alternative. Finally, we should not ignore the irony involved in describing the country that supposedly is the fountainhead of Western democracy, Greece, as one with a low political culture for having embraced military rule from 1967-74. And India which is not usually counted as epitomizing democratic traditions has survived as a representative democracy since its independence in 1947 and has never experienced a coup.
- 44 For details see, Nordlinger, *Soldiers in Politics: Military Coups and Governments*, chapter 3; Welch, Jr. and Smith, *Military Role and Rule*, chapter 5; Robin Luckham, *The Nigerian Military* (Cambridge: Cambridge University Press, 1971), Part One.



- 45 Welch Jr. and Smith, *Military Role and Rule*, pp. 124–125.
- 46 For a description of the enthusiasm which greeted the coup which ousted the elected regime of Alhaji Shehu Shagari in December 1983 see, Toyin Falola and Julius Ihonybere, *The Rise and Fall of Nigeria's Second Republic*, (London: Zed Press, 1984); Ladipo Adamolekun, *The Demise of Nigeria's Second Republic*, (Lagos: Macmillan, 1984).
- 47 See John Ladd, "Legal and Moral Obligation," in J. Roland Pennock and John W. Chapman, eds., *Political and Legal Obligation* (New York: Atherton, 1970).
- 48 One advantage of an acceptance-based theory of political obligation over consent theories is that it does not erect a gap between a fully-constituted political system and the individual citizen over which 'consent' serves as a bridge. The acceptance of a political system is constitutive of that system. Second, unlike consent, acceptance is not given once for all time. Rather it is continually renewed in a way of life through the medium of relevant actions in appropriate situations. In fact we can tell that a political system is on the threshold of a revolutionary transformation when people in increasing numbers no longer perform the relevant actions as a matter of course and they begin to challenge not only aspects of the system but the very political morality at its centre.
- 49 There are practical implications following from what I just said. Freed from worries about opposition to its rule from the mass of the population or the politically salient segments of it the new rulers are usually enabled to direct their energies towards reining in the overthrown politicians and preventing them from organizing to undermine the new regime. It should be noted that coup makers often wait until a time that they can count on appearing 'rightful' rulers to the populace before carrying out their coup. The reason is that they want to avoid the irony implicit in their coming to power to end disorder by fostering more disorder that is sure to be created should the people decide to oppose them. I am aware that there are exceptions to the rule I just stated. The one that has been forcefully put to me is the coup that ended Salvador Allende's tenure in Chile in September 1973. As at the time the coup took place it could not be rightly affirmed that Allende's regime was unpopular with Chileans. For instance, his party had increased its share of votes in local elections that were held shortly before his overthrow, and it is sometimes speculated that he was set to increase his majority in elections that were due shortly after, which the coup preempted. The thesis of this paper is not undermined by my conceding that the Chilean coup took place against a government that still enjoyed considerable popularity and for that reason had not suffered any serious legitimacy deflation. Rather it might in its exceptionality prove the rule. All I need do is point to the enormous amount of "pacification" the junta had to undertake and the cost in Chilean lives in the aftermath of the coup. However, there is an additional point that the Chilean coup illustrates. Whenever we talk of acceptance of a military regime we should not construe it as acceptance by the entire populace or even a preponderant majority. Of course, the best circumstance will be one in which the regime is accepted by the majority. In many real cases, especially in societies cleft into all kinds of antagonistic classes and groups, a military regime, depending on the balance of forces among the different contending groups and classes, might not need more than the support of the salient groups in the society. The salience of a group is a factor of how much influence it has and of its ability to affect the fortunes of the new regime were it to withhold its acceptance or mount an opposition to the regime. In the Chilean example, whereas the opposition of the working class made it difficult for the regime, the middle classes were the more salient segment whose acceptance of military rule created a legitimacy ledge which was crucial to the ultimate entrenchment of the regime. Again we come upon another element of the complexity which compels more attention to military rule than has hitherto been given it by political philosophers.
- 50 David Schweickart's phrase. A good example is to be found in Nigeria where, in 1993, after having abided his many subterfuges, repression, and naked corruption, during his eight-year rule, the Nigerian people decided that military ruler General Ibrahim Babangida's time was up. He was unceremoniously kicked out of office, leaving behind a crisis that a successor military regime, led by his erstwhile no. 2 man, is still grappling with. The growing level of repression in Nigeria is proof enough that the current regime is now caught in a program of pacification that only serves to underscore the fact that it is shorn of acceptance and legitimacy. The threat of civil war is very real in Nigeria at the present time as a result.
- 51 The groundswell of opposition to military rule in many countries in the late 80s and early 90s can be traced, among other reasons, to the deflation of the military's presumptive legitimacy due to the many coups that had turned it into just another faction in the state.
- 52 Karakartal, "Turkey: The Army as Guardian of Political Order," p. 49.
- 53 Karakartal, p. 50.
- 54 For a discussion of various reasons for action see Joseph Raz, *Practical Reason and Norms* (London: Hutchinson, 1975), pp. 27ff.
- 55 An earlier version of this paper was presented to the Colloquium, Graduate Dept. of Philosophy, University of Toronto, Toronto, Canada; Seminar, Dept. of Political Science, Dalhousie University, Halifax, Canada; Seminar, Dept. of Philosophy, Obafemi Awolowo University, Ile-Ife, Nigeria. I would like to thank all those who attended the presentations at these different places and whose spirited doubts about the "legitimacy" of my project have forced me to think through more deeply the thorny problems with which this paper tries to grapple. For their generosity in inviting me to participate in their Colloquia, I am especially grateful to Professor Danny Goldstick, University of Toronto, and Professors David Braybrooke and David Fashole-Luke, both of Dalhousie University. For detailed comments that have enriched this paper I thank Dipo Fashina, Charles Mills, and David Schweickart.