



## The Paradox of Obedience to Legal Authority and Moral Responsibility

### Abstract

This study sought to interrogate the paradoxical assumption that obedience to legal or institutional authority can shield an individual from moral responsibility for wrongful conduct. The study arose from a jurisprudential problem made visible in the Nigerian context by the 2018 JAMB Makurdi controversy, where the alleged disappearance of public funds was attributed to a snake, raising questions about institutional instructions, personal judgment and responsibility. The study addressed this problem through jurisprudential analysis of legal authority and moral agency, Hannah Arendt's account of thoughtlessness in Adolf Eichmann, and Albert Bandura's theory of moral disengagement. It found that authority may explain why an individual acts, but it does not, without more, justify the act or extinguish the actor's responsibility. Obedience becomes morally problematic when individuals surrender judgment, displace responsibility onto superiors, or construct excuses that distance them from foreseeable consequences. The study further found that responsibility may be shared and differently weighted according to knowledge, intention, coercion, capacity and degree of participation. Consequently, neither superiors nor subordinates can automatically transfer responsibility to the other. The study recommended that legal and public institutions cultivate more effective and responsible obedience through ethical training, internal reporting mechanisms, protection for conscientious dissent, transparent institutional accountability and clear limits to the defence of superior orders. It concluded that a credible legal order requires not blind obedience, but morally responsible obedience.

**Keywords:** Authority, Disengagement, Obedience, Responsibility, Thoughtlessness.

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**Date Received:** 16th September, 2026

**Date Accepted:** 21st September, 2026

### Introduction

Obedience, is indispensable to the functioning of every organised society. Legal systems, political institutions, workplaces and other forms of authority, depend upon individuals recognising commands as binding and acting in accordance with them. Consequently, the moral significance of obedience becomes problematic when the command itself produces, facilitates or conceals wrongdoing. The difficulty is not simply whether an order is legally valid, but whether, its recipient can invoke the

authority of the person who issued it as a sufficient reason for escaping responsibility for what he or she has done. The jurisprudential tradition has long wrestled with the relationship between law and obligation, particularly with the question whether the existence of an authoritative rule creates an obligation to obey it. In the opinion of Atiq, Emad H, Contemporary non-positivist approaches, complicate any simple identification of legal authority with moral justification, insisting that the authority of law cannot be understood independently of the

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reasons that make its demands worthy of recognition (10). The problem, therefore, begins where obedience is treated not merely as compliance with authority but as a substitute for personal moral judgment.

This problem becomes particularly acute, when individuals defend questionable conduct by claiming that they were merely following instructions. Such a defence appears to relocate responsibility from the person who acted to the person who commanded. But this raises a fundamental question: does receiving an order diminish the moral agency of the person who carries it out? The distinction between being compelled and choosing to comply is crucial here. A person may be subject to institutional pressure, fear punishment, or reasonably presume that a superior's instruction is legitimate; none of these circumstances necessarily means that the person ceases to be a moral agent. The jurisprudential significance of this distinction is that, legal authority may explain the source of an individual's decision without necessarily determining its moral worth. As Fuller's account of legality suggests, a functioning legal order involves reciprocal expectations between authority and those subject to it, while Dworkinian jurisprudence, resists the idea that individuals can always surrender their moral judgment to institutional rules (Fuller 39; Dworkin 14-15). The question is consequently not whether obedience has value, it plainly does, but whether obedience, has a point at which it

becomes an excuse for refusing responsibility.

The issue is illuminated with particular force by Hannah Arendt's examination of Adolf Eichmann, and her controversial description of the banality of evil. Arendt's concern was not that, Eichmann lacked the capacity to understand rules or follow instructions; rather, she drew attention to the disturbing possibility that, extraordinary wrongdoing can be facilitated by ordinary individuals who cease to think critically about what they are doing (Arendt 287). Eichmann's repeated appeal to duty and obedience exposes a dangerous moral displacement: the actor presents himself as an instrument of another's will rather than as a person responsible for his own participation. Albert Bandura's theory of moral disengagement provides a complementary psychological explanation of this phenomenon. Individuals can distance themselves from the moral implications of conduct through mechanisms such as displacement and diffusion of responsibility, thereby making actions they might otherwise recognise as wrong psychologically acceptable (Bandura 194). What Arendt reveals philosophically as the danger of thoughtlessness, Bandura helps explain psychologically as a process through which individuals construct distance between themselves and the consequences of their actions.

The Nigerian experience provides a compelling context in which this problem can be examined beyond its

classical philosophical formulations. The 2018 incident at the Joint Admissions and Matriculation Board (JAMB) office in Makurdi, in which a missing sum of public money was attributed to a snake, that allegedly entered the premises and swallowed the funds, raises questions that are more profound than the absurdity of the explanation itself. If an employee merely repeated or defended a narrative supplied by a superior, does that instruction relieve the employee of responsibility for participating in its communication? If the superior supplied the explanation, does that superior bear exclusive responsibility for it? And if the explanation was obviously implausible, what obligation did the individual have to question, resist or report it?

These questions expose the central concern of this study which is, a person cannot claim moral agency, when choosing conduct that serves his or her purposes, and surrenders that agency, when the consequences become blameworthy. This study therefore argues that obedience to legal or institutional authority does not, by itself, absolve an individual of moral responsibility. Authority may constrain choice, explain conduct and sometimes legitimately justify compliance, but where an individual knowingly participates in wrongful conduct, responsibility cannot simply be transferred upward to the person who issued the command. Ultimately, a morally responsible person must answer not only to the question, "Who instructed me?" but also to the

more demanding question, "What did I choose to do?"

### **Legal Authority and the Moral Agency of the Obedient**

What, then, does it mean to say that a person is subject to legal authority? At the most basic level, legal authority is the institutional power to make, interpret and enforce rules that individuals are expected to recognise as binding. However, this description immediately creates a deeper jurisprudential question: why should a person regard another person's command as a reason for action? If a superior tells an employee to do something, the employee may obey, because of fear, employment obligations, institutional discipline or respect for authority. But none of these reasons, necessarily, establishes that the commanded act is morally right. Hart's distinction between primary and secondary rules, helps explain how a legal system transforms social practices into an institutional structure of obligation, particularly through rules that identify, modify and adjudicate legal standards (79-99). Legal authority, therefore differs from mere physical power. A robber can compel obedience through a weapon, but such coercion, does not make the robber an authority. Authority claims a right to direct conduct, in a manner that purports to provide a legitimate reason for action. The difficulty begins, however, when the person receiving the command treats the authority behind the instruction as sufficient reason to stop asking whether the action itself is defensible.

This distinction becomes clearer, when we separate legal obligation from moral responsibility. A law may require a person to perform an act, prohibit another, or empower an official to issue a binding directive; nevertheless, the existence of that legal requirement, does not necessarily, settle every moral question arising from compliance. Fuller's account of legality is important here because it conceives law not simply as commands backed by institutional force but as a reciprocal enterprise in which the exercise of authority imposes conditions upon both ruler and ruled (39). The implication is significant: if authority demands obedience, while simultaneously encouraging conduct that is dishonest, arbitrary or destructive of the purposes for which legal institutions exist, obedience cannot automatically be treated as morally self-justifying. Contemporary non-positivist jurisprudence, similarly challenges the assumption that legal validity exhausts the reasons an individual may have for treating a rule as authoritative. Atiq's discussion of contemporary non-positivism demonstrates the continuing jurisprudential concern with whether law's authority can be adequately explained without reference to normative reasons that bear upon its justification (6). The obedient person, therefore, remains confronted by a question that authority alone cannot answer: "I have been ordered to do this, but is doing it, something for which I can responsibly answer?"

The question becomes even more difficult, where the authority is unquestionably legitimate, but the particular instruction is morally questionable. This is where the language of "I was only following orders" becomes problematic. It attempts to transform the subordinate, from an agent, into an instrument, as though, the superior's decision, passes through the subordinate without requiring any independent exercise of judgment. Human beings, do not ordinarily become morally neutral, simply because, someone else initiates an instruction. Dworkin's emphasis on rights and principle is relevant here, because, it rejects the idea that, institutional decisions can always displace the individual's responsibility to take moral considerations seriously (15). Even within hierarchical institutions, there remains a distinction between receiving a command, and choosing to carry it out. The distinction does not mean that, every subordinate has unlimited freedom to reject every instruction; legitimate authority, after all, has a real claim upon obedience, rather, it means that, obedience must be understood within conditions of agency. Where a person possesses sufficient knowledge, capacity and freedom to recognise that, an instruction is seriously wrongful, the claim that, "someone above me ordered it" becomes increasingly weak, as a defence of moral responsibility.

Legal authority, therefore, should not be understood as a moral eraser, as its proper function, is to coordinate social conduct, settle disputes, distribute

institutional responsibilities, and make collective action possible. But the very existence of authority, presupposes human agents capable of understanding, interpreting and responding to its demands. This is why the question of responsibility cannot end with identifying the person who issued an order. The superior may be responsible for commanding; the subordinate may be responsible for executing; and both may bear responsibility where both exercised meaningful agency in bringing about the wrongful result. Authority may reduce uncertainty about what an institution expects, but it cannot automatically, relieve the individual of the duty to confront the consequences of participation. The central point, therefore, is not that obedience is inherently blameworthy, but that obedience without judgment can become a mechanism for the disappearance of responsibility.

### **From Legal Obedience to Moral Excuse**

The expression “I was only following orders” appears deceptively simple, yet, it conceals one of the most difficult questions about human responsibility: can another person's command, become a sufficient explanation, for why an individual should not be blamed for what he, or she, has done? This problem, becomes particularly acute, when obedience is invoked after the consequences of an action have become morally objectionable. A command may establish an institutional expectation, but it does not necessarily determine the moral meaning of the act performed in response to it.

Karl Jaspers' reflections on guilt, are instructive here, because, they distinguish between different forms of responsibility, rather than treating guilt as something that disappears whenever an individual acts within an institutional structure (30-31). His argument is important because, responsibility can attach to a person, not merely because, that person originated an action, but because, the person participated in a world of actions whose consequences could have been confronted. The subordinate who says “I was ordered to do it” therefore, answers the question of where the instruction came from, but not necessarily the question of why the instruction was accepted.

This difficulty is powerfully illustrated by Hannah Arendt's account of Adolf Eichmann. What disturbed Arendt was not simply that, Eichmann obeyed orders, but that, he appeared unable, or unwilling, to engage critically with the meaning of his own conduct. His reliance on official duty, and hierarchical command, suggested a form of thoughtlessness, in which the bureaucratic language of responsibility, displaced personal judgment (289). The significance of Arendt's argument, however, extends beyond Eichmann himself. Modern institutions are structured through roles, procedures, and chains of command, and these structures, can create an environment in which individuals perceive themselves as merely performing assigned functions. Regardless, an institutional role does not eliminate the person occupying it. The clerk, police officer, civil servant, soldier

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or administrator, remains a human agent, who is capable of understanding that, an instruction may have consequences for another person. Arendt, therefore, forces jurisprudence to confront an uncomfortable possibility: evil does not always require hatred or personal malice; it can emerge, when individuals surrender the activity of judgment to the machinery of authority. Obedience, becomes morally dangerous, at precisely the point where the agent no longer asks what he or she is participating in.

However, Arendt's emphasis on thoughtlessness, should not be taken to mean that, every failure to obey an order is morally required, or that, every subordinate possesses the same freedom to resist authority. This is where Stanley Milgram's work on obedience, becomes useful, even though, his psychological experiments, cannot by themselves, settle the philosophical question of responsibility, he demonstrated the extraordinary power of perceived legitimate authority, to induce ordinary individuals, to continue carrying out actions that conflict with their personal moral discomfort (378). His findings, however, complicate the easy assumption that, wrongdoing always results from wicked individuals, consciously choosing evil. People can experience genuine psychological conflict, while continuing to obey. But because, obedience can be psychologically powerful, the moral question becomes more, not less, important. If authority can influence behaviour so deeply, then responsible agency requires the capacity to recognise

when institutional expectation has crossed a morally unacceptable boundary. The presence of pressure may mitigate responsibility in particular circumstances; it does not establish a universal rule that obedience automatically extinguishes it.

The deeper problem, therefore, is the transformation of obedience from a reason for action, into an excuse for action. A person may legitimately obey a lawful instruction because, social life would be impossible, if every individual treated personal preference as superior to institutional authority. But when obedience is invoked to avoid moral evaluation altogether, authority becomes a convenient shelter from responsibility. Jaspers' account of guilt, Arendt's analysis of thoughtlessness and Milgram's demonstration of obedience, together, reveal different dimensions of the same problem: individuals act within structures, but structures do not act in their place. The superior who gives a wrongful command, cannot simply escape responsibility, by pointing to the subordinate, just as the subordinate, cannot necessarily escape by pointing upward. Responsibility may be shared, differentiated or reduced by circumstances, but it does not disappear, merely because, an order preceded the act. The morally serious question is therefore not simply, "Who gave the order?", but "who understood, chose, participated and could have acted otherwise?" Once those questions are asked, the defence of "I was only following orders" loses its appearance of finality and becomes what it should have been from the beginning: a

claim requiring moral and legal examination, not an automatic exemption from responsibility.

### **Moral Disengagement and the Manufacture of Excuses**

If obedience explains why individuals submit to authority, it does not fully explain why, they sometimes, participate in conduct they already recognise as wrong. There is a psychological step between knowing that, an action is questionable and proceeding with it: the individual must somehow, weaken the moral objection that would ordinarily restrain action. Albert Bandura's theory of moral disengagement is precisely valuable in this conversation here, because, it explains this process without assuming that, wrongdoing always begins with ignorance of moral standards. People, often know what they ought not to do, and nevertheless, find ways of making the conduct appear acceptable to themselves. Bandura, identifies mechanisms through which moral self-sanctions can be selectively disengaged, including moral justification, euphemistic labelling, advantageous comparison and displacement or diffusion of responsibility (194). The importance of this insight for jurisprudence, is considerable. When an individual says, "I was only following instructions," the statement may be more than a factual description of what happened; it may function psychologically, as a mechanism for relocating responsibility. The individual ceases to regard himself as the author of the conduct and begins to regard himself

as merely the location through which someone else's decision was executed.

Displacement and diffusion of responsibility are particularly important to understanding institutional wrongdoing. In a hierarchical organisation, responsibility can be distributed across several actors: one person formulates the instruction, another approves it, another communicates it, another executes it, and yet another records the outcome. When something goes wrong, each actor can point to another part of the chain. The superior can say that the subordinate misunderstood the instruction; the subordinate can insist that the instruction came from above; the institution can attribute the failure to a procedural defect. Bandura shows why such arrangements can weaken moral self-regulation because, responsibility becomes psychologically shared until no individual feels entirely answerable for the result (198). This helps explain why bureaucratic wrongdoing, can survive without every participant being personally committed to wrongdoing as an end. The danger lies precisely in the fragmentation of agency. Once the person who acts believes that, the real decision belongs elsewhere, the ordinary moral question: "what am I doing to another person?", is replaced by the institutional question: "what was I told to do?" The latter, may establish procedural obedience, but it does not settle the former.

Moral disengagement also operates through language, in which, wrongdoing becomes easier to perform,

when it is described in terms that conceal its human significance. A person may call deception “damage control,” concealment “protecting the institution,” manipulation “following procedure,” or obedience to a questionable instruction “doing one’s job.” The vocabulary does not change the conduct; it changes the agent’s relationship to the conduct. This is particularly important, because, responsibility requires more than physical participation, it requires recognition of what one’s participation means.

The jurisprudential significance of moral disengagement is that it reveals why the language of obedience must be treated with caution. Not every person who obeys an order is morally blameworthy, and not every institutional instruction places the recipient under an obligation to resist. Circumstances of coercion, dependency, ignorance, legitimate delegation and reasonable reliance may affect the degree of responsibility attributable to an individual. Nevertheless, the existence of such circumstances does not justify a general principle that obedience cancels moral agency. Indeed, the more obviously wrongful the conduct, the more difficult it becomes to treat institutional instruction as a complete moral defence. Moral disengagement becomes dangerous, when that capacity is deliberately surrendered and excuses are constructed after the fact to make participation psychologically bearable. Thus, the problem is not obedience itself but obedience accompanied by the

systematic manufacture of reasons for not taking responsibility.

### **Evaluating Institutional Obedience and the Evasion of Responsibility: The JAMB Experience**

The Nigerian experience gives the problem of obedience a particularly revealing institutional dimension. In 2018, a report emerged from the Makurdi office of the Joint Admissions and Matriculation Board (JAMB) that, a substantial sum of money had allegedly disappeared after a snake entered the premises and swallowed it. The explanation attracted widespread disbelief, but its jurisprudential significance, lies deeper than its obvious implausibility. The central question is not simply, whether a snake, could have swallowed such an amount of money; it is, what happens to responsibility, when an institution produces an explanation that its own members are expected to defend. If a clerk was instructed by a superior to present or defend the explanation, does obedience transform the explanation into something for which she bears no responsibility? Conversely, if the superior supplied the narrative, can the superior escape responsibility by arguing that the clerk merely communicated it? The episode exposes the danger of institutional structures in which responsibility travels upward when decisions are made and downward when consequences become embarrassing. It therefore provides a concrete Nigerian illustration of the broader jurisprudential problem developed in the preceding sections: authority can distribute tasks,

but it cannot automatically distribute away responsibility.

The questions surrounding the clerk's participation are therefore more important than the unusual character of the alleged event itself. Did she personally see the snake? If she did, why was there no immediate alarm, investigation or attempt to recover the money? If she did not see it, on what basis was she prepared to defend the claim? And if the explanation came from a superior, was she morally entitled simply to repeat it without questioning its credibility? These questions are not intended to establish guilt, where the facts cannot establish it; rather, they expose the threshold at which obedience requires independent judgment. An employee does not ordinarily become the author of every institutional decision, merely because, she communicates it, but neither does communication, necessarily make her morally neutral. The distinction lies in knowledge, agency and participation. A person who unknowingly communicates a falsehood, stands differently from one who recognises its implausibility, and nevertheless, chooses to defend it.

The JAMB episode profoundly brings the central argument of this study into sharp relief. A person, takes a decision within the limits of the choices, available to him or her, and must ordinarily, answer for the consequences of that decision. This does not mean that every consequence is foreseeable, that every subordinate has unlimited freedom to disobey, or that the person who

executes an order bears the same responsibility as the person who designed it. It should be known that, moral responsibility, is sensitive to intention, knowledge, coercion, capacity and the degree of participation. Nevertheless, none of these qualifications supports the sweeping claim that obedience itself is an absolution. The superior who creates a wrongful instruction, cannot hide behind the subordinate, who executes it; equally, the subordinate who knowingly participates, cannot automatically, hide behind the superior who gave the instruction. The deeper lesson of the JAMB controversy is therefore, not about snakes, but about agency: when an individual accepts an institutional explanation, communicates it, defends it or acts upon it, the individual enters a relationship of responsibility, with the consequences. A morally serious legal order, must consequently demand more than obedience from its officials; it must demand the courage to question, the capacity to judge and the willingness to answer for what one has chosen to do.

### Conclusion

The study has demonstrated that, obedience to legal or institutional authority does not, by itself, absolve an individual of moral responsibility. The central problem, was not whether obedience is necessary for an ordered society, but whether, authority can become a moral shelter, behind which, individuals hide when their conduct, produces wrongful consequences. The jurisprudential analysis established that,

authority may legitimately structure conduct, distribute responsibilities and create obligations, but it does not automatically extinguish the agency of those who comply. Arendt's Eichmann exposes the danger of thoughtlessness in obedience, while Bandura explains how individuals psychologically disengage from responsibility through displacement, diffusion and other mechanisms of moral disengagement. The JAMB episode further demonstrates how institutional actors can become trapped in a chain of responsibility in which everyone can identify an instruction but no one wishes to own the consequence.

The study therefore finds that, responsibility follows agency, not merely hierarchy. A superior who issues a wrongful command may bear responsibility for originating it, but a subordinate, who knowingly and voluntarily, participates in its execution cannot automatically, transfer responsibility upward. Conversely, the subordinate should not be made the sole bearer of responsibility where the superior exercised decisive control or coercive authority. Ultimately, the study rejects the proposition that, a person can surrender moral responsibility, simply by pointing to the authority behind an action. To obey is to act, and where an individual retains meaningful capacity to understand, choose and participate, that individual remains answerable for the choice made. This does not mean that every act of obedience is blameworthy; rather, it means that obedience is never, by itself, a complete moral defence.

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