

# The Soldier and Liberal Society

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## Societal-Military Relations in Germany and the United Kingdom

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Thesis submitted in fulfilment of the requirements for the degree of PhD

Department of International Politics

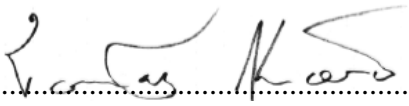
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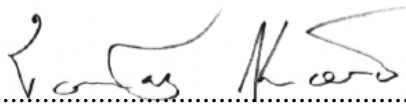
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## Summary

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It is a generally accepted view in the literature on civil-military relations and military sociology that the military is a ‘Janus-faced’ organisation. One of its faces has to watch the strategic requirements and the other face looks at its parent society. The Janus-face analogy indicates that the strategic and societal views are intrinsically antithetical. The notion of the antithetical relationship between liberal ideology and military security was established as early as the 1950s in Samuel Huntington’s seminal book *The Soldier and the State*. This thesis is conceived as a critical debate with Huntington, challenging, in particular, the notion that societal and functional imperatives are inevitably distinct and antithetical.

The aim of this thesis is to analyse in what ways liberalism – as a meta-ideology or a guiding ethos – determines the military capacities of West European societies. The empirical analysis has been carried out on the cases of the German *Bundeswehr* (from the 1950s onwards) and the British armed forces (from the beginning of the 20<sup>th</sup> Century onwards). Despite the enormous divergence these two cases represent, a similar pattern of behaviour is recognisable in them. This examination reveals that specific policies, institutions and practices are preferred because of their relation to liberal principles. Sometimes liberal norms are used merely to advocate an otherwise necessary policy, such as universal conscription at the time of emergency. Regarding other issues, such as the right to conscientious objection, liberal principles are the most relevant causal factor. Among the issues affected by liberal ideology are also the varieties of military mission, military ethics and professional identity of soldiers.

The case studies examined in this thesis demonstrate that a meaningful adaptation of the military to the principles possessed by its parent society can be, more often than not, desirable also from the perspective of security strategy.

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## Abbreviations

ABCA – Army Bureau of Current Affairs  
ACCO – Advisory Committee on Conscientious Objectors  
AEC – Army Education Corps  
AVF – All-Volunteer Forces  
AWACS - Airborne Warning and Control System  
AWOL – Absence Without Official Leave  
BA – British Army  
BAOR – British Army of the Rhine  
CDU – *Christlich Demokratische Union Deutschland*, Christian Democratic Union of Germany  
CIGS – Chief of the Imperial General Staff  
CO – Conscientious Objector  
COIN – Counterinsurgency  
CSU – *Christlich-Soziale Union in Bayern*, Christian Social Union of Bavaria  
ECR – Electronic Combat Reconnaissance Aircraft  
EOD – Explosive Ordnance Disposal  
EUFOR – European Union Force  
FDP – *Freie Demokratische Partei*, Free Democratic Party  
HARM – High-Speed Anti-Radiation Missile  
IED – Improvised Explosive Device  
IFSH – *Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg*,  
The Institute for Peace Research and Security Policy in Hamburg  
IRA – Irish Republican Army  
ISAF – International Security Assistance Force in Afghanistan, 2001 – present  
IT – Information Technology  
KFOR – Kosovo Force, 1999 – present  
KSK – *Kommando Spezialkräfte*, Special Forces Command  
MACC – Military Assistance to Civilian Communities  
MACM – Military Assistance to Civil Ministries  
MAGD – Military Assistance to Government Departments  
MOOTW – Military Operations Other Than War  
NCO – Non-Commissioned Officer

NSL – National Service League  
OEF – Operation Enduring Freedom  
PDS – *Partei des Demokratischen Sozialismus*, Party of Democratic Socialism  
RAF – Royal Air Force  
RECCE – Reconnaissance aircraft  
RN – Royal Navy  
RNAS – Royal Naval Air Service  
ROE – Rules of Engagement  
SDR – Strategic Defence Review  
SFOR – Stabilization Force in Bosnia and Herzegovina, 1996-2004  
SOWI – *Sozialwissenschaftliche Institut der Bundeswehr*, Social Science Research Institute  
of the Bundeswehr  
SPD – *Sozialdemokratische Partei Deutschlands*, Social Democratic Party of Germany  
THW – *Technisches Hilfswerk*, German Disaster Relief Agency  
UNOSOM II – United Nations Operation in Somalia II, 1993-1995  
VPR – *Verteidigungspolitischen Richtlinien*, Defence Policy Guidelines  
YMCA – *Young Men's Christian Association*  
ZDv – *Zentrale Dienstvorschrift*, Central Service Regulation



# Introduction

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During the autumn of 2013 I spent over two months at the University of the German Armed Forces in Hamburg. The university is a world-wide unique institution where the process of socialisation of young officers into the military is confronted with their thorough academic education in non-military subjects. According to the official mission statement of the university, a completion of a degree at the university is supposed to increase the attractiveness of the profession, to sharpen the profile of the graduates and to improve their future prospects. Yet, this should not conceal the fact that the university is a place of tension between two antithetical tendencies: between the orderly and uniformed life of a military professional and the intellectually free world of liberal civilian academia.

In October, I was given the opportunity to observe the matriculation ceremony in which young ensigns were ushered into the new role of students. Lieutenant-General Bruno Kasdorf, the most senior Army officer, was invited to give an address to the audience of about 500 students in military uniform. In his speech General Karsdorf in a rather enlightened way emphasised the importance of non-military expertise in current military operations and the need for intellectually and humanly mature officers. However, he also urged the audience that although as university students they are allowed to wear civilian clothes, they should never strip off their ‘inner uniform’ and forget about their being soldiers. That was the last straw for my hosts, academics from the historical institute of the university. To them, already the fact that the students were ushered into the university by a military man was a serious issue, but the appeal to keep the ‘inner uniform’ was perceived as a direct assault on their academic efforts. It is exactly the intellectual emancipation from the mental uniform that they considered a prerequisite for an effective academic education.

The case of General Karsdorf’s matriculation address, however passionately felt about by my friends, is certainly not a serious issue. Yet it may illustrate the tension that exists between the military and liberal society, here represented by its probably most extreme agent: academia. In this rather benign case, it was the liberal academics who perceived the military culture at odds with their ideals of intellectual life. However, in this conflict the military is not always on the offensive and liberal society in defence. Nowadays, more often than not it is the other way around. Military culture and institutions get under pressure to conform to the

features of liberal society. Yet, the end of the military ethical and institutional autonomy is often argued to have serious consequences for the business of military effectiveness.

On this point Bernard Boëne posits:

The soldier is the one who, when ordered to do so, will if need be take to impersonally killing or maiming designated human beings, destroying property and suppressing freedoms, all in the name of a legitimate or even sacred duty which he cannot possibly evade. This, literally, does *not* stand to reason, and implies a peculiar socialization, hence distinctive structures together with a unique normative system.<sup>1</sup>

In this quotation Boëne assumes that being a soldier necessarily implies the transgression of norms that are central not only to liberal society. While the peaceful internal life of an organised society requires that killing and the use of excessive violence be prohibited not only by the law but also by the most fundamental ethical norms, the state still needs to legitimise the use of violence under certain circumstances. Therefore, it is imperative for the security of the state to create a separate organisation within state and society that is permitted to use deadly force. As Jan Angstrom argues, creating and maintaining a distinction between civil and military is crucial for the existence of the state: ‘If we did not have “civil” and “military”, the elites would not be able to uphold the distinction between war and peace.’<sup>2</sup> The military culture and ethic thus may be quite plausibly argued to be necessarily distinct from that of society.

It is a generally accepted view in the literature on civil-military relations and military sociology that the military is a ‘Janus-faced’ organisation.<sup>3</sup> One of its faces has to watch the strategic requirements and the viewpoint of this face is commonly used to lend support to the claim for the need of a distinct military culture and ethics. Yet, the other face has to look at its parent society and be responsive to its normative requirements. After all, modern military organisations can do little without support from society. Thus accepting the Janus-face analogy for the time being, the armed forces have to adopt some of the societal requirements

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<sup>1</sup> Bernard Boëne, "How 'Unique' Should the Military Be? A Review of Representative Literature and Outline of a Synthetic Formulation," *European Journal of Sociology*, 31, no. 1 (1990): 8.

<sup>2</sup> Jan Angstrom, "The Changing Norms of Civil and Military and Civil-Military Relations Theory," *Small Wars & Insurgencies*, 24, no. 2 (2013): 226-27.

<sup>3</sup> Christopher Dandeker, "New Times for the Military: Some Sociological Remarks on the Changing Role and Structure of the Armed Forces of the Advanced Societies," *The British Journal of Sociology*, 45, no. 4 (1994): 639; Jean Callaghan et al., "Armed Forces and Society in Europe - the Challenge of Change," in *Military and Society in 21st Century Europe: A Comparative Analysis*, ed. Jürgen Kuhlmann and Jean Callaghan (Hamburg: Lit, 2000), 6.



in order to survive within society, but simultaneously this normative convergence towards society may undermine the very function of the military organisation.

The Janus-face analogy indicates that the strategic and societal views are intrinsically antithetical. After all, it would contradict the physiognomy of the double-headed god if the societal and strategic views were to overlap. The notion of an antithetical relationship between liberal ideology and military security was established as early as the 1950s in Samuel Huntington's seminal book *The Soldier and the State*. This thesis is conceived as a critical debate with Huntington. However, it is not going to adopt the contrary relationship between functional and societal requirements as its supposition. The aim of this thesis is to examine the relationship between the normative values of Western European societies and their defence policies and military organisations (here called societal-military relations) in an open-ended way. Assuming from the beginning that the impact of the societal imperatives – hostile to the military though these might be, as manifested in the academic reaction to the matriculation address – always tends to emasculate the functional effectiveness of the military would automatically discard the thesis of Jean Jaurès, a pre-1914 French socialist-internationalist:

France ought to develop her military organization on the lines of her national characteristics, in harmony with the ideal law of an all-embracing democracy devoted to the cause of peace.... It would be fatal to the national genius and to the independence of France if she were — as regards military organization — merely a feeble imitation of Germany: the first essential step towards attaining her national ideals without war is to set her national genius free from the influences of German militarism.<sup>4</sup>

Jaurès here suggested that even a fundamentally peaceful society can organise itself for the purpose of defence in accordance with its societal principles. Moreover, by doing that the society would be better prepared for war than if it allowed for a normatively insulated war-oriented military organisation. Accordingly, the liberal political and ethical thinking, as will be demonstrated later on, produced a range of propositions concerning the legitimate use and organisation of military force. It is the applicability and practical relevancy of such ideological propositions which this thesis is designed to examine.

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<sup>4</sup> Jean Jaurès, *Democracy & Military Service. An Abbreviated Translation of the Armée Nouvelle of Jean Jaurès*, ed. C.G. Coulton (London: Simpkin, Marshall, Hamilton, Kent & Co., 1916), 20.

## Central Research Question

The central research question of this thesis reads: *In what ways does the liberal ideology of Western European societies determine their military capacities?* As mentioned above, this thesis attempts to go beyond the assumption that societal and strategic imperatives are inevitably distinct and antithetical. Yet it is not assumed, either, that fusionism – an effective blurring of all distinctions between the military and civil spheres<sup>5</sup> – would be a necessary result of a perfect impact of liberalism on defence policy. One may conceive of a military organisation shaped completely by liberal norms concerning the organisation of armed forces, yet to a certain extent distinct from the rest of society. For example, the liberal concept of nation-in-arms rests on compulsion, suspension of individual rights and freedom, and the ultimate sacrifice; yet, simultaneously, the military forms, ethos and leadership practices have to be refashioned along liberal principles.

Moreover, although the antipathy between societal and strategic imperatives is not considered a supposition here, it does not mean that this hypothesis is rejected outright. On the contrary, it is obvious that the armed forces in Western Europe can rarely stand for an ideal version of liberal military organisation. Even the West German armed forces, the *Bundeswehr*, which were established by liberal society and strongly influenced by liberal norms, manifested a significant tendency to develop an illiberal martial ethos. Therefore, it must be assumed that other factors, including the strategic one, might contradict and provide resistance to the liberal propositions. After all, it has become commonplace in the literature on civil-military relations and military sociology to assume that it was the disappearance of the Soviet threat after the end of the Cold War that allowed social values to expand into the armed forces.<sup>6</sup> The question as to under what conditions liberal precepts determine the military organisation is thus an essential part of the thesis's research puzzle.

Closely related to this question is the issue of political processes through which general and broad ideological principles are translated into rules and institutions. Defence-policy formulation is a field where various factors might be expected to present contradictory demands. The external security environment may require overriding ideologically based

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<sup>5</sup> Boëne, "How 'Unique' Should the Military Be," 3-4; Peter D Feaver, "Civil-Military Relations," *Annual Review of Political Science*, 2, no. 1 (1999): 219-20.

<sup>6</sup> See e.g. Charles C. Moskos et al., "Armed Forces after the Cold War," in *The Postmodern Military: Armed Forces after the Cold War*, ed. Charles C. Moskos, John Allen Williams, and David R. Segal (Oxford: Oxford University Press, 2000), 2.

principles and, conversely, domestic ideological imperatives may demand a reshaping of the external security environment or at least the state's position in it. This is the central issue in the constructivist contribution to the structure/agency debate that will be presented in the following chapter and then form the theoretical backbone of this thesis.

Yet it is not only the conflict between external/strategic and internal/ideological imperatives that is under scrutiny here. The military is usually a culturally and ethically distinct community of people. It can be expected, therefore, that the norms of wider society would face an organised resistance if extended onto a conservative military community. The conservative/traditionalist forces thus may represent another factor which is contradictory to liberal ideological imperatives. Hence it is important to the research project to trace the processes through which broad ideological principles are translated into rules and institutions, such as major military reforms and their implementations, and the agents that have the power to promote liberal policies, e.g. the minister of defence or the constitutional court.

Last but certainly not least, it is of primary interest to this research to find out which aspects of the military organisation, such as form of recruitment, hierarchy, obedience or code of conduct, may become affected by liberal principles and which would remain beyond the reach of ideological imperatives imposed by society. In this regard, to ascertain the relationships between general ideological principles and specific institutions related to military capacities is instrumental in answering the central research question.

## **Military Capacities**

The central research question asks about the relationship between two concepts: *liberal ideology* and *military capacities*. It is the aim of this and the following section to explicate these terms. In comparison with the term 'military organisation' frequently used in military sociology,<sup>7</sup> The concept of military capacities is used here to cover both the policy of the use of military power and its organisation. It is important to consider these two aspects as closely interrelated, or even as a whole. The military organisation cannot be formed independently from its role in the foreign and security policy of the state and, conversely, in

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<sup>7</sup> See Maury D. Feld, "A Typology of Military Organization," *Public Policy*, 8(1958); Charles C. Moskos, "Toward a Postmodern Military: The United States," in *The Postmodern Military: Armed Forces after the Cold War*, ed. Charles C. Moskos, John Allen Williams, and David R. Segal (Oxford: Oxford University Press, 2000).

the foreign and security policy only such instruments can be utilised that actually exist. A system in which these two parts were dissociated cannot persist for very long.

For analytical purposes, the concept of military capacities is divided into three constitutive elements: *the mission*, *the make-up*, and *the institutional culture* of the armed forces. As for the *mission*, the existence of the armed forces should be legitimised by their role in the state's foreign and security policy and the concept of mission reflects this role. On the one hand, the mission can be formulated quite broadly, for example if the armed forces are considered as a convenient instrument at the disposal of government for pursuing real-political interests. The gunboat diplomacy frequently witnessed in the 19<sup>th</sup> Century may be one example of such a rather unscrupulous use of military force in the arena of international politics. However, a similarly limitless use of the military may also be experienced in domestic politics if the government uses troops to enforce its policies. On the other hand, the mission of the military can be defined very specifically, such as for national defence against external aggression. That was the case of the German armed forces, the *Bundeswehr*, during the Cold War. The German constitution stipulated very explicitly that the purpose of the *Bundeswehr* was the territorial defence of West Germany, while aggressive military operations were criminalised and until the late 1960s troops were forbidden to be deployed to suppress an internal insurgency either.

The mission has to reflect the international security environment. Therefore, it is this part of the military capacities in which articulations of the external strategic factors play a crucial role. Yet, it might be expected that liberal political and ethical principles exercise quite a strong impact on the mission. The principles of just war, *jus ad bellum* in particular, should be the minimal restriction on the use of force by every liberal society. Moreover, some liberal peace theorists also speak about 'democratic wars', the sort of wars which nobody else would wage.<sup>8</sup>

The concept of the *make-up* of the armed forces stands for the outer forms of military organisation, such as the personnel structure along with military assets and capabilities. Specifically, the question of conscription and voluntary recruitment has a prominent position in the examination of this category. The process of recruitment establishes a direct connection between the military and the rest of society. Therefore, the mode of recruitment is crucial for the character and quality of the societal-military relations. Conscription, on the one hand, can

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<sup>8</sup> Harald Müller, "The Antinomy of Democratic Peace," *International Politics*, 41, no. 4 (2004): 494-520.

be easily perceived as too intrusive into the private lives of citizens and violating their individual freedoms; on the other hand, it might be necessary to generate sufficient manpower for defence of the state and society and, moreover, it keeps the armed forces under close scrutiny of their parent society. In contrast, voluntary recruitment may allow for thorough development of professional skills among those who freely choose the military career path, but a process of professionalization may at worst alienate, or at least distance, the military from the rest of society.

The make-up of the armed forces should correspond with the mission and thus reflect the strategic needs. Yet, out of the parts constituting the military capacities, it is the make-up that is placed under greatest control of domestic political decision making. Of course, the exclusive military expertise may significantly influence the political deliberation. For example, the insistence of the Prussian General Staff in the early 1860s on three-year compulsory service engendered a constitutional crisis. It is, nonetheless, the full responsibility of the political elites to create or reform the organisational structure of the armed forces in such a way that society would perceive acceptable, appropriate and legitimate.

The concept of *institutional culture* relates to a normative and value system that is embodied in the military organisation and reproduced through military training, regulations, everyday practice and traditions.<sup>9</sup> As depicted at the beginning of this introduction, every military organisation tends to develop an institutional culture that is to a certain extent distinct from the value system of the rest of society. However, this tendency may vary in intensity. The armed forces may, on the one hand, create a segregated community, or caste, of warriors whose ethos would be completely dissociated from the moral code of their parent society. On the other hand, the *métier* or profession of soldiering may effectively approximate a job in other public services, such as the police, fire or ambulance brigades, or even in the private sector.<sup>10</sup>

This thesis will distinguish, and focus on, two aspects of military institutional culture. The first one deals with the ethos that is supposed to motivate soldiers to do their duties,

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<sup>9</sup> Theo Farrell, "The Dynamics of British Military Transformation," *International Affairs*, 84, no. 4 (2008): 783; see also Theo Farrell, *The Norms of War: Cultural Beliefs and Modern Conflict* (Boulder: Lynne Rienner Publishers, 2005).

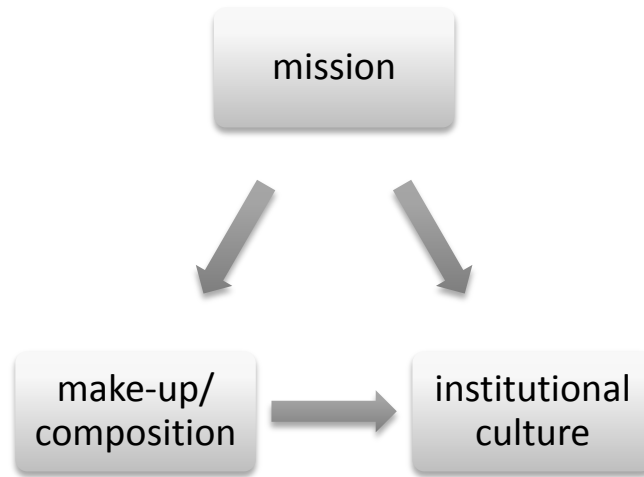
<sup>10</sup> See Charles C. Moskos, "From Institution to Occupation," *Armed Forces & Society*, 4, no. 1 (1977): 41-50; Charles C. Moskos, "The All-Volunteer Military: Calling, Profession, or Occupation?," *Parameters*, 7, no. 1 (1977): 2-9.

including the ultimate sacrifice. This ethos may, on the one hand, emphasise the loyalty to one's superiors, to the armed forces as a whole or to 'king and country'. On the other hand, the military ethos may appeal to the individual moral commitment to a specific mission, such as to defeat an unjust enemy or to help other people out of misery. Professional identity is the second aspect of institutional culture. The professional identity may be, for instance, determined by the fact that warfighting and physical combat completely dominate the training, preparation for and actual practice in the deployment, or, in contrast, the use of violence may be considered just a minor item in a larger job description.

It seems apparent that the institutional culture depends on the mission of the military. If, for example, the armed forces are supposed to be a real-political instrument at the disposal of the government, their ethos can hardly support the development of the individual moral commitment to the cause of deployment. Similarly, the warfighting professional identity is a logical outcome if the military is engaged in a conventional war. Moreover, the intensity and/or quality of the institutional culture are bound to be affected by the make-up of the armed forces. A force consisting of short-term conscripts would probably be prevented from developing into a segregated caste and the emphasis on physical combat might be weakened by the utilisation of advanced technology.

Yet, besides the dependence on the other elements of the concept of military capacity, the institutional culture can also be shaped directly by various agents of society. The government, for example, may provide an institutional setting – e.g. legislation allowing for refusal to obey orders on the ground of conscience or lifting of all barriers on military service of women – that would steer the institutional culture in a specific direction. The courts may enforce that the individual rights and freedoms are not curtailed by the peculiarities of the institutional culture. In addition, civil society may influence the soldier's mind through personal interactions on an everyday basis. After all, the fear that the mass armies of the 19<sup>th</sup> Century could be corrupted by civilian influence was a major reason why the soldiers were kept isolated within barracks at all times. However, any attempt to bring about a significant reform of the culture is bound to be an uphill struggle, since the culture is engrained in the minds of those who would be asked to carry out the changes. Moreover, in some cases the

socialisation and assimilation processes within the military have the potential to displace the influence of the parent society.<sup>11</sup>



**Figure 1 The concept of military capacities**

In the above description of the military capacities the relationship between the constitutive elements is portrayed to follow an instrumental logic: the mission represents objectives and, therefore, determines both the make-up and the institutional culture. Moreover, the culture is also claimed to depend on the personnel structure and/or military capabilities, i.e. the make-up of the armed forces. Since liberalism is not an ideology favouring the conservation of traditional military features, the logic described here should be applicable to the military capacities in liberal societies too. Nonetheless, it is conceivable that in cases where the military dominates domestic politics it is the institutional culture that, in the long-term, can determine both the mission and the make-up of the armed forces. That should not be the case of Western European liberal states with which this thesis is concerned. However, it is by no means unlikely that particular features of the military make-up become so rooted that, in order to keep these institutions, politicians would tend to preserve an outdated mission. It is a commonplace observation about Germany in the 1990s and 2000s that the dependence of German public services on alternative civilian service (*Zivildienst*)

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<sup>11</sup> Elizabeth Kier, *Imagining War: French and British Military Doctrine between the Wars* (Princeton: Princeton University Press, 1997), 149.

was a significant constraint in the process of military transformation.<sup>12</sup> The Bundeswehr, well after the end of the Cold War, remained recruited, structured and trained in ways that made its engagement in ‘out of area’ operations problematic.

## Liberal Ideology

This thesis understands liberalism as a specific kind of ideology or a guiding ethos. This understanding is based on the work of Anthony Arblaster and Richard Bellamy. Both Arblaster’s *The Rise and Decline of Western Liberalism*<sup>13</sup> and Bellamy’s *Liberalism in Modern Society*<sup>14</sup> present a strong critique of the contemporary liberal socio-economic system. Unlike most of the present-day critics of liberalism, however, they are not concerned merely with the neoliberal ideology; they try to point out problems that are inherent to the entire tradition of Western liberalism.

Arblaster and Bellamy reflect that liberalism in contemporary western societies is no longer represented by any political movement or party. It need not. Its major aims have already been attained, particularly certain forms of political freedom and tolerance and lawful rather than arbitrary government were achieved, and hence liberalism now exists only as a ‘widely diffused ethos’ that is, as Arblaster maintains, ‘influential in determining attitudes and outlook at the most fundamental level, the level of assumptions’.<sup>15</sup> In Bellamy’s words, present-day liberalism is a meta-ideology – a ‘set of presuppositions and sentiments of a supposedly neutral and universal kind which dominates political thinking across the ideological spectrum’. Hence Bellamy can state: ‘it seems we are all liberals now’.<sup>16</sup>

Arblaster reflects in his book the revival of classical laissez-faire liberalism as a response to the economic crisis in the mid-1970s. He interprets this ideological transformation as merely a replacement of one liberal alternative with another:

The revised social-democratic version of liberalism, which is suited to capitalism in its periods of growth and stability, yields place to a more oldfashioned, nineteenth-century version of the creed at moments of crisis. At those moments, a robust defence of the old

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<sup>12</sup> See e.g. Tom Dyson, "German Military Reform 1998-2004: Leadership and the Triumph of Domestic Constraint over International Opportunity," *European Security*, 14, no. 3 (2005): 361-86.

<sup>13</sup> Anthony Arblaster, *The Rise and Decline of Western Liberalism* (Oxford: Blackwell, 1984).

<sup>14</sup> Richard Bellamy, *Liberalism and Modern Society: An Historical Argument* (Cambridge: Polity, 1992).

<sup>15</sup> Arblaster, *The Rise and Decline of Western Liberalism*, 6.

<sup>16</sup> Bellamy, *Liberalism and Modern Society*, 1.



liberal values of property, initiative and ‘free enterprise’ is what capitalism requires; and the old ideology of *laissez-faire* is there, in a suitably updated form, to meet this need.<sup>17</sup>

Irrespective of whether Keynesian or monetarist, social-democrat or liberal-conservative, all main political movements in the West have adopted basic liberal assumptions. One of the most fundamental assumptions is concerned with the individual. ‘Built into the everyday uses of the term “the individual” are certain assumptions about the naturalness and rightness of human diversity, and the desirability of allowing deviance and eccentricity to flourish.’<sup>18</sup> Arblaster stresses that, despite the fact that such individualism is an almost exclusively Western and comparatively recent historical concept,<sup>19</sup> these assumptions are regarded as so commonplace in the West that ‘they lurk concealed and undiscussed beneath the surface of our ordinary, apparently non-ideological language’.<sup>20</sup>

Both Arblaster and Bellamy show that present-day liberalism cannot be expected to provide specific, direct guidelines for actions. After all, such direct rules would always tend to be contested. Liberalism has moved beyond that. According to the conceptualisation of norm strength postulated by Jepperson, Wendt and Katzenstein,<sup>21</sup> liberal principles could be described as ‘common wisdom’ which constrains behaviour without being realised. As Arblaster notes, liberalism in its contemporary form ‘is a way of seeing the social world, and a set of assumptions about it, which are absorbed by the individual in so natural and gradual a manner that he or she is not conscious of their being assumptions at all’.<sup>22</sup>

This concept of liberal meta-ideology determines the methodological approach used in this thesis. Since the ideological assumption may ‘lurk concealed and undiscussed beneath the surface’,<sup>23</sup> historical hindsight is required to understand liberal beliefs shared and maintained by contemporary Western societies. Historical examination of liberal political and ethical thinking thus will be used to identify and articulate the principles that are expected to affect the military capacities in the past and present alike. Bellamy advocates such a methodological approach on the ground that current liberal societies perpetuate the

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<sup>17</sup> Arblaster, *The Rise and Decline of Western Liberalism*, 7.

<sup>18</sup> *Ibid.*, 7-8.

<sup>19</sup> Cf. Colin Morris, *The Discovery of the Individual, 1050-1200* (London: S.P.C.K., 1972).

<sup>20</sup> Arblaster, *The Rise and Decline of Western Liberalism*, 8.

<sup>21</sup> Ronald L. Jepperson et al., "Norms, Identity, and Culture in National Security," in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 55.

<sup>22</sup> Arblaster, *The Rise and Decline of Western Liberalism*, 6.

<sup>23</sup> *Ibid.*, 8.

institutional framework and values which were created in and for conditions of 19<sup>th</sup> Century society.<sup>24</sup> Moreover, Arblaster proposes that certain normative common threads run through the history of liberalism. In accordance with this view, it is assumed here that the common threads identified in the examination of 19<sup>th</sup> Century liberal political thinking, for example, continue to shape world-views and other political ideas in contemporary societies.

## **Thesis Structure and Case Selection**

The thesis objectives and argument are developed progressively. The first substantive chapter contains a literature review, a critical analysis of Samuel Huntington's theory of civil-military relations and a section on methodological issues related to the examination of norms and ideologies. Huntington dealt with the relationship between liberal ideology and the military as early as the 1950s and produced a theory which, though heavily criticized, influences the field of civil-military relations down to present times. The critical analysis of his theory thus attempts to identify flaws in his theory and, by applying constructivist theory of international politics, establishes an alternative theoretical foundation for the thesis argument. Huntington's conceptual framework remains a reference point throughout the entire thesis.

The second chapter deals with the liberal principles concerning the military and the use of force. In this chapter liberal political and ethical thinking of the 19<sup>th</sup> and 20<sup>th</sup> Century is analysed in order to uncover the most relevant common threads in the philosophical tradition. It is assumed that these common threads represent the most fundamental principles in Western European liberalism until present times. The chapter is divided into three main sections, each dealing with a different level of analysis. In the first section the ideas concerning humankind on a supranational level are examined. The second section is concerned with political thinking about the position of the military institutions within the state. The last section deals with the ethical issues concerning the conflict between the rights and freedoms of the individual and military service. These three categories then continue in the following chapters to frame the liberal principles duly identified.

The empirical part of the thesis consists of three case studies. Chapter Three focuses on the case of West German rearmament during the Cold War. The foundation of the West

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<sup>24</sup> Bellamy, *Liberalism and Modern Society*, 1.

German armed forces, the *Bundeswehr*, presents a unique case of a military created by a liberal society. The fact that the *Bundeswehr* was created in the mid-1950s in a situation when the basic political institutions had already been established allowed for the maximum amount of societal influence in the design of the armed forces. Admittedly, the West Germany of the 1950s can hardly be described as a liberal society in the sense of deeply embedded meta-ideology as defined above. However, the cultural and ideological rupture that followed the defeat in the Second World War, the process of re-education conducted by the Western allies and the division of Germany into two states significantly facilitated the adoption of liberalism in the Federal Republic. Moreover, the social and political elites that were decisive in the process of rearmament pursued the aim more or less consciously of liberalising West German society.<sup>25</sup> The rearmament of West Germany is hence assumed to present a case in which the liberal imperatives probably faced the weakest possible resistance on the domestic level.

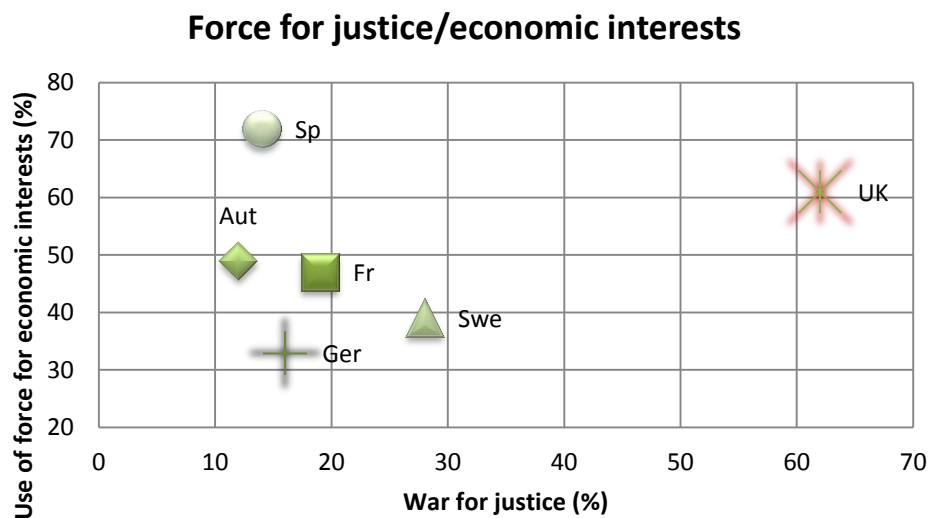
The fourth chapter is concerned with the transformation of German military capacities after the end of the Cold War. The liberal principles should be understood as providing a kind of guidance for political decision-making, which, nevertheless, has to reflect the conditions of the day. Specific liberal norms, rules and institutions should always be viewed in relation to the prevailing security environment. Therefore, even if West German military capacities had completely followed the liberal principles during the Cold War, the radical change of the international security environment wrought in the early 1990s had to render the original military capacities obsolete and inappropriate. This chapter hence observes the process of transformation of the *Bundeswehr* from a Cold War defensive force to an expeditionary one. What is examined is the extent to which this transformation has been guided by liberal principles.

The British military policies and institutions are the topic of the last case study. Through the conceptual framework of military capacities the development of the UK armed forces throughout the 20<sup>th</sup> Century until the present is analysed. Such a long historical period is necessary in order to examine such temporally distant issues as the debates on the merit of national service that started before the First World War, the programme of citizenship education during the Second World War, and the early 21<sup>st</sup> Century counterinsurgency operation in Afghanistan.

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<sup>25</sup> See Axel Eggebrecht, *Die zornigen alten Männer: Gedanken über Deutschland seit 1945* (Reinbek b. Hamburg: Rowohlt, 1979).

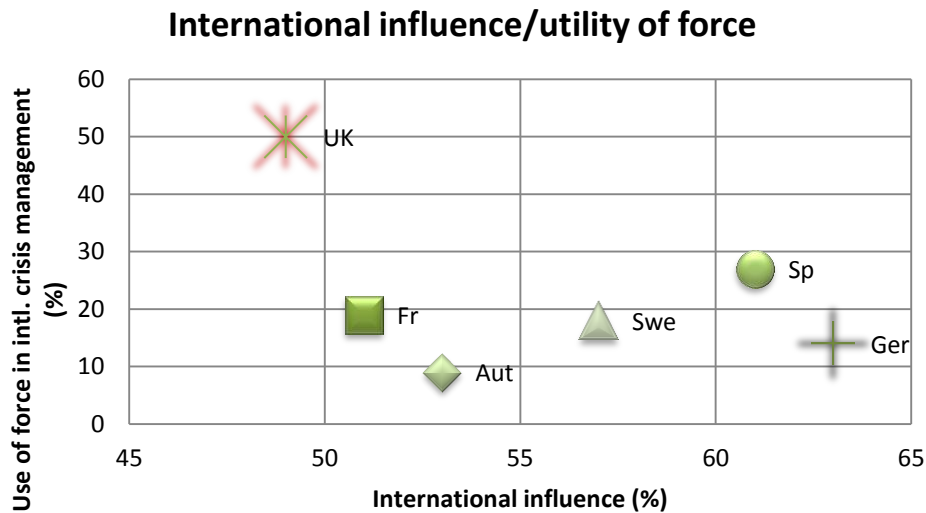
Finally, the conclusion provides an opportunity for comparison of the findings from each case study so as to develop a generalisable understanding of the impact of liberal ideology on defence policies and on military institutions. This reasoning also informed the selection of individual cases. Apart from the fact that West German rearmament presents a unique case of the creation of armed forces almost on a fresh blank canvas, Germany and the United Kingdom also represent two opposite extremes with regard to their strategic culture. The two charts below may illustrate the fact that the public views on strategic issues in these two countries could not be more diverse, as far as European liberal societies are concerned.



**Figure 2 Scatter plot displaying agreement with the statements:**

x) ‘war may be necessary to enforce justice’; y) ‘the armed forces should be deployed to secure the supply of energy and raw materials’.<sup>26</sup>

<sup>26</sup> Source of data: Heiko Biehl, *Strategische Kulturen in Europa: Die Bürger Europas und ihre Streitkräfte* (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 2011), 52, 73.



**Figure 3 Scatter plot displaying agreement with the statements:**

**x) ‘my country should exercise strong influence in international politics’; y) ‘my country should deploy also military force to manage and prevent international crises and conflicts’.**<sup>27</sup>

Germany is commonly described as a ‘civilian power’, a particular foreign-policy identity ‘which promoted multilateralism, institution-building and supranational integration and tried to constrain the use of force in international relations through national and international norms.’<sup>28</sup> Such an identity is an obvious legacy of the Second World War – a legacy which is present in the German political discourse in the set of ‘never again’ principles: ‘never again war’, ‘never again Auschwitz’, and ‘never again alone’. The historical experience thus guides Germany to take its share of responsibility for global problems, but simultaneously to accentuate the restraint on the use of force.

In contrast, the United Kingdom has traditionally few qualms about using her armed forces as an instrument of foreign policy. The Blair government thus proclaimed the armed forces to be ‘a vital part of our armoury in helping to enforce the rule of law in an unstable world’.<sup>29</sup> This militant liberalism certainly owes a great deal to the legacy of empire, for it was the imperial commitment that kept the British Army deployed throughout most of the 20<sup>th</sup> Century. It is telling, in this regard, that there was only one year in the 20<sup>th</sup> Century – 1968 – when no British soldier was killed in action. Moreover, its homeland’s insular

<sup>27</sup> Source of data: Ibid., 39, 50.

<sup>28</sup> Hanns W. Maull, "Germany and the Use of Force: Still a 'Civilian Power'?", *Survival*, 42, no. 2 (2000): 56.

<sup>29</sup> "HC Deb 19 October 1998: Strategic Defence Review," in *Hansard* (London: UK Parliament), vol 317 c968.

position provided Great Britain with rather unique strategic conditions. The United Kingdom thus differs considerably from Germany, in terms of strategic culture and defence policies. Yet, it is important to emphasise that the aim of this thesis is not to explain the difference in the German and British strategic cultures; rather, observing similar processes and features gives us the opportunity to explore the effects of liberal ideology on the military capacities in such apparently different conditions.

# **Chapter One:**

## **Liberal Organisation of the Military – Literature Review, Theory, and Methodology**

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The relationship between societal ideology and defence policy has not gone unattended by scholars. This chapter is designed to review the literature that has explored the issues of domestic imperatives and ideology, on the one hand, and military capacities on the other. The literature under consideration here ranges from the liberal peace theory, through military sociology to strategic studies. Nonetheless, the main part of this chapter focuses on a single book – Samuel Huntington’s *The Soldier and the State*. Huntington’s theory of civil-military relations postulates a strong argument about the role of liberalism in military policy and in the organisation of armed forces. Huntington’s seminal book is here subjected to an extensive critique based on a constructivist-ontological perspective and upon this constructivist critique a theoretical foundation for the thesis argument is subsequently established. The last section of this chapter is designed to discuss the methodological challenges that the examination of norms and ideologies poses.

### **Literature Review**

#### ***Liberal peace and liberal wars***

For anyone seeking a link between the ideological structure of liberal societies and their use of military force, the liberal peace theory remains an obvious reference point. The theory elaborates very strong claims about the military behaviour of liberal-democratic states and, furthermore, it is one of the most solidly established theories in international relations. Its solidity is based on a large number of statistical studies which provide robust empirical evidence that modern democratic states have never or very rarely fought one another.

According to its major proponents,<sup>1</sup> the liberal peace theory is based on several strains of assumptions. Zeev Maoz and Bruce Russett argue that lasting peaceful relations between liberal-democratic states rest upon, first, structural and institutional constraints within democratic political systems (structural assumptions) and, second, externalisation of domestic liberal-democratic norms and political culture (normative assumptions).<sup>2</sup> Michael W. Doyle, who has built his liberal peace theory directly on Kant's essay *Towards Perpetual Peace* written in 1795, adds a third strain of explanation – transnational interdependence.<sup>3</sup>

From the viewpoint of this thesis what is particularly relevant here is the normative strain of the theory. Interestingly enough, statistical tests conducted by Maoz and Russett suggest that in comparison with the structural assumptions, the explanatory power of the normative assumptions is more robust and thus the normative factors present a better overall account of liberal peace.<sup>4</sup> The normative assumptions deal with the externalisation of liberal principles as well as domestic democratic procedures. Regarding the former, norms of equality, human dignity and self-determination and a 'live-and-let-live' notion, which are attributes of liberal societies, are said to be projected onto other recognised liberal-democratic societies. As for the latter, a regulated political competition, compromise and the peaceful transfer of power are supposed to mitigate a conflict of interest between two democratic states.<sup>5</sup>

These restraints do not, however, apply to non-democratic states. Rulers of non-democratic states are claimed to control their subjects by authoritarian and forceful means and not to respect their own people's right to self-determination. They are not, therefore, expected to behave better towards people outside their states.<sup>6</sup> Doyle emphasises that these normative principles differentiate policy towards liberal and non-liberal states, 'requiring

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<sup>1</sup> Zeev Maoz and Bruce Russett, "Normative and Structural Causes of Democratic Peace, 1946-1986," *The American Political Science Review*, 87, no. 3 (1993): 624-38; Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs," *Philosophy and Public Affairs*, 12, no. 3 (1983): 205-35; Michael W. Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part 2," *Philosophy and Public Affairs*, 12, no. 4 (1983): 323-53; Michael W. Doyle, "Three Pillars of the Liberal Peace," *The American Political Science Review*, 99, no. 3 (2005): 463-66; Bruce M. Russett, *Grasping the Democratic Peace: Principles for a post-Cold War World* (Princeton, N.J: Princeton University Press, 1993).

<sup>2</sup> Maoz and Russett, "Normative and Structural Causes of Democratic Peace, 1946-1986," 624-38.

<sup>3</sup> Doyle, "Three Pillars of the Liberal Peace," 463-66.

<sup>4</sup> Maoz and Russett, "Normative and Structural Causes of Democratic Peace, 1946-1986," 624-38.

<sup>5</sup> Russett, *Grasping the Democratic Peace*, 33.

<sup>6</sup> *Ibid.*, 31-32



trust and accommodation toward fellow liberals and producing distrust of and opposition toward nonliberals'.<sup>7</sup>

The liberal peace theorists thus stress that liberal democracy creates not only friends but also enemies by inferring either peaceful or aggressive motives from the domestic normative structures of their counterparts and imputing those motives to the respective brands of government.<sup>8</sup> Liberal states are believed to establish a zone of peace, or 'pacific union', among themselves, whereas, as Doyle or Thomas Risse-Kappen postulate, outside the 'pacific union' of liberal states anarchy with a latent state of war, as realists describe it, exists.<sup>9</sup> However, this explanation, as Harald Müller points out, neglects the fact that liberal states tend to fight wars that no one else would. It is unique to liberal societies that their wars are waged to preserve international law and to prevent human disasters and large-scale violations of human rights.<sup>10</sup> Therefore, it is not only the extraordinary absence of wars between liberal-democratic states, but also the actual use of force that needs to be explained by domestic factors.

In this respect, Bruce Buchan explains that one of the core principles of liberalism demands that the use of violence should be mitigated both at the level of individual citizens and at the state level. A tension within liberalism thus exists between keeping peace within society by empowering the state and containing state violence by constraining the state. One result of this tension is said to be a highly selective conception of 'pacification' within liberalism, which has legitimised the use of military force for such objectives as the imperial expansion seen in the past and the disciplining of so called 'rogue' states in the present.<sup>11</sup>

Moreover, Müller remarks that there have been huge differences in the use of military force by liberal states. Liberal philosophical tradition allows, he argues, for two competing ways of behaviour (*antinomies*) towards non-liberal states. On the one hand, 'militant democracies' regard non-liberal states as potential enemies and hence frequently fight wars to change their regime ('democratic wars'); on the other hand, 'pacifist democracies' believe in

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<sup>7</sup> Doyle, "Three Pillars of the Liberal Peace," 464.

<sup>8</sup> Thomas Risse-Kappen, "Democratic Peace—Warlike Democracies? A Social Constructivist Interpretation of the Liberal Argument," *European Journal of International Relations*, 1, no. 4 (1995): 491-517.

<sup>9</sup> Doyle, "Kant, Liberal Legacies, and Foreign Affairs," 205-35; Doyle, "Kant, Liberal Legacies, and Foreign Affairs, Part 2," 323-53; Risse-Kappen, "Democratic Peace—Warlike Democracies? A Social Constructivist Interpretation of the Liberal Argument," 491-517.

<sup>10</sup> Müller, "The Antinomy of Democratic Peace," 494-520.

<sup>11</sup> Bruce Buchan, "Liberalism and Fear of Violence," *Critical Review of International Social and Political Philosophy*, 4, no. 3 (2001): 27-48.

a *modus vivendi* with autocracies and attempt to engage them in a peaceful process of democratisation.<sup>12</sup> Elsewhere Müller, in collaboration with Jonas Wolff,<sup>13</sup> describes the German engagement in the war in Afghanistan as a straightforward example of the liberal peace antinomies. On the one hand, the war in Afghanistan may be seen as a clear example of a ‘democratic war’; on the other hand, Germany’s military engagement in the war is assessed as half-hearted and inconsistent. Müller and Wolff argue that the peculiar way of Germany’s engagement may be explained by the fact that Germany’s political culture remains that of a ‘civilian power’ and thus close to the ideal type of ‘pacific democracy’. The half-heartedness is thus claimed to be a consequence of a serious attempt to reconcile the demands of the domestic political culture in which German politicians have been socialized on the one hand, and the external requirements of solidarity with allies on the other.<sup>14</sup>

To sum up, the literature on liberal peace shows a strong and long-lasting interest in the relationship between the normative principles of liberal societies and the use of military force. However, to earlier proponents of the theory, such as Doyle, the effect of normative factors is more or less confined to the relations between liberal-democratic states. The relations outside the ‘pacific union’ are left to the realist logic of an anarchical international structure. Only recently liberal peace theorists also became concerned with the character of wars that liberal democracies tend to wage. Works by Buchan and Müller demonstrate that liberal ideology plays an important role in determining with what mission liberal democracies task their armed forces. Yet, the question of military mission is exactly where the relevance of liberal peace theory for this thesis ends. In the next part of this literature review we will turn to the issue of military organisation.

### ***Formation of military organisation***

The debate about the role of international anarchy, on the one hand, and cultural and ideational factors, on the other, is even more intense in the literature concerned with change in military organization. Since the military may be defined as an expression of state power on the international stage, it is more than any other state organisation susceptible for

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<sup>12</sup> Müller, "The Antinomy of Democratic Peace," 494-520.

<sup>13</sup> Harald Müller and Jonas Wolff, "Demokratischer Krieg am Hindukusch? Eine kritische Analyse der Bundestagsdebatten zur deutschen Afghanistanpolitik 2001–2011," *Zeitschrift für Außen- und Sicherheitspolitik*, 4, no. 1 (2011): 197-221; Harald Müller and Jonas Wolff, "A Civilian Power at War: An Analysis of Germany’s Military Engagement in Afghanistan since 2001" (paper presented at the Annual ISA Convention, San Diego, April 1-4, 2012).

<sup>14</sup> Müller and Wolff, "A Civilian Power at War".

international comparison – either the easy way by learning from the experience of others or the hard way on the battlefield. Neorealist theory therefore offers a strong argument concerning the emulation of military doctrines, capabilities and organisations. As Kenneth Waltz posits:

The possibility that conflict will be conducted by force leads to competition in the arts and the instruments of force. Competition produces a tendency toward the sameness of the competitors... Contending states imitate the military innovations contrived by the country of greatest capability and ingenuity. And so the weapons of major contenders, and even their strategies, begin to look much the same all over the world.<sup>15</sup>

The neorealist argument has been recently elaborated by João Resende-Santos. Focusing on the attempts by Argentina, Brazil, and Chile to imitate German army organisation in the late 19th and early 20th Centuries, Resende-Santos tries to demonstrate that the external security environment, and not the peculiarities of the national culture, history or tradition of the countries undergoing analysis, is the most important factor in the process of formation of military organisations.<sup>16</sup>

The neorealist structural argument has its constructivist/culturalist counterpart.<sup>17</sup> In contrast with the neorealist theory, the constructivist approach emphasises that particular institutional and organisational forms are adopted because they are perceived to be legitimate or symbols of modernity rather than being a purely rational response to external challenges. Not so much rational strategic assessment but rather ‘global military culture’, Alexander Wendt and Michael Barnett argue,<sup>18</sup> shapes military institutions around the world and leads to ‘isomorphism’, or military emulation. Wendt and Barnett point out that Western norms of modernity in general and in regard to the ‘modern’ army in particular are perceived as an important symbol of the modern state and therefore pursued in an imitative fashion by elites

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<sup>15</sup> Kenneth N. Waltz, *Theory of International Politics* (London: McGraw-Hill, 1979), 127.

<sup>16</sup> João Resende-Santos, "Anarchy and the Emulation of Military Systems: Military Organization and Technology in South America, 1870–1930," *Security Studies*, 5, no. 3 (1996): 193-260; João Resende-Santos, *Neorealism, States, and the Modern Mass Army* (Cambridge: Cambridge University Press, 2007).

<sup>17</sup> See Mark C. Suchman and Dana P. Eyre, "Military Procurement as Rational Myth: Notes on the Social Construction of Weapons Proliferation," *Sociological Forum*, 7, no. 1 (1992): 137-61; Alexander Wendt and Michael Barnett, "Dependent State Formation and Third World Militarization," *Review of International Studies*, 19, no. 04 (1993): 321-47; Theo Farrell, "Transnational Norms and Military Development: Constructing Ireland's Professional Army," *European Journal of International Relations*, 7, no. 1 (2001): 63-102; Theo Farrell, "World Culture and Military Power," *Security Studies*, 14, no. 3 (2005): 448-88; Emily O. Goldman and Leslie C. Eliason, eds., *The Diffusion of Military Technology and Ideas* (Stanford: Stanford University Press, 2003); generally on the process of institutional emulation see Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization*, 50, no. 2 (1996): 325-47.

<sup>18</sup> Wendt and Barnett, "Dependent State Formation and Third World Militarization."

in the non-Western Third World too. The military emulation in Argentina, Brazil and Chile in the late 19th Century, as examined by Resende-Santos, hence could be such a case of response to 'global military culture', rather than to the external security environment. Theo Farrell has interpreted the case of Irish defence policy in the first half of the 20th Century in a similar vein. Farrell's analysis demonstrates that Irish Army culture adopted transnational norms of military professionalism and conventional warfare despite the fact that irregular warfare and a less formally constituted military force, as practiced by the Irish Republican Army during the fight for independence from the United Kingdom, would have been more adequate considering the resources and strategic position of the Irish Free State (later the Irish Republic) in the first half of the 20th Century.<sup>19</sup>

A similar debate between neorealist and culturalist approaches also exists with regard to the domestic level of analysis. Since this literature necessarily deals with civil-military relations, it relates more closely to the issue with which this thesis is concerned. By focusing on domestic politics this literature is trying to determine who, whether it be the political masters or the military, is responsible for the formulation of military strategies and to what extent the strategies relate to an actual security environment. The neorealists argue that civilians are more perceptive of the requirements stemming from the international system and, therefore, better equipped to formulate adequate military plans than the military, which, in contrast, tends to pursue parochial interests.<sup>20</sup> According to Jack Snyder, it was the insufficient civilian control that allowed the pre-1914 militaries to develop the offensive doctrines that resulted in the disaster of 1914.<sup>21</sup> Conversely, the cases of pre-1939 Britain, Germany and France lead Barry Posen to the conclusion that civilians, despite the limits of their own military knowledge, manage to 'get around the bureaucratic shenanigans of their military organizations' and enforce an adequate doctrinal change.<sup>22</sup>

Regarding the culturalist perspective, analysing the interwar civil-military relations in Britain and France, Elizabeth Kier explains the formation of military doctrines as a military response to the limitations imposed by politicians. Thus, for instance, the defensive doctrine

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<sup>19</sup> Farrell, "Transnational Norms and Military Development: Constructing Ireland's Professional Army," 63-102; see also Farrell, *The Norms of War*.

<sup>20</sup> Barry R. Posen, *The Sources of Military Doctrine: France, Britain, and Germany between the World Wars* (London: Cornell University Press, 1984); Jack Snyder, *The Ideology of the Offensive: Military Decision Making and the Disasters of 1914* (New York: Cornell University Press, 1984); Jack Snyder, "Civil-Military Relations and the Cult of the Offensive, 1914 and 1984," *International Security*, 9, no. 1 (1984): 108-46.

<sup>21</sup> Snyder, "Civil-Military Relations and the Cult of the Offensive, 1914 and 1984," 109-10.

<sup>22</sup> Posen, *The Sources of Military Doctrine*, 223.

in the French Army was a military reaction to the introduction of short-term conscription in 1928. Important is that neither civilian nor military choices are ‘just a reflection of structural conditions or functional needs; culture has causal autonomy’.<sup>23</sup> In this respect, Kier warns that making a distinction between interest and culture makes little sense because culture is supposed to shape what people imagine is their interest.<sup>24</sup> Kier’s work thus represents an attempt to explicate the formation of military organisation by predominantly ideational/cultural factors. However, her interpretation draws a very clear distinction between the cultural norms held by civilians and the organisational culture of the military. The assimilation processes within the military, she maintains, are powerful enough to effectively displace and largely freeze out the influences of wider society.<sup>25</sup> It needs a significant external shock, such as defeat in war, to make the military culture receptive of societal imperatives. Works by Thomas U. Berger and Peter Katzenstein demonstrate that under conditions of total defeat, post-1945 West Germany and Japan managed to change their strategic culture fundamentally and also to a significant extent rethink the very concept of armed forces.<sup>26</sup>

If Kier’s conclusions were applied to the research question of this thesis, the role of societal norms would be confined to such outward aspects as conscription or funding, but would have very little impact on the organizational culture of the military and only indirect effect on strategic doctrines. The work of Berger and Katzenstein demonstrates that there is a possibility for socially driven reform; however, such a reform of military organisation, including the organizational culture of the armed forces, may require rather unique conditions, such as the ruptures and existential dislocations experienced by Germany and Japan following the Second World War. The case study of West German rearmament in this thesis hence promises a rich picture of armed forces designed to a large extent by societal ideological factors. However, on the whole the culturalist literature appears rather sceptical about the prospect that societal features would play a decisive role under less severe conditions. In this point the culturalist works differ from the large body of literature on military sociology, with which the following subsection is concerned.

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<sup>23</sup> Kier, *Imagining War*, 140.

<sup>24</sup> *Ibid.*, 145.

<sup>25</sup> *Ibid.*, 149.

<sup>26</sup> Thomas Berger, "Norms, Identity, and National Security in Germany and Japan," in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 317-56; Peter J. Katzenstein, *Cultural Norms and National Security: Police and Military in Postwar Japan* (Cambridge: Cambridge University Press, 1996).

### ***The perspective of military sociology***

The sociological research of military organisation is founded on the premise that the military is a subsystem of society and as such its form is bound to be dependent on the socio-political context. This does not mean that sociologists automatically assume that the military organisation is receptive to societal norms or will imitatively reflect them; in fact, the question to what extent the armed forces are socially integrated into their parent society is among the central questions of the research in military sociology.<sup>27</sup> Yet, however unique or integrated a military is, its form should be understood as related to the overall structure of society.

The typology of military organisation created by Maury Feld, and further developed by Bernard Boëne, is one among many that attempts to accomplish this aim to define forms of military organisation as parts of social structure. Feld defines five ideal types of military organisation that range from the imperial army that is in charge of governing 'uncivilised' subjects in faraway colonies, at the one extreme, to the military organisation in a totalitarian society, at the other.<sup>28</sup> Feld's typology deserves special attention here because one of the types captures the characteristics of a military organisation in a liberal society.

To use the framework of military capacities, the mission of the liberal/representative type of military organisation is determined by the fact that not the pursuit of real-political national interest and ambitions but economic well-being and social welfare for ordinary citizens are the central preoccupations and conditions of the legitimacy of the state. Moreover, multilateral organisations became regarded as better adapted to provide military security or economic cooperation.<sup>29</sup> The armed forces should therefore contribute to the collective military security without being an unnecessary burden to the economic prosperity of the parent society.

The organisational culture of the liberal type of military is based on the fact that all citizens in a liberal society are regarded as 'publicly useful on the basis of their private interests' and successful pursuit of such interests hence should be considered 'a valid index of

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<sup>27</sup> For a comprehensive review of literature on this point see Boëne, "How 'Unique' Should the Military Be," 3-27.

<sup>28</sup> Feld, "A Typology of Military Organization," 3-40; Maury D Feld, *The Structure of Violence: Armed Forces as Social Systems* (London: Sage, 1977), 31-70; Boëne, "How 'Unique' Should the Military Be," 41-57.

<sup>29</sup> Boëne, "How 'Unique' Should the Military Be," 51-52.

public responsibility'.<sup>30</sup> The consequence for the military is that its share of responsibility for national defence is significantly restricted. The officer therefore cannot 'claim to be a member of a caste morally qualified for leadership. Instead, [the officer] regards himself as a martially oriented member of the general body of managerial technicians'.<sup>31</sup> The skills that the officer seeks to master are comparable with those possessed by civilian professionals and the armed forces consequently wish to be recognized as a legitimate enterprise. This type of military organisation is thus supposed to 'strive to be more civilian than civil society itself'.<sup>32</sup> This has a direct consequence for the make-up of the armed forces too. Conscription loses its role as a necessary instrument of civil control of the military, whereas all-volunteer forces (AVF) are increasingly considered to be better suited to the technological and specialist character of the military profession.<sup>33</sup>

At the same time as Feld articulated her observations about the liberal military organisation Morris Janowitz put forward the concept of constabulary force.<sup>34</sup> According to Janowitz, around the mid-20<sup>th</sup> Century military officers became exposed to a series of dilemmas that altered the character of the military profession. In order to cope with the altered conditions, according to Janowitz, military officers should adopt the constabulary concept, which means that the military should 'be continuously prepared to act, committed to the minimum use of force, and seek viable international relations, rather than victory'.<sup>35</sup> Moreover, an essential part of the development towards constabulary force is the need for the professional officer to learn skills and adopt practices common to civilian administrators and technicians.

Both Feld and Janowitz developed their concepts in the late 1950s and it is obvious that the context of the Cold War and the strategy of deterrence are inextricable aspects of the socio-political structure in which the liberal/representative type of military organisation and the constabulary concept are founded. The post-Cold War situation thus no longer corresponds with Feld's liberal/representative type and certain modifications are required also for Janowitz's constabulary concept. According to Charles Moskos, the end of the Cold War 'has ushered in a period of transition in which the conventional Modern forms of military

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<sup>30</sup> Feld, *The Structure of Violence*, 52.

<sup>31</sup> *Ibid.*, 54.

<sup>32</sup> *Ibid.*, 53.

<sup>33</sup> Boëne, "How 'Unique' Should the Military Be," 56.

<sup>34</sup> Morris Janowitz, *The Professional Soldier: a Social and Political Portrait* (Glencoe: Free Press, 1960).

<sup>35</sup> *Ibid.*, 418.

organization are giving way to new Postmodern forms'.<sup>36</sup> Significant organisational changes, including the change of military purpose from warfighting to non-traditional missions and the ascendancy of new types of military professional, are argued to characterise the transformation from the Cold War ('late modern') towards the post-Cold War ('postmodern') type of military organisation in liberal society. The 'new times' for Western armed forces,<sup>37</sup> which are, among other things, characterised by the ever greater application of societal values into the military, have attracted wide attention not only in the field of military sociology, but also among strategists and political scientists.

The transformation after the end of the Cold War was shaped by multiple factors. Despite the fact that Western societies entered the 1990s without significant ideological change, some sociologists identify a certain alteration of social values by which armed forces are affected. It is argued, for example, that a considerably higher emphasis has become placed upon individualism and social equality, and that this compels the military to accommodate these social features into its structure and organisational culture. In addition, the 'blame and compensation' culture is seen to make people more disposed to seek their rights through redress in court.<sup>38</sup> The 1990s also strengthened the features of the post-military society, as defined by Martin Shaw. In a post-military society militarism no longer takes the same forms or has the same significance that it possessed during the previous era. 'Armament culture', focused on weaponry and technology in general, and 'spectator-sport militarism', mediated by television, are proposed to replace the glamour and respect traditionally attached to the military. In this context, notes Shaw, 'even military institutions come to be defined in a "post-military" way, as peacekeepers, world police forces, or war-managers'.<sup>39</sup>

Nonetheless, it is not so much the change of social values that makes the post-Cold War era distinct. Rather, it is the change of the strategic environment that is assumed to intensify the impact of social values. 'Without the threat of invasion, Western states no longer needed to buttress armed forces so distinctive from the social values of the larger society', argue Moskos et al.<sup>40</sup> Total war ceased to be a relevant paradigm and with it also its main

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<sup>36</sup> Moskos et al., "Armed Forces after the Cold War," 2.

<sup>37</sup> Dandeker, "New Times for the Military: Some Sociological Remarks on the Changing Role and Structure of the Armed Forces of the Advanced Societies," 637-54.

<sup>38</sup> Callaghan et al., "Armed Forces and Society in Europe," 5.

<sup>39</sup> Martin Shaw, "The Development of 'Common-Risk' Society: A Theoretical Overview," in *Military and Society in 21st Century Europe: A Comparative Analysis*, ed. Jürgen Kuhlmann and Jean Callaghan (Hamburg: Lit, 2000), 24.

<sup>40</sup> Moskos et al., "Armed Forces after the Cold War," 2.



features disappeared – full-scale escalation and an all-embracing participation of society.<sup>41</sup> In the new ‘spectator-sport wars’, as Colin McInnes calls them, people in the West may watch, sympathise or maybe even empathise with deployed soldiers and victims of war, but do not personally experience the conflict or suffer.<sup>42</sup> Consequently, the public demands that the armed forces follow strict rules of engagement and pursue specific strategies. The military is thus supposed to respect the principles of proportionality and discrimination and to act in such a way that collateral damage is minimised. Soldiers are expected to respect individual civil liberties and civilian norms, even in the course of war.<sup>43</sup>

The notion of the operational autonomy of the military has thus effectively disappeared. Its persistence was fatally compromised by the character of the new missions and the ways in which they blurred the boundary between political and military aspects of the use of force. The military professional is thus ‘less the apolitical technician and more the politically attuned manager of the means of violence’.<sup>44</sup> Moreover, the boundaries between international and domestic environments have become blurred as well. Globalisation strongly affects international security politics and, therefore, the organizations of the armed forces tend towards integration and multinationalism.<sup>45</sup>

Although the sociological approach identifies those aspects of military organisation which may be relevant from the perspective of relations between the military and society, the focus on difference between the Cold War and post-Cold War militaries should remind us that the sociological approach draws its concepts to a large extent inductively from the general socio-political situation at a given moment. Concepts such as Feld’s ‘representative’ type of military organisation, Janowitz’s constabulary concept, and Moskos’s ‘postmodern military’ may be very helpful in our enquiry into the relationship between liberalism and military organisation, but, since they do not regard societal ideology as an independent factor, they cannot deliver a relevant answer to the issue with which this thesis is concerned.

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<sup>41</sup> Colin McInnes, *Spectator-Sport War: the West and Contemporary Conflict* (Boulder, Co.: Lynne Rienner Publishers, 2002), 143.

<sup>42</sup> *Ibid.*, 148.

<sup>43</sup> *Ibid.*, 144.

<sup>44</sup> Christopher Dandeker, "The Military in Democratic Societies: New Times and New Patterns of Civil-Military Relations," in *Military and Society in 21st Century Europe: A Comparative Analysis*, ed. Jürgen Kuhlmann and Jean Callaghan (Hamburg: Lit, 2000), 42-43; see also Moskos, "Toward a Postmodern Military: The United States," 19.

<sup>45</sup> Wilfried von Bredow, "Re-Nationalization of Military Strategy? New Challenges for the Armed Forces in a Changing Global Environment," in *Military and Society in 21st Century Europe: A Comparative Analysis*, ed. Jürgen Kuhlmann and Jean Callaghan (Hamburg: Lit, 2000), 53; Dandeker, "The Military in Democratic Societies," 42.

## ***The functional significance of liberal ethical norms***

The post-Cold War strategic environment brought about an innovative approach in strategic studies, too. Works by Lawrence Freedman<sup>46</sup> and B. K. Greener-Barcham<sup>47</sup> pioneer a new approach in strategic studies that emphasises the importance of accommodation of domestic ethical norms within the military sphere for the effectiveness of military performance. Examination of this relationship is among the objectives this thesis set for itself.

Freedman's line of argument is built upon the question as to what is required from the Western armed forces to win such wars as those in Iraq and Afghanistan. What distinguishes contemporary irregular warfare from the previously dominant regular wars is the fact that the combat is now 'integrated in civil society'. The political context of contemporary irregular wars therefore demands that the 'purpose and practice of Western forces be governed by liberal values'.<sup>48</sup> Since the contemporary wars may be won 'in the cognitive rather than the physical domain', it is claimed to be essential to develop strategic narratives 'to provide a framework of understanding that can bind a fighting force together'.<sup>49</sup> Freedman's work thus demonstrates the significance of liberal ethical norms for the functional effectiveness of Western militaries.

In a similar vein an article by Greener-Barcham tries to deductively establish, 'What kinds of military means are most appropriate if a deployment is to be justified as being compatible with liberal ideals'.<sup>50</sup> The key principles of liberalism include a commitment to the rule of law, respect for individual freedoms and rights, and ideals of tolerance and progress.<sup>51</sup> The aim of Greener-Barcham's philosophical exercise, then, is to construct an ideal type in which the liberal principles were projected into the conduct of military operations as well as into the very constitution of the military itself.

Without the adaptation of liberal principles in the conduct of military operations, liberal states could be accused of using the rhetoric of liberal values without adopting appropriate methods to achieve those goals. Among those appropriate methods should be the targeting of individuals who are believed to be responsible for creating a situation in which

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<sup>46</sup> Lawrence Freedman, *The Transformation of Strategic Affairs* (Abingdon: Routledge, 2006).

<sup>47</sup> B. K. Greener-Barcham, "Liberalism, Liberal States and Military Forces," *Global Change, Peace & Security*, 19, no. 2 (2007): 67-81.

<sup>48</sup> Freedman, *The Transformation of Strategic Affairs*, 8.

<sup>49</sup> *Ibid.*, 90.

<sup>50</sup> Greener-Barcham, "Liberalism, Liberal States and Military Forces," 67.

<sup>51</sup> *Ibid.*: 68-70.

military force is the only possible answer. The deployed forces ought to exercise restraint and increasingly try to minimize casualties and use minimal force. Moreover, it is important that the kinds of equipment deployed in operations reflect humanitarian principles and hence the use of accurate and non-lethal weapons is recommended.<sup>52</sup>

Concerning the constitution of the armed forces, the varied operational requirements that may emerge are claimed to necessitate the development of a 'multipurpose' force and its internationalisation might be required in order to keep with liberal faith in international institutions. The move from war-orientation to multipurpose functions should be accompanied also with a change in military culture. That would entail de-emphasising hierarchy, creating and maintaining a less masculine and 'warrior-like' environment and acceptance of notions of difference.<sup>53</sup>

For both Freedman and Greener-Barcham the post-Cold War conditions are particularly favourable for the application of liberal values into the military. The accommodation of liberal principles is 'especially vital in an era dominated by "stability campaigns" and other forms of operations other than war', maintains Greener-Barcham.<sup>54</sup> However, these theoretical propositions are not limited to the socio-political situation of the 1990s and 2000s. On the contrary, it is supposed to be a generally valid statement that military means 'should be commensurate with liberal ideals if states aim to actually achieve robust and genuine liberal ends'.<sup>55</sup> According to Freedman, the requirement that the purpose and practice of Western forces should be governed by liberal values applies to regular wars, too, but to a smaller extent for 'it is the integration with civil society [in irregular warfare] that makes the application of liberal values so challenging'.<sup>56</sup> Furthermore, the primary need for survival, notes Greener-Barcham, could well see the liberal principles 'downplayed or even abandoned in a genuine case of individual self-defence'. The processes of individualization, legalization and humanization in deployments, and the internationalization and civilianization of military forces 'are likely to be challenged if they do not serve the supreme aim of national survival'.<sup>57</sup>

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<sup>52</sup> Ibid.: 70-75.

<sup>53</sup> Ibid.: 75-78.

<sup>54</sup> Ibid.: 80.

<sup>55</sup> Ibid.: 81.

<sup>56</sup> Freedman, *The Transformation of Strategic Affairs*, 8.

<sup>57</sup> Greener-Barcham, "Liberalism, Liberal States and Military Forces," 79.

However, this last point should not be accepted without challenge. Both Greener-Barcham and Freedman focus primarily on the post-Cold War missions of the military and the claims they make concerning other strategic situations are derived from their understanding of the current situation. In contrast, this thesis takes the aim to examine the relationship between liberalism and military capacities in ‘an era dominated by stability campaigns’ as well as at the time when national survival was at stake. It cannot be expected that the same liberal principles would be accommodated in the same way under all conditions; yet, it is exactly the adaptation of liberal principles to different conditions that constitutes one of the major issues explored in this thesis.

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To see how the literature under review may address the research question of this thesis, the following table summarises the propositions concerning the individual categories of the military capacities. It is evident in this overview that the sociological approach can produce a very thorough description of the military capacities in liberal societies, but is rather incapable of explaining the specific role of liberalism in the system of societal-military relations. In contrast, the literature reviewed on liberal peace and strategy puts the relationship between liberalism and the use of force and its organisation at the core of their interest. However, the conclusions of the liberal peace literature are confined to the question concerning the mission of the armed forces, whilst the works by Greener-Barcham and Freedman focus predominantly on peacekeeping, humanitarian and stabilisation operations and irregular warfare respectively. The aim of this thesis is thus to supplement the shortcomings of these two fields of literature.

The chief focus of this literature review has been aimed at the constitutive elements of military capacities and whether the literature postulates a connection, either descriptively or prescriptively, between these elements and normative or ideational factors. Another issue important to this research is the mechanism through which societal imperatives may be projected into military organisation and defence policy. The debate between the neorealist and culturalist research project shed some light on this issue. Yet, a more intensive review of this issue will follow in the next section. The critical analysis of Samuel Huntington’s theory of civil-military relations will present one of the most prominent concepts of the relationship between liberalism and the military. A constructivist-ontological critique of Huntington’s theory will, then, provide a theoretical backbone of the thesis research.

	<b>Mission</b>	<b>Make-up</b>	<b>Internal culture</b>
<b>Liberal peace theory</b> <b>(Buchan, Müller)</b>	‘Democratic wars’ to preserve international law and to prevent humanitarian disasters	-	-
<b>Neorealism</b> <b>(Posen, Resende-Santos)</b>	Real-politics/survival	Emulation of best practices	Subordination to civilian masters
<b>Culturalism</b> <b>(Kier, Berger, Katzenstein)</b>	-	-	Strong independent organisational culture, a change of the culture requires a significant external shock
<b>Sociology – Feld’s representative type</b>	Collective military security	Decreasing role of conscription, tendency towards AVF	Civilianised, martially oriented body of managerial technicians
<b>Sociology – Moskos’s postmodern military</b>	‘New missions’ (e.g. peacekeeping and humanitarian operations)	Small AVF	Ascendancy of ‘soldier-statesman’ and ‘soldier-scholar’ types
<b>Strategic studies</b> <b>(Greener-Barcham, Freedman)</b>	Irregular warfare, humanitarian, peacekeeping and stabilisation operations	Multipurpose force, accurate and non-lethal weaponry	Less hierarchical and less masculine culture; institutionalisation of cosmopolitan ideals; constabulary conduct and adherence to strict rules of engagement

**Figure 4 Summary of propositions concerning the military capacities in the reviewed literature**

## Huntingtonian Civil-Military Relations

The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security and a societal imperative arising from the social forces, ideologies, and institutions dominant within the society. Military institutions which reflect only social values may be incapable of performing effectively their military function. On the other hand, it may be impossible to contain within society military institutions shaped purely by functional imperatives. The interaction of these two forces is the nub of the problem of civil-military relations. The degree to which they conflict depends upon the intensity of the security needs and the nature and strength of the value pattern of society. Adjustment and balance between the two forces are not inevitable: some societies may be inherently incapable of providing effectively for their own military security.<sup>58</sup>

Samuel Huntington writes these words in the introduction to his seminal book on civil-military relations *The Soldier and the State*. In an abridged form this quotation encapsulates the problem which his book is supposed to solve – the inherent conflict between various modern ideologies, such as liberalism, Marxism and fascism, and the notion of a self-contained military professionalism, which, Huntington argues, is necessary for providing society with military security. Logically, this tension between the societal and the functional imperative has, in Huntington's view, only two possible solutions – either the decline of the security threat or an ideological transformation. At the peak of the Cold War in the 1950s, when Huntington wrote his book, his recommendation for the USA was clear: 'So long as the Cold War continued, that security would depend upon the ability of the United States to evolve an intellectual climate more favorable to the existence of military professionalism...'<sup>59</sup> The relationship between liberal ideology and a provision for military security is inherently conflictual because, Huntington posits, liberalism rests on 'ideals of liberty, democracy, equality, and peace', whereas the military is said to be fundamentally concerned with 'authority, hierarchy, obedience, force, and war'.<sup>60</sup>

Huntington's primary aim was a policy-prescriptive one: to ensure the military security of the United States. Whereas until the 1940s the privileged geographical location of the United States and the foreign policies of the European great powers had permitted the USA to be concerned primarily with the question of 'what pattern of civil-military relations is most compatible with American liberal-democratic values', the emergence of the USA into

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<sup>58</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press, 1957), 2.

<sup>59</sup> *Ibid.*, 457.

<sup>60</sup> Samuel P. Huntington, "The Soldier and the State in the 1970s," in *Civil-Military Relations*, ed. Andrew Jackson Goodpaster and Samuel P. Huntington (Washington: American Enterprise Institute for Public Policy Research, 1977), 6.

the position of a superpower, along with the onset of the Cold War, caused this previous concern to be supplanted 'by the more important issue: what pattern of civil-military relations will best maintain the security of the American nation?'<sup>61</sup>

The level of military security is claimed to be determined by the political authority of the military. The extent to which the military representatives may influence military policy's formulation is reflected in the level of military security. In the context of democratic civil-military relations this appeal for greater political authority to be accorded to the military cannot mean that the military be entrusted with an independent policy-making power. The political authority of the armed forces is rather considered an informal or semiformal influence on politicians and the public. This authority is largely based on the ability of the military institutions and individual officers to interact with civilian institutions and individuals.<sup>62</sup> Due to the importance of the military's ability to interact with civilians the issue of potential ideological conflict between society and the officer corps is rendered significant.

At the same level of importance as the military security is civilian control of the military. The armed forces should, on the one hand, be powerful enough 'to do anything the civilians ask them to' and, on the other hand, 'subordinate enough to do only what civilians authorise them to do',<sup>63</sup> as Peter D. Feaver puts it. S. E. Finer passes a telling comment on this problem:

Instead of asking why the military engage in politics, we ought surely to ask why they ever do otherwise. For at first sight the political advantages of the military *vis-à-vis* other and civilian groupings are overwhelming. The military possess vastly superior organization. And they possess *arms*.<sup>64</sup>

The civilian control must guarantee that the power of the military institution will never become a threat to the fundamental character of the host society. Since Huntington stresses

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<sup>61</sup> Huntington, *The Soldier and the State*, 3.

<sup>62</sup> According to S.E. Finer's conceptualisation, the military's political role may range from influencing the politics through constitutional channels, through blackmailing to supplantment of civilian regimes. See S. E. Finer, *The Man on Horseback: The Role of the Military in Politics* (London: Pinter, 1988), 86-139.

<sup>63</sup> Peter D. Feaver, "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control," *Armed Forces & Society*, 23, no. 2 (1996): 149.

<sup>64</sup> Finer, *The Man on Horseback: The Role of the Military in Politics*, 5.

the role of social values and ideologies, his objective is to develop ‘a system of civil-military relations which will maximize military security at the least sacrifice of other social values’.<sup>65</sup>

Huntington distinguishes two directly opposed types of civilian control – subjective and objective. Subjective civilian control is defined as maximizing civilian power in relation with the military. In the context of the rise of the modern military profession (as opposed, for example, to the pre-modern aristocratic military) subjective civilian control is claimed to be in a condition of permanent tension with independent functional military imperatives. Whereas functional military imperatives, Huntington argues, lead to one particular form of military professionalism with an inherent military ethic, subjective civilian control ‘achieves its end by civilianizing the military, making them the mirror of the state’.<sup>66</sup> Since most of the modern ideologies, liberalism in particular, are fundamentally anti-militaristic, that means hostile to military professionalism, the mirroring of the state and society is argued to significantly hinder the military security of the state.

Regarding implications for military institutions, effective subjective civilian control leads to *transmutation* of the military. This means that the military institutions are refashioned along normative lines of a given ideology and thus they lose their peculiarly military characteristics. In his later book Huntington also uses the term *identification* with society. In terms of liberal ideology, this is the pattern implied by the concept of the nation-in-arms.<sup>67</sup>

Objective civilian control, on the other hand, means maximizing military professionalism. As opposed to the civilianizing effect of subjective civilian control, this type of civilian control ‘achieves its end by militarizing the military, making them the tool of the state’.<sup>68</sup> It is supposed to preserve military power in issues that are necessary for the existence of the military profession, while the officer corps is rendered politically sterile and neutral regarding all other political issues. Whereas subjective civilian control presupposes a conflict between civilian control and the needs of military security, if civilian control is exercised in the objective sense, military security is by no way obstructed.

An effective objective civilian control requires a policy of *toleration*. Since liberalism is inherently antimilitaristic, the policy of toleration means that the prevailing social values

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<sup>65</sup> Huntington, *The Soldier and the State*, 2.

<sup>66</sup> *Ibid.*, 83.

<sup>67</sup> Huntington, "The Soldier and the State in the 1970s," 23.

<sup>68</sup> Huntington, *The Soldier and the State*, 83.



would shift away from liberalism in the direction of conservatism. The policy of toleration is clearly preferred by Huntington. It is not absolutely necessary that conservatism should supplant liberalism, although Huntington does not conceal how attractive he finds this option. Even if civilian institutions are liberal in character, no necessary conflict exists ‘between them and professional military institutions, so long as each was kept within its proper sphere’.<sup>69</sup> The problem is that liberalism, unlike conservatism, is inherently monistic and universalistic and as such cannot permit independent military professionalism to flourish.

Professionalism of the officer corps is, in Huntington’s view, crucial for effective performance of the military function and the military ethic of the professional officer corps also guarantees subordination of the military to the government.<sup>70</sup> ‘In practice, officership is strongest and most effective when it most closely approaches the professional ideal; it is weakest and most defective when it falls short of that ideal.’<sup>71</sup> The concept of profession as a special type of vocation has three distinguishing characteristics – expertise, responsibility and corporateness. The officer corps’ expertise is concerned with peculiar skills regarding the ‘direction, operation and control of a human organisation whose primary function is the application of violence’.<sup>72</sup> Their responsibility is the military security of the state and society. An officer’s ‘behavior in relation to society is guided by an awareness that his skill can only be utilized for purposes approved by society through its political agent, the state’.<sup>73</sup> Regarding corporateness, Huntington maintains that the functional imperatives of military security ‘give rise to complex vocational institutions which mold the officer corps into an autonomous social unit’.<sup>74</sup>

Huntington’s reasoning behind the concept of military professionalism is based on Clausewitz’s concept of the dual nature of war. War as an abstract phenomenon is supposed to follow its own laws, has its own grammar, but at the same time a real manifestation of war is always determined by its subordination to political ends that originate externally. For the military professionalism this logic means that the military expertise must be independent of

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<sup>69</sup> Ibid., 457.

<sup>70</sup> Finer, the earliest critic of Huntington, points out that ‘it is observable that many highly professional officer corps have intervened in politics – the German and Japanese cases are notorious’. Finer, *The Man on Horseback: The Role of the Military in Politics*, 25.

<sup>71</sup> Huntington, *The Soldier and the State*, 11.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid., 15-16.

<sup>74</sup> Ibid., 16.

‘the nature of the cause for which it fights’; however, the purpose for which the armed forces are employed ‘are outside its competence to judge’.<sup>75</sup>

Because of the dual nature of war, particularly owing to the immutable inherent logic of war in the abstract, the military ethic is said to be ‘concrete, permanent and universal’.<sup>76</sup> Huntington characterises this permanent and universal military ethic as ‘conservative realism’. The military conservative realism will stress the primacy of the nation-state, the permanency of insecurity and the inevitability of war, the intrinsically evil nature of man, the limits of reason, the importance of force and power and the preponderance of the group against the individual. ‘While inherent contrast and conflict exist between the military ethic and liberalism, fascism, and Marxism, inherent similarity and compatibility exist between the military ethic and conservatism,’<sup>77</sup> claims Huntington.

	<b>Civilian control</b>	<b>Military security</b>	
<b>Ideology</b>		<b>High level of military security</b>	<b>Low level of military security</b>
		↑	↑
		<b>High level of military authority</b>	<b>Low level of military authority</b>
		(= high level of interactions)	(= low level of interactions)
Anti-militaristic →	Subjective →	<b>Transmutation</b> of the military/ <b>Identification</b> with society (nation-in-arms)	
	Objective →		<b>Extirpation</b> of the military institutions/ <b>insulation</b> of the officer corps
Pro-militaristic →	Objective →	<b>Toleration</b> by society <b>Professionalism</b> of the officer corps	

**Figure 5** Huntington's model of civil-military relations

<sup>75</sup> Ibid., 57.

<sup>76</sup> Ibid., 89.

<sup>77</sup> Ibid., 94.

### ***Deconstruction of Huntington's theory***

Huntington's theory of civil-military relations rests on the assumption that some ideologies are irreconcilable with the military function. However, this claim needs to be closely examined. Why cannot liberalism, among other ideologies, guarantee a sufficient level of military security? Why is the subjective civilian control unable to render the armed forces capable and effective? In fact, the model of civil-military relations (Figure 5 above), which represents relations between the main factors that Huntington presented in his book and in a revision of his argument twenty years later, does not imply any inevitable inferiority of the concept of subjective civilian control. Yet, a reader of *The Soldier and the State* is never left in doubt regarding the superiority – and hence the desirability – of objective civilian control.

Huntington's original definition of subjective civilian control obviously warrants a strong opposition to this concept and casts doubts on the military security provided under such a model of civil-military relations. Subjective civilian control is originally described as maximizing the power of civilian groups in relations to the military. This may mean that the armed forces would be under control of one political party or social class and thus being potentially abused as an instrument in a struggle for power within the state. For that reason James Burk may justify branding Huntington's theory of civil-military relations 'with the liberal label'.<sup>78</sup> However, the main concern of the theory is relations between dominating ideologies and military security. As the case of liberalism demonstrates, ideology should be considered a long-lasting identity of a particular society rather than a position in party politics. The former definition, moreover, is what Huntington seems to have in mind when postulating his theory.

The problem pointed out by Huntington is that subjective civilian control is incompatible with the military's strict professionalism. An officer corps in an anti-militaristic society can achieve necessary political authority only at some detriment to the thoroughness of its professionalism. Yet, in what respect is the military's professionalism undermined by subjective civilian control? Except for cases of militia forces, it is hardly conceivable that

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<sup>78</sup> James Burk, "Theories of Democratic Civil-Military Relations," *Armed Forces & Society*, 29, no. 1 (2002): 10.

officer's expertise, acquired by systematic military education and experience, could be lost because of subjective civilian control. It is much more likely that among the affected aspects would be the professional responsibility. Huntington's concept of military professionalism supposes that the officer corps is responsible for the assurance of military security of society and to the state, which is a political agent of society. Subjective civilian control might add an ideological aspect to this relation. The military security of society would in such a case gain a wider meaning and, moreover, the authority of the government to employ the armed forces could be confined to some particular sets of conditions permitted by the ideology. Last but not least, if subjective civilian control was employed thoroughly, corporateness and the realist-conservative military ethic would certainly diminish significantly or even be completely abandoned.

The concept of military professionalism, and the military ethic in particular, is claimed to be 'concrete, permanent and universal'. However, this characteristic in particular invited plenty of criticism or implicit counter-arguments, chiefly in the military-sociology literature. Bernard Boëne, for example, questions the permanency and universality of the conservative military ethic when suggesting that military conservatism may be derived from other sources, such as the social origin of officers as was the case of the army of the Prussian monarchy and the German empire, which Huntington presents as an example. Boëne suggests that, should the military function render military institutions conservative, it is only *formal* conservatism – the preservation of socio-political status quo, irrespective of its content – not *substantive* conservative ideology as assumed by Huntington.<sup>79</sup>

Morris Janowitz's book *The Professional Soldier* puts forward the argument that the professionalism which Huntington conceived had already become outdated by the time Huntington wrote his book. Huntington's concept became obsolete owing to the changes in military affairs brought about by technological progress and most importantly by the emergence of nuclear weapons. These changes affected almost all aspects of military professionalism. Regarding the conservative military ethic, Morris Janowitz articulates 'the dilemma of [the] military profession' as follows: 'How is it possible to sustain conservative political commitments to the existing social order, while the instruments of warfare become more drastic devices of social change, with almost unpredictable and revolutionary

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<sup>79</sup> Boëne, "How 'Unique' Should the Military Be," 19.

consequences?’<sup>80</sup> Nuclear weapons rendered war abstract: ‘it is displaced by symbolic expression (changes in military posture, subtle variations in states of alert, activation or transfer of specialized military assets, etc.)’.<sup>81</sup> Moreover, the blurred distinction between war and peace and the advancing mechanisation of armed forces allow the military culture to shift from an institutional model, in which professional soldiering was perceived as a calling or vocation and so resembled Huntington’s concept of professionalism, towards an occupational model.<sup>82</sup>

Writings on military sociology raise some valid objections and provide rich and persuasive counterarguments against Huntington’s theory of civil-military relations. However, the viewpoint of military sociology still leaves some crucial aspects of Huntington’s theory unaffected. Huntington’s work raised an important question about relations between modern ideologies, liberalism in particular, and a capacity to guarantee military security.

In order to approach this issue we need to ask: what is the difference between the military capacity of a transmuted military (subjective civilian control) and the military capacity of a tolerated professional officer corps (objective civilian control)? In other words, why is the professional officer corps claimed to guarantee better military security? The most significant difference is that the professional military is pronounced a true ‘tool of the state’.<sup>83</sup> As the instrument of the state the professional military can be deployed when-, where- and however the government wishes. Echoing Clausewitz, Huntington insists that a professional officer ‘must assume that policy is “the representative of all the interests of the whole community” and obey it as such’.<sup>84</sup> A military which would incorporate a civilian ethos within its ideals might fail to exercise the same blind obedience to the government. ‘The professional army which fights well because it is its job to fight well is far more reliable than the political army which fights well only while sustained by a higher purpose... The supreme military virtue is obedience.’<sup>85</sup>

Yet, why should providing for military security require an armed force of the exclusively professional qualities? Huntington wrote his book as a response to the political

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<sup>80</sup> Janowitz, *The Professional Soldier*, 258.

<sup>81</sup> Boëne, "How 'Unique' Should the Military Be," 38.

<sup>82</sup> Moskos, "The All-Volunteer Military: Calling, Profession, or Occupation?."; Moskos, "From Institution to Occupation."

<sup>83</sup> Huntington, *The Soldier and the State*, 83.

<sup>84</sup> *Ibid.*, 58.

<sup>85</sup> *Ibid.*, 74.

development in the early Cold War, particularly to the 'policy of containment', a foreign policy which involved, among other things, military alliances and overseas deployments.<sup>86</sup> Limited conventional warfare, such as the 1950-53 Korean War, appeared to become a frequent military assignment. A realist interpretation of an anarchic international system in which occasional conventional warfare plays an important role may lend support to Huntington's argument in favour of professional military.

Yet, Huntington's concept is heavily drawn from the form of military organisation that emerged in 19<sup>th</sup> Century Europe, and the Prussian army in particular is regarded almost as an ideal type.<sup>87</sup> However, this particular form of military professionalism was not only a functional response to external threats of the time; arguably, it was also a consequence of particular social and political conditions at home. 'The national type' of the military, as Maury D. Feld coined the term,<sup>88</sup> flourished during the maturing and consolidating phase of modern nation-state development. The military was a forerunner of bureaucratization and as such conceived as a perfectly neutral and highly effective instrument in the hands of political regimes. The political neutrality, however, was preferred by the officer corps simply as a prerequisite for the autonomy to which professional officers aspired. The political neutrality of the latter cadres did not necessarily imply the officers' genuine subordination to political authorities; rather officers tended to think of themselves as being above, and not only outside, politics. In any case, because of favourable conditions this military attitude towards politics was rarely a threat to the authority of civilian government. Bernard Boëne describes these conditions as follows: 'the overall missions of the military are transparent to all, the major strategic opponent is clearly designated, the boundary between political and military domains of responsibility is clear-cut and firm, and no strategic debate within the establishment is apt to become politicized.'<sup>89</sup>

Although the sociological critique of Huntington's theory has only limited relevancy here, this explanation of military professionalism puts Huntington's concept in perspective. Even though Huntington's concept might be an apt response to relevant security challenges as perceived in the USA in the 1950s, it seems unlikely that his theory provides

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<sup>86</sup> Samuel P. Huntington, "After Containment: The Functions of the Military Establishment," *Annals of the American Academy of Political and Social Science*, 406(1973): 1.

<sup>87</sup> See Huntington, *The Soldier and the State*, 30-58.

<sup>88</sup> Feld, *The Structure of Violence*, 35, 44-51; see also Boëne, "How 'Unique' Should the Military Be," 42-51.

<sup>89</sup> Boëne, "How 'Unique' Should the Military Be," 49.

‘transhistorical, cross-cultural, absolute standard’ as Huntington indicated.<sup>90</sup> For that reason this thesis will explore such cases that may provide alternative accounts of the relationship between functional and societal imperatives.

### ***Constructivist critique***

Huntington says that a closer engagement of the United States in international affairs after the Second World War moved the US military into an encounter with needs dictated by the international system. The United States, as well as other countries, was forced to suppress its social and cultural preferences regarding military institutions in favour of the externally imposed functional imperatives. ‘Faced with certain threats, some societies may be incapable of providing for their own security except at the price of becoming something different from what they are.’<sup>91</sup> Such explanation may resemble the neorealist argument that international anarchy would lead states to develop common sets of military practices, thus reducing cultural differences.<sup>92</sup> Although the permanent and objective nature of Huntington’s concept of military professionalism would reject the process of imitation, his theory seems to be in accordance with the structuralist explanation. Huntington’s argument rests on the notion that agents – states, societies and their military institutions – must adapt to the given constraints of an anarchical international structure.

This assumption is derived from materialist ontology and is, on that account, open to constructivist critique. Huntington’s argument holds only if an anarchical international structure is, like the military ethic, ‘concrete, permanent and universal’ and the survival of states dependent on their adoption of particular institutional forms. Alexander Wendt opposes this assumption by claiming that ‘self-help and power politics do not follow either logically or causally from anarchy’.<sup>93</sup> Structure, however anarchical, is argued to be always a set of institutions, norms and expectations that agents acquire and maintain. Structure therefore cannot be separated from agents. It is, in other words, constructed rather than given. Human

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<sup>90</sup> Ibid.: 16.

<sup>91</sup> Huntington, "The Soldier and the State in the 1970s," 5-6.

<sup>92</sup> Waltz, *Theory of International Politics*, 127.

<sup>93</sup> Alexander Wendt, "Anarchy is What States Make of it: The Social Construction of Power Politics," *International Organization*, 46, no. 02 (1992): 394.

agents and social structures are ‘theoretically interdependent or mutually implicating entities’.<sup>94</sup>

Wendt’s argument on the agent-structure problem relies on Roy Bhaskar’s work.<sup>95</sup> Bhaskar argues that social structures differ in at least two fundamental aspects from natural structures: ‘social structures, unlike natural structures, do not exist independently of the activities they govern’ and ‘social structures, unlike natural structures, do not exist independently of the agents’ conceptions of what they are doing in their activity’.<sup>96</sup> From that it follows that agents and structures are mutually constitutive yet ontologically distinct entities. ‘Social structures are the result of the intended and unintended consequences of human action, just as those actions presuppose or are mediated by an irreducible structural context.’<sup>97</sup> Therefore, if state identity is a constitutive element of international structure, and if ideology is regarded as part of that identity, the conflict between societal (domestic) and functional (structural) military imperatives that Huntington presupposes cannot be so sharp and inevitable. This assumption is crucial for our argument and hence requires a thorough discussion in the following subsection.

### ***Constructivist argument***

It was suggested that the conflict between the societal (domestic) and the functional (structural) imperative could be mitigated by the fact that the state identity is a constitutive element of international structure. However, this assumption may hold only if domestic ideology constitutes the identity of the state. This supposition may sound self-evident; however, Wendt’s constructivist theory tends to marginalise the impact of domestic factors on international structure. Thus, in order to proceed with the thesis’s argument, alternative explanations of the relations between international structure, foreign-policy behaviour of the state and domestic factors, such as ideology, should be examined.

In Wendt’s theory the effect of domestic factors on the identities of states gives way to the concept of intersubjectivity. It is only through processes of interaction with others that actors can acquire their own identities and simultaneously constitute collective meanings,

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<sup>94</sup> Alexander Wendt, "The Agent-Structure Problem in International Relations Theory," *International Organization*, 41, no. 3 (1987): 338.

<sup>95</sup> See Roy Bhaskar, "On the Possibility of Social Scientific Knowledge and the Limits of Naturalism," *Journal for the Theory of Social Behaviour*, 8, no. 1 (1978); Roy Bhaskar, *The Possibility of Naturalism: a Philosophical Critique of the Contemporary Human Sciences*, 3rd ed. ed. (London: Routledge, 1998).

<sup>96</sup> Bhaskar, *The Possibility of Naturalism*, 48-49; quoted in Wendt, "The Agent-Structure Problem," 358-59.

<sup>97</sup> Wendt, "The Agent-Structure Problem," 360.



understanding and expectations, in other words, the structures that organize actors' actions. In that sense actor identities – 'relatively stable, role-specific understandings and expectations about self' – are constituted by the structure.<sup>98</sup> State identities and interests, Wendt assumes, 'are in important part constructed by these social structures, rather than given exogenously to the system by human nature or domestic politics'.<sup>99</sup>

It is not true, however, that Wendt completely neglects domestic factors. He makes a distinction between corporate identity, which refers to 'the intrinsic, self-organizing qualities that constitute actor individuality', and social identities, that is, multiple roles acquired and maintained by interaction with others.<sup>100</sup> Wendt adapts George Herbert Mead's conceptualisation of 'me' and 'I'. The 'me' stands for the social determination of the self whereas the 'I' refers to the personal determination of choice. While the socially defined roles ('me') presuppose some given rules of behaviour, these rules are not precise scripts, but can be adjusted to some extent to suit the individual preferences of each actor ('I'). 'Even in the most constrained situations, role performance involves a choice by the actor. The "I" is the part of subjectivity in which this appropriation and reaction to roles and its corresponding existential freedom lie.'<sup>101</sup>

Wendt acknowledges the possibility that conscious action by one actor, who is driven by domestic factors, may trigger a transformation of international structure, such as Mikhail Gorbachev's policy of 'New Thinking' initiated the end of the Cold-War confrontation.<sup>102</sup> However, this case seems to be considered an exception that proves the rule. Within the rules of Wendt's theory the effect of domestic factors is confined to, first, a way of structurally given roles being performed and, second, 'motivational energy for engaging in action at all'.<sup>103</sup> Nonetheless, even these limitations may enable military institutions to be shaped by societal imperatives. As long as a particular ideology does not inhibit all kinds of defence, military organisation that reflects social imperatives might be preferable. In this vein argues Stephen Peter Rosen. He claims that 'the less a military organization reflects the structure of the society... the more military will be perceived as an alien element, a group that is not representative of society in its demography or in its dominant values'. More importantly, this

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<sup>98</sup> Wendt, "Anarchy is what states make of it," 397.

<sup>99</sup> Alexander Wendt, "Collective Identity Formation and the International State," *The American Political Science Review*, 88, no. 2 (1994): 385.

<sup>100</sup> Ibid.

<sup>101</sup> Wendt, "Anarchy is what states make of it," 419.

<sup>102</sup> Ibid.: 419-22.

<sup>103</sup> Wendt, "Collective Identity Formation and the International State," 385.

may lead to distrust of the military by society and thus adversely affect the military power of the state.<sup>104</sup>

Although Wendt's theory may justify an examination of the relationship between liberalism and military security, the space for domestic ideology in foreign policy/external security policy issues is rather small. Wendt's obvious preference for keeping his theory simple prevents him from suggesting a robust connection between domestic ideology and international structure. On this point Maja Zehfuss is persuasive in criticising Wendt that his marginalisation of domestic factors 'is not an innocent methodological choice but a necessary move if identity is not to immediately threaten his constructivist project'.<sup>105</sup>

Zehfuss's critique of Wendt's theory is substantiated by an examination of German foreign-policy culture. Culturalists share with constructivists the ontological assumptions regarding the importance of norms, but their levels of analysis are different and hence the implications of their research vary too. Whereas constructivists are concerned with the effect of international norms and on that account find a tendency to similarities among states (isomorphism), culturalists look at the impact of domestic norms and thus they find norms producing difference in state forms and actions.<sup>106</sup>

Evidence in favour of the culturalist perspective in the research of armed forces is given in James Payne's book *Why Nations Arm*.<sup>107</sup> In his book Payne examines the relative importance of rational as opposed to cultural factors in acquiring military forces. Utilising quantitative comparative methods he finds that non-rational factors in the form of 'blind' ideological predispositions, cultural orientations and local traditions seem to be three times more important than 'strategic' factors as a reason for military armament. Payne's conclusion concerning the strength of armed forces – 'nations respond much more to non-rational prejudices than to appeal to rational self-interest'<sup>108</sup> – is the almost taken-for-granted assumption of many culturalist works. On that account, Wendt points out the tendency of unit-level culturalist research to 'reductionism'.<sup>109</sup>

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<sup>104</sup> Stephen Peter Rosen, "Military Effectiveness: Why Society Matters," *International Security*, 19, no. 4 (1995): 30.

<sup>105</sup> Maja Zehfuss, "Constructivism and Identity: A Dangerous Liaison," *European Journal of International Relations*, 7, no. 3 (2001): 332.

<sup>106</sup> Theo Farrell, "Constructivist Security Studies: Portrait of a Research Program," *International Studies Review*, 4, no. 1 (2002): 54.

<sup>107</sup> James L. Payne, *Why Nations Arm* (Oxford: Basil Blackwell, 1989).

<sup>108</sup> *Ibid.*, 178.

<sup>109</sup> Wendt, "Collective Identity Formation and the International State," 391.

A middle way between Wendt's constructivism marginalising domestic factors and reductionist culturalism, which neglects international relations, is shown by Bill McSweeney. 'We misunderstand the international order', notes McSweeney, 'if we consider it as an object *sui generis*, set apart by its own logic from domestic society and from the social order in general'.<sup>110</sup> McSweeney advances Wendt's theoretical model so that both societal ('inner') identity and structural ('outer') identity are taken into consideration. 'Collective actors such as the state must negotiate their two dimensions of identity with different constituencies: with other states, on the one hand, and with the people who comprise the domestic constituency, on the other.'<sup>111</sup> The very same political representatives of a state who are exposed to the socialising effects of the interaction process on the international level need to legitimize their foreign policy before their domestic constituency. This theoretical model thus implies a tendency towards narrowing the gap between societal identity, or social imperatives, and identity constituted by international structure.

An example of inner state identity considerably affecting international structure may be the formation of NATO. Thomas Risse-Kappen puts forward a telling argument that the origins, the interaction patterns and the persistence of NATO can be explained by the collective identity of Western liberal states and their externalisation of domestic liberal-democratic norms and decision-making rules that were enacted into the organisational structure of NATO. Specifically, NATO embodies the norm of multilateral consultation, for which, Risse-Kappen argues, NATO is persisting despite the evaporation of a common enemy.<sup>112</sup>

Taking the two dimensions – inner and outer – of state identity into account when examining Huntington's theory on civil-military relations, it may be argued that, provided a particular anti-militaristic ideology consistently offers means to its political ends, the same societal imperatives which affect military institutions participate in constituting international structure which is, on the other hand, reflected in the functional military imperatives. It is therefore theoretically conceivable that military institutions shaped by society's liberal ideology provide adequately for military security if the contextual international structure is

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<sup>110</sup> Bill McSweeney, *Security, Identity and Interests: a Sociology of International Relations* (Cambridge: Cambridge University Press, 1999), 149.

<sup>111</sup> *Ibid.*, 160.

<sup>112</sup> Thomas Risse-Kappen, "Collective Identity in a Democratic Community: The Case of NATO," in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996).

constituted exclusively by like-minded liberal states. To put it simply, liberal armed forces might work well in a liberal world.

However, international structure can never be this simple. It is constituted in an interaction of all participating states, and to a certain extent of non-state actors too. Moreover, each state's identity has two dimensions, inner/societal/domestic and outer/structural, as McSweeney posits. Complexity of international structure is thus a result of interactions of domestic and structural identities of every single agent. Nonetheless, as McSweeney also notes, power plays a considerable role in these complex relations. 'A strong power has greater capacity to influence this learning process than a weak one, making the latter more a consumer than a producer of meaning.'<sup>113</sup> Arguably, the contemporary international system is dominated by liberal actors. As Robert Latham argues, the Second World War created a 'historical moment'<sup>114</sup> for the United States to construct a new liberal world order by promoting state sovereignty, self-determination, democracy and human rights.<sup>115</sup> Therefore, since liberal societies may be regarded as rather powerful agents, it is a legitimate assumption of this thesis that liberal ideology does play a considerable role in the processes of defence-policy articulation and formation of military organisations in liberal states.

### ***Two dimensions of ideological influence – domestic means and foreign-political ends***

It was mentioned above that this argument may hold only if the ideology with which we are concerned is consistent in providing the means to the attainment of its foreign-political ends. As a hypothetical example we can imagine a state which on account of its ideology signals to others its hostility and aggressiveness but at the same time effectively prevents any effective mobilisation of military resources. Such a case would lend full support to Huntington's assumption about the conflict between societal and functional imperatives. International structure in this case would be dangerous and conflicting not only in the interpretation of the hypothetical state but also because the structure was rendered dangerous by the state's signalisation. The actuality of the threat would then confirm the claim of

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<sup>113</sup> McSweeney, *Security, Identity and Interests*, 160.

<sup>114</sup> A historical moment is a period of history when the relatively routine structures, orders, and relations 'tend to fall away or are smashed, creating the opportunity for the construction of either new relations and structures or the reestablishment of old ones in relatively new terms'. Robert Latham, *The Liberal Moment: Modernity, Security, and the Making of Postwar International Order* (New York: Columbia University Press, 1997), 46.

<sup>115</sup> Ibid.

Huntington that 'some societies may be incapable of providing for their own security except at the price of becoming something different from what they are'.<sup>116</sup>

Does it apply to liberalism? Alexis de Tocqueville observed that democracy produces the extraordinary paradox that, whereas democratic nations are the most fond of peace, democratic armies are 'of all armies those most ardently desirous of war'.<sup>117</sup> Huntington's description of liberal norms, however, does not seem to support the case. On the one hand, liberalism is presented as hostile to the idea that war be an instrument of national policy; on the other hand, 'war on behalf of universal true principles of justice and freedom' might be held morally justifiable.<sup>118</sup> Therefore, concerning the international level, liberalism tries, on the one hand, to promote non-conflicting international politics, on the other hand, it permits, or requires, just wars if necessary. At the domestic level, it is said to oppose large standing military forces ('policy of extirpation') because these are perceived as a threat to liberty, democracy, economic prosperity and, last but not least, to international peace. This policy of extirpation has, however, an alternative in the policy of transmutation. If military forces are needed, it is claimed to be the responsibility of every citizen to take part and the military organisation should be democratic – 'inculcating liberal ideology into the forces, and relying more on individual initiative than upon discipline and coordination'.<sup>119</sup> Therefore, according to Huntington's account, liberal norms at international level appear as consistent with norms concerning the institutional arrangement of armed forces.

An article by B. K. Greener-Barcham might be read in a very similar vein.<sup>120</sup> She reflects that in recent years the use of armed forces has been justified by liberal values. Her argument thus follows that 'if the overall aim is to promote or defend liberal values, then these ideals are best served by the use of actions compatible with and conducive to the achievement of those values'.<sup>121</sup> The liberal values, it is argued, can be most easily achieved by shaping military means in accordance with these values. Greener-Barcham's article not only claims that liberal foreign-political ends might be feasibly supported by liberally

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<sup>116</sup> Huntington, "The Soldier and the State in the 1970s," 5-6.

<sup>117</sup> Alexis de Tocqueville, *Democracy in America, Volume 2* (Project Gutenberg, 2006), Bk.3, Ch.22.

<sup>118</sup> Huntington, *The Soldier and the State*, 91.

<sup>119</sup> *Ibid.*, 156-57.

<sup>120</sup> Greener-Barcham, "Liberalism, Liberal States and Military Forces."

<sup>121</sup> *Ibid.*: 70.

organised armed forces, it also argues that armed forces that are organised in such a fashion may actually help military effectiveness.<sup>122</sup>

These two brief sketches of the relationship between foreign-political ends and military means stipulated by liberalism are by no means sufficient for the purpose of this research. Articulation and examination of liberal norms and precepts concerning military security policy is the subject of the next chapter. The aim of this subsection has merely been to demonstrate how crucial it is not to confine this research to the issue of military organisation. Hence the analysis in this thesis is framed by the concept of *military capacities* that encapsulates the domestic/organisational level as well as the issue of foreign-political legitimacy of the use of armed forces.

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To sum up, this section challenges the theoretical argument made by Huntington that inherent conflict and contrast exists between societal and functional military imperatives. Proponents of Janowitzian military sociology have already provided rich and persuasive counterarguments against Huntington's theory of civil-military relations. However, their critique leaves some crucial aspects of this theory unaffected. Huntington's work raises an important question about relations between modern ideologies, liberalism in particular, and a capacity of a state and its military entities embodying that ideology to guarantee military security.

Huntington argues that liberal imperatives regarding military institutions are intrinsically antithetical to the provision of sufficient military security. This statement, however, rests on a materialist interpretation of the international structure and as such is vulnerable to a constructivist critique. If identities of states are constitutive elements of the international structure, the conflict between societal (domestic) and functional (structural) military imperatives that Huntington presupposes cannot be so sharply dichotomous and inevitable. A theoretical possibility of reconciliation between societal and functional military imperatives is the principal supposition of this thesis.

However, the plausibility of this assumption rests on two conditions. First, the ideology of any particular society to some extent determines the external identity of the state. Second, the ideology we are concerned with must be consistent in allowing adequate means

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<sup>122</sup> Ibid.: 81.

to its foreign-political ends. As for the former, the constructivist strain of international relations theory presents two views. According to Wendt, the effect of ideology is confined, more or less, to how structurally given roles are performed. In the view of McSweeney, the actor identity has two dimensions – one being formed through processes of interaction and socialisation at the international level and the other based in domestic politics and society. A continuous negotiation between these two dimensions is what produces the overall identity.

In terms of the relationship between ideology and military security, these two distinct theoretical arguments lead to diverse expectations regarding the scope of ideological influence on military institutions and military security. On the one hand, Wendt's theory permits space for ideological influence only as far as the affected military institutions can perform within structurally defined roles. McSweeney's assumption, on the other hand, theoretically allows much greater potential to ideological influence. That is because this assumption supposes that the same ideological system which shapes the military institutions would also take part in constituting international structure. The variance between the two theoretical assumptions of Wendt and McSweeney is reflected in the central research question of this thesis.

Regarding the second condition about consistency of ideologies, an ideology which would lead to contradictions between foreign-policy behaviour and domestic military organisation could hardly provide for feasible military security. However, even according to Huntington's account, this is not the case of liberalism, since liberal norms at the international level appear as consistent with norms concerning the institutional arrangement of the armed forces. Yet, instead of relying on Huntington's scant description of liberal norms, the articulation and examination of liberal precepts concerning military capacities presents an indispensable part of this thesis.

## **Examining Liberalism**

The theoretical account of the relationship between liberal ideology and foreign and military-security policies presented in the previous section tends to regard liberalism as a homogenous and clearly articulated social force, qualitatively comparable with functional imperatives. Moreover, this account completely omits other domestic forces and factors that might affect the articulation of those policies. A need for theoretical simplicity and clarity

should justify the conceptualisation of liberal ideology as a set of norms that have very clear and unambiguous requirements on what foreign and military-security policy should be like. In this section liberal ideology will be dealt with in a more nuanced way. As liberal ideology is supposed to provide some political imperatives, it should be clarified what kind of norms these imperatives are and in what way they may determine policy-making. Most importantly, this section encounters methodological challenges inherent in studying liberalism as an ideology of modern Western societies and thus explain the methodology of this thesis.

The picture of clear and unambiguous liberal norms is strongly opposed by B. K. Greener, at least as far as norms on the use of military force are concerned. Greener identifies within the liberal tradition a number of sites of tensions that may provide contradictory claims on the use of force. Liberals hold different views about the role of states in the international system; as to whether state guarantees for the well-being and liberty of their citizens sufficiently justify a primacy of the state in the international system or whether individual freedoms require a more cosmopolitan system. Another conflict is recognised between the notion of universality of liberal norms and the liberal emphasis on tolerance, autonomy of people and rule by consent. 'These notions of cosmopolitanism versus communitarianism, as well as those of tolerance and consent versus those of universalism, progress, and civility, provide major sites of contention in liberal debates about the use of force.'<sup>123</sup>

Greener's understanding of liberal norms would render liberal ideology irrelevant as a factor explaining foreign and military-security policy. In her view, liberalism may abhor any use of force beyond self-defence as well as legitimise a colonial-like civilising mission. Although the diversity of liberal ideas, as presented by Greener, can hardly be denied, this thesis is to argue for liberalism's being relevant in policy-making. Whereas Greener considers liberalism only as a wide-ranging philosophical debate, in this thesis liberalism is regarded in its relationship to society. As stipulated in the introduction, this thesis views liberalism as a meta-ideology of West-European societies. It is a set of assumptions and sentiments that are shared across the ideological spectrum of everyday politics. The meta-ideology may function as a guiding ethos or ethics. Liberalism should not be expected to give specific, direct guidelines for actions, since such direct rules are bound to become contested.

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<sup>123</sup> B. K. Greener, "Liberalism and the Use of Force: Core Themes and Conceptual Tensions," *Alternatives: Global, Local, Political*, 32, no. 3 (2007): 299.



As a guiding ethos it only effectively limits relevant and legitimate political options and thus continues to affect social discourse and political practices.

This specific character of contemporary liberal ideology poses a methodological challenge. According to Theo Farrell's definition, 'norms are shared beliefs that are "out there" in the real world, in the meaning they give to material things'.<sup>124</sup> In terms of constructivist methodology, it follows from this definition that constructivists are interested only in the beliefs that are shared and in order for a belief to be shared it must be at least expressed, if not codified and recorded.<sup>125</sup> On the other hand, Jeffrey W. Legro notes, in some cases public efforts to reaffirm a norm may be a sign that a norm is weakening.<sup>126</sup> So, despite the necessity of being shared, deeply internalised norms may be shared in a significantly less detectable way yet also be extremely powerful. This seems to be the case of contemporary liberalism. Liberal assumptions, Arblaster argues, 'are so deeply ingrained that they are hardly ever made explicit, or argued for or over'.<sup>127</sup> For example, the terms so fundamental for liberalism such as 'free', 'freedom' and 'independent' are already laden with very precise meaning. Arblaster points out that people do not understand the terms such as a 'free press', 'independent' television or 'independent' school as independent or free from various commercial and other pressures, but always as free from the constraints of the state. In such cases we can see how the liberal conceptions are 'built into our everyday language so thoroughly that the words used are not seen by most people as being political or ideological or tendentious in any way'.<sup>128</sup> Arblaster's account thus shows that, although liberal assumptions are shared in the everyday discourse, for the lack of contrast it is rather difficult to identify them.

Liberal assumptions are often concealed so effectively that 'it is only with the advantage of historical hindsight that they are brought to the surface at all'.<sup>129</sup> So Arblaster presents a feasible way of examining the contemporary form of liberal ideology. Using the conceptualisation of Jepperson, Wendt and Katzenstein, norms with the strength of 'common

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<sup>124</sup> Farrell, "Constructivist Security Studies," 60.

<sup>125</sup> Ibid.

<sup>126</sup> Jeffrey W. Legro, "Which Norms Matter? Revisiting the 'Failure' of Internationalism," *International Organization*, 51, no. 01 (1997): 35.

<sup>127</sup> Arblaster, *The Rise and Decline of Western Liberalism*, 6.

<sup>128</sup> Ibid., 8.

<sup>129</sup> Ibid., 9.

wisdom' might be more easily observed in earlier stages of their internalisation when the norm's position was weaker in relation to alternative norms.<sup>130</sup>

Moreover, Bellamy's work implies that focusing on earlier stages of liberalism's development may not be merely a methodological preference. At least as far as the social and economic system is concerned, Western people continue to live and think within the institutional framework and values which were created in and for conditions of the 19<sup>th</sup> Century society.<sup>131</sup> Contemporary theories of liberalism, Bellamy argues, all turn out to be ethical theories that advocate an idealised form of a particular historical community.<sup>132</sup>

It is not the ambition of this research to prove or reject Bellamy's criticism of liberalism's 'current theoretical and political bankruptcy'.<sup>133</sup> However, his argument, like that of Arblaster, shows a way of understanding liberalism in contemporary society and, equally or even more importantly, it lends support to the methodological propositions of this thesis. It is assumed here that historical examination of liberal political thinking may reveal liberal principles shared and maintained by the contemporary Western societies, an assumption which Arblaster's and Bellamy's work clearly confirm and substantiate.

Yet Greener's description of liberalism's diversity and potential contradictions between various liberal norms warns us before we buy into uncritical acceptance of any liberal idea that has ever been expressed. Keeping the historical diversity of liberalism in mind, this thesis is looking at liberalism as a whole; hence it is primarily concerned with principles common to an overarching liberal tradition.

It is important for this approach, however, to recognise unifying liberal principles from various historically contingent liberal ideas. An example can be drawn from the 1856 Declaration of Paris. The Declaration of Paris provided for the end of privateering and thus set rules protecting free trade in war-time. Arguably, the Declaration would have never been achieved but for the successful campaign of the liberal free-trade movement.<sup>134</sup> Yet, what does this case tell us about liberal norms of war? Taking this case at face value, it might be argued that liberalism tends to limit hostilities to armed forces. War, in this sense, should be

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<sup>130</sup> The forms of smaller norm strength are called 'discursive receptivity' and 'contested models'. Jepperson et al., "Norms, Identity, and Culture in National Security," 55.

<sup>131</sup> Bellamy, *Liberalism and Modern Society*, 1.

<sup>132</sup> Ibid., 248; see also Richard Bellamy, *Rethinking Liberalism* (London: Pinter, 2000), x.

<sup>133</sup> Bellamy, *Liberalism and Modern Society*, 2.

<sup>134</sup> See more in Bernard Semmel, *Liberalism & Naval Strategy: Ideology, Interest, and Sea Power during the Pax Britannica* (Boston: Allen & Unwin, 1986).

an exclusively military business which has little to do with the rest of society. Yet the falsity of this proposition may be demonstrated by the fact that one of the fiercest opponents of the Declaration of Paris was John Stuart Mill, who among other things criticised such detachment of free trade from the fate of the state:

Nations at war with nations, but their merchants and shipowners at peace; our own merchants driving a roaring trade with the enemies whose resources we were endeavouring to cripple, and contributing, perhaps, a great part of their revenue. Some persons think that this would be a great improvement, that it would be a gain to humanity if war were confined to what they call a duel between Governments – a strange gain to humanity if the merchants, manufacturers, and agriculturists of the world lost nothing by a state of war, and had no pecuniary interest in preventing it except the increase of their taxes... How war is to be humanised by shooting at men's bodies instead of taking their property, I confess surprises me.<sup>135</sup>

The Declaration of Paris, nonetheless, was in accord with principles of the *laissez-faire* liberalism of the mid-19<sup>th</sup> Century. It reflected early liberals' distrust of governments, which were held fully responsible for almost all wars, and their conviction that free trade alone could secure international peace. Liberalism of the time called for 'as little intercourse as possible between Governments, as much connection as possible between the nations of the world'.<sup>136</sup> However, later, at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries, when *laissez faire* ceased to be a sacrosanct liberal norm, vested interests of large capitalists, instead of governments, came to be recognised from liberal positions as the main cause of wars and imperial expansion. Governments were now required to get involved in economic affairs and redistribute resources to state welfare policies, such as health, education, or national insurance. Yet, does this all mean that *laissez faire* liberalism and New Liberalism have nothing in common but the name? Arguably, this is not the case. Regarding the point in question, various strains of liberalism might have differed in the understanding of the role of the state, but there has always been a common liberal ground, abstract principles upon which particular, historically contingent, norms may be built. Thus, when looking from the perspective of the liberal tradition as a whole, the Declaration of Paris may be interpreted as a result of at least one shared liberal principle – the assumption that the state is not a moral end.

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<sup>135</sup> John Stuart Mill, "Public and Parliamentary Speeches Part I November 1850 - November 1868," in *The Collected Works of John Stuart Mill*, ed. John M. Robson and Bruce L. Kinzer (London: Routledge and Kegan Paul, 1988). Ch.80: 'England's Danger through the Suppression of Her Maritime Power, 5 Aug, 1867'

<sup>136</sup> Richard Cobden quoted in Michael Eliot Howard, *War and the liberal conscience* (London: Tample Smith, 1978), 43.

The state has its clearly delimited scope of power in relation to both the individual and humankind as a whole.

### ***Varieties of norms***

The case of the Declaration of Paris also shows that a distinction needs to be made between different kinds of norms, or, rather say, imperatives. The terms ‘principle’, ‘norm’ and ‘rule’ are sometimes used in order to differentiate the character of the beliefs. Since no convention exists regarding the proper definition of these terms, in this research a conceptualisation by Stephen D. Krasner will be followed.<sup>137</sup> According to his conceptualisation, principles, norms and rules are distinct entities. The term ‘principle’ refers to very abstract assumptions that are supposed to morally legitimise the purposes which actors are expected to pursue. Norms are generalised standards of behaviour defined in terms of rights and obligations. Rules refer to relatively specific prescriptions or proscriptions for action.<sup>138</sup> To illustrate the difference, Gregory Raymond gives an example of the laws of war:

the laws of war have been influenced by the *principle* of humanity, which prohibits any military force not required for defeating an enemy. An international *norm* based on this principle is the admonition against weapons that cause superfluous injury and needless suffering. Finally, one of the many *rules* anchored in this norm is the specific prohibition of dum-dum bullets.<sup>139</sup>

Utilising this conceptualisation, the examination of the liberal tradition in the following chapter is concerned almost exclusively with principles. The concept of liberal ideology, then, will stand for a set of principles which constitute a common ground of the liberal tradition and are relevant to the issue of defence and military policy. The aim of the case studies is to observe the process of transforming the principles into specific norms, rules and also policies and institutions.

Admittedly, the difference between the types of imperatives is not always absolutely clear. As Robert Keohane notes, ‘it is difficult if not impossible to tell the difference between an “implicit rule” of broad significance and a well-understood, relatively specific operating

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<sup>137</sup> Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," *International Organization*, 36, no. 2 (1982).

<sup>138</sup> Gregory A. Raymond, "Problems and Prospects in the Study of International Norms," *Mershon International Studies Review*, 41, no. 2 (1997): 218; Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," 186.

<sup>139</sup> Raymond, "Problems and Prospects in the Study of International Norms," 218-19. (Emphasis added)

principle'.<sup>140</sup> Nonetheless, it is not so important for this thesis to draw a clear dividing line between principles, norms and rules. It suffices to emphasise that the examination of the liberal tradition in the following chapter should reveal rather general assumptions or imperatives which are, or became, independent of a particular historical or social context. An application of such principles in the form of norms and rules will be examined in the case studies afterwards.

And finally, for the moment, it is also worth noting that principles may be understood as 'beliefs of fact, causation, and rectitude'.<sup>141</sup> As such they are supposed to furnish moral legitimisation to an actor's behaviour. Yet, a more nuanced understanding of how ideological principles work may be useful. Mark Warren describes three basic ideological mechanisms: justification, reification and dissimulation. As for the first mechanism, ideologies justify some practices or arrangements if they identify them as right, proper and good. Regarding reification, ideologies may naturalise or reify historically contingent arrangements and practices. It may be recognised that existing arrangements are not absolutely right, but reification makes rightness irrelevant – it effectively ossifies them. Last but not least, through the dissimulating mechanism ideologies may justify situations by misidentifying them, often by equating particular conditions with an ideal.<sup>142</sup> Warren's description should make us aware, and serve as a cautionary reminder, that ideologies and ideological principles may operate in various ways. When examining the liberal tradition, the principles that are looked for should be understood in their full breadth. The principles do not only positively stipulate what is good and what is wrong; they also can curtail a spectrum of relevant options or lead to particular ways of (mis)interpretation of a situation.

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<sup>140</sup> Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, N.J.: Princeton University Press, 1984), 59; see also Raymond, "Problems and Prospects in the Study of International Norms," 219.

<sup>141</sup> Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," 186.

<sup>142</sup> Mark Warren, "Liberal Constitutionalism as Ideology: Marx and Habermas," *Political Theory*, 17, no. 4 (1989): 513-14.

## **Chapter Two:**

# **Liberal Principles on the Military**

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Liberal ideology is understood here as an ethical and normative system which was born in the philosophy of Enlightenment and further developed under the conditions of the 19<sup>th</sup> Century.<sup>1</sup> The purpose of this chapter, therefore, is, through analysis of political and ethical thinking of the Enlightenment, the 19<sup>th</sup> Century, and partly also of the 20<sup>th</sup> Century, to identify the basic liberal principles that, although having originated before the beginning of the 20<sup>th</sup> Century, may determine defence policy and military organisation nowadays. Although it may be plausible to say with Greener that liberalism is quite a wide-ranging philosophical tradition and contains potential contradictions between various liberal norms;<sup>2</sup> the analysis in this chapter is designed to uncover the most relevant common threads in liberal political and ethical thinking.

This chapter is structured so as to follow three levels of analysis. The first main section is concerned with the liberal ideas about humanity as a whole. In particular, the overarching topic of this section is the concept of cosmopolitan morality and universal justice. The second section deals with political thinking about the relationship between armed forces and liberal-democratic society. Specifically, it is the issue of militarism and militarisation of society that underlines in this section the discussion on liberal attitudes to the standing armies, militias and universal conscription. The ethical issues concerning the conflict between the rights and freedoms of the individual and military service is the topic of the last section. Conscientious objection and obligation to service and to obey orders are the main issues of the last part of this chapter.

### **Armed Forces and Humanity**

One of the constitutive features of liberalism lies in its moral commitment to the individual as well as to humankind as a whole. Implications of the commitment to the individual are presented in the third section of this chapter, nonetheless, the moral concept of

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<sup>1</sup> See Bellamy, *Liberalism and Modern Society*, 1, 248; Bellamy, *Rethinking Liberalism*, x.

<sup>2</sup> See Greener, "Liberalism and the Use of Force: Core Themes and Conceptual Tensions," 299.

mankind and humanity, which is discussed in this section, is inseparable from the liberal belief in individuality. ‘Moral rights and duties’, stated Leonard T. Hobhouse, ‘are founded on relations between man and man, and therefore applicable to all humanity.’<sup>3</sup> Every single person is a member of a universal community of mankind, regardless of one’s citizenship, and as such everyone enjoys some moral rights and is subject to certain duties. Existence of the universal community means, in the words of Immanuel Kant, that ‘violation of right at any *one* place on the earth is felt in *all* places.’<sup>4</sup>

Moreover, for the ability of each individual to be, or become, a rational being the universal community is naturally peaceful and harmonious or, at least, is bound by nature to ultimately develop harmony and perpetual peace. Despite the fact that empirical observation frequently shows the contrary, this notion is not merely a normative appeal; rather, liberalism insists that peace and harmony is a logical and necessary implication of people’s rationality and thus it is just a matter of time until the universal community of people would remove the last obstacles to perpetual peace and be fully able to realise humankind’s natural predisposition. Reinhold Niebuhr, an American theologian, understood this liberal optimism as a result of the Enlightenment rejection of the Christian doctrine of original sin. As a consequence of this rejection, whenever liberals ‘are confronted with the divisive and corrosive effects of man’s self-love, they look for some immediate cause of this perennial tendency’.<sup>5</sup> Among various such immediate causes were ‘a false system of government’,<sup>6</sup> aristocracy,<sup>7</sup> plutocrats,<sup>8</sup> and the false concept of the state.<sup>9</sup>

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<sup>3</sup> Quoted in Casper Sylvest, "Continuity and Change in British Liberal Internationalism, c. 1900-1930," *Review of International Studies*, 31, no. 2 (2005): 272.

<sup>4</sup> Immanuel Kant, "Toward Perpetual Peace: A Philosophical Sketch (1795)," in *Toward Perpetual Peace and Other Writings on Politics, Peace and History: Immanuel Kant*, ed. Pauline Kleingeld (New Haven and London: Yale University Press, 2006), 84.

<sup>5</sup> First published as Reinhold Niebuhr, *The Children of Light and the Children of Darkness* (New York: Charles Scribner's Sons, 1944); quoted from Reinhold Niebuhr, *The Children of Light and the Children of Darkness: A Vindication of Democracy and a Critique of its Traditional Defense* (Chicago: University Of Chicago Press, 2011), 17.

<sup>6</sup> Thomas Paine, "Rights of Man, Part I (1791)," in *Paine: Political Writings*, ed. Bruce Kuklick (Cambridge: Cambridge University Press, 2004), 152.

<sup>7</sup> ‘... the battle plain is the harvest of the aristocracy, watered with the blood of the people’ Quoted in John MacMillan, *On Liberal Peace: Democracy, War and the International Order* (London, New York: Tauris Academic Studies, 1998), 103; Peter J. Cain, "Capitalism, War and Internationalism in the Thought of Richard Cobden," *British Journal of International Studies*, 5, no. 3 (1979): 233.

<sup>8</sup> If contemplating the enormous expenditure on armaments, the ruinous wars, the diplomatic audacity or knavery by which modern Governments seek to extend their territorial power, we put the plain, practical question, *Cui bono?* the first and most obvious answer is, the investor. John Atkinson Hobson, *Imperialism: A Study*, 3rd ed. (London: Unwin Hyman, 1988), 55. First published in 1902

## ***Progress and improvement***

Yet the moral unity of mankind, human rationality and peacefulness is unconceivable unless a particular threshold of progressive social development has been passed. Kant considered the history of mankind as a continuous progressive development from ‘the lawless state of savagery’ through an imperfect law-governed state towards a perfect constitutional arrangement on the domestic as well as the international level. ‘One can regard the history of the human species at large as the realization of a concealed plan of nature, meant to bring into being an internally and, *to this end*, externally perfect state constitution, as the only condition in which nature can fully develop all of its predisposition in humankind.’<sup>10</sup> Until the very end of human progress is achieved, perpetual peace, harmony of interests and genuine moral unity of humankind cannot be taken for granted.

In 1989 Francis Fukuyama proclaimed the end of history in the sense that the end of the Cold War marked ‘the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government’.<sup>11</sup> The constitutional form that recognises and protects universal rights to individual freedom and allows a government to exercise its power only with the consent of the governed is asserted to be the necessary aim of each society’s development. Such a statement, however, also reveals a perceived inequality between advanced liberal-democratic societies and the other, less developed peoples; a hierarchical view which is inherent in liberal political thinking. Liberal thinkers tend to make a distinction between advanced – civilised, liberal and democratic – states, on the one hand, and backward – savage, nonliberal and ‘outlawed’ – states, on the other.

In that sense, John Stuart Mill drew a clear line between civilised and uncivilised (savage and barbarous) peoples. Civilised peoples, in Mill’s view, are distinct, among other things, by their ability to cooperate for common purposes and by such an arrangement of society that protects individual rights and property of its members. In savage communities, on the other hand, each person is said to rely on himself and ‘trusts to his own strength or

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<sup>9</sup> To Goldsworthy Lowes Dickinson, the “governmental theory”, which concealed the fact that states are unreal abstractions, was the prime cause of war and could only be countered by the sound ideas of real people.’ Sylvest, "Continuity and Change in British Liberal Internationalism, c. 1900-1930," 276.

<sup>10</sup> Immanuel Kant, "Idea for a Universal History from a Cosmopolitan Perspective," in *Toward Perpetual Peace and Other Writings on Politics, Peace and History: Immanuel Kant*, ed. Pauline Kleingeld (New Haven and London: Yale University Press, 2006), 13.

<sup>11</sup> Francis Fukuyama, "The End of History?," *The National Interest*, 16(1989): 3.



cunning'. Moreover, among savages is seldom seen 'any joint operations carried on by the union of many'.<sup>12</sup> This concept of civilisation and other claims of Mill's liberal imperialism have since then become, in terms of politically correct discourse, unacceptable. However, as Brett Bowden notes, the classical standard of civilisation was replaced by two successors – 'standard of human rights' and a 'standard of modernity'.<sup>13</sup> Analogous to Mill's concept thus may be, for instance, John Rawls's distinction between 'well-ordered' and 'not well-ordered' peoples. Although Rawls's category of 'well-ordered' peoples reaches beyond liberal-democratic countries (also includes 'decent constitutional hierarchies'), respect to human rights and wide participation in political decision making is the main characteristic that distinguishes the 'well ordered' peoples from 'not well-ordered'.<sup>14</sup>

Despite the fact that the community of mankind is universal and imposes moral rights and duties on every human being, there is a significant difference between rights and duties possessed by advanced/civilised states and societies, however 'standards of civilisation' are formulated, and by peoples who have not attained those standards. In comparison with the former, the latter's rights of state sovereignty and non-interference is considerably limited. 'To suppose that the same international customs, and the same rules of international morality, can obtain between one civilized nation and another, and between civilized nations and barbarians, is a grave error', maintained Mill.<sup>15</sup> Insufficient progress of a society may warrant interference into domestic affairs of the very society and in some extreme cases may even justify military intervention with the purpose to improve the standards of civilisation, or currently rather the standards of human rights. In fact, some scholars, such as Beate Jahn, argue that the liberal belief in the nature of non-liberal societies, which has accompanied liberal thinking since the British involvement in India, through the Cold War and beyond its end, is inseparable from and constantly supports the tendency of liberalism towards interventionism.<sup>16</sup> Therefore, except for the language used, present-day liberalism may be in accord with Mill's statement that

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<sup>12</sup> John Stuart Mill, "Civilization 1836," in *The Collected Works of John Stuart Mill, Volume XVIII - Essays on Politics and Society Part I [1832]*, ed. John M. Robson (London: Routledge and Kegan Paul, 1977), 4.

<sup>13</sup> Brett Bowden, "In the Name of Progress and Peace: The "Standard of Civilization" and the Universalizing Project," *Alternatives: Global, Local, Political*, 29, no. 1 (2004): 59.

<sup>14</sup> John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999).

<sup>15</sup> John Stuart Mill, "A Few Words on Non-Intervention 1859," in *The Collected Works of John Stuart Mill, Volume XXI - Essays on Equality, Law, and Education*, ed. John M. Robson (London: Routledge and Kegan Paul, 1984).

<sup>16</sup> Beate Jahn, "Kant, Mill, and Illiberal Legacies in International Affairs," *International Organization*, 59, no. 1 (2005): 180.

nations which are still barbarous have not got beyond the period during which it is likely to be for their benefit that they should be conquered and held in subjection by foreigners. Independence and nationality, so essential to the due growth and development of a people further advanced in improvement, are generally impediments to theirs. The sacred duties which civilized nations owe to the independence and nationality of each other, are not binding towards those to whom nationality and independence are either a certain evil, or at best a questionable good.... barbarians have no rights as a *nation*, except a right to such treatment as may, at the earliest possible period, fit them for becoming one.<sup>17</sup>

Yet it is important to stress that liberalism is generally hostile towards the use of violence in order to achieve positive goods, such as social progress in this case. A good intention to improve a social order of other peoples, insisted Kant, ‘cannot wash away the stain of injustice in the means to attain them’.<sup>18</sup> The use of violence should always be a response to a previous aggression, as it is to be discussed below. However, although the level of social progress is measured primarily with regard to internal conditions of a society, it is considered inseparable from external behaviour. If an order within a society is regarded unjust or inappropriate, doubts also arouse about sociability of the society on the international level. ‘Because nonliberal governments are perceived to be in a state of aggression with their own people’, Michael Doyle explains, ‘their foreign relations become, for liberal governments, deeply suspect’.<sup>19</sup> In accordance with Doyle’s explanation Rawls claims that ‘outlaw states’, a category within the group of ‘not well-ordered peoples’, ‘are aggressive and dangerous; all peoples are safer and more secure if such states change, or are forced to change, their ways’.<sup>20</sup> Mill highlighted implications of the suspicion when noting that a ‘civilized government cannot help having barbarous neighbours: when it has, it cannot always content itself with a defensive position, one of mere resistance to aggression’.<sup>21</sup> Thus, from the liberal perspective, internal and external behaviour of backward societies is assumed as almost inseparable and, therefore, the overall backwardness of such societies may in the most extreme cases serve as a justification of a liberal military intervention.

This interventionist tendency of liberal societies is, moreover, facilitated by the presumed military superiority over backward peoples. The assumption that military power is dependent on social progress was very explicitly pronounced by both James and J.S. Mill.

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<sup>17</sup> Mill, "A Few Words on Non-Intervention 1859."

<sup>18</sup> Immanuel Kant, "Metaphysics of Morals," in *Toward Perpetual Peace and Other Writings on Politics, Peace and History: Immanuel Kant*, ed. Pauline Kleingeld (New Haven and London: Yale University Press, 2006), 147.

<sup>19</sup> Doyle, "Three Pillars of the Liberal Peace," 464.

<sup>20</sup> Rawls, *The Law of Peoples*, 81.

<sup>21</sup> Mill, "A Few Words on Non-Intervention 1859."

James Mill considered the military competence as one of the first tests of emerging civilisation: ‘one of the first applications of knowledge is to improve the military art’.<sup>22</sup> J.S. Mill emphasised the aspect of cooperation when stating:

Consider even war, the most serious business of a barbarous people; see what a figure rude nations, or semi-civilized and enslaved nations, have made against civilized ones, from Marathon downwards. Why? Because discipline is more powerful than numbers, and discipline, that is, perfect co-operation, is an attribute of civilization.<sup>23</sup>

To J.S. Mill, cooperation was the most accurate test of the progress. Cooperation was essential for social and economic life and so acquired capability to work with others in large groups was seen to be fully transferable to warfare too. Neither Kant had any doubts about military improvement based upon progress. With regard to progress of a social order and constitution of a state, he assumed a dependency between a military power of a state and a level of freedom and respect to human rights within the state – ‘the threat of war is also today the only thing that moderates despotism’.<sup>24</sup> Furthermore, Kant conceived the human progress as a way from original natural conditions towards the rule of human reason and creativity. In this light, military competences were not seen as a natural gift; on the contrary, because the nature had provided people with ‘neither the bull’s horns, nor the lion’s claws, nor the dog’s teeth, but only hands’, military skills and capabilities ‘were intended to be entirely products of their own efforts’.<sup>25</sup> Thus, despite the fact that liberal societies present themselves as essentially peaceful, liberalism renders them relatively confident about their military power in comparison with backward societies.

Yet, the use of military force is only one part of the overall effort if a military intervention into a backward non-liberal state actually occurs. The perceived inequality, moral as well as military, between advanced liberal and backward non-liberal societies imposes duty on the former to help the latter in their improvement. ‘The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of well-ordered Peoples’, Rawls claims. ‘Well-ordered peoples have a *duty* to assist burdened societies.’<sup>26</sup> Military force itself is not regarded as a just and proper means to

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<sup>22</sup> James Mill, *The History of British India* (London: Baldwin, Cradock, and Joy, 1817), 460.

<sup>23</sup> Mill, "Civilization 1836."

<sup>24</sup> Immanuel Kant, "Conjectural Beginning of Human History," in *Toward Perpetual Peace and Other Writings on Politics, Peace and History: Immanuel Kant*, ed. Pauline Kleingeld (New Haven and London: Yale University Press, 2006), 34.

<sup>25</sup> Kant, "Idea for Universal History," 5-6.

<sup>26</sup> Rawls, *The Law of Peoples*, 106.

this end; however, it is sometimes rendered necessary by the perceived danger posed by the backward states. Therefore, if military force is deployed into a backward state, it should always be followed by other instruments that are more capable than the military forces to bring social improvement.

### ***The state vis-a-vis humanity***

Most of the consequences of the inequality in social progress and improvement are related to the state, particularly, related to the state rights as a member of international society. Full rights should be granted only to those states whose social and constitutional order is sufficiently advanced in protection of human rights and political participation. Yet, this is not to say that the concept of the state in its advanced form would be unproblematic or uncontested. Liberal thinkers significantly varied in their emphasis on the state. Thus Norman Angell regarded the state as merely ‘particular administrative conditions under which they [people] may live’.<sup>27</sup> On the other hand, for Kant, a completely just civic society was the ultimate end, to which also the achievement of perpetual peace was subordinated. ‘The problem of establishing a perfect civil constitution is dependent upon the problem of a law-governed *external relation between states* and cannot be solved without having first solved the latter.’<sup>28</sup>

Important here is that essential in the liberal thinking is that the state is no absolute whole. So as to demonstrate the distinctiveness of this liberal notion, we may contrast it with some notably different philosophical systems, particularly with Hegel’s philosophy of state and right and the tradition of positive international law represented by Emerich de Vattel. Contrary to the liberal view, Hegel understood the state as universality, as the ‘individual’ that possesses the last word in defining what is just and, therefore, cannot be subjected to any higher international law. ‘[S]ince the sovereignty of a state is the principle of its relations to others, states are to that extent in a state of nature in relation to each other. Their rights are actualised only in their particular wills and not in a universal will with constitutional powers over them.’<sup>29</sup> In this point Hegel agreed with the school of positive international law. Its prominent proponent Emerich de Vattel also rejected a chimerical concept of a supreme

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<sup>27</sup> Norman Angell, *The Great Illusion: A Study of the Relation of Military Power in Nations to their Economic and Social Advantage* (London: William Heinemann, 1914), 297-9.

<sup>28</sup> Kant, "Idea for Universal History," 9.

<sup>29</sup> Georg Wilhelm Friedrich Hegel, *Philosophy of Right*, trans. Thomas Malcolm Knox (London: Oxford University Press, 1942), §333.

world community of states and insisted upon full and absolute sovereignty of the state and legal equality of all sovereign states.<sup>30</sup>

In the liberal view, the state has its clearly delimited scope and therefore it might be easily claimed that the liberal state is not sovereign but by name. Above its 'sovereign' legislative power there are two other legal, or at least moral, systems. As Kant explained, those are, first, international law 'governing the relations of states among one another (*ius gentium*)' and, second, a juridical system 'based on *cosmopolitan right*, to the extent that individuals and states, who are related externally by the mutual exertion of influence on each other, are to be regarded as citizens of a universal state of humankind (*ius cosmopolitanum*).'<sup>31</sup> It is worth reiterating that, whereas benefits of the international law may be enjoyed only by those states which voluntarily subjugate themselves to the international law, cosmopolitan rights are possessed by every member of mankind. In that sense it is understandable that John Stuart Mill in his 'A Few Words on Non-intervention' circumscribed the duty to respect independence and rights of each other exclusively to nations 'of the same, or something like the same, degree of civilization'. International law, as he noted, implies reciprocity. 'But barbarians will not reciprocate.' Therefore, the only 'moral law for the relation between a civilized and a barbarous government, are the *universal rules of morality* between man and man.'<sup>32</sup> These universal rules, nonetheless, are valid and should be observed by everyone unconditionally.

### ***Just war***

The acceptance of international law and cosmopolitan morality necessarily means that war as a duel or trial is outlawed. War must be, therefore, either a crime or an act of justice, for there is no middle way.<sup>33</sup> Liberalism abhors the concept of war as a kind of extra-judicial mechanism to decide disputes, as a mechanism entirely independent of law and justice. As it has already been shown, Hegel and Vattel, among others, considered the concept of international justice impracticable because of the lack of sovereign power above states. In

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<sup>30</sup> Robert A. Kann, "The Law of Nations and the Conduct of War in the Early Times of the Standing Army," *The Journal of Politics*, 6, no. 1 (1944): 94.

<sup>31</sup> Kant, "Perpetual Peace," 73.

<sup>32</sup> John Stuart Mill, "A few words on non-intervention (1859)," *New England Review*, 27, no. 3 (2006): 261-62. Emphasis added

<sup>33</sup> 'Either war is a crusade, or it is a crime. There is no half way house.' R.H. Tawney quoted in Kenneth N. Waltz, *Man, the State and War* (New York: Columbia University Press, 1959), 111.

addition to that, the concept of just war, in the view of Vattel, was dangerous for the entire international society and Hegel considered it false or even unjust. Thus Vattel warned that

... since each Nation claims to have justice on its side, it will arrogate to itself all the rights of war and claim that its enemy has none, that his hostilities are but deeds of robbery, acts in violation of the Law of Nations, and deserving of punishment by all nations. The decision of the rights at issue will not be advanced thereby, and the contest will become more cruel, more disastrous in its effects, and more difficult of termination.... The justice or injustice of the cause does not come into the question in this matter. There would be no stability of possession, and no security in trading with the belligerents, if it were permissible to distinguish between a just and an unjust war, so as to attribute legality to the effects of the one and deny it to those of the other. To do so would be to open the door to endless disputes and quarrels.<sup>34</sup>

For the same reasons also Carl Schmitt appreciated the positive law of war. He maintained that the ‘classical martial law’ has well earned this name on account of the fact that it ‘recognizes clear distinctions, above all between war and peace, combatants and non-combatants, enemy and criminal.’ He especially pointed out that war was supposed to be conducted between ‘standard-bearers of a *jus belli* who respect each other at war as enemies and do not treat one another as criminals, so that a peace treaty becomes possible and even remains the normal, mutually accepted end of war.’<sup>35</sup>

Hegel, in comparison with Vattel and Schmitt, was less worried about the material consequences of application of justice at the international level. On the other hand, he insisted that rights and justice had always subjective meaning and since there was no subject above the state, the articulation of what was right and just completely rested on the discretion of the state:

Each party grounds its behaviour on rights and accuses the other of an infringement of a right.... each party claims to have right on its side; and both parties are right. It is just the rights themselves which come into contradiction with one another.... Thus war, or the like, has now to decide, not which of the rights alleged by the two parties is the genuine right – since both parties have a genuine right – but which of the two rights is to give way. War, or whatever it may be, has to decide this, precisely because both contradictory rights were equally genuine; thus a third thing, i.e. war, must make them unequal so that they can be unified, and this happens when one gives way to the other.<sup>36</sup>

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<sup>34</sup> Emerich de Vattel, *The Law of Nations, or, The Principles of Natural Law*, trans. Charles G. Fenwick (London: Wildy, 1964), 304, 08; see also Inis L. Claude, "Just Wars: Doctrines and Institutions," *Political Science Quarterly*, 95, no. 1 (1980): 90; Joachim von Elbe, "The Evolution of the Concept of the Just War in International Law," *The American Journal of International Law*, 33, no. 4 (1939): 683.

<sup>35</sup> Carl Schmitt, *The Theory of the Partisan: A Commentary/Remark on the Concept of the Political*, trans. A. C. Goodson (East Lansing: Michigan State University Press, 2004), 6.

<sup>36</sup> Georg Wilhelm Friedrich Hegel, "The German Constitution," in *Hegel's Political Writings*, ed. Z.M. Pelczynski and Thomas Malcolm Knox (Oxford: Clarendon Press, 1964), 209-10; see also Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1995), 202-3;

Despite the fact that Hegel did not contemplate the material consequences of the just war concept, Hegel's philosophy can be read as a prevention against moral harm being an effect of war. Thus Shlomo Avineri stresses that, according to Hegel, the 'outcome of any given war is by itself neutral to the problem of justice or justification'. Hegel's thinking thus not at all adopted the maxim of 'might is right'.<sup>37</sup>

The liberal concept of just war does not oppose the positivist concept of war as articulated by Vattel as strongly as it may seem. Vattel tried to prevent such situations in which justice, ill-defined or in its very broad sense, would be pursued by the means of war. On this point Kant agreed with Vattel. As Gallie points out, Kant, despite his contempt to Vattel's teaching, was in agreement with him that nothing but confusion and harm resulted from regarding any wars as just or punitive.<sup>38</sup> Not a vague idea of justice but peace should be the aim of liberal just war. Only defence against aggression may legitimise a use of force in international relations. Yet, among liberal thinkers a great variety of views has occurred as to what sort of use of force can be justified as a legitimate defence against an aggressor.

Thus in a conceptualisation offered by Martin Ceadel, the attitudes of most liberal thinkers towards war may be described as 'pacific-ism' and, by no means rarely, also as 'crusading'.<sup>39</sup> Liberals traditionally denounced real-political practices of balance of power with occasional utilisation of war to restore the balance. The 'pacific-ist' character of liberalism means that liberal thinkers usually viewed war as a distasteful, though conceivable, possibility.<sup>40</sup> Military means are hence acknowledged as the last resort in case of being under imminent threat. In accordance with that principle Kant expected that citizens should 'protect

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Steven B. Smith, "Hegel's Views on War, the State, and International Relations," *The American Political Science Review*, 77, no. 3 (1983): 630.

<sup>37</sup> Avineri, *Hegel's Theory of the Modern State*, 202.

<sup>38</sup> Walter Bryce Gallie, *Philosophers of peace and war: Kant, Clausewitz, Marx, Engels and Tolstoy* (Cambridge: Cambridge University Press, 1978), 19-20.

<sup>39</sup> Ceadel's conceptualisation works with five distinct basic positions in the war and peace debate: militarism, crusading, defencism, pacific-ism and pacifism. Whereas militarism, as one extreme position, regards war as both a positive good and as essential for human development, pacifism, as another extreme position, claims that participation in and support for war is always impermissible. Although defencism views war as regrettable, it recognises the possibility of war and the necessity to maintain a strong defence in order to prevent or deter war. Pacific-ism strongly disagrees with defencism over whether peace and security can be produced exclusively by military means, although such means are acknowledged as the last resort in case of being under imminent threat. Crusading is most of the time indistinguishable from either defencism or pacific-ism; crusading manifests itself only if conditions are favourable for an aggressive war – the conditions being either order or justice, as these values are perceived necessary to preserve peace in the longer term. Crusading thus justifies war for the sake of peace. Martin Ceadel, *Thinking about Peace and War* (Oxford: Oxford University Press, 1989), 4-5.

<sup>40</sup> *Ibid.*, 101.

themselves and their country from attacks from the outside'.<sup>41</sup> As Gallie notes, Kant understood self-defence as a natural reaction, essential in life; however, this act in itself does nothing to positively advance the cause of perpetual peace.<sup>42</sup> Jeremy Bentham, who shared with Kant the belief that lasting peace needs to be established in a non-violent process, was another who advocated the legitimacy of a defensive use of force: 'Defence is a fair ground for war... The Quaker's [pacifist] objection cannot stand. What a fine thing it would have been for Buonaparte to have had to do with Quaker nations.'<sup>43</sup>

Some liberal pacific-ists may limit the use of force to self-defence. This is probably what Bentham, Cobden and others had in mind when they called for no foreign politics and non-intervention. But a more common attitude is to regard defence of another nation as, also, a legitimate use of military force. Hence Kant stipulated that 'the states which neighbour one another are obliged to emerge' from an anarchical state of war and to establish a league of states in order to 'protect one another against attacks from outside'.<sup>44</sup> Similarly, J.S. Mill believed that military intervention conducted with the purpose 'to enforce non-intervention is always rightful, always moral' and he expected the coalescence of 'an alliance of free peoples, so strong as to defy the efforts of any number of confederated despots to bring it down'.<sup>45</sup>

In addition, since the use of military violence in defence of other nations was accepted by the vast majority of liberal thinkers as legitimate, indeed quite often regarded as a moral obligation, the notion of an international police force should be recognised as a liberal concept. The idea of an international police force was advocated in the interwar period, 1919-39, for instance, by Lord David Davies, who endowed the Woodrow Wilson Chair in International Relations at Aberystwyth in 1919. In Davies's view, 'the problem is not how to abolish [armed force], but how to use it. Force can only be rightly employed when it has been scientifically organised as the sanction of international law in the form of an international police force.'<sup>46</sup> Although the establishment of an international armed force has remained a

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<sup>41</sup> Kant, "Perpetual Peace," 69.

<sup>42</sup> Gallie, *Philosophers of peace and war*, 21, 24.

<sup>43</sup> Quoted in Francis Harry Hinsley, *Power and the Pursuit of Peace: Theory and Practice in the History of Relations between States* (Cambridge: Cambridge University Press, 1963), 81.

<sup>44</sup> Kant, "Metaphysics of Morals," 140.

<sup>45</sup> Mill, "A few words on non-intervention (1859)," 263-64.

<sup>46</sup> David Davies, *Force* (London: Constable, 1934), 14; see also David Davies, *The problem of the twentieth century: a study in international relationships* (London: Ernest Benn, 1930); David Davies, "An International Police Force?," *International Affairs (Royal Institute of International Affairs 1931-1939)*, 11, no. 1 (1932).



controversial issue up to the present, Lord Davies's view provides us with a means by which to understand/conceptualise the liberal attitude towards the military. Davies insisted that the military is either 'a servant of justice or the tool of policy. It cannot serve two masters.'<sup>47</sup> There can be no doubt that liberalism would clearly prefer armed forces as a servant of justice rather than a tool of policy, rather a kind of benign international constabulary than a proper military.

The rejection of the armed forces as a tool of policy in favour of the concept of a police force also raises the question of to what extent the armed forces should be obedient to the government of the state. A domestic police in a law-governed country is usually subordinated to the governmental authority as far as its organisation is concerned, but in terms of exercise of the police function, it must abide only by the authority of law. Analogously then, the police-like armed forces are supposed to obey governmental commands only as long as these accord with the domestic constitution, international law and probably also some elementary sense of cosmopolitan justice. Any possible clash between the authority of government and the authority of justice can be hardly imagined if the armed forces are engaged in an act of self-defence or in a clear case of assistance to another nation's defence. However, liberalism is not entirely hostile to each kind of proactive military engagement – the most controversial one may be called a crusade. In fact, it may be argued that crusading is inherent in liberal political thinking.<sup>48</sup> Situations in which the will of the government of the day clashes with the principles of cosmopolitan justice are, therefore, quite easily conceivable.

According to the conceptualisation of Ceadel, 'crusading' shares with 'pacific-ism', and also 'defencism', its abhorrence of war. Hence crusading is most of the time indistinguishable from the latter attitudes. Yet crusading means that an aggressive war can be under certain circumstances justifiable – the conditions being a necessity to promote by the means of war either order or justice and thus preserve peace in the longer term. As the British Prime Minister Herbert H. Asquith put it in 1917, the Allies were 'waging, not only a war for peace, but a war against war'.<sup>49</sup> Crusading thus justifies war for the sake of peace.<sup>50</sup>

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<sup>47</sup> Davies, *Force*, 3.

<sup>48</sup> '... the tendency toward interventionism is inseparable from general liberal beliefs in the nature of nonliberal societies.' Jahn, "Kant, Mill, and Illiberal Legacies in International Affairs," 180.

<sup>49</sup> John Mueller, "Changing Attitudes towards War: The Impact of the First World War," *British Journal of Political Science*, 21, no. 1 (1991): 21.

<sup>50</sup> Ceadel, *Thinking about Peace and War*, 4-5.

The aims of a liberal crusade possibly may be to establish a new peaceful international system or to achieve the liberation of another nation from oppression by a despotic ruler. From the liberal perspective, however, neither of these aims is uncontroversial. Liberal thinkers usually made a great effort to avoid offering any systematic or doctrinal support of crusading. On the other hand, crusading is by definition an irregular activity, something which is rather difficult to prescribe in an abstract way. Thus as for the former kind of crusade, the First World War may serve as an example. The war did not at all break out as a crusade. It was transformed into an attempt to establish a new peaceful international system in the later part of the War when the USA came in. So US President Woodrow Wilson declared on 2 April 1917 that the USA would be fighting ‘for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.’<sup>51</sup> But to reiterate, this straightforward declaration of a crusade was made almost three years after the outbreak of the war and thus it was meant to give meaning to the bloodshed that had already been made.

Crusading is thus rather more an occasional but periodic liberal practice than a liberal theory. Liberal thinkers displayed a great caution over the question of the use of violence for a good cause. So Kant, on the one hand, maintained that the idea of coercion to create and sustain perpetual peace is both logically and practically an absurdity and insisted on complete non-interference in the domestic affairs of every state.<sup>52</sup> On the other hand, Kant also supported an enforced change of government as a legitimate aim of war against an ‘unjust enemy’. A vanquished unjust enemy, according to Kant, might be forced to accept ‘a new constitution, one which according to its nature is unfavorable to the inclination to wage war.’<sup>53</sup>

Whether a crusade or not, any war so as to be just in the liberal view should be somewhat defensive.<sup>54</sup> Aggression is always a crime and liberal people are supposed to act as policemen, not criminals. This is an inviolable principle of the liberal *jus ad bellum*. That liberalism may actually justify quite a variety of possible military actions rests upon the fact that an aggression may be defined rather loosely. Thus J.S. Mill stipulated the principle of

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<sup>51</sup> Quoted in *Ibid.*, 50-51.

<sup>52</sup> Gallie, *Philosophers of peace and war*, 20-21.

<sup>53</sup> Kant, "Metaphysics of Morals," 145.

<sup>54</sup> See e.g. Tesón's interpretation of liberal justification of war: 'War is justified if, and only if, it is in defense of persons and complies with the requirements of proportionality and the doctrine of double effect.' Fernando Tesón, "The Liberal Case for Humanitarian Intervention," *Public Law and Legal Theory Working Paper*, no. 29 (2001).

non-intervention. No nation, in his view, should be allowed to interfere in domestic affairs of another nation. But this rule had some exceptions. One of them was ‘the case of a people struggling against a foreign yoke, or against a native tyranny upheld by foreign arms’.<sup>55</sup> In that case an aggression had already been committed by the other foreign power which prevented the people from liberating themselves by their own powers. This is not to say, however, that only the presence of foreign arms represented an act of aggression. Mill also understood a popular uprising against a native despot who is without external support as a form of popular self-defence against the aggressive behaviour of the authoritarian ruler.<sup>56</sup> His reluctance to intervene in such a case rested chiefly on the belief that the internal situation in a war-torn country could never be crystal clear to an external actor and hence the conflict might serve as a kind of fair trial whether the popular uprising is truly popular. Despite this qualification of Mill, the present-day concept of humanitarian intervention may be seen as akin to Mill’s ideas. Dictators or despots who through superior security organisations and modern armed forces commit atrocities against their own people can be accused of committing the act of aggression against those very people and, therefore, international society should feel morally obliged, if need be, to intervene.

Humanitarian intervention was originally, in legalist terms, meant to stop ‘acts that shock conscience of mankind’ and thus warranted disregard to sovereignty and territorial integrity of the intervened state. Upon this international law’s appeal to ‘conscience of humankind’ is built liberal justification of humanitarian intervention too. Commitment to humanity and from that following respect to human rights of every single human being establishes a moral obligation to defend these rights if being violated. ‘If human beings are deprived of their capacity to pursue their autonomous projects, then others owe a duty of beneficence owed to rational persons’, posits Tesón. ‘The serious violation of human rights generates obligations on others.’<sup>57</sup> So modern liberal theorists of humanitarian intervention tend to agree that gross and massive violation of fundamental human rights warrants a duty, not merely a right, to intervene and forcefully defend these rights against any wrongdoer.

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<sup>55</sup> Mill, "A few words on non-intervention (1859)," 263.

<sup>56</sup> ‘... when a nation, in *her own defence*, has gone to war with a despot, and has had the rare good fortune not only to succeed in *her resistance*...’ Ibid.: 262. Emphasis added

<sup>57</sup> Tesón, "The Liberal Case for Humanitarian Intervention," 7-8. In a similar vein Carla Bagnoli articulates a Kantian argument for humanitarian intervention: ‘Defending human rights is a duty of respect because human rights are claims persons have *as persons*... Recognizing humanity in others amounts to respecting their freedom *and* obstructing and action meant to curb their freedom.’ Carla Bagnoli, "Humanitarian Intervention as a Perfect Duty: a Kantian Argument," *Nomos*, no. 47 (2004): 126-27. (Original emphasis)

Yet, there remains the question whose duty it is. Carla Bagnoli, adamant though she is about humanitarian intervention's being a perfect duty, concludes that a humanitarian cause imposes no burdensome responsibility on any particular state. Instead, she argues that 'since the perfect duty falls on the moral community as such, and not on specific states, an international agency would best represent such community'.<sup>58</sup> Walzer is in accord with Bagnoli when saying that the impossibility to assign responsibility to one particular country yields best to multilateral solutions; however, if there is no effective international/supranational agent, Walzer puts forward another principle for assigning responsibility to execute humanitarian intervention: 'Who can, should'. In the cases of mass murder and ethnic cleansing, any state which is capable enough to help should help.<sup>59</sup> Much similarity with these liberal principles is shown in the report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*. The report states that the 'international responsibility to protect' falls, in the first place, on the United Nations Security Council. However, if the Security Council 'fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation'.<sup>60</sup>

At this point it should be clarified whom liberal thinkers considered an opponent in liberal just wars. First, to reiterate, the opponent was regarded as a criminal rather than a just enemy and, second, as the case of aggression committed by a despot against his own people shows, the criminals were supposed to be identified as concrete persons or clearly defined groups of persons, not a nation as a whole. The latter point has, *inter alia*, important implications for the liberal approach to the *jus in bello*, which will be discussed below.

Regarding the former point, Kant defined an 'unjust enemy' as 'the enemy whose publicly declared will (be it through words or deeds) betrays a maxim which, if it were made into a general rule, would make peace among the peoples impossible and would instead perpetuate the state of nature'.<sup>61</sup> Thus provided that perpetual peace is an end embraced by all mankind, the moral inferiority of a so defined 'unjust enemy' is beyond doubt. That contrasts, however, with other philosophical systems, such as that of Hegel. To Hegel, each state sought recognition of its individuality and identity by its peers. That identity might be developed

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<sup>58</sup> Bagnoli, "Humanitarian Intervention as a Perfect Duty: a Kantian Argument," 133.

<sup>59</sup> Michael Walzer, "The Argument about Humanitarian Intervention," *Dissent* 49, no. 1 (2002).

<sup>60</sup> *The Responsibility to Protect: Report by International Commission on Intervention and State Sovereignty*, (Ottawa: International Development Research Centre, 2001), xiii.

<sup>61</sup> Kant, "Metaphysics of Morals," 144.

through constant opposition and enmity, rather than by friendship.<sup>62</sup> '[T]he state is an individual, and individuality essentially implies negation', wrote Hegel. 'Hence even if a number of states make themselves into a family, this group as an individual must engender an opposite and create an enemy.'<sup>63</sup> Moreover, the act of war is, according to Hegel, by definition an act of recognition. 'It happens of course that a state against which war is actually being waged is not recognized; but in reality it *is* recognized by the very fact that war is waged against it'.<sup>64</sup>

### ***Jus in bello***

The reason why the positivist international law school insisted on moral equality of states was to mitigate war's consequences on people. As it was already said, Vattel dreaded the idea of war against an outlawed enemy because 'the contest will become more cruel, more disastrous in its effects'.<sup>65</sup> From the positivist viewpoint, since waging war did not constitute a violation of international law, neither belligerent party was outlawed and, therefore, each party remained committed to the rules regulating combat – *jus in bello*. 'A lawful end confers a right only to those means which are necessary to attain that end', Vattel articulated the general principle of the *jus in bello*. 'Whatever is done in excess of such measures is contrary to the natural law, and must be condemned as evil before the tribunal of conscience.'<sup>66</sup> A direct implication of this principle is that violence should not be used against non-combatants, such as women and children, and also soldiers who gave themselves up and therefore pose no threat any more.

As far as these general rules are concerned, no significant difference existed between the positivist and liberal approach to the *jus in bello*. Despite the criminalisation of an opponent, liberals managed to maintain a prominent commitment to the rules regulating the conduct of war. This fact may illustrate the first modern, and liberal, codification of the law of war, the so called 'Lieber's Code', which was issued by the US Government during the American Civil War: 'Treating, in the field, the rebellious enemy according to the law and usages of war has never prevented a legitimate government from trying the leaders of the

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<sup>62</sup> Smith, "Hegel's Views on War, the State, and International Relations," 628.

<sup>63</sup> Hegel, *Philosophy of Right*, §324 Add.

<sup>64</sup> Hegel, "The German Constitution," 201.

<sup>65</sup> Vattel, *The Law of Nations*, 304, 08; see also Claude, "Just Wars: Doctrines and Institutions," 90.

<sup>66</sup> Vattel, *The Law of Nations*, 279.

rebellion or chief rebels for high treason, and from treating them accordingly'.<sup>67</sup> The difference, however, emerges when looking at reasons for establishing and observing the rules.

In the positivist legal system that was proposed by Vattel war was waged between entire nations/states. 'These two nations are therefore enemies, and all the subjects of one Nation are enemies of all the subjects of the other'. This rule applied also to women and children. 'Since women and children are subjects of the State and members of the Nation, they should be counted as enemies. But that does not mean that they may be treated as men who bear arms or are capable of doing so.' Women and children were supposed to be spared because as non-combatants they did not pose any threat or resistance to a military advance. The military violence was meant to be only a means and therefore the only legitimate target were armed men – soldiers. 'We shall see that we have not the same rights against all classes of enemies.'<sup>68</sup>

Making this distinction was an essential part of a liberal conduct of warfare too. But in the liberal case the reason for this discrimination did not rest merely on the fact that civilians did not pose a military threat. As we have already said, the genuine enemy is only a limited group of people who bore responsibility for causing the war. All other classes of citizens of the enemy state are not regarded as guilty by the crime of aggression. As Michael Walzer stated in his seminal book on just wars, 'civilians on both sides are innocent, equally innocent, and never legitimate military targets'.<sup>69</sup> Walzer's idea has been a recurring theme throughout the liberal philosophical tradition. Thus John Locke insisted that no punishment can be inflicted on any but those responsible for the war<sup>70</sup> and, moreover, he argued that,

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<sup>67</sup> Quoted in Quincy Wright, "The Outlawry of War and the Law of War," *The American Journal of International Law*, 47, no. 3 (1953): 365.

<sup>68</sup> All in Vattel, *The Law of Nations*, 261. In a study on the meaning of non-combatant immunity James T. Johnson demonstrates that the legal tradition from the 13<sup>th</sup> to the 18<sup>th</sup> Century maintains consistency and firmness. 'Certain classes of persons are throughout named as non-combatants, and equally significantly, the reasoning behind the lists of the immune focuses throughout on their function in society and vis-a-vis the war. Charity does not figure in defining non-combatancy. The criterion of function is of two kinds.... Both are exemplified in Vattel, the former by the magistrate, who performs a necessary service to society; the latter by the aged, who are unable because of their feebleness to bear arms.' James T. Johnson, "The Meaning of Non-Combatant Immunity in the Just War/Limited War Tradition," *Journal of the American Academy of Religion*, 39, no. 2 (1971): 170.

<sup>69</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 2000), 296.

<sup>70</sup> 'It is the unjust use of force, then, that puts a man into the state of war with another, and thereby he that is guilty of it makes a forfeiture of his life.... But because the miscarriages of the father are no faults of the children, who may be rational and peaceable, notwithstanding the brutishness and injustice of the father, the father, by his miscarriages and violence, can forfeit but his own life, and involves not his children in his guilt or destruction.' John Locke, *Two Treatises of Government* (Cambridge: Cambridge University

when it came to compensations for the damages caused by war, the innocent citizens of the vanquished aggressive state have a strong counter-claim over the winning side that fought for a just cause.<sup>71</sup> In a clear and explicit way this idea was expressed by Kant too. He stated:

‘It is allowed in war to demand exactions and contributions from the defeated enemy, but one may not plunder the people, that is, take forcibly from individuals what is their own (for that would be robbery, since it was not the defeated people, but rather the state that rules the people, which waged war *through the people*).’<sup>72</sup>

Both Locke and Kant seem to suggest that citizens of the state which committed a crime of aggression were victims of the crime to the same extent as the people in the offended state. The citizens of the aggressive state were misused as an instrument of the crime. This claim might be applicable especially for soldiers. Thus, as Walzer explains, ‘the moral status of individual soldiers on both sides is very much the same: they are led to fight by their loyalty to their own states and by their lawful obedience.... they are not criminals; they face one another as moral equals.’<sup>73</sup>

The liberal position in the *jus in bello* debate has been comprehensively summarised by John Rawls and thus it is worth quoting him at length:

‘In the conduct of war, a democratic society must carefully distinguish three groups: the state’s leaders and officials, its soldiers, and its civilian population. The reason for these distinctions rests on the principle of responsibility: since the state fought against is not democratic, the civilian members of the society cannot be those who organized and brought on the war. This was done by its leaders and officials assisted by other elites who control and staff the state apparatus. They are responsible, they willed the war, and doing that, they are criminals. But civilians, often kept in ignorance and swayed by state propaganda, are not.... As for soldiers, they, just as civilians, and leaving aside the upper ranks of an officer class, are not responsible for the war, but are conscripted or in other way forced into it, their patriotism often cruelly and cynically exploited. The grounds on which they may be attacked directly are not that they are responsible for the war but that a democratic people cannot defend itself in any other way, and defend itself it must do. About this there is no choice.’<sup>74</sup>

Rawls correctly stresses the traditional liberal assumptions about the proper conduct of war. The enemy society should not be considered as an undifferentiated whole; in the first place, it needs to be distinguished who is responsible for the war and who is innocent. Only leaders of

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Press, 1988), §181-82; Michael W. Doyle, *Ways of War and Peace: Realism, Liberalism, and Socialism* (London; New York: Norton, 1997), 221.

<sup>71</sup> Johnson, "The Meaning of Non-Combatant Immunity in the Just War/Limited War Tradition," 167.

<sup>72</sup> Kant, "Metaphysics of Morals," 143.

<sup>73</sup> Walzer, *Just and Unjust Wars*, 127.

<sup>74</sup> John Rawls, "Fifty Years after Hiroshima," in *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 566.

the state, top officials and top commanders of the army can bear guilt for the crime of aggression, considering their actual power in the decision-making. The other classes – civilians and soldiers – are supposed to be innocent. Hence civilians are in every case illegitimate targets and soldiers can be attacked only on the ground of strategic necessity.

In terms of practical applicability, the liberal rules of the proper conduct of war do not appear significantly different from the rules introduced by Vattel and other positivist lawyers. Yet, one considerable difference may be found in the use of the term ‘necessity’. The positivist international law school prohibited the use of violence against non-combatants on the ground that such violence is not necessary to achieve the military aims. The liberal thinking tended to stress, that military necessity may justify the use of violence against soldiers. Therefore, the logic of the positivist school could more easily justify less discriminating and more ruthless use of force, provided it being considered necessary. In this vein, the 19<sup>th</sup> Century chief of the Prusso-German Great General Staff, Helmuth von Moltke the Elder, argued that the ‘greatest kindness in war is to bring it to a speedy conclusion. It should be allowable with that view to employ all methods save those which are absolutely objectionable.’<sup>75</sup>

### ***Guerrilla warfare***

The difference between the positivist and liberal approach to the proper conduct of war becomes more apparent in instances of guerrilla warfare. Since the conventional, written law of war necessarily rests entirely upon clear distinctions between war and peace and combatant and non-combatant, guerrilla warfare is a rather tough case. In his essay on *The Theory of a Partisan* Carl Schmitt noted that, as far as the classical positive law of war is concerned, there is no place for the partisan. He ‘represents an especially abhorrent criminal, who stands outside the law and is, thus, *hors la loi*. So long as war retained a whiff of chivalry, of duelling with pistols, it could hardly be otherwise.’<sup>76</sup> In addition, the existence of partisans was said to prevent a tamed and regulated war and unleashed a genuine enmity that, according to the Clausewitzian logic of the abstract war, inevitably escalates to complete elimination. ‘The modern partisan expects neither justice nor mercy from his enemy. He has turned away from the conventional enmity of the contained war and given himself up to

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<sup>75</sup> Helmuth Moltke, "Letter to Prof. Bluntschil (Dec. 11, 1880)," *The New York Times*(2011).

<sup>76</sup> Schmitt, *The Theory of the Partisan: A Commentary/Remark on the Concept of the Political*, 6.



another – the real – enmity that rises through terror and counter-terror, up to annihilation.<sup>77</sup> Hence, to Schmitt, the idea of a partisan is incompatible with the concept of limited hostility regulated by the law of war. Despite the fact that the Hague Conventions tried to incorporate the idea of an irregular combatant into the legal system, Schmitt's claim that genuine guerrillas and law of war are essentially incompatible can hardly be denied.<sup>78</sup>

Liberalism and the liberal interpretation of war, however, lent support to the concept of guerrilla warfare. Most of the reasons for the positive attitude of liberalism to this kind of war are discussed in the next section's part on the militia, which was for most liberal thinkers a favourite system of defence. Here it suffices to say that the positive attitude of liberals towards guerrilla warfare is based on the fact that this kind of warfare might be regarded as an expression of the society's *voluntary* and *spontaneous* resistance against an external aggressor or a domestic oppressor. Explicit about his preference for guerrilla warfare was William Godwin. 'The enemy who penetrates into our country wherever he meets a man, will meet a foe', was a basic principle of Godwin's concept of 'simple defensive wars'. While battles were supposed to be avoided, the popular resistance was to be directed against the invader's lines of communications. That way, the enemy should be ultimately worn down and retreat. 'The principles of defensive war are so simple as to procure an almost infallible success', believed Godwin.<sup>79</sup>

Thus, as Horne describes, in the international gatherings at Brussels in 1874 and at The Hague in 1899 and 1907 a dispute arose between relatively liberal countries, such as Britain, Holland, Switzerland and Belgium, on the one hand, and conservative powers, Germany and Russia, on the other. This dispute did not reflect only purely ideological attitudes but also strategic considerations. From the ideological view, the liberal delegations regarded a popular resistance as a democratic reaction towards aggression, whereas the

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<sup>77</sup> Ibid., 7.

<sup>78</sup> The Hague Conventions 1907 say on irregular combatants: 'The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

To be commanded by a person responsible for his subordinates;

To have a fixed distinctive emblem recognizable at a distance;

To carry arms openly; and

To conduct their operations in accordance with the laws and customs of war.' *Laws and Customs of War on Land (Hague IV): October 18, 1907*. Annex to the Convention: Art.1

The debate and arguments preceding the agreement on the Hague Conventions 1899 and 1907 is presented in John Horne, "Defining the Enemy: War, Law, and the Levée en masse from 1870 to 1945," in *The People in Arms: Military Myth and National Mobilization since the French Revolution*, ed. Daniel Moran and Arthur Waldron (Cambridge: Cambridge University Press, 2003), 112-16.

<sup>79</sup> George J. Neimanis, "Militia vs. the Standing Army in the History of Economic Thought from Adam Smith to Friedrich Engels," *Military Affairs*, 44, no. 1 (1980): 30.

conservative delegates despised it for being anarchic and treacherous. In terms of strategy, the liberals, who believed in the use of force as a very last resort, viewed every means legitimate when national dismemberment was at stake. The conservatives, on the other hand, regarded wars with limited means and limited ends as an essential part of the international system and therefore wanted to keep wars brief, inexpensive and ‘humane’.<sup>80</sup> ‘Since we are speaking of humanity’, stated German delegate, Colonel Gross von Schwarzhoff, ‘it is time to remember that soldiers are also men, and have a right to be treated with humanity. Soldiers who, exhausted by fatigue after a long march or a battle, come to rest in a village have a right to be sure that the peaceful inhabitants shall not change suddenly into furious enemies.’<sup>81</sup>

This kind of conservative approach which was trying to prevent war from turning cruel and barbarous is completely in line with the purpose of the positive international law school. In addition, the German military’s response to actual irregular warfare during the 1870-71 Franco-Prussian War and the First World War was basically grounded in the logic of the positive international law. Since, according to the positivist school, every citizen of the enemy state is an enemy and only a lack of military necessity allows that some classes should be spared, the existence of a public resistance might permit to use the argument of military necessity in favour of a harsh punitive treatment of and reprisals against enemy civilians. Thus Colmar von der Goltz, the German military governor of Belgium, declared in September 1914:

Every hostile act of the inhabitants against the German military, every attempt to interrupt their communications with Germany... will be severely punished. All resistance or revolt... will be quelled unmercifully.... It is one of the cruel *necessities* of war whereby the punishment of hostile acts falls not only upon the guilty but also on the innocent.<sup>82</sup>

Schmitt hence passed a telling comment that the more strictly an army is disciplined and complies with the positive laws of war ‘– the more decisively it distinguishes between military and civilian, considering only the uniformed opponent as the enemy – the more sensitive and nervous it becomes when an un-uniformed civilian populace joins the battle on the other side.’ It followed directly from the logic of the positive law of war, he claimed, that the army then reacted ‘with harsh reprisals, summary executions, hostage-taking, and

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<sup>80</sup> Horne, "Defining the Enemy: War, Law, and the Levée en masse from 1870 to 1945."

<sup>81</sup> Quoted in *Ibid.*, 113-14.

<sup>82</sup> In the same vein is articulated a telegram from the Kaiser to US President Woodrow Wilson: ‘... my generals were finally compelled to take the most drastic measures in order to punish the guilty and to frighten the blood-thirsty population from continuing their work of vile murder and horror.’ All quoted in *Ibid.*, 117-19. Emphasis added

destruction of towns, taking these to be adequate selfdefensive measures against malicious ruses and treachery.’ The more the uniformed opponent was respected as an enemy, the more harshly the guerrillas were treated as criminals, explained Schmitt.<sup>83</sup>

The liberal favour shown towards public resistance and irregular warfare stemmed, among other things, from the fact that this kind of warfare would always be a popular, hence a liberal, weapon against aggressors. Few liberal thinkers would ever conceive the possibility of fighting against a popular resistance or a guerrilla on a greater scale. Nonetheless, the logic of the liberal just conduct in war also provides clear rules of proper counter-insurgency warfare.

The liberal rules of just conventional warfare require making a distinction between war-makers, soldiers and civilians. The first group is criminals and thus the genuine enemy. The second and third groups are entirely innocent, but despite that fact, the soldiers are due to the military necessity a legitimate target of the use of force. In the case of irregular warfare, in contrast with the positivist approach, civilians remain innocent and always an illegitimate target of violence. Yet, the group of soldiers/combattants may change its status from innocent and abused, as they are under the conditions of conventional war, into criminals in case of guerrilla warfare.

From the positivist viewpoint, the irregular combatants are criminals because they violate the law of war and thus render the war more cruel and barbarous than would be necessary. It must be stressed, however, that the whole concept of guerrilla rests on the regular army’s observance of the laws of war – particularly those about civilian immunity – and, therefore, criminalisation of this way of warfare can hardly be an exclusively positivist approach. To liberals, moreover, the individual guerrilla fighters might be held responsible for an act of aggression – in the conventional war the responsibility is shared exclusively by top civilian and military leaders. The guerrilla fighters may, in some cases, become war-makers, and hence criminals, on account of the essential voluntariness of guerrilla warfare. Innocence of soldiers in a conventional war rested upon the fact that they ‘are conscripted or in other way forced into it [or] their patriotism often cruelly and cynically exploited’,<sup>84</sup> as John Rawls put it. Michael Walzer expresses the very same idea: soldiers ‘are led to fight by

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<sup>83</sup> Schmitt, *The Theory of the Partisan: A Commentary/Remark on the Concept of the Political*, 24.

<sup>84</sup> Rawls, "Fifty Years after Hiroshima," 566.

their loyalty to their own states and by their lawful obedience'.<sup>85</sup> This all may, of course, apply to quite a number of cases of guerrilla warfare too. However, sometimes it may be persuasively claimed that the decision of individual fighters to join a guerrilla group is based on their free will to such an extent that the excuse based on their legitimate loyalty and obligations ceases to be applicable. So Carl Schmitt described a partisan as someone who consciously 'risks not only his life, like every regular combatant. He knows, and accepts, that the enemy places him outside law, statute, and honor.'<sup>86</sup>

Despite the fact that liberals may accept that a guerrilla fighter can be legally held responsible for violation of laws of war and, in case of an unjust insurgency, also morally condemned, none of these accusations should adversely affect the generality of the civilian population. On this point the liberal approach displayed a tremendous difference compared to the positivist school. Since the positivist school considered an entire nation as an enemy, all classes must share the consequences of such an illegal and treacherous conduct of warfare. On this ground reprisals against civilians could be viewed as legal and even legitimate. On the other hand, liberal thinkers consistently claimed that a civilian population cannot be blamed for unjust wars decided by their leaders, unless being a perfect democracy. By analogy, a civilian population should take no responsibility nor be punished – for example by reprisals – for illegal actions committed by individual guerrilla fighters.

It has already been argued that truly liberal armed forces should establish a form of police force. Previously the concept of police force was meant with regard to the relations to international justice. Yet it may be argued again, although in a different meaning, that in cases of counter-insurgency the liberal armed forces should act as a police force too. The fact that the guerrillas do not distinguish themselves from the civilian population should not mean that the civilian population may be indiscriminately treated as an enemy. The proper conduct ought to be that, through utilizing police methods, the real enemies/criminals are identified and eliminated. If such sort of discriminating counter-insurgency approach is not practicable owing to a large popular support to the guerrilla forces, then, Walzer argues, such a war should not be waged at all. 'The struggle against them is an unjust struggle as well as one that can only be carried on unjustly. Fought by foreigners, it is war of aggression; if by local

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<sup>85</sup> Walzer, *Just and Unjust Wars*, 127.

<sup>86</sup> Schmitt, *The Theory of the Partisan: A Commentary/Remark on the Concept of the Political*, 20.

regime alone, it is an act of tyranny. The position of the anti-guerrilla forces has become doubly untenable.<sup>87</sup>

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To sum up, the liberal conception of mankind and humanity imposes a particular interpretation of the world and, in accordance with this interpretation, places certain requirements on the armed forces and their use. Liberalism views mankind as a united community with universal standards of rights and morality. Yet, this liberal universalism is an inevitable cause of various dichotomous, black-and-white views, attitudes and approaches. Thus, first, level of progress divides states and societies into the advanced and the backward ones. The advanced states, on the one hand, can enjoy all the rights of states; on the other hand, they have a duty to assist those backward peoples in their improvement. That also means that the fact of society's backwardness may sometimes serve as one of the justifications for liberal military intervention into that society and a military presence in a backward society should always lead to improvement of the society.

Second, in any case, the employment of force has to be justifiable as an act of justice, which should be defined as a defence against an aggressor. The armed forces are supposed, contrary to Clausewitzian precepts, to act as a servant of justice rather than a tool of policy. Armed forces, therefore, can be used only if the decision of a government to deploy them is in line with a domestic constitution, international law and an elementary sense of humanity and justice. Their deployment must be not only legal but also legitimate.

Third, as a servant of justice liberal armed forces face opponents who must be regarded as criminals. Nonetheless, this does not mean that every enemy soldier should be condemned as a criminal. On the contrary, the enemy soldiers, if being conscripted or otherwise forced to fight, should be viewed as victims of the genuine criminals. Those criminals are particular identifiable persons, usually civilian and military leaders and top officials. From this point also logically follows the fourth one – being a citizen of an enemy state, or similar entity, does not establish any kind of guilt or responsibility for the war. As Walzer posits 'civilians on both sides are innocent, equally innocent'.<sup>88</sup> In fact, they should even be regarded as victims of the criminals too. However, a genuinely popular support

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<sup>87</sup> Walzer, *Just and Unjust Wars*, 196.

<sup>88</sup> *Ibid.*, 296.

arising for the enemy cause, such as popular resistance against occupation forces, may call into question the justness of the war that is waged against the supposed 'unjust enemy'.

## **Armed Forces and Society**

The normative ideas of the liberals of the 19<sup>th</sup> Century were thoroughly reflected in Herbert Spencer's concept of the 'industrial type of society'.<sup>89</sup> Spencer postulated two ideal types of society – 'militant' and 'industrial' – towards which social development was heading. Spencer supposed that the development towards the ideal types was driven by the logic of the survival of the fittest, a term coined by Spencer that Charles Darwin adopted for his theory of evolution.<sup>90</sup> Spencer assumed that a society may live in two distinct sorts of international structure, the first one defined by warlike relationships between societies, the other one determined by peace between them. A society may either adapt to the international structure in which it lives and thus to approximate the particular ideal type, or perish.

However, the utility of Spencer's theory for us is not so much in the assumed evolutionary mechanism as in the fact that his conceptualisation may clearly illustrate the core features of an ideal liberal society and contrast them with non-liberal militaristic attributes. The fundamental principle of the industrial type of society is the voluntary cooperation of its members. The citizens are supposed to be free individuals and defence of their individuality is the essential duty of society. Society may regulate an individual's behaviour only negatively: it tells an individual what is not allowed, but an authority cannot impose any obligation upon the citizens. Moreover, an industrial society cannot be governed through authoritarianism; the only appropriate form of government is a representative one.<sup>91</sup>

The 'militant type of society' stands in complete contrast to the 'industrial type'. Whereas the 'industrial type' is meant to be the most prosperous in a peaceful environment, the 'militant type' is supposed to represent a society ideally structured for war. Success in war requires a corporate, well organised action of an entire society, including that society's non-combatants. Thus 'the process of militant organisation is a process of regimentation, which, primarily taking place in the army, secondarily affects the whole community'.<sup>92</sup> The

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<sup>89</sup> Herbert Spencer, *Principles of Sociology* (London: MacMillan, 1969), 64.

<sup>90</sup> Gregory Claeys, "The "Survival of the Fittest" and the Origins of Social Darwinism," *Journal of the History of Ideas*, 61, no. 2 (2000): 227.

<sup>91</sup> Spencer, *Principles of Sociology*, 534-74.

<sup>92</sup> *Ibid.*, 504.

only social role of non-combatants is to support combatants. The development of the ‘militant type’ thus involves a close building and integration of the society into a whole. The citizen’s individuality is subordinated to the state. ‘While preservation of the society is the primary end, preservation of each member is a secondary end – an end cared for chiefly as subserving the primary end.’<sup>93</sup> Moreover, the type of society is linked with the nature of its citizens. The militant type requires members endowed with bodily vigour and courage. Therefore, these martial physical and mental qualities are also the ones most honoured by society. Goodness is, in this type, defined by bravery and strength.<sup>94</sup>

Whereas Spencer considered the militant type of society as the most efficient response to a warlike international system, Alfred Vagts’s concept of militarism presents a counterpart to the liberal society that flourishes more in peacetime than in war. Vagts’s militarism consists of a ‘vast array of customs, interests, prestige, actions, and thought associated with armies and wars and yet transcending true military purpose’.<sup>95</sup> While Spencer’s militant society was assumed to be the fittest for waging war, Vagts’s concept of militarism is not related to an end, such as survival or prosperity. Militarism, in fact, may hamper the purpose of a cost-effective conduct of war. In appearance, however, militarism is not so dissimilar from the militant type of society. Militarism ‘may permeate all society and become dominant over all industry and arts’. It ‘displays the qualities of caste and cult, authority and belief.’<sup>96</sup>

The industrial type may be easily seen as an ideal type of liberal society. It is worth noting that Spencer assumed the necessary condition for developing the industrial type being a complete absence of the threat of war, because this type was ‘entirely unfitted for carrying on defence against external enemies’.<sup>97</sup> Not all liberal thinkers, however, could indulge themselves in such utopian prospects. Although all liberals viewed the basic interest of people in harmony with each other and believed that human beings were essentially peaceful, warfare, in their view, remained a conceivable possibility.

‘It is therefore requisite’, said Smith when introducing his lecture on various species of armed forces, ‘that an armed force should be maintained.’<sup>98</sup> Thus given the fact that liberalism needs to deal with war, however exceptional such cases may be, what is, in liberal

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<sup>93</sup> Ibid., 503.

<sup>94</sup> Ibid., 499-533.

<sup>95</sup> Alfred Vagts, *A History of Militarism: Civilian and Military* (London: Hollis & Carter, 1959), 13.

<sup>96</sup> Ibid.

<sup>97</sup> Spencer, *Principles of Sociology*, 537.

<sup>98</sup> Quoted in Donald Winch, *Adam Smith's Politics: An Essay in Historiographic Revision* (Cambridge: Cambridge University Press, 1978), 103.

view, the appropriate institutional arrangement for armed forces in society? Spencer's theory expects that a threat of war would lead to an introduction of some features belonging rather to the 'militant type of society'. Moreover, he observed such a development in Britain in the late 19<sup>th</sup> Century.<sup>99</sup> However, as Alexis de Tocqueville put it, war is an 'occurrence to which all nations are subject, democratic nations as well as others. Whatever taste [democratic nations] may have for peace, they must hold themselves in readiness to repel aggression, or in other words they must have an army.'<sup>100</sup> Moreover, as it is argued in the previous section, liberalism, despite its chief focus on peaceful harmonious life, is relatively confident in military potential of liberal societies. Liberal thinkers see little security problems when they try to promote such military arrangements that would be as compatible, or even harmonious, as possible with liberal society.

### ***Standing army***

One key traditional institutional arrangement for the purpose of defence is a standing army. As was shown in previous sections, both Enlightenment philosophers and the 19<sup>th</sup> Century liberal thinkers often attacked standing armies. The liberal case against standing armies is manifold. Standing armies were perceived as a threat to peace. As Kant assumed, standing armies 'continually threaten other states with war by their willingness to appear equipped for it at all times'.<sup>101</sup> They were also seen as a platform for preserving the power of the aristocratic class in society and *inter alia* as an illiberal, conservative and authoritarian institution standing in strong opposition to the liberal cause. John Stuart Mill described the inconveniences of a standing army as follows:

it would consist principally of the more idle and irregular part of the population, it would acquire a professional military spirit, and it would have time to learn habits of passive and active obedience to its commanders which would make it, if of any considerable magnitude, an apt instrument of despotism.<sup>102</sup>

Moreover, such an institution was perceived as an excessive drain on economic resources of society and a cause of high taxation. So Kant insisted that 'the greatest ills that afflict civilised people are brought upon us... by the never subsiding and even ever increasing

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<sup>99</sup> Spencer, *Principles of Sociology*, 521-22.

<sup>100</sup> Tocqueville, *Democracy in America, Volume 2*, Bk.3, Ch.22.

<sup>101</sup> Kant, "Perpetual Peace," 69.

<sup>102</sup> John Stuart Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV," in *The Collected Works of John Stuart Mill*, ed. Francis E. Mineka and Dwight N. Lindley (London: Routledge and Kegan Paul, 1972), 1627. 'To Edwin Chadwick, 2 Jan 1871'



arming for a future war'.<sup>103</sup> However, this is not to say that liberalism would unanimously oppose standing armies. In fact, the British Liberal Party before the First World War insisted on a standing professional army as one of its core principles. However, this attitude was caused primarily by the fact that the island position of Britain and its supreme navy rendered a large army unnecessary.<sup>104</sup>

Among liberal philosophers a strong supporter of the standing army was Adam Smith. In his view, the character of warfare in the 18<sup>th</sup> Century required professional skills that could not be effectively mastered by the general public. Warfare, therefore, 'should become the sole or principal occupation of a particular class of citizens, and the division of labour is as necessary for the improvement of this, as of every other art'.<sup>105</sup> The principle of the division of labour, which Smith promoted, was, in his view, as valid for the military as for any other trade.

Moreover, his support to a professional standing army was not merely a commitment in principle to the theoretical concept. Observing an adverse effect of the division of labour on individuals, Smith realised that an ordinary worker or artisan is largely incapable of defending his country. 'The uniformity of his stationary life naturally corrupts the courage of his mind, and makes him regard with abhorrence the irregular, uncertain, and adventurous life of a soldier.' The concentration on a single profession, Smith observed, 'corrupts even the activity of his body, and renders him incapable of exerting his strength with vigour and perseverance in any other employment than that to which he has been bred.'<sup>106</sup>

In addition to this socio-economic argument, Smith also saw a merit of a standing army for maintaining a high level of freedom within the country:

That degree of liberty which approaches to licentiousness can be tolerated only in countries where the sovereign is secured by a well-regulated standing army. It is in such countries only that the public safety does not require that the sovereign should be trusted with any discretionary power for suppressing even the impertinent wantonness of this licentious liberty.<sup>107</sup>

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<sup>103</sup> Kant, "Conjectural Beginning of Human History," 34-35. Original emphasis

<sup>104</sup> On the liberal policy towards conscription during the First World War see Matthew Johnson, "The Liberal War Committee and the Liberal Advocacy of Conscription in Britain, 1914-1916," *The Historical Journal*, 51, no. 02 (2008).

<sup>105</sup> Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (London: Electric Book Co., [1776] 2001), 930.

<sup>106</sup> *Ibid.*, 1041.

<sup>107</sup> *Ibid.*, 944.

A rule of law that is essential for a liberal society requires an impartial, apolitical force in order to be secured. Liberty, according to Smith, could hardly exist if the public safety was entirely dependent on voluntary actions of members of the community. Such security enforcement would be not only ineffective, but also dangerous for the liberty of those individuals who fail to conform. However, this argument applies only in respect of internal security. In the 18<sup>th</sup> Century, when Smith lived and worked, the military was engaged in internal security as much as in the external one because no other police force then existed. With the establishment of a professional police force, the relevance of this latter argument of Smith declines.

Despite the fact that most liberal thinkers abhorred powerful standing armies, Smith's argumentation reveals one liberal principle for the establishment of armed forces. If a professional military organisation is needed, the status of the soldierly profession should be derived from the principle of division of labour. Being a soldier or officer does not constitute a distinct social class or a vocation different, in terms of social status or prestige, from any other profession. As Spencer explained, 'where the industrial type is much developed, the soldier, volunteering on specific terms, acquires in so far the position of a free worker'.<sup>108</sup> Tocqueville made a similar observation in his analysis of democracy in America. However, in his view, it was the professional status of the soldier in democratic society that strained the relationship between the military and society. The professional soldier fell to the little esteemed rank of the public servants and, consequently, 'the best part of the nation shuns the military profession because that profession is not honored, and the profession is not honored because the best part of the nation has ceased to follow it'. It was therefore inevitable, according to Tocqueville, that the army in a democratic nation eventually forms an insulated community, 'where the mind is less enlarged, and habits are more rude than in the nation at large'.<sup>109</sup>

The concept of a powerful standing army, rather than within the liberal tradition, was assigned a strong position in the philosophical system of Hegel: 'The matter at issue in disputes between states may be only one particular aspect of their relation to each other, and it is for such disputes that the particular class devoted to the state's defence is principally

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<sup>108</sup> Spencer, *Principles of Sociology*, 534.

<sup>109</sup> Tocqueville, *Democracy in America*, Volume 2, Bk.3, Ch.22.

appointed.’<sup>110</sup> A standing army was held necessary because Hegel assumed wars with limited means and limited aims constituted an essential part of the relations between sovereign states. However, he was also aware of the possibility that the very existence of a state can be endangered. In such a case, ‘all its citizens are in duty bound to answer the summons to its defence’.<sup>111</sup> The reason for the existence of the standing army is, therefore, the nature of the international system.

However, it is rather the manner of Hegel’s reasoning about society and the position of the military within it which demonstrates why, for most of the liberals, it was so difficult to accept the existence of the standing army. For Hegel, individuals in civil society tend to pursue their own private interests, their ‘particularity’. But the state is not a mere instrument of civil society, as liberals assume. If it were, its definitive purpose would be the security of individual life and property. This security, however, requires sacrifice. Yet that assumption is one which, according to Hegel, shows an inconsistency in the liberal way of thinking. ‘This security cannot possibly be obtained by the sacrifice of what is to be secured’.<sup>112</sup> What is to be secured is rather the state itself, of which civil society, or a ‘particular class’ of citizens, forms only a part. Above the ‘particular class’ is a ‘universal class’ of civil servants. This class of civil servants provides a crucial link between the particularism of civil society and the universality of the state.<sup>113</sup> The ‘universal class’ holds higher moral ground than the ‘particular class’ because the former, in contrast with the latter, does not pursue its own interests but is motivated instead by the interests of society as a whole.

Even closer ties with the universality of the state provide the military class with the position at the top of a moral hierarchy. ‘The military class is that universal class which is charged with the defence of the state, and its duty is to make real the ideality implicit within itself, i.e. to sacrifice itself.’<sup>114</sup> Comparing the military class with the class of civil servants, the latter finds satisfaction of their private interests ‘in its work for the universal’.<sup>115</sup> The former, on the other hand, is characterised by true courage. ‘The true courage of civilised nations is readiness for sacrifice in the service of the state, so that the individual counts as

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<sup>110</sup> Hegel, *Philosophy of Right*, §326.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*, §324.

<sup>113</sup> Avineri, *Hegel's Theory of the Modern State*, 158.

<sup>114</sup> Hegel, *Philosophy of Right*, §327 Additions.

<sup>115</sup> *Ibid.*, §205.

only one amongst many. The important thing here is not personal mettle but aligning oneself with the universal.’<sup>116</sup>

Needless to say that Hegel’s concept of civil-military relations is incompatible with the liberal mindset. Nonetheless, Hegel’s argumentation shows that the liberal concept of the division of labour might be rather problematic if applied to the military. As William Godwin warned, a soldier who sells the ‘safety of his existence’ for a mere ‘pecuniary recompense’ considers his countrymen ‘indebted to him for their security; and by an unavoidable transition of reasoning, believes that, in a double sense, they are at his mercy.’<sup>117</sup>

### ***Militia***

For most liberal philosophers a favourite military arrangement was a militia, though in terms of practical politics, the liberal preferences were notably different. The concept of militia supposes that, if need be, every able-bodied man would defend his country and put his life at risk. As Rousseau explained, the life of every individual citizen is at all times protected by the state. So when waging inevitable wars, they are ‘defending the means of preserving their lives’ by putting their lives at risk. ‘All have to fight for the fatherland if need be, it is true, but then no-one ever has to fight for himself.’<sup>118</sup> Both Rousseau and Kant understood that warfare can never be merely a profession of some individuals; all society must be engaged. So Kant warned that ‘being hired out to kill or be killed seems to constitute a use of human beings incompatible with the rights of humanity in our own person.’ Therefore he suggested that all capable citizens should ‘voluntarily and periodically undertake training in the use of weapons in order to protect themselves and their country from attacks from the outside.’<sup>119</sup>

A comprehensive case in favour of the militia was presented by J.S. Mill in his correspondence. According to Mill, to train the entire able-bodied male population to military service is highly efficient because it provides a force ‘without either the expense, the loss of

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<sup>116</sup> Ibid., §327 Additions.

<sup>117</sup> Quoted in Neimanis, "Militia vs. the Standing Army in the History of Economic Thought from Adam Smith to Friedrich Engels," 29.

<sup>118</sup> Jean-Jacques Rousseau, "Of the Social Contract," in *Rousseau: The Social Contract and other later political writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 2007), 63-64.

<sup>119</sup> Kant, "Perpetual Peace," 69.

productive power, or any other of the evil consequences of increased armaments.'<sup>120</sup> So Mill did not agree with Smith that the military profession was an efficient utilisation of the division of labour; on the contrary, he thought of it as being a drain on the productive forces of society.

Moreover, the militia was for Mill 'the strongest security against its being called out unnecessarily: for a service from which no one would be exempt would inevitably be unpopular, unless the cause were one for which the nation at large felt a real enthusiasm.'<sup>121</sup> Reliance on enthusiasm instead of blind obedience is what makes the militia a truly defensive force. Here Mill reiterated the argument of Kant that people would, if possible, avoid war lest they 'bring the hardships of war upon themselves'.<sup>122</sup> However, it is worth pointing out that Mill did not consider people's enthusiasm as merely a theoretical insurance against an aggressive foreign policy. At the time of the 1870-71 Franco-Prussian conflict he called for mobilisation of volunteer forces funded by public subscription:

...our people ought to arm at once, taking the responsibility off the Government, which is right to be prudent and silent. The Volunteers ought to be armed with the newest and best rifle by public subscription. It is not a time for talking about peace and the horrors of war when our national existence may be soon at stake.<sup>123</sup>

In this case, people's enthusiasm was supposed to ensure defence of the country even without a proper authorisation of the government.

To say that most liberal thinkers regarded a militia as an armed force most suitable for liberal society does not mean that every argument for establishing a militia fits the liberal mindset. A lively discussion about the merits and otherwise of the militia was held among the proponents of the Scottish Enlightenment, such as Adam Ferguson, Alexander Carlyle, Frances Hutcheson and also Adam Smith. Despite the fact that Smith favoured a standing army as an efficient means of defence, he recognised the chief arguments for a militia too. Supporters of the militia saw its utility in making 'fortitude and military discipline' as

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<sup>120</sup> John Stuart Mill, "The Later Letters of John Stuart Mill 1849-1873 Part III," in *The Collected Works of John Stuart Mill*, ed. Francis E. Mineka and Dwight N. Lindley (London: Routledge and Kegan Paul, 1972). 1017: 'To Edwin Chadwick, 29 Dec 1866'

<sup>121</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV." 1627: 'To Edwin Chadwick, 2 Jan 1871'

<sup>122</sup> Kant, "Perpetual Peace," 75.

<sup>123</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV." 1587: 'To Henry Fawcett, 26 July, 1870'

universal as possible.<sup>124</sup> So for Smith the militia was a useful educational instrument, rather than a means of defence:

...coward, a man incapable either of defending or of revenging himself, evidently wants one of the most essential parts of the character of a man... Even though the martial spirit of the people were of no use towards the defence of the society, yet to prevent that sort of mental mutilation, deformity, and wretchedness, which cowardice necessarily involves in it, from spreading themselves through the great body of the people, would still deserve the most serious attention of government, in the same manner as it would deserve its most serious attention to prevent a leprosy or any other loathsome and offensive disease, though neither mortal nor dangerous, from spreading itself among them, though perhaps no other public good might result from such attention besides the prevention of so great a public evil.<sup>125</sup>

However, are martial values imposed upon people through military education compatible with liberal society? To a certain extent they might be. Quite a few liberals would probably agree with Theodore Roosevelt that the 'man fit for self-government must be fit to fight for self-government'.<sup>126</sup> Nonetheless, the Scottish Enlightenment philosophers certainly stepped beyond the liberal limits. So Hutcheson expected that during peace all citizens should keep in mind the military discipline and for Carlyle the militia was 'useful at all times to preserve the warlike spirit among the people'.<sup>127</sup> Moreover, Ferguson argued that 'the abilities of the Statesman & those of the Warrior are intimately connected. When they are separated the statesman becomes a Clerk & a Baubler'.<sup>128</sup> Thus in the view of the Scottish philosophers, the militia is an instrument for spreading military values into society. Such a development, however, Spencer described as the way of establishing the 'militant type of society'.

Liberals, in contrast, inclined towards the militia so as to prevent the militarisation of society. The militia was not meant to bring about any positive goods to society; rather it was regarded as merely the least malign system of defence. Although writing about standing armies, Tocqueville identified the institution of short-term conscription as the crucial factor that prevents the military from alienating from its parent society. The enlisted man tends to 'infuse the spirit of the community at large into the army, and retain it there... It is by the instrumentality of the private soldiers especially that it may be possible to infuse into a

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<sup>124</sup> Hutcheson quoted in Winch, *Adam Smith's Politics: An Essay in Historiographic Revision*, 107.

<sup>125</sup> Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 1047-48.

<sup>126</sup> Quoted in Albert T. Lauterbach, "Militarism in the Western World: A Comparative Study," *Journal of the History of Ideas*, 5, no. 4 (1944): 462.

<sup>127</sup> Hutcheson and Carlyle in Winch, *Adam Smith's Politics: An Essay in Historiographic Revision*, 107, 10.

<sup>128</sup> Quoted in Richard B. Sher, "Adam Ferguson, Adam Smith, and the Problem of National Defense," *The Journal of Modern History*, 61, no. 2 (1989): 253.

democratic army the love of freedom and the respect of rights'.<sup>129</sup> The effect which Scottish philosophers assumed as public good was, however, viewed by some liberal thinkers as a danger. So William Godwin, a supporter of militia though he was, feared the effect of peacetime military training. 'It cannot be a matter of indifference, for the human mind to be systematically familiarized to thoughts of murder and desolation.'<sup>130</sup>

Moreover, apart from the fear of militarisation and regimentation, there is present an assumption that civilian skills and capabilities of an advanced society should contribute to the military power better than traditional or, say, natural warrior virtues. Thus Mill explained that the division of employments and other aspects of modern life is 'the great school of co-operation'. 'A people thus progressively trained to combination by the business of their lives, become capable of carrying the same habits into new things', such as warfare, because one of the most decisive factors in war was considered 'discipline, that is, perfect co-operation'.<sup>131</sup> Thus, contrary to Spencer's belief in the incompatibility of the industrious society with war, liberal thinkers do not necessarily view the militia or other similar defensive arrangements as a sacrifice of security in favour of free civilian society.

### ***Universal conscription***

So far we followed the philosophical arguments as if a fully professional standing army and a militia were the only two forms of military institutions. Naturally, theoretical contemplation is much easier if only two concepts clearly opposite to each other are at play as in dialectic. Yet, the question may arouse as to whether a standing army recruited through universal conscription is closer to the concept of a standing army or to the concept of a militia. The historical account that now follows should highlight how little utility comes from sticking liberalism onto any particular model of a military. Rather, we should be concerned in this chapter with underlying principles which led particular thinkers to their adherence to a particular model.

When Kant considered establishing the militia armies as an important step in the development towards perpetual peace, his ideas did not stem purely from his armchair contemplations. Kant's essay 'On Perpetual Peace' emerged shortly after the peace treaties of

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<sup>129</sup> Tocqueville, *Democracy in America, Volume 2, Bk.3, Ch.23.*

<sup>130</sup> Quoted in Neimanis, "Militia vs. the Standing Army in the History of Economic Thought from Adam Smith to Friedrich Engels," 30.

<sup>131</sup> Mill, "Civilization 1836."

Basle, in April 1795, between Revolutionary France, on the one hand, and Prussia, Spain and Hessen-Kassel, on the other. The peace confirmed that France was militarily strong enough to repel every intervention. Yet, the military strength of France rested on a kind of militia army – the *levée en masse* or so-called *nation-armée*. To Kant, the success of the *levée en masse* demonstrated that republicanism defended by citizen soldiers can render aggressive wars and interventions futile.<sup>132</sup>

The *levée en masse*, decreed in 1793, mobilised the entire people of France for their own defence. All, in theory at least, were required to contribute for the war effort:

The young men shall go to battle; the married men shall forge arms and transport provisions; the women shall make tents and clothes, and shall serve in the hospitals; the children shall turn old linen into lint; the old men shall repair to the public places, to stimulate the courage of the warriors and preach the unity of the Republic and the hatred of kings.<sup>133</sup>

The people were obliged to serve under arms and support the war effort ‘until the enemies have been driven from the territory of the Republic’.<sup>134</sup> The *levée en masse* successfully accomplished this task, as the Basel peace treaties proved. However, the *levée* also revealed the military potential of a nation in arms. The system of a regular universal conscription, which replaced the original *levée en masse*, later provided Napoleon with an armed force sufficiently strong to conquer and control almost all Europe.

Both the inspiration by the original *levée en masse* and the Napoleonic expansion made Prussia utilise her own kind of militia army – *Landwehr* and *Landsturm*. The institution of *Landwehr* and *Landsturm* was decreed by the Prussian government in March 1813. The *Landwehr* was an organised militia with universal compulsory service for men between seventeen and forty.<sup>135</sup> The *Landsturm* acted as an irregular force. Each citizen who ‘does not belong to the *Landwehr* shall consider himself to be part of the *Landsturm*, every time that the opportunity present itself’.<sup>136</sup> Both the *Landwehr* and *Landsturm* were expressing the Enlightenment view about social equality and carried the aspirations of the middle classes for

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<sup>132</sup> Daniel Moran, "Arms and the Concert: The Nation in Arms and the Dilemmas of German Liberalism," in *The People in Arms: Military Myth and National Mobilization since the French Revolution*, ed. Daniel Moran and Arthur Waldron (Cambridge: Cambridge University Press, 2003), 64.

<sup>133</sup> Decree of 23 August 1793, quoted in Alan Forrest, "La patrie en danger: The French Revolution and the First *Levée en masse*," in *The People in Arms: Military Myth and National Mobilization since the French Revolution*, ed. Daniel Moran and Arthur Waldron (Cambridge: Cambridge University Press, 2003), 14.

<sup>134</sup> *Ibid.*

<sup>135</sup> Moran, "Arms and the Concert: The Nation in Arms and the Dilemmas of German Liberalism," 53.

<sup>136</sup> Frederick-William III's ordinance on the *Landsturm*, quoted in Horne, "Defining the Enemy: War, Law, and the *Levée en masse* from 1870 to 1945," 115.



greater political participation. Thus it is no wonder that the monarchical and aristocratic Prussian government betrayed great reluctance before it embraced the military reforms it found were needed to win the war against Napoleon.<sup>137</sup>

With the end of the war the military necessity for mobilization of entire nations eased up. Instead, to the fore came an effort to prevent recurrence of revolution, an effort which included suppression of some of the revolutionary ideas and institutions. For this reason the Bourbons in France, along other European powers, abolished universal conscription as a potentially dangerous revolutionary institution. The only power in Europe that preserved a militia as an element of its military system was Prussia.<sup>138</sup> In its case, however, the preservation and further development of universal conscription and the *Landwehr* were not at all a result of a liberal leaning by the Prussian government. On the contrary, universal conscription and the *Landwehr*, which was transformed into a reserve army, became instruments for the gradual militarisation of society. Despite the fact that liberal parties in Prussia and Germany urged that the military power should rest on enthusiasm and patriotism (values which were manifested in the Prussian *Erhebung*, or the uprising), the government and military circles considered completely different military virtues. ‘Still cherished resentment against the revolution’, Vagts points out, ‘the generals demanded a hierarchical order, a discipline extending over the whole of society, on which to build up the army.’<sup>139</sup>

Proponents of German liberalism were by no means devoted to pacifism. The movement was nationalistic in character and the primary aim of mid-19<sup>th</sup> Century German liberals was German unification, by force if necessary, and establishing Germany as an assertive great power with all the rights entitled to her position. By the same token, the German national-liberals represented the interests of middle classes against the attempts of military circles, largely composed of landed aristocracy, to militarise society. Whereas the former believed in the power of free will, patriotism and enthusiasm, the latter trusted only to a stern discipline for war. This conflict escalated in 1861-62 to a constitutional crisis. The *Landtag*, where liberals held the majority of votes, resolved not to approve the military budget unless the compulsory military service was shortened from three to two years. While the Prussian minister of war Albrecht Roon would have ultimately accepted that a two-year service was sufficient for mere military drill, King Wilhelm I ‘considered a three year term

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<sup>137</sup> Vagts, *A history of militarism*, 130-43.

<sup>138</sup> Azar Gat, *The Development of Military Thought: The Nineteenth Century* (Oxford: Clarendon Press, 1999), 64.

<sup>139</sup> Vagts, *A history of militarism*, 191.

the only panacea against the “revolutionary infection of the army”.’ Moreover, and provoking the constitutional crisis in a display of breath-taking brinkmanship, he declared himself prepared to abdicate rather than accept the liberal demands.<sup>140</sup>

The case of Prussian militarists was plainly stated by Field-Marshal Helmut von Moltke the Elder, the chief of the Prusso-German Great General Staff (1857-1888), in his parliamentary and other speeches and essays. For them the compulsory service was a ‘school which trains the people to order and exactness, to loyalty and obedience’ – values which, in his view, are transferable to a civilian life. So discipline, which is ‘the whole soul of an army’, is what young men must be taught. However, discipline cannot be drilled into men; ‘it must become a matter of habit and of second nature’. For that reason, very short term of service absolutely had to be prevented.<sup>141</sup>

For its lack of order and discipline Moltke also abhorred the militia. Besides the fact that enthusiasm was believed to be militarily inferior to discipline, he did not consider the people reliable enough to be armed. Without the military hierarchy and discipline there was no assurance that arms would be used only to achieve the very aim for which they had been issued.

Gentlemen, if you arm the nation, you arm the bad as well as the good elements. Of the former every nation has its share, though the latter vastly predominate. But has not our own experience of armed citizens demonstrated how quickly the trustworthy portion itself becomes dissatisfied, and disappears noiselessly, leaving a clear field to those who are untrustworthy? Gentlemen, rifles may be distributed quickly, but it takes time to get them back again.<sup>142</sup>

The contemporary experience with the American Civil War confirmed his belief in the merit of a disciplined standing army. The American case, in his view, clearly demonstrated that wars ‘carried on by a militia have this peculiarity, that they last much longer, and even on this ground and for this very reason involve far greater sacrifice, both of money and of human life, than all other wars.’<sup>143</sup>

The military success of Prussian armies during the German wars of unification made other European powers imitate the Prussian model of an army with universal conscription. A

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<sup>140</sup> Ibid., 197-98.

<sup>141</sup> Helmuth Moltke et al., *Essays, speeches, and memoirs of Field-Marshal Count Helmuth von Moltke*, trans. Charles Flint McClumpha, vol. 2 (New York: Harper & brothers, 1893). On military service as a school of nation p.14, 96, 128; on military discipline p.70-71, 98

<sup>142</sup> Ibid., 113.

<sup>143</sup> Ibid., 111.

desperate attempt of the French government after 4 September 1870 to oppose the German armies with the re-established National Guard, an organised militia with universal conscription, and *francs-tireurs*, who acted as an unorganised guerrilla in the rear of German forces, was an exception that proved the rule. This mass mobilisation could not derail the German course towards victory; worse still, it facilitated the armed revolt of the Paris Commune. Predictably, plans, such as that one essayed by Jean Jaurès,<sup>144</sup> French socialist leader, to establish a militia army or at least introduce militia-like features in the French armed forces, inexorably gave way to a system that emulated the German model of a standing army with universal conscription. Illustrative for the time is Ernest Renan's call for imitation of the Prussian pattern: 'The victory of Germany is a victory of science and reason... Prussia is the best model.... We need a military law closely copying, as far as general lines are concerned, the Prussian system.'<sup>145</sup>

France copied the Prussian system, whereas Jaurès's bill on militia, brought into the French Parliament on 14 November 1910,<sup>146</sup> was rejected. Yet, Jaurès' critique of the then French (Prussia-like) military system cast light on a liberal, in his case rather social liberal or socialist, attitude towards a conscription-based standing army. Jaurès's chief objection against the then system was that 'in spite of all appearances to the contrary, it does not really represent the Armed Nation.' The system, in his view, was based upon the supposed inferiority of the reserves as compared with the active army in barracks. Only the active army was seen to represent the military strength of a nation, whereas the reserves, the real armed nation according to Jaurès, were neglected as a mere supplement to the active army. Although soldiers were drafted equally from all walks of life, owing to a long-term service in barracks the spirit of a segregated military caste could be fostered and preserved. 'And the more political and social necessity compels this army to throw open its gates to the nation, the more these people [high rank officers] cling to the idea that its strength lies in those aspects of the old regime which made it a thing special and apart.'<sup>147</sup>

Universal conscription, like a militia, is often perceived by liberals as a severe constraint on aggressive use of the armed forces. Jaurès agreed with this view, provided that matured married men would bear all the burdens of military life from the very onset of war.

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<sup>144</sup> Most completely elaborated in his book *L'Armée Nouvelle* published in 1910. In this thesis is used the English edition: Jaurès, *Democracy & Military Service*.

<sup>145</sup> Quoted in Vagts, *A history of militarism*, 219.

<sup>146</sup> Jaurès' Bill was published as the chapter XIII in Jaurès, *Democracy & Military Service*.

<sup>147</sup> *Ibid.*, ch.II.

However, a long-term service in barracks, he argued, circumvented this constraint. An active army composed of young unmarried men who, besides drilled-in obedience, can be easily inflamed by jingoistic and chauvinistic ideas, would be used at the outbreak of war. In addition, once the war has begun, a government can count on the patriotism of the nation to rally behind the fighting army.<sup>148</sup>

Rather than imitating the Prussian example Jaurès wanted France to develop her military organization in accordance with her national characteristics, in harmony with the ideal of a liberal democracy devoted to the cause of peace. A democratic society like France should not allow the military to become separated from society, both physically in barracks and morally through preservation of a military caste. The military strength of a nation is only partially exploited unless the military is in close union with the people and ‘is inspired by the energy of its ideals’.<sup>149</sup> ‘There is no army more powerful and more capable of endowing its leaders with moral authority and prestige, if they are in harmony with it, than an army which is the armed nation itself, inspired with the determination to defend its independence and organized for the purpose.’<sup>150</sup>

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To sum up, liberalism requires a military arrangement that, first, should not lead to the militarisation of society as a whole or to the creation of a distinct and separate military class. The military class would not only be incompatible with a liberal social order; it was also perceived to be inefficient in securing the defence of a nation. If security of the nation is seriously threatened, the military force should reflect the democratic structure of society. Only the nation as a whole, inspired by its ideals and driven by enthusiasm and patriotism, may effectively resist any invader. Not a regimentation of society or drilled-in obedience to military superiors, but a strong sense of purpose of a war effort is affirmed to be crucial to victory.

Second, if professional soldiers are required, the soldiering should be treated in the same way as any other profession. The principles of division of labour apply to soldiers as well as to all other professions. Service under arms cannot legitimise the existence of a segregated military community. Finally, the peace-time military system should disturb the

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<sup>148</sup> Ibid., ch.III.

<sup>149</sup> Ibid., ch.I.

<sup>150</sup> Ibid., ch.II.

economic life of society as little as possible. This last point may sound trivial; however, it is not as self-evident as it may seem that the military establishment and military power of the state should be regarded only as a means in relation to an economic life of society.

## **Armed Forces and the Individual**

Individualism lies at the foundations of liberal thinking. Although the roots of individualism reach much deeper into the European culture than the Enlightenment and liberalism,<sup>151</sup> liberalism brought a new quality into the long-lasting tradition of Western individualism. Liberal thinking was founded on a novel notion of natural individual rights and liberties. Man was born, stated John Locke, ‘with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of Nature’.<sup>152</sup> Life, liberty and possession of private property are subjects of those natural human rights which, in the eyes of every liberal person, cannot be legitimately removed. J.S. Mill listed three other fundamental individual liberties: first, liberty of conscience, which means ‘absolute freedom of opinion and sentiment on all subjects’ including the right to express them; second, liberty to frame ‘the plan of our life to suit our own character: without impediment from our fellow-creatures, so long as what we do does not harm them’, to do ‘as we like, subject to such consequences as may follow’; and third, ‘freedom to unite, for any purpose not involving harm to others’.<sup>153</sup> The liberal understanding of individual freedom can be summarised as follows: as far as the individual behaviour does not harm or otherwise limits the liberty and rights of others, individual’s ‘independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.’<sup>154</sup>

People’s association with each other in the state is regarded legitimate as long as it does not conflict with individual freedom. In fact, in the view of some philosophers, such as Locke, the state was established precisely in order to protect the natural rights and liberties. The individual, when joining a political society, according to Locke, gave up merely one’s

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<sup>151</sup> Although European individualism is often seen to be born in the era of Italian Renaissance and humanism, some historians trace its origins to periods far earlier. E.g. Walter Ullmann identifies its beginning in the 12<sup>th</sup> Century and Colin Morris sees a rapid rise already in the late 11<sup>th</sup> Century. See Walter Ullmann, *The Individual and Society in the Middle Ages* (London: Methuen & Co., 1967); Morris, *The Discovery of the Individual, 1050-1200*.

<sup>152</sup> Locke, *Two Treatises of Government*, § 87.

<sup>153</sup> John Stuart Mill, *On Liberty and Consideration on Representative Government*, ed. R.B. McCallum (Oxford: Basil Blackwell, 1946), 11.

<sup>154</sup> *Ibid.*, 9.

right 'to judge and punish the breaches of that law in others' and transfer this right to the state which can exercise it more effectively.<sup>155</sup>

If Locke's theory of social contract conceives of a minimalist state founded on utilitarian rather than moral reasons, Kant might be regarded as representing the other extreme within the liberal tradition. To him, the state was a prerequisite for the development of morals and, moreover, a perfect civil constitution was the ultimate aim of social progress. However, even Kant insisted that positive laws 'must not contradict the natural laws of freedom and equality' and, furthermore, that the role of the state was to create conditions for exercising these rights.<sup>156</sup> Thus a society can be called liberal only if the individual liberties are respected. The freedom of the individual is understood not only as a natural right, it is also assumed as a precondition for other crucial values. As Benjamin Constant maintained, 'upon it depend both public and private morality; upon it depend expectations of industry; without it men can enjoy neither peace, nor dignity nor happiness.'<sup>157</sup>

However, if the chief purpose of the state is to protect rights and liberties of the individual, life, personal freedom and property being subjects of the most crucial rights, what means of defence remains available to the state? This problem of liberalism's capability to raise a defensive force was highlighted by Hegel: the preservation of the state 'can only be important to [its citizens] as a means to the preservation of their property and its enjoyment. Therefore, to expose themselves to the danger of death would be to do something ridiculous, since the means, death, would forthwith annul the end, property and enjoyment.'<sup>158</sup> Thus, as long as the state defence requires sacrifice of individual's rights and property, the liberal way of thinking is, in Hegel's view, inconsistent: 'This security cannot possibly be obtained by the sacrifice of what is to be secured'.<sup>159</sup>

Hegel's critique of liberal inconsistency is telling as far as Hobbes's theory of state is concerned. To Hobbes the state was established by its citizens/subjects for the sole purpose of protecting their individual lives and hence the individuals remain subjected to the state only

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<sup>155</sup> Locke, *Two Treatises of Government*, § 87.

<sup>156</sup> Kant, "Metaphysics of Morals," 112, 14.

<sup>157</sup> Benjamin Constant, "Principles of Politics Applicable to All Representative Governments," in *Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 289-90.

<sup>158</sup> Georg Wilhelm Friedrich Hegel, *Early Theological Writings*, trans. T. M. Knox (Chicago: University of Chicago Press, 1948), 165.

<sup>159</sup> Hegel, *Philosophy of Right*, §324. See also Shlomo Avineri, "The Problem of War in Hegel's Thought," *Journal of the History of Ideas*, 22, no. 4 (1961): 466; Michael Walzer, *Obligations: Essays on Disobedience, War, and Citizenship* (Cambridge MA: Harvard University Press, 1971), 89.

as long as it fulfils its function. 'The Obligation of Subjects to the Sovereign is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them.'<sup>160</sup> Logical consequences of these foundations of state legitimacy therefore are, as Walzer puts it, that a 'man who dies for the state defeats his only purpose in forming the state' and a 'man who risks his life for the state accepts the insecurity which it was the only end of his political obedience to avoid'.<sup>161</sup> In case of war the citizen is obliged 'to protect his Protection as long as he is able';<sup>162</sup> however, the limits of one's ability are determined by one's fear of death. To avoid the risk of death 'is not Injustice, but Cowardice',<sup>163</sup> and an act of cowardice should be regarded as a legitimate choice of an individual to leave, as perceived, an ineffective protection of the state and return to the state of nature.<sup>164</sup>

Early liberalism, an ideology championing the interests of the bourgeoisie, has no objection against the contemporary practice of buying oneself out of conscription. Hobbes explicitly envisaged this option when stating that a citizen may avoid a call to arms by substituting another soldier in his stead: 'for in this case he deserteth not the service of the Common-wealth'.<sup>165</sup> Arguably, Locke, though only implicitly, accepted the practice of conscripting the poor too. While he gave priority to property rights and the emphasis on taxation, he completely ignored the issue of citizens' obligation to defend their state. Locke's work thus might be read as justification of the class distinction between, on the one hand, property owners who were represented in the Parliament and paid taxes and, on the other, 'a kind of moral proletariat whose members have nothing to give to the state' but their lives.<sup>166</sup>

Yet, this view of almost no obligation of citizens to defend their country contradicts the arguments of Kant, J.S. Mill, Jaurès and others, which were presented in the previous section on armed forces and society, who insisted that every able-bodied man should join a militia in order to defend his country and, if necessary, put his life at risk. To Kant, the militia was a prerequisite for the realisation of perpetual peace for two reasons. In comparison with a professional standing army, which 'threaten other states with war by their willingness to appear equipped for it at all times', the militia was considered a military organisation of

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<sup>160</sup> Thomas Hobbes, *Leviathan* (Oxford: Oxford University Press, 1998 [1651]), 153.

<sup>161</sup> Walzer, *Obligations*, 82.

<sup>162</sup> Hobbes, *Leviathan*, 230.

<sup>163</sup> *Ibid.*, 152.

<sup>164</sup> Walzer, *Obligations*, 84; see also Susanne Sreedhar, "Defending the Hobbesian Right of Self-Defense," *Political Theory*, 36, no. 6 (2008): 790-92.

<sup>165</sup> Hobbes, *Leviathan*, 151.

<sup>166</sup> Walzer, *Obligations*, 110-11; April Carter, "Liberalism and the Obligation to Military Service," *Political Studies*, 46, no. 1 (1998): 69, 73-74.

essentially defensive character and, since all men would take part, it would also effectively 'bring the hardships of war' upon all of them.<sup>167</sup> Moreover, according to Mill, such a militia system provided a force 'without either the expense, the loss of productive power, or any other of the evil consequences of increased armaments.'<sup>168</sup> Probably the most serious argument regarding the military obligation was that to hire other persons to kill and die constitutes a use of human beings as a means by others, hence being 'incompatible with the rights of humanity in our own person'.<sup>169</sup> In fact, the right to be treated and a duty to treat others as ethical subjects and not merely as objects or tools lies at the very foundations of the liberal conception of moral freedom of the individual.<sup>170</sup>

To sum up, Hobbes's and Locke's political theory, on the one hand, permitted only very limited space for any serious citizen obligation to risk one's life in the defence of the state. On the other hand, Kant's categorical imperative, which has ever since constituted one of the most fundamental principles of liberalism, envisages nothing but an equal duty to face an aggressor. Does it mean that liberalism has grown up from roots that are in irreconcilable conflict with each other, hence the inconsistency which Hegel's critique pointed out? The account of liberal thinking that is to be presented in this section rests on the assertion that these two approaches, and not only those, should be understood as supplements rather than competing substitutes and only their combination can provide a complete picture of the liberal attitude towards the relationship between the individual and the military.

Nonetheless, the diversity of liberal roots permits a relatively wide spectrum of approaches towards individual obligations. Thus, on the one hand, Alan Gewirth stresses priority of the just state when arguing that natural rights of individuals are not absolute. They are subordinate to the *equality* of those rights and to the state that protects this equality. Therefore, sacrifices of the individual rights in form of participation in defence of the state may be justified, provided the just state cannot survive without them. If the sacrifices are necessary for this purpose, they should be imposed as impartially as possible.<sup>171</sup>

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<sup>167</sup> Kant, "Perpetual Peace," 75.

<sup>168</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part III." 1017: "To Edwin Chadwick, 29 Dec 1866"

<sup>169</sup> Kant, "Perpetual Peace," 69.

<sup>170</sup> Doyle, *Ways of war and peace*, 207.

<sup>171</sup> Alan Gewirth, *Human Rights: Essays on Justification and Applications* (Chicago; London: University of Chicago Press, 1982), 250-51.



On the other hand, Walzer, following Hobbes, praises the great advantage of liberal society 'that no one can be asked to die for public reasons or on behalf of the state'.<sup>172</sup> However, such a statement, according to Walzer, neither invalidates other ethical obligations nor undermines the defensibility of the state. As he explains:

[Citizens] may even find themselves in situations where they are or think they are obligated to risk their lives to defend the state which defends in its turn the property and enjoyment of their friends or families. But if they then actually risk their lives or die, they do so because they have incurred private obligations which have nothing to do with politics. The state may shape the environment within which these obligations are freely incurred, and it may provide the occasions and the means for their fulfilment. But this is only to say that, when states make war and men fight, the reasons of the two often are and ought to be profoundly different.<sup>173</sup>

Walzer's work emphasises moral obligations towards other people at the sub-state level.<sup>174</sup> However, to make the picture complete we should also add moral obligations built upon the liberal notion of the unity of mankind. After all, both areas are, in the view of some, inherently interconnected. So Leonard Hobhouse stated that moral obligations 'are founded on relations between man and man, and therefore applicable to all humanity.'<sup>175</sup> Nonetheless, the passage by Walzer helps to illustrate one important question: since the state, and only the state, shall organise the military forces, what sort of obligation, if any, can the state impose upon its citizens and upon soldiers?

Liberal political thinking probably requires a specific conception of 'obligation'. As Carole Pateman puts forward, the term 'obligation' in liberal thinking should be understood merely as a moral commitment that is voluntarily entered into by individuals – 'this is the only conception that is compatible with (and, in turn, has helped shape) the liberal view of individuals and their social life'.<sup>176</sup> In contrast with coercion or beliefs in divinely ordained or natural hierarchies of subordination, liberal individualism transformed the relationship between subject and government into 'self-assumed obligation', which bound citizens by virtue of their own free action and commitment. It logically follows from this that government 'can no longer rest on mere political *obedience*... A free and equal individual can

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<sup>172</sup> Walzer, *Obligations*, 89.

<sup>173</sup> Ibid.

<sup>174</sup> See Michael Walzer, "The Obligation to Disobey," *Ethics*, 77, no. 3 (1967); Walzer, *Obligations*.

<sup>175</sup> Quoted in Sylvest, "Continuity and Change in British Liberal Internationalism, c. 1900-1930," 272.

<sup>176</sup> Carole Pateman, *The Problem of Political Obligation: a Critical Analysis of Liberal Theory* (Chichester: Wiley, 1979), 13.

always question political authority and political obligation in general terms; political obligation can never be taken for granted.<sup>177</sup>

### ***Conscientious objection***

This never-for-granted obligation seems to be represented in the issue of conscientious objection from military service. Modern liberal authors practically unanimously argue for the right to refuse military service due to conscientious objection.<sup>178</sup> Nonetheless, this topic was not entirely unknown to older liberal thinkers. Jeremy Bentham in his *Plan for Universal and Perpetual Peace* implied that soldiers could and should refuse service if they believe a war is unjust.<sup>179</sup> On this point also Leonard Hobhouse in 1911 suggested that in the case of compulsory military service the conscientious objector should be allowed to perform his duty in an alternative form. Moreover, during the First World War when the compulsory service was actually introduced in the United Kingdom, Hobhouse argued that since Britain was supposed to be fighting the war to defend certain fundamental rights, freedom of conscience among them, to deny those rights would render the whole war effort meaningless.<sup>180</sup>

From the perspective of liberal individualism, acceptance of conscientious objection seems to be beyond question. Yet, there are some objections that need to be dealt with. First, in the words of Michael Walzer: ‘Why bother having a political process if its determinations are subject to the conscientious objection of anyone who loses out?’<sup>181</sup> After all, the theory of social contract presupposes a voluntary trade-off between some individual rights and liberties, on the one hand, and equal access to public goods, on the other. The second objection may be represented by Hobhouse, who, surprisingly, during a short period in 1915 believed that engagement in a just war should suspend the right to refuse service: ‘If I plead duty to mankind as a reason for disobedience, it may retort that to rebel successfully is to dissolve government into anarchy and to destroy those very social bonds on which I rely.’<sup>182</sup>

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<sup>177</sup> Ibid., 14.

<sup>178</sup> Carl Cohen, "Conscientious Objection," *Ethics*, 78, no. 4 (1968); Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), 206-22; John Rawls, *A Theory of Justice* (Oxford, Clarendon Press, 1972), 368-94; Walzer, "The Obligation to Disobey."; Walzer, *Obligations*, 77-168.

<sup>179</sup> Carter, "Liberalism and the Obligation to Military Service," 74, 75.

<sup>180</sup> Harold Smith, "World War I and British Left Wing Intellectuals: The Case of Leonard T. Hobhouse," *Albion: A Quarterly Journal Concerned with British Studies*, 5, no. 4 (1973): 269-70.

<sup>181</sup> Walzer, *Obligations*, 134.

<sup>182</sup> Quoted in Smith, "World War I and British Left Wing Intellectuals: The Case of Leonard T. Hobhouse," 270.

As for the former, there are two interrelated lines of argument. First, as Walzer points out, the liberal political system rests on the distinction between citizen's being a subject of a law or policy and being a servant. Whereas the subjection, once the law has been democratically adopted, is compulsory and the refusal to obey cannot be tolerated, state service should be a voluntary activity. In Walzer's view, it is an essential right of a citizen in a liberal country not to become an instrument of the state.<sup>183</sup> Also J.S. Mill acknowledged the difference between these two sorts of obligation, although the consequences of the difference were not to him as black and white as to Walzer. Mill realised that there were some 'positive acts for the benefit of others', which a citizen might be compelled to perform. 'A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury.' However, he also recognised that the enforcement of such positive obligations requires the greatest caution. 'To make any one answerable for doing evil to others is the rule; to make him answerable for not preventing evil is, comparatively speaking, the exception.'<sup>184</sup>

The second line of argument is based on the distinction between the individual interest and conscience. Although the liberal state is often conceived as an instrument to further the interests of its citizens, it seems plausible to assume that the state can require sacrifice of individual wellbeing and freedom, though only to some extent, if it is absolutely necessary for the benefit of the whole. However, conscience is meant to represent 'an inner alternative to the ego, a motive beyond self-interest' that is founded on shared moral knowledge.<sup>185</sup> Liberalism does not assume a moral unity of the individual and the state, as Rousseau or Hegel did. The individual may feel moral obligations to various sub-state groups (e.g. religious communities) or trans-state groups of people (e.g. churches or socialist parties) and ought to feel moral responsibility for humankind as a whole.<sup>186</sup> In the case of conflict between the commands of the state and another moral obligation, liberal society is supposed to permit the individual not to become a means in execution of the commands. This should be the legitimate reason for conscientious objection.

However, when it comes to the objection that individual disobedience may effectively endanger the very existence of the state, which makes all the other social and moral bonds possible, the proponents of conscientious refusal are ready to fully yield to it. To Walzer, the

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<sup>183</sup> Walzer, *Obligations*, 135-36.

<sup>184</sup> Mill, *On Liberty*, 10.

<sup>185</sup> Walzer, *Obligations*, 131.

<sup>186</sup> Walzer, "The Obligation to Disobey," 164-66.

right to refuse military service should be maintained only ‘as long as the disobedience does not threaten the very existence of large society or endanger the lives of its citizens’.<sup>187</sup> This shows the importance of making distinction between a defence against aggression and a war of choice. A genuine war of national defence which presents a clear and imminent danger to survival of all national values may justify forcing conscientious objectors to fight. Regarding wars of choice, in liberal society the individual freedom and autonomy of conscience should take precedence over the will of the majority. In that sense, the conscientious refusal is not meant to prevent the state from execution of its democratically adopted policy. However, a recruitment shortfall caused by a large scale refusal would in fact call the decisions concerning the particular war into question.<sup>188</sup>

In the last point we encounter the liberal theme that recurs throughout this chapter: even decisions sanctioned by a democratically established government need to be carried out by , to certain extent, voluntary action of people. On this principle is also based Mill’s argument for the universal military service, which in fact contradicts to Walzer. According to Mill, the universal military service from which no one would be exempt is ‘the strongest security against its being called out unnecessarily’.<sup>189</sup>

### ***National defence and compulsory military service***

A genuine threat to the existence of the state appears to represent so extreme a case that even some liberal thinkers can conceive of an actual duty to fight that reaches beyond the ‘self-assumed obligation’. So in his *On Liberty* J.S. Mill conceded that ‘to bear his fair share in the common defence’ is precisely that sort of positive act which a citizen might be rightfully compelled to perform.<sup>190</sup> Moreover, later in his life Mill explicitly advocated the Swiss model of compulsory militia system. Nonetheless, even in the case of national defence the idea of voluntary action of individuals is sometimes projected at least in the rhetoric of liberal thinkers. Constant, for example, maintained that a truly free state does not need to rely on compulsion in national defence: ‘Citizens are not slow to defend their country when they

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<sup>187</sup> Ibid.: 171.

<sup>188</sup> Walzer, *Obligations*, 137-38.

<sup>189</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV." 1627: 'To Edwin Chadwick, 2 Jan 1871'

<sup>190</sup> Mill, *On Liberty*, 10.

really have one. They will hasten to defend their independence outside when, within it, they enjoy liberty.’<sup>191</sup>

In general, however, relevant requirements of national defence are believed to justify a compulsory military service. On this point, John Rawls explains that ‘since conscription is a drastic interference with the basic liberties of equal citizenship, it cannot be justified by any needs less compelling than those of national security’.<sup>192</sup> In the same way Walzer claims that conscription is ‘morally appropriate only when it is used on behalf of, and is necessary to the safety of, society as a whole, for then the nature of the obligation and the identity of the obligated persons are both reasonably clear’.<sup>193</sup> However, if we previously assumed that only imminent existential threat to the state might justify a sacrifice of some of the most precious individual rights and liberties, quotations of both Rawls and Walzer show that individual rights and liberties can be considerably infringed upon even if the threat is relatively distant.

Of course, effective defence of the state requires a preparation in advance and, because the danger of aggression arises out of control of the state, a sufficient defensive force has to be ready to fight at short notice. Liberal proponents of the militia were well aware of that and therefore included peace-time military training and preparations into their schemes. J.S. Mill suggested that a military preparation of young men should include ‘school drill, six months training at first, and a few days every succeeding year’.<sup>194</sup> As prevention against ‘wars of political convenience’ the *Allgemeine deutsche Real-Encyclopädie* in 1818 urged that ‘a militia is to be maintained even in times of peace, from which no one may be exempted’.<sup>195</sup> For the same purpose Kant advised that citizens should ‘voluntarily and periodically undertake training in the use of weapons in order to protect themselves and their country from attacks from the outside.’<sup>196</sup>

We should notice here that Kant considered the participation in the militia as a voluntary obligation; yet the obligation was integral to the right of citizenship. Kant conceived the republic constitution following three basic principles. The constitution should be established ‘first, according to principles of the *freedom* of the members of a society (as

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<sup>191</sup> Constant, "Principles of Politics Applicable to All Representative Governments," 261.

<sup>192</sup> Rawls, *A Theory of Justice*, 380.

<sup>193</sup> Walzer, *Obligations*, 118; see also Stephen Pfaffenzeller, "Conscription and Democracy: The Mythology of Civil-Military Relations," *Armed Forces & Society*, 36, no. 3 (2010): 482-83.

<sup>194</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV." 1627: 'To Edwin Chadwick, 2 Jan 1871'

<sup>195</sup> 'Soldaten' in *Allgemeine deutsche Real-Encyclopädie für die gebildeten Stände* (Leipzig, 1818-19), quoted in Moran, "Arms and the Concert: The Nation in Arms and the Dilemmas of German Liberalism," 67.

<sup>196</sup> Kant, "Perpetual Peace," 69.

human beings), second according to principles of the *dependence* of all on a single, common legislation (as subjects), and third, according to the law of the *equality* of the latter (as *citizens of the state*)'.<sup>197</sup> Therefore, it should not be possible to exercise individual freedom without obedience to the laws of the state and without fulfilment of citizen obligations, among which taking appropriate measures in order to protect one's country definitely is. The obligation to regular military training is voluntary in the sense that an individual may exercise his freedom and not participate; however, such action of his would also mean renouncement of his citizenship.

For this way of reasoning Kant is regarded as one of the founding fathers of civic republicanism. This tradition sees military service as an inseparable, and even desirable, component of citizenship. According to the civic-republican tradition the rights of citizenship are founded on duties towards the community and the state; the citizen should not enjoy the liberties granted by the state, unless he demonstrated his willingness of personal sacrifice for the benefit of the whole. For this reason universal military service is regarded as an institution invaluable for the cultivation of citizenship, an institution that should awaken in young people a sense of civic duties.<sup>198</sup>

In comparison with civic republicanism, liberalism is often criticised for its imbalanced conception of the relation between rights and liberties, on the one hand, and duties, on the other, in favour of the former.<sup>199</sup> Liberal citizens may rightfully seek as little personal connection with the state or society as they deem comfortable, while the state can impose obligations on them only if it is genuinely necessary. Yet, a practical policy of civic republicanism and liberalism would not radically differ on conscription as long as an existential threat to the state is, at least, conceivable.<sup>200</sup> Nonetheless, they definitely differ in attitudes. Whereas the former see an inherent good in the institution of universal military service regardless of security context, to the latter it might be a necessary but not desirable solution.

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<sup>197</sup> Ibid., 72.

<sup>198</sup> Pfaffenzeller, "Conscription and Democracy," 491-96; see also Carter, "Liberalism and the Obligation to Military Service."

<sup>199</sup> See e.g. Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley; London: University of California Press, 1984); Carter, "Liberalism and the Obligation to Military Service."; Adrian Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World* (London: Routledge, 1990).

<sup>200</sup> Pfaffenzeller, "Conscription and Democracy," 493.

The liberal attitude towards compulsory service is manifested in attempts of liberal authors to qualify conditions of the service or justify its very existence. So Mill advocated his plan for universal military training by explaining that the measures he proposed ‘would not take away the young men from civil occupations to any material extent’.<sup>201</sup> Friedrich Hayek, although he considered compulsory service as a ‘severe coercion’, regarded it justifiable and compatible with individual rights and liberties, at least, when compared with ‘a constant threat of arrest resorted to by an arbitrary power to ensure what it regards as good behaviour’. Hayek argued that ‘if a period of military service is a foreseeable part of my career, then I can follow a general plan of life of my own making and am as independent of the will of another person as men have learned to be in society.’<sup>202</sup> Thus, according to Hayek, the necessary qualification of the compulsory service justification is that the service has to be a short and predictable part of one’s life.

### ***War of choice and humanitarian intervention***

As it was shown above, severe restrictions of individual rights and freedoms in form of compulsory military service can be justified in the case of national defence or in preparation for that. It is important to add that national defence does not need to be confined to military operation aimed to protect the state itself; defence of close allies against common threat might be justifiable as well. After all, Kant urged states to establish a league in order ‘to protect one another against attacks from the outside’.<sup>203</sup> Considering the fundamental interests of the individual, preservation of such a league should be considered almost as important as preservation of the state. So the wars of national as well as alliance defence should be viewed as necessary for maintaining just social institutions and hence may warrant conscription of citizens. However, the situation is different in the case of war of choice.<sup>204</sup>

In terms of liberal discourse, the term ‘war of choice’ is slightly misleading. The freedom of the liberal state to make war, as it was presented in the section on just war, is considerably limited. The employment of violence by the liberal state needs to be justifiable as an act of justice and, strictly speaking, to serve justice should be a moral duty. Thus Fernando Tesón asserts that if human rights are severely violated, ‘then others owe a duty of

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<sup>201</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV." 1627: 'To Edwin Chadwick, 2 Jan 1871'

<sup>202</sup> Friedrich A. von Hayek, *The Constitution of Liberty* (London: Routledge & Kegan Paul, 1960), 143.

<sup>203</sup> Kant, "Metaphysics of Morals," 140.

<sup>204</sup> On this point are particularly interesting articles by Allen Buchanan, "The Internal Legitimacy of Humanitarian Intervention," *Journal of Political Philosophy*, 7, no. 1 (1999); Daniel Baer, "The Ultimate Sacrifice and the Ethics of Humanitarian Intervention," *Review of International Studies*, 37, no. 01 (2011).

beneficence derived from the respect owed to rational persons'.<sup>205</sup> Hence Rawls affirms that conscription is permissible for the defence of liberties of 'not only the citizens of the society in question, but also those of persons in other societies as well'.<sup>206</sup> Yet, a clear line exists between wars of necessity, i.e. wars of individual and collective self-defence, and wars of choice that rest on moral rather than existential imperatives.

Assuming the state being a moral person based on general will, the distinction between moral and existential imperatives would be rendered almost irrelevant, as far as individual obligations are concerned. However, such a concept of the state is at odds with the precedence of individual freedom of conscience that liberal society should grant. Hence the state may be conceived in liberal political thinking as, in the words of Allen Buchanan, 'a discretionary association for the mutual advantage of its members'.<sup>207</sup> On the other hand, the state may be viewed as a collective institution which enables its citizens to contribute to the creation of just arrangements to all people. Buchanan calls it the 'state-as-the-instrument-of-justice' view.<sup>208</sup> With regard to this latter concept of the state, some theorists of humanitarian intervention argue that the *state* has a duty to intervene if fundamental human rights are severely violated.<sup>209</sup>

In either sense, however, it is not so much upon the state, should the state be understood as merely a bureaucratic structure of a sort, but rather upon the individual citizens to respond through their representatives to moral obligation. The citizens may, and ought to, democratically express their adherence to the moral duty to use the state resources, including armed forces, for a cause of humanity, peace and justice; nonetheless, the moral conviction and will of the majority should not infringe upon the most essential individual rights and freedoms of the minority. Thus Tesón notes that 'the duty that liberal governments have to promote global human rights is not absolute: it must cohere with other important moral-political considerations, such as the need to respect non-opportunistic exercises of individual autonomy. A way to do this is to resort to voluntary armed forces.'<sup>210</sup> On that point Walzer passes a similar comment that 'the state must rely on volunteers and can only hope (a genuine

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<sup>205</sup> Tesón, "The Liberal Case for Humanitarian Intervention."

<sup>206</sup> Rawls, *A Theory of Justice*, 380.

<sup>207</sup> Buchanan, "The Internal Legitimacy of Humanitarian Intervention," 74.

<sup>208</sup> *Ibid.*: 83.

<sup>209</sup> See e.g. Bagnoli, "Humanitarian Intervention as a Perfect Duty: a Kantian Argument."; Tesón, "The Liberal Case for Humanitarian Intervention."; Walzer, "The Argument about Humanitarian Intervention."

<sup>210</sup> Tesón, "The Liberal Case for Humanitarian Intervention," 51.



and vital democracy might expect) that committed citizens... will choose to come forward'.<sup>211</sup> Rawls's suggestion of using conscription for such purposes is compatible, at least to a certain extent, with this view owing to Rawls's strong argument in favour of 'discriminating conscientious refusal to engage in war in certain circumstances'.<sup>212</sup>

Thus engaging military power in wars of choice warrants use of voluntary or professional soldiers. Yet this might be claimed to violate Kant's categorical imperative, because 'being hired out to kill or be killed seems to constitute a use of human beings as mere machines and tools in the hand of another (the state), a use which is incompatible with the rights of humanity in our own person'.<sup>213</sup> In liberal eyes, voluntary and professional soldiers should not be recruited as mercenaries who for pecuniary interest render themselves a blind instrument of the government. Soldiers in a liberal state are assumed to join up, at least to a degree, owing to their willingness to serve and risk their life for a just cause.

A stimulating elaboration of the liberal argument on this point is presented by Daniel Baer.<sup>214</sup> His main assertions are that the defence of human lives and basic human rights are valuable enough to justify the 'ultimate sacrifice'; however, it also means that no individual ought to be forced to risk his life. Hence it is crucial to respect individual freedom to decide under what conditions, if at all, one's life will be put at risk.<sup>215</sup> 'Soldiers agree to be used as a means to an end, and their choosing to do so is the only thing that makes this permissible while maintaining a position that human beings are to be regarded as ends.'<sup>216</sup>

However, present-day armed forces in the liberal West, Baer maintains, are still primarily intended for national defence and, therefore, those who join up give consent to be used for this purpose. This is not to say that the purpose of humanitarian intervention be morally inferior to self-defence. 'The choice of an individual to risk his life in order to defend the life and basic human rights of another may be so obviously good as to be beyond objection, and yet it must still be his.'<sup>217</sup> Unless the soldiers participating in a humanitarian intervention explicitly agree with the humanitarian aim, they should be regarded as non-combatants of sorts, mere bystanders in a war that is not theirs. 'As mere bystanders we can require that they not be indifferent to the horror, and that they do what they can to alleviate it,

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<sup>211</sup> Walzer, *Obligations*, 118.

<sup>212</sup> Rawls, *A Theory of Justice*, 382.

<sup>213</sup> Kant, "Perpetual Peace," 69.

<sup>214</sup> Baer, "The Ultimate Sacrifice and the Ethics of Humanitarian Intervention."

<sup>215</sup> *Ibid.*: 302.

<sup>216</sup> *Ibid.*: 323.

<sup>217</sup> *Ibid.*: 307.

but we cannot require that they risk their lives to stop it.<sup>218</sup> Baer's argument thus further explicates the principle expressed by Walzer that no one can be asked to die on behalf of the state.<sup>219</sup> No one, not even professional soldier, should be used by the state as a means with no regard to the individual as an end in itself; yet everyone can freely devote one's own life to a particular just cause.

### ***Duty to refuse***

So far we have discussed the scope of the right of the individual to exercise freedom and personal autonomy in relation to the state and society. Important here is to stress that the liberal understanding of individual freedom is related primarily to this realm. Undoubtedly, different concepts of individual freedom are also conceivable. So J. Glenn Grey reports of a soldier who perceived freedom gained through military discipline: 'When I raised my right hand and took the [army oath], I freed myself of the consequences for what I do. I'll do what they tell me and nobody can blame me.'<sup>220</sup> Liberalism, however, does not permit this sort of freedom. On the contrary, membership in a universal community of mankind should impose some obligations that may disqualify the absolute obedience to military superiors or state officials. In the words of Bhikhu Parekh: 'In being a citizen I do not cease to be a human being; to the very contrary my citizenship expresses and articulates my humanity. My citizenship cannot therefore absolve me from my moral obligations to other human beings wherever they may happen to live.'<sup>221</sup>

In that sense, a refusal to obey serves as an instrument which the individual may use in order to keep abiding by the principles of humanity, as presented above. On this point Rawls stated that 'if a soldier is ordered to engage in certain illicit acts of war, he may refuse if he reasonably and conscientiously believes that the principles applying to the conduct of war are plainly violated. He can maintain that, all things considered, his natural duty not to be made the agent of grave injustice and evil to another outweighs his duty to obey... one may have a duty and not only a right to refuse.'<sup>222</sup> The individual, who may assert as much

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<sup>218</sup> Ibid.: 312.

<sup>219</sup> Walzer, *Obligations*, 89.

<sup>220</sup> J. Glenn Grey, *Warriors* (1998), 181, quoted in Walzer, *Just and Unjust Wars*, 311.

<sup>221</sup> Bhikhu Parekh, "Beyond Humanitarian Intervention," in *Politics and Law of Former Yugoslavia*, ed. Holly Cullen, Dino Kritsiotis, and Nicholas Wheeler (Hull: European Community Research Unit, University of Hull, 1993), 19.

<sup>222</sup> Rawls, *A Theory of Justice*, 380-81.

freedom from the state authority as possible, is not free to blindly obey flagrantly unjust commands. It is the duty of the individual to refuse obedience in such cases.

Michael Walzer advocates the right of conscientious objection on the ground of moral commitment towards a community of people. The obligation towards such a community takes precedence over the state owing to the fact that membership in a sub-state or trans-state group rests on the individual's explicit consent, whereas consent with citizenship is in most cases only theoretical.<sup>223</sup> Thus, as the membership in a group is voluntary, the act of conscientious objection against military service is also based on freedom of individual conscience, which can be judged by no other person. Yet, this is not the case of the moral commitment to humanity. Membership in the universal community of mankind is in no sense voluntary; in fact, it is an essential feature, or a constituent, of being human. Despite the fact that principles of humanity are not necessarily as a whole codified, every human being should know what humanity proscribes and demands from everyone.<sup>224</sup> For that reason, the individual has a duty to refuse a military command which obviously transgresses the principles of humanity and failure to do so may be tried and condemned by other people. Thus, despite the soldiers' oath of allegiance, 'we blame them for the crimes that follow from "unlawful" or immoral obedience'.<sup>225</sup>

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To sum up, respect to individual rights and freedom is a defining characteristic of liberal society. However, defence of the state against existential threat may require a considerable sacrifice of individual rights and freedom, including the most crucial rights. Such a sacrifice, then, can be justified, provided the state institutions are just and the sacrifice is absolutely necessary for their survival. Moreover, the sacrifice should be imposed equally and impartially. Yet, even such a sacrifice has its limits. The state cannot legitimately demand from anyone to die on its behalf.

Nonetheless, even the deprivation of freedom and risk of death cannot be asked by the state when the circumstances are less threatening and a war approximates a war of choice. In

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<sup>223</sup> Walzer, "The Obligation to Disobey," 165.

<sup>224</sup> A person's capacity for solidarity with other human beings 'inheres in him as a human being, and is integral to what makes him human'. Parekh, "Beyond Humanitarian Intervention," 19. This issue is thoroughly discussed in Nicholas Wheeler, "Agency, Humanitarianism and Intervention," *International Political Science Review / Revue internationale de science politique*, 18, no. 1 (1997): 10-17. On Kant's conceptualisation of the moral duties imposed by humanity see e.g. Bagnoli, "Humanitarian Intervention as a Perfect Duty: a Kantian Argument."

<sup>225</sup> Walzer, *Just and Unjust Wars*, 311.

such cases everyone should have the right to object to becoming an instrument of a state policy which contradicts his own moral judgement. A voluntary service, or at least a realistic alternative for conscientious objectors, is an institution necessary to carry out military operations other than individual and collective self-defence.

Compulsory military service can be justified only by relevant existential threat to the state. It should be conducted in a way that curtails individual rights and freedom as little as possible. As for the voluntary and professional soldiers, they are not supposed to join up for merely pecuniary reasons. They should be aware of what is their mission and should be convinced that their mission is legitimate. Professional soldiers should not be regarded as a blind instrument of the state.

The liberal concept of individual freedom, from which all the previous principles were derived, must be understood in terms of individual independence from the state, society and other individual people. Yet, it does not exempt from duties towards humanity as a whole. The individual has the duty to refuse to execute commands which flagrantly violate principles of humanity.

## **Conclusion**

Through examination of political and ethical thinking of liberal philosophers the underlying principles related to defence policy and military organisation were identified. Upon the assumption of a universal community of humankind are based the principles that the use of force should follow the imperatives of universal justice and cosmopolitan morality. Other principles have the aim to ensure that the military organisation takes a form that reflects in its composition the free, democratic, and individualistic character of liberal society and is not capable of endangering values possessed and held dear by its parent society. The last but certainly not the least important set of liberal principles provides for a protection of the rights and freedom of the individual against the pressure of the state and/or a majority within society.

The following case studies are designed to show the extent to which these normative principles are embraced in political decision-making and in what particular norms and institutional designs the influence of liberal principles may result. It is the role of the next chapter, the case of German rearmament, to present an institutional design of armed forces

that very closely followed the liberal principles. However, it has to be born in mind that the institutional forms created during the process of German rearmament were results of an application of liberal norms under the specific conditions of West Germany in the Cold War. The subsequent cases should enrich the analysis by presenting the effect of liberal principles under different strategic conditions (Chapter Four on the current transformation of the *Bundeswehr*) and in a different society (Chapter Five on the British military capacities).

## Chapter Three:

# West German Rearmament and building of liberal armed forces

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*Innere Führung* means the realisation of national and social values and norms in the armed forces. The behaviour of soldiers in training and within and outside the barracks has to orientate towards those values.<sup>1</sup>

In these words the Parliamentary Commissioner of the Armed Forces described the institutional philosophy upon which the armed forces of the Federal Republic of Germany, the *Bundeswehr*, were built – the philosophy of *Innere Führung*. The philosophy presents a conscious effort to prevent the *Bundeswehr* from developing a peculiar militaristic culture and to ensure essential unity between society and the armed forces. This effort is a defining pattern of the period of West-German rearmament and since then has never ceased to be an important issue.

Moreover, the way the *Bundeswehr* was established adds to the uniqueness of this case. The first soldiers were recruited at the end of 1955 – ten years after the previous German military – the *Wehrmacht* – had laid down their arms and six years after the West-German constitution had been adopted. Civilian institutions were given time to become embedded in the state and society before the first soldiers donned their uniforms. As a result the civilians, the people's political representatives, possessed the power to design the armed forces in their own image. For those reasons the military policy of the Federal Republic of Germany (FRG) invites attempts to examine and understand the influence of ideological imperatives on military capacities.

This chapter is to show how the liberal principles took form in a particular institutional design suitable for West Germany – a front-line state in the Cold War – and what limitations this liberal institutional design had to face. The first section of this chapter articulates the military's functional delimitation that stemmed from the position of the FRG

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<sup>1</sup> ‚Innere Führung bedeutet die Verwirklichung staatlicher und gesellschaftlicher Werte und Normen in den Streitkräften. Daran hat sich das Verhalten der Soldaten in der Ausbildung wie im Zusammenleben innerhalb und außerhalb der Kasernen zu orientieren.‘ *Unterrichtung durch den Wehrbeauftragten: Jahresbericht 2000 (42. Bericht)*, (Berlin: Deutscher Bundestag, 2001), 13.

in the international structure determined by the Cold War. The following section contains an analysis of the philosophy of *Innere Führung*, which was to address the functional needs with liberal means. The institutionalisation of *Innere Führung* by the legislature is the subject of the third section. The last two sections deal with the soldiers' resistance to the liberal institutional philosophy, on the one hand, and with the response to this resistance by Minister of Defence Helmut Schmidt in the early 1970s, on the other hand.

### **Reasons to Rearm – Adenauer's Case for Armed Forces**

At the beginning of this thesis it is suggested that the extent of the ideological impact on the development of armed forces might be dependent on the international structure. We may expect that liberal armed forces would functionally fit a world dominated by liberal actors. Yet this does not appear to be the case of the Cold War, in which the international structure was determined by a conflict between two equally powerful and radically polarized ideological camps – the liberal West and the Marxist-Leninist East.

It was also suggested that powerful actors might shape, to some extent at least, the international structure in their own image. However, West Germany is even less the case. Owing to the control of occupational powers, the FRG was an object rather than a subject on the international stage. In spite of that, the decisions as to how to remilitarise and whether to remilitarise at all were made mainly in Bonn and, as this chapter demonstrates, the context of the Cold War happened to be particularly favourable for an application of liberal principles in the West-German military policy.

Arguably, the basic parameters of West-German military policy were set by Konrad Adenauer (Federal Chancellor 1949-1963). His primary objective was to raise West Germany to the status of an equal sovereign partner to the Western allies and rearmament was an effective instrument to attain this aim. Yet Adenauer's 'policy of strength', as his foreign-policy approach came to be known, was neither a popular nor necessary option for West Germany. In the aftermath of the Second World War West-German society was rather unresponsive to another call to arms and resistant to a war scare (see the charts below). Moreover, since Germany was divided into two parts, reunification was a primary aim for a notable part of West German politicians, an aim by no means exclusive to the opposition

Social-Democratic Party (SPD).<sup>2</sup> However, the policy of reunification obviously contradicted Adenauer's 'policy of strength'. West Germany's joining the Western allies would only entrench the division of Germany and leave no chance for eventual reunification.



**Figure 6 Surveys on the issue of rearmament conducted by the Allensbach Institute 1950-1954<sup>3</sup>**

<sup>2</sup> As illustrated by the resignation of Gustav Heinemann, a minister for internal affairs (1949-50) and an influential person in the Evangelical Church, in protest against Adenauer's secret negotiations for West German military contribution to the defence of Western allies.

<sup>3</sup> "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343. "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343. "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343. "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343. "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343. "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343. "Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343.



Adenauer appeared to be quite comfortable with ruling German reunification out, for the time being at least.<sup>4</sup> In order to gain support for his vision, Adenauer had to convince post-war West German society, demilitarised not only physically but also spiritually, that, because of the severity of the Soviet threat to Germany and to Western Europe, rearmament was indispensable. In his view, 'the German defence contribution was necessary, the West wanted it, and the Germans owed it to civilization to produce it'.<sup>5</sup>

According to Adenauer, security against the existential danger from the East, regardless whether this was real or constructed, had to have priority over all other preferences. The Korean War of 1950-53 and the Soviet suppression of the Hungarian Uprising in 1956 added weight to Adenauer's words.<sup>6</sup> These events, nonetheless, having

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(Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343."Umfragen des Allensbacher Instituts zur Wiederbewaffnung 1950-1954," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 343.

<sup>4</sup> David Clay Large argues that re-establishing the historic ties between the western parts of Germany and Western Europe appealed to Adenauer, as to a native Rhinelander, much more than reunification with former Prussian territories. David Clay Large, *Germans to the Front: West German Rearmament in the Adenauer Era* (Chapel Hill & London: University of North Carolina Press, 1996), 52.

<sup>5</sup> Dennis L. Bark and David Gress, *From Shadow to Substance 1945-1963* (Oxford: Blackwell, 1989), 287.

<sup>6</sup> See Elisabeth Noelle et al., *The Germans: Public Opinion Polls 1947-1966* (Allensbach and Bonn: Verlag für Demoskopie, 1967), 604.

Question: 'Are you apprehensive that a war might break out even in this year?'					
	Jan 1951	Jan 1953	Spring 1954	Nov 1956	Dec 1956
Yes	47%	26%	16%	51%	43%

manifested the possibility of an internecine war in Germany, did not reduce the relevance of the principle behind the SPD's policy: without unity there was no security for Germany.<sup>7</sup>

The SPD, in fact, did not oppose rearmament in absolute terms. Since East Germany created in 1952 its *Kasernierte Volkspolizei*, a military force in all but name, the Social Democrats came to perceive the necessity to balance East German military power. They suggested, therefore, that West Germany should build a small standing army composed of volunteers and supported by a militia.<sup>8</sup> This preference took a detailed form in a paper produced by former *Wehrmacht* Colonel Bogislav von Bonin,<sup>9</sup> a high-ranking official in the *Amt Blank* (later the Ministry of Defence).

According to Bonin's analysis, an implementation of Western strategy would lay Germany in ruins, the deployment of tactical nuclear weapons would be catastrophic in the densely populated Germany and rearmament and integration into NATO would hamper all hopes of German reunification. Therefore, Bonin proposed to create an army consisting of 120-150,000 troops armed with unmistakably defensive weapons, above all highly mobile anti-tank guns.<sup>10</sup> This system, Bonin believed, would perfectly suit West Germany in her situation:

Neither the Soviet Union nor France can perceive this form of West German rearmament as a threat.... It presents the shortest way to ensure a certain level of security, in particular by establishing parity with *Volkspolizei*. Thus it will as soon as possible create an essential condition for withdrawal of the occupying forces and that would initiate reunification.<sup>11</sup>

Besides some probably relevant objections considering operational feasibility,<sup>12</sup> Bonin's proposal was, from the viewpoint of Adenauer's government, out of the question owing to the fact that it completely missed Adenauer's rationale for rearmament. The

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<sup>7</sup> 'Ohne deutsche Einheit gibt es für uns keine Sicherheit.' Lothar Wilker, *Die Sicherheitspolitik der SPD 1956-1966: zwischen Wiedervereinigungs- und Bündnisorientierung* (Bonn: Verlag Neue Gesellschaft, 1977), 127.

<sup>8</sup> *Ibid.*, 103-16.

<sup>9</sup> See "Denkschrift des Oberst a.D. Bogislav von Bonin über Wiederbewaffnung und Verteidigungsplanung der Bundesrepublik Deutschland vom März 1955," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979).

<sup>10</sup> Bjørn Møller, *Resolving the Security Dilemma in Europe: the German Debate on Non-Offensive Defence* (London: Brassey's, 1991), 52.

<sup>11</sup> 'Weder die Sowjetunion noch Frankreich können diese Art der westdeutschen Wiederbewaffnung als Bedrohung empfinden.... Es wird der kürzeste Weg zur Herstellung einer gewissen Sicherheit, insbesondere zur Schaffung der Parität zur Volkspolizei, beschritten. Damit wird so schnell wie möglich eine wesentliche Voraussetzung für einen die Wiedervereinigung einleitenden Abzug der Besatzungstruppen geschaffen.' "Denkschrift des Oberst a.D. von Bonin," 113-14.

<sup>12</sup> See Møller, *Resolving the Security Dilemma*, 52-53.

assumptions leading to West German rearmament were postulated as follows: first, only a large military force could justify West Germany's claim for sovereignty and equal rights within the Alliance; second, in the Cold War there was no place for neutrals; third, without a significant West German military contribution western Europe would be defenceless; and last but not least, a strong Germany would be much more secure from war than a weak one.<sup>13</sup> Therefore, in Adenauer's view, only a mass army was suitable for West German needs.

From Adenauer's negotiations with Western allies it emerged as a given fact that the West-German military contribution should amount to approximately half a million troops. A memorandum of the government explicated this as follows:

Required are conventional combat troops of such strength that they would provide protection against a numerically superior aggressor. Armed forces of 500,000 men within NATO meet this desirable balance of power... Fighting force of this strength enables an effective defence, but would be insufficient for an attack. Therefore, the Soviet bloc cannot regard it as a threat.<sup>14</sup>

From this reasoning it also followed that conscription was an inevitable means of recruitment. Nobody doubted that German society in the 1950s would be otherwise unable to generate enough volunteers and, moreover, a professional army would not create sufficient reserves.

West German political leadership thus constructed the new West-German state as an enemy, or rather a possible victim, of the Soviet bloc. Therefore, in the early 1950s West Germany had to deal with a military threat to the very existence of its society. It was faced with the task to create armed forces which would be capable of withstanding, in cooperation with NATO allies, and hence deter too, a full-scale Soviet aggression. A mass army of half a million troops and compulsory service came to be fundamental requirements of West German rearmament. Yet besides these caveats ample space remained for devising forms of military organisation that would reflect social imperatives. Considering that West German society was after the Second World War in strongly antimilitaristic mood, the founders of the new armed forces had to devote a great deal of effort to design the new armed forces as a legitimate and

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<sup>13</sup> Julian Lider, *Origins and Development of West German Military Thought: Vol.1, 1949-1966* (Aldershot: Gower, 1986), 237.

<sup>14</sup> ,Erforderlich ist jedoch eine solche Stärke der herkömmlichen Kampftruppen, daß sie vor einem zahlenmäßig überlegenen Angreifer Schutz gewähren. Eine Bundeswehr von 500 000 Mann innerhalb der NATO entspricht diesem angestrebten Kräfteverhältnis... Kampftruppe dieser Stärke erlauben eine wirksame Verteidigung. Zu einem Angriff reichen sie nicht aus. Der Sowjetblock kann sie deshalb nicht als Drohung empfinden.“ "Denkschrift der Bundesregierung zur Begründung der Wehrpflicht vom April 1956," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 104.

integral part of the kind of society which West-German people were trying to achieve – of liberal society.

## **Wolf von Baudissin's Philosophy of Liberal Military Reform**

The effort to create armed forces closely approximating the requirements of liberal society found its form in the concept of *Innere Führung* ('Internal Leadership'). The principles of the reform project were developed and promoted by several influential officers of the former *Wehrmacht*. Among the most important proponents of the reform were Lieutenant Generals Hans Speidel and Adolf Heusinger, the first Inspector General of the *Bundeswehr* from 1957 to 1961, Colonel Johann Adolf von Kielmansegg and Lieutenant Colonel Ulrich de Maizière, Inspector General of the *Bundeswehr* from 1966 to 1972. Yet a mastermind and the most outspoken advocate of the military reform was Graf Wolf von Baudissin, former major of the *Wehrmacht*, in 1942 captured in Africa, in the 1950s head of the section for *Innere Führung* in the *Amt Blank*.

Baudissin initially introduced his vision of military reform at the secret conference in Himmerod in September 1950, where the first programme of German rearmament was articulated. Despite being one of the most junior participants,<sup>15</sup> Baudissin managed to make a fundamental reform of the military internal structure an essential part of, otherwise rather conservative,<sup>16</sup> 'Himmerod Memorandum'.<sup>17</sup> So it is stated in the memorandum that, concerning an internal structure, 'fundamentally new' forms of armed forces must be

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<sup>15</sup> See the list of officers present at the Himmerod Conference in Alaric Searle, *Wehrmacht Generals, West German Society, and the Debate on Rearmament, 1949-1959* (London: Praeger, 2003), 63.

<sup>16</sup> Detlef Bald actually calls the Himmerod Memorandum 'the first document of traditionalism'. Detlef Bald, "Restaurativer Traditionalismus: eine Gefahr für die Innere Führung," in *Was ist aus der Inneren Führung geworden? Zum hundertsten Geburtstag Wolf Graf von Baudissins*, ed. Detlef Bald (Hamburg: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg, 2007), 13.

<sup>17</sup> See "'Himmeroder Denkschrift': Denkschrift des militärischen Expertenausschusses über die Aufstellung eines deutschen Kontingents im Rahmen einer übernationalen Streitmacht zur Verteidigung Westeuropas vom 9.10.1950," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979). On the memorandum see e.g. Donald Abenheim, *Reforging the Iron Cross: The Search for Tradition in the West German Armed Forces* (Princeton, NJ: Princeton University Press, 1988), 47-63; Kerry Longhurst, *Germany and the Use of Force* (Manchester: Manchester University Press, 2004), 35-36. On Baudissin's contribution to the memorandum see also Dieter Krüger and Kerstin Wiese, "Zwischen Militärreform und Wehrpropaganda: Wolf Graf von Baudissin im Amt Blank," in *Wolf Graf von Baudissin 1907-1993: Modernisierer zwischen totalitärer Herrschaft und freiheitlicher Ordnung*, ed. Rudolf J. Schlaffer and Wolfgang Schmidt (München: R. Oldenbourg Verlag, 2007), 13-14; Bald, "Restaurativer Traditionalismus."

created.<sup>18</sup> These new forms were meant to contribute to ‘the development towards the convinced citizen and European soldier’.<sup>19</sup>

The ‘Himmerod Memorandum’ presents the need for a reform as a response to social and political conditions of the day – i.e. the Cold War perceived as an ideological conflict between Western freedom and democracy and Eastern totalitarianism – which were said to fundamentally differ from the past. Yet, Baudissin’s vision did not lack a precedent. He intended to build on the reforms of the Prussian military initiated after the defeats at Jena-Auerstadt by Napoleon in 1806. Proponents of the early 19<sup>th</sup> Century reforms – Scharnhorst, Gneisenau, Boyen, Grolman and Clausewitz – wanted to build a truly national army consisting of citizens – ‘born defenders of the state’<sup>20</sup>. The term ‘citizen in uniform’ hence became a cornerstone of the West-German military reform.

Baudissin understood this historical event as the point when the way of exercising leadership (*Menschenführung*) in the military experienced fundamental change. Instead of harsh discipline and drilled obedience, the state was to appeal to moral qualities possessed by individual soldiers/citizens in uniform – qualities built on the values of freedom, justice and human dignity. Baudissin saw the appeal to these moral values as crucially relevant also for his time:

Their demand for the citizens with reasoned conviction that defence is meaningful seems to be very modern. Moral convictions of the people have become an existential question of our free world and its soldiers; freedom, justice, and human dignity have become its scale.... Freedom, justice and human dignity are the criteria to tell friend from foe, a good tradition from a bad one, and what is still worth defending in the face of the thermonuclear destruction. Freedom, justice and human dignity are the foundation, starting point and goal of any leadership in the troops.<sup>21</sup>

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<sup>18</sup> ‘Damit sind die Voraussetzungen für den Neuaufbau von denen der Vergangenheit so verschieden, daß ohne Anlehnung an die Formen der alten Wehrmacht heute grundlegend Neues zu schaffen ist.’ “Himmeroder Denkschrift,” 338.

<sup>19</sup> Ibid., 340.

<sup>20</sup> ‘Alle Bewohner des Staates sind geborene Verteidiger desselben’, Scharnhorst wrote in 1807 at introduction to his *Denkschrift über die Bildung einer Reservearmee*. See also Carl von Clausewitz, *On War*, trans. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1989). Book VI, Ch.25-26

<sup>21</sup> ‘Ihre Forderung nach dem Staatsbürger mit begründeter Überzeugung von den Verteidigungswerten mutet aufs höchste zeitgemäß an. Sittliche Verwurzelung des Menschen ist zur Existenzfrage unserer freien Welt und ihrer Soldaten geworden; Freiheit, Recht, und Menschenwürde zu ihrem Maßstab.... Freiheit, Recht und Menschenwürde sind die Maßstäbe zur Unterscheidung von Freund und Feind, von guter und schlechter Tradition; für das, was angesichts thermonuklearer Vernichtung überhaupt noch verteidigungswert ist. Freiheit, Recht und Menschenwürde sind Grundlage, Ausgangspunkt und Ziel aller Menschenführung in der Truppe.’ Wolf von Baudissin, “Die Bedeutung der Reformen aus der Zeit deutscher Erhebung für die Gegenwart (1957),” in *Soldat für den Frieden: Entwürfe für eine zeitgemäße Bundeswehr*, ed. Wolf von Baudissin and Peter von Schubert (München: R.Piper & Co., 1969), 94; see also Abenheim, *Reforging the Iron Cross*, 158-60.

A recent manifestation of these moral values Baudissin recognised in the resistance of military officers against the Nazi regime culminating in the attempt by Lieutenant Colonel Claus von Stauffenberg to assassinate Hitler on 20 July 1944. In the eyes of Baudissin, the Resistance would have been unthinkable without political and moral maturity and responsibility of those who took part. Whereas the Nazi regime, like all totalitarian systems, in order to manipulate people had to make them abandon their moral and religious roots, the members of the Resistance proved a great moral strength. For freedom and justice they had to be ready for the sacrifice of their lives.<sup>22</sup> Such a moral maturity was argued to be just as essential in the conflict with Soviet totalitarianism.

The recent experience of Germans with the Nazi rule and the contemporary conflict with the Soviet totalitarianism provided an opportune moment for promoting Baudissin's vision. However, the principles of moral maturity and individual freedom and responsibility were certainly not meant to be an opportunistic response to the international situation of the time. Baudissin's philosophy covers all three areas of liberal principles – universal rules of humanity, democratic and cooperative society, and individual rights and freedoms.<sup>23</sup> His work thus represents a clear and unambiguous articulation of liberal principles under the conditions of the Cold War.<sup>24</sup>

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<sup>22</sup> Wolf von Baudissin, "Zum 20. Juli 1960," in *Soldat für den Frieden: Entwürfe für eine zeitgemäße Bundeswehr*, ed. Wolf von Baudissin and Peter von Schubert (München: R.Piper & Co., 1969); see also Abenheim, *Reforging the Iron Cross*, 155-58.

<sup>23</sup> A similar interpretation of Baudissin's ideas is presented by Klaus Ebeling, Anja Seiffert and Rainer Senger. These authors distinguish three aspects of Baudissin's philosophy: 1) rights, individual rights and freedoms in particular; 2) democracy, focusing mainly on partnership and cooperative leadership within the armed forces; 3) peace, stressing ethical commitments of both the individual and society as a whole. Klaus Ebeling et al., *Ethische Fundamente der Inneren Führung*, SOWI-Arbeitspapier 132 (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 2002), 16-23.

<sup>24</sup> Here is to be analysed Baudissin's conceptual work which was written during the period of his engagement in the Section for *Innere Führung* in the *Amt Blank* (later Ministry of Defence). The pieces representing this work are, first, a presentation on the tasks and aims of his Section given to the members of the *Bundestag's* Committee for the Issues of European Security in July 1953 (Wolf von Baudissin, "Zur Aufgabestellung des Referates Inneres Gefüge (1953)," in *Soldat für den Frieden: Entwürfe für eine zeitgemäße Bundeswehr*, ed. Wolf von Baudissin and Peter von Schubert (München: R.Piper & Co., 1969).); second, a response to critics of the reform concept which was published in the journal *Die neue Gesellschaft* in the early 1955 (Wolf von Baudissin, "Das Leitbild des zukünftigen Soldaten (1955)," in *Soldat für den Frieden: Entwürfe für eine zeitgemäße Bundeswehr*, ed. Wolf von Baudissin and Peter von Schubert (München: R.Piper & Co., 1969).); and, third, presentation of the reform concept to international readers through the pages of *Foreign Affairs* (Wolf von Baudissin, "The New German Army," *Foreign Affairs*, 34, no. 1 (1955).)

## ***Universalism and commitment to peace***

The Cold War is not understood as a conflict between states or blocs of states. In the words of Baudissin, the Cold War is an ‘international civil war’ and the formation of the new German armed forces is meant ‘to be simply an act in the general context of international civil war’.<sup>25</sup> Not only the state but also the individual is targeted by enemy attacks, primarily in the form of propaganda. The state, therefore, is rather a means in this conflict than an end in itself. ‘Fatherland’, Baudissin writes, ‘must never stand for just power – power which must be increased by any and every means against both external and internal obstacles. Nor can we agree that beside it all moral and human values shrink to secondary importance.’<sup>26</sup>

It was not a threat to state or national interests, then, that was hence to be the true reason for taking up arms; rather, it is the ‘decisive questions of human existence’ which are at stake.<sup>27</sup> The citizen is thus meant, in Baudissin’s design, to recognise war only as the last defence of human-worthy, i.e. free, existence. For this reason – and not just because the 1945 UN Charter and quite recent Nuremberg war crimes trials declared that waging aggressive war was now an ipso facto unlawful act – the citizen should also find aggressive war absolutely unthinkable.<sup>28</sup> Upon these fundamental principles the new armed forces should be built. Peace was their aim, defensive strength the means and deterrence the only possible strategy.

However, when talking about the commitment to peace, it does not suffice to look at the sphere of governmental politics or at the military establishment as a whole. Baudissin stresses that prevention of war is the task for every responsible citizen. The soldier’s task here is twofold. First, through readiness to fight he should contribute to the credibility of deterrence. By doing so, he will support politicians in their effort to keep ideological and political differences within the realm of diplomacy and non-violent politics. Second, it is claimed to be the duty of soldiers, as experts in the field, to warn politicians against the use of violence as a means of confrontation and remind them of the necessity to exhaust all other peaceful instruments. Thus Baudissin argues that the capability to fight a war has to be in accord with the commitment of every soldier to peace. The commitment to peace is meant to

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<sup>25</sup> Baudissin, "The New German Army," 3.

<sup>26</sup> Ibid.: 10.

<sup>27</sup> Ibid.: 4.

<sup>28</sup> Baudissin, "Das Leitbild des zukünftigen Soldaten (1955)," 217; Baudissin, "The New German Army," 10. On the issue of peace in Baudissin’s work see also Claus von Rosen, "Grundlagen für das Thema Frieden in Baudissins Werk," *Sicherheit und Frieden*, 23, no. 4 (2005).

motivate towards the readiness to fight and at the same time the military expertise should always warn against hasty decisions to take up arms.<sup>29</sup>

### ***Principles of free society***

It is crucial to Baudissin's thinking that the aims of peace and preservation of free and democratic society must be met with the means of the same kind. Since totalitarian methods are at odds with the idea of free society, the citizen of free society cannot adopt totalitarian methods for its defence. 'If he did adopt them, even to fight totalitarianism, he would lose belief in himself.'<sup>30</sup> Baudissin, therefore, proposes a concept of democratic armed forces, or, more precisely, armed forces in democracy. This concept consists of, first, 'organic integration of the army into the democratic state'; second, 'devotion of its leaders to the state and its constitution'; and last but not least, 'identity of values in the army and in the democratic state'.<sup>31</sup>

Particularly social and ethical integration of the soldiers into society is the key point of Baudissin's concept. It is obvious to Baudissin that the citizen-soldier cannot be asked to defend freedom, if at the same time all his personal freedom is taken away from him. The military organisation in particular will be the final evidence 'whether the freedom within society is meant seriously or not'.<sup>32</sup> Baudissin insists that values of freedom and democracy cannot hinder the defensive capabilities of the armed forces. Contrary to 'traditional' ways of military education, he stresses that not the ultimate sacrifice itself but life in free society ought to be the primary aim of military education and socialisation in military culture. 'The one who knows how and is ready to live for and in society will also know what is defended and will then be ready to risk his life for it.'<sup>33</sup>

In the same way, a democratic way of life is, according to Baudissin, not at odds with the life of soldiers; on the contrary, it is the precondition for every form of decent existence. This is not to say, however, that armed forces should adopt a parliamentary way of

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<sup>29</sup> Baudissin, "Das Leitbild des zukünftigen Soldaten (1955)," 217.

<sup>30</sup> Baudissin, "The New German Army," 10.

<sup>31</sup> *Ibid.*: 3.

<sup>32</sup> 'Gerade in der militärischen Ordnung wird der einzelne junge Mensch den Beweis finden, ob es der Gemeinschaft mit der freiheitlichen Ordnung überhaupt ernst ist oder nicht.' Baudissin, "Zur Aufgabestellung des Referates Inneres Gefüge (1953)," 152.

<sup>33</sup> 'Derjenige aber, der gelernt hat und bereit ist, für die Gemeinschaft und in ihr zu leben, wird auch genau wissen, was er in dieser Gemeinschaft verteidigt, und wird dann auch notfalls sein Leben für sie einsetzen.' *Ibid.*, 153.



leadership. Baudissin does not oppose the need for military hierarchy and discipline, yet the military leadership should not be reduced to it alone. Citizens who serve under arms in order to defend the values of individual rights and freedoms could hardly have any sort of patriarchal authoritarian rule applied to them. The superior cannot exercise his authority like a father over immature children.<sup>34</sup> ‘The superior ranks above his subordinates for purposes of coördination... he has to rely on the coöperation of his subordinates in thinking and acting just as much as they rely on him for leadership.’<sup>35</sup> Thus between the superiors and the subordinates should emerge a mutual and reciprocal partnership which may resemble a picture of free society.

Of course, this entire concept of integration requires the existence of genuinely free parent society in the first place. A ‘form of life and government which every citizen will consider worth defending’ is a prerequisite for defensive capability of such civilianised armed forces.<sup>36</sup> Although the education within the armed forces has to contribute to the general citizenship education, and the armed forces are meant to be one of the social institutions which help young men in the process of socialisation, it is not the army that should serve as the ‘school of the nation’ any longer. Rather, ‘the nation and the state becomes the school of the armed forces.’<sup>37</sup>

### ***Individual rights and freedoms***

As described above, the model of the armed forces in democracy is almost entirely built upon the concept of the free and mature individual who is conscious of his responsibility towards society as a whole. ‘Only the man who knows that as a citizen he is at one here and now with the state and who sees its capacities for development as his own – only that man can survive in and win the cold war.’<sup>38</sup> A soldier who is trained merely in the military craftsmanship and drilled to obey orders without thinking is, according to Baudissin, no longer fit for war.<sup>39</sup>

The traditional way of military leadership that rests on a ‘secularized “soldier’s honor”’ which describes obedience, duty, hardihood and readiness for action as unquestioned

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<sup>34</sup> Baudissin, "Das Leitbild des zukünftigen Soldaten (1955)," 215.

<sup>35</sup> Baudissin, "The New German Army," 6.

<sup>36</sup> Ibid.: 3.

<sup>37</sup> ‘So werden die Nation und der Staat zur Schule der Streitkräfte, und nicht umgekehrt die Streitkräfte zur Schule der Nation.’ Baudissin, "Das Leitbild des zukünftigen Soldaten (1955)," 221.

<sup>38</sup> Baudissin, "The New German Army," 4.

<sup>39</sup> Baudissin, "Das Leitbild des zukünftigen Soldaten (1955)," 217.

and absolute concepts' is argued to be out of date for various reasons.<sup>40</sup> First, the Second World War manifested how easily such a leadership can be abused by criminals. Second, the traditional leadership derived from the world of patriarchal feudalism fails in the face of technical progress, which requires specialisation and division of labour among all members of a unit. Last but not least, the traditional, patriarchal leadership stand in sharp contrast to the ideal of free society and the mature and responsible citizen in uniform.<sup>41</sup>

The soldier in order to become the citizen in uniform has to feel that he has a stake in the community he is supposed to defend. The soldier should retain all the rights and freedoms as any other citizen except for those which would preclude the performance of military duties. Thus the citizen in uniform may keep participating in the life of society and the state.

Moreover, the citizen in uniform as a morally mature individual cannot be rendered blind in obeying orders. No trustful obedience would be given unless the soldier feels that the order is both legally and morally right, on the one hand, and meaningful in respect to a given situation, on the other. These ideas of Baudissin are not meant to turn the exceptional case of 'responsible disobedience' into standard military practice. Despite the fact that 'the 20 July' became one of the pillars of the reform, the reformers stress that the legacy of the anti-Nazi resistance sets no norm for resistance in a democratic society.<sup>42</sup> General Heusinger, one of the strongest advocates of *Innere Führung*, hence advised soldiers accordingly: 'I must point out that no norms for the soldiers' behaviour in a free *Rechtstaat* can be drawn from a putsch against [a] totalitarian regime.'<sup>43</sup> Yet, the conflict between freedom and totalitarianism compels the armed forces to rely on those who are prepared to risk their lives for a moral principle. Therefore, the concept of command and obedience in armed forces has to be adapted so as to support building up such a character among soldiers.<sup>44</sup>

Despite the fact that Baudissin conceived of and approved a conscientious refusal to obey orders – after all, the men of 20 July were to become an example of morally mature soldiers – he said nothing about conscientious objection to serve under arms. Nonetheless, it logically follows from his philosophy that he would not be opposed to the right of conscientious objection. Although serving in such a force which Baudissin devised should

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<sup>40</sup> Baudissin, "The New German Army," 5.

<sup>41</sup> *Ibid.*: 5-6.

<sup>42</sup> Abenheim, *Reforging the Iron Cross*, 157; David Clay Large, "'A Gift to the German Future?' The Anti-Nazi Resistance Movement and West German Rearmament," *German Studies Review*, 7, no. 3 (1984): 525-26.

<sup>43</sup> Quoted in Large, "A Gift to the German Future?," fn.113.

<sup>44</sup> Baudissin, "The New German Army," 9.

not contradict pacifism, Baudissin was calling for such soldiers only who are aware of their responsibility towards society. Such a moral commitment, although it may be encouraged, cannot be imposed from above. Moreover, a generous right of conscientious objection would be another manifestation of the freedom which society grants to the individual.

## **Institutionalisation and Enactment of the Reform Concept**

The journey between a courageous vision and putting a reform into practice often necessitates travelling along a rocky road. An advantage of Baudissin's concept might be seen in the fact that the core principles upon which the concept rests were clearly stated in the constitution (*Grundgesetz*) of the West German state. Already in the preamble 'the determination to promote world peace' is affirmed and the article 24, the so called 'Peace Clause', is explicit that disturbing 'the peaceful relations between nations, especially to prepare for a war of aggression, shall be unconstitutional' and will be regarded as a crime. As for the personal rights, the Article 1 insists that human dignity is inviolable and to 'respect and protect it shall be the duty of all state authority'.<sup>45</sup>

Because of this constitutional backing, Baudissin and his colleagues perceived realisation of the reform concept not merely as a policy option but rather as a practical necessity. However, the full realisation of the reform required an existence of some particular institutions and legal regulations. In particular, in his article from 1955 Baudissin proposes a whole set of such provisions. First, a consensual organic military law is needed in order to provide for the integration of the armed forces into the state. Second, the young officer should be assigned for at least half a year to the 'Academy for All Armed Forces', where he would receive a university-style education from civilian instructors. Third, measures should be taken that enable the soldier to exercise 'the right to vote and engage freely in political activities in so far as this takes place outside the service routine and off military reservations'. Fourth, all ranks should choose representatives to speak for their comrades before their commanding officer. Fifth, the superiors can exercise their official authority only in fulfilment of their own duties. Sixth, training for citizenship should be introduced as an essential part of the education of all ranks. And last but not least, the integration with civilian

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<sup>45</sup> *Basic Law for the Federal Republic of Germany*, trans. Christian Tomuschat and David P. Currie (Berlin: German Bundestag, 2010).

society should be facilitated by ‘training in civilian professions’ and ‘maintenance of cultural civilian contacts during the period of military service’.<sup>46</sup>

Yet the official power of Baudissin and his circle was confined only to issuing the ‘*Handbuch Innere Führung*’.<sup>47</sup> This handbook, however, was no official regulation with binding force on soldiers. Rather, the intention was ‘to make the intellectual exchange of the planning phase available in a book issued informally to all officers’.<sup>48</sup> In order to make all the reform plans real, authorship a handbook could not suffice. The reform ideas had also to be embraced by political representatives in the *Bundestag* and the *Bundesrat*, on the one hand, and by the military officers of the future army, on the other. Whereas the former, as this section is to present, almost fully adopted the reform concept, the section to follow will show that the latter’s reception was much less warm, to say the least.

The legislative process of rearmament was introduced in March 1954 with amendments of the FRG constitution which invested the federation with ‘exclusive legislative power’ with respect to defence.<sup>49</sup> Yet it was not until West Germany joined NATO on 9 May 1955 that the laws which were to give shape to the future armed forces began to emerge. Already in July 1955 the *Bundestag* passed a bill which allowed the Ministry of Defence to recruit a first intake of volunteers whose task was to prepare the military for its later build-up. It is characteristic, however, that the final version of the ‘Volunteer Law’ significantly differed from the original ministry draft. Facing the threat of a complete refusal of the bill, Chancellor Adenauer and Theodor Blank, whose *Amt Blank* had become a ministry only in June of that year, had to accept a compromise concerning not only the recruitment of the first volunteers, such as a vetting of high-ranking officers by an independent screening board, but also the legislative process of rearmament as a whole.<sup>50</sup>

A need for a compromise and an enormous influence of members of the *Bundestag*, and of the Defence Committee in particular, over the content of the military laws characterise the legislative part of building the armed forces. Almost regardless of party-political affiliation, the members of the *Bundestag* were well aware of ‘the luxury of having civilian

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<sup>46</sup> Baudissin, "The New German Army," 11-12.

<sup>47</sup> *Handbuch Innere Führung: Hilfen zur Klärung der Begriffe*, (Bonn: Bundesministerium für Verteidigung, 1957).

<sup>48</sup> Abenheim, *Reforging the Iron Cross*, 157.

<sup>49</sup> *Basic Law*, art.73/1.

<sup>50</sup> Large, *Germans to the Front*, 235-39; Hans Ehlert, "Innenpolitische Auseinandersetzungen um die Pariser Verträge und die Wehrverfassung 1954 bis 1956," in *Anfänge westdeutscher Sicherheitspolitik 1945-1956*, ed. Hans Ehlert, Christian Greigner, and Bruno Thoß (München: R. Oldenbourg Verlag, 1993), 485-89.

institutions in place before the creation of a military' and did not want to lose this signal advantage due to a hasty legislative process.<sup>51</sup> Thus in March 1956 the so called 'military constitution' (*Wehrverfassung*), a set of constitutional amendments putting the armed forces into constitutional order, was passed. These amendments, among other things, invested the *Bundestag* Defence Committee with the powers of the committee enquiry and created an institution of a Parliamentary Commissioner for the Armed Forces (*Wehrbeauftragter*). The 'Soldiers' Law' (*Soldatengesetz*) stipulating the rights and duties of soldiers followed in April 1956 and the 'Conscription Law' (*Wehrpflichtgesetz*) was passed in July of the same year. Except for the Conscription Law, all the other bills were accepted by a vast majority of the members of the *Bundestag* and supported by the coalition parties as well as the opposition Social Democrats (SPD).

### ***Primacy of Peace and Superiority of Civilian Authority***

Following the 'Peace Clause' (Art.26/1), the Basic Law specified that the single purpose of establishing armed forces was defence (Art.87a/1). Nonetheless, their employment was also allowed for in cases of natural disasters (Art.35) and when a system of collective security requires military support (so called *Bündnisfall*, Art. 24/2). Thus, from a constitutional viewpoint, the newly established *Bundeswehr* was prevented from violating international peace. Defence was legitimising the *Bundeswehr's* existence and only defence of allies, as the Basic Law was usually interpreted until the deployment in Somalia in 1993 and the decision of the Federal Constitutional Court in 1994, could justify sending armed troops abroad.

Probably the biggest effort of the legislature was aimed at subordinating the military to civilian authority. Actually the entire reform concept was meant to prevent soldiers from developing a sense of being outside general society and/or above politics, i.e. the so called 'state within the state' syndrome.<sup>52</sup> The members of the *Bundestag* developed a strong opinion that 'parliament must not allow the most important powers of military command to reside "outside the civilian realm"'.<sup>53</sup>

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<sup>51</sup> Large, *Germans to the Front*, 236.

<sup>52</sup> On the policy of insulation of the Weimar German Reichswehr see e.g. Gordon A. Craig, *The Politics of the Prussian Army, 1640-1945* (Oxford: Oxford University Press, 1964); Gordon A. Craig, *Germany, 1866-1945* (Oxford: Clarendon Press, 1978).

<sup>53</sup> Large, *Germans to the Front*, 248.

Thus the new armed forces were designed as a parliamentary army, with the federal president as a titular commander-in-chief, the federal chancellor having highest command during the state of defence and the minister of defence being in charge in peacetime. The minister of defence actually became directly in command over the individual services, as, for the integration into NATO, no joint general staff existed. Moreover, the superiority of civilians was reinforced by the *Bundestag* Defence Committee, which as the only committee in the *Bundestag* was given the right of investigation without being authorised by the house (Art.45a). The parliamentary control over the military is assisted by the institution of the Parliamentary Commissioner for the Armed Forces, who, apart from contributing to parliamentary oversight over the military, should also 'safeguard basic rights' of the individual within the armed forces, so playing a role of a soldier's ombudsman (Art.45b).<sup>54</sup>

### **Conscription**

Probably the most visible characteristic of the new Bundeswehr was conscription. From the viewpoint of the Government, there was no other way of recruitment which could provide not only enough manpower for the regular armed force with strength of half a million, a number promised to the NATO allies and perceived as the minimal necessity for a credible deterrence, but also generated large reserves in case of mobilisation. Thus, according to a memorandum of the Government, strategic consideration was at the forefront of the governmental policy.<sup>55</sup>

Yet, when advocating the Conscription Bill in the *Bundestag*, Minister of Defence Blank put forward an ideological argument too. Almost as important as the perceived strategic necessity was, for Blank, the question of the citizens' responsibilities.

The defence and its preparation in peace is the responsibility of the nation as a whole.... The German citizen will always stand up for his democratic rights and thus affirm his democratic obligations in cases of emergency. Upon him rests the viability of democracy, of which universal conscription is the "legitimate child"....

The universal conscription distributes these loads evenly in a truly democratic manner. The citizen would otherwise easily tend to regard a professional army as the institution which has the sole responsibility of securing his freedom.<sup>56</sup>

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<sup>54</sup> On the role of the Parliamentary Commissioner see e.g. Rudolf J. Schlaffer, *Der Wehrbeauftragte 1951 bis 1985: Aus Sorge um den Soldaten* (München: R. Oldenbourg Verlag, 2006).

<sup>55</sup> See "Denkschrift der Bundesregierung zur Begründung der Wehrpflicht."

<sup>56</sup> 'Die Verteidigung und ihre vorbereitung im Frieden ist Aufgabe des ganzen Volkes...Der deutsche Bürger wird immer für sein demokratisches Recht eintreten und damit auch seine demokratischen Pflichten bei allen Notständen bejahen. Auf ihnen beruht die Lebensfähigkeit der Demokratie, deren „legitimes Kind“ die Wehrpflicht ist....

Blank built his argument on the tenet that universal conscription is a 'legitimate child of democracy', which was coined for German discourse by the first West-German president Theodor Heuss as early as 1949 and then reiterated over and over again by advocates of military drafts until the 2000s. Moreover, Blank explicitly acknowledged the Prussian reformers Scharnhorst and Gneisenau. From the viewpoint of the conservative government, it was the universal conscription that brings the citizen in uniform into existence.

Despite the fact that the Social Democratic Party (SPD) embraced Baudissin's system of *Innere Führung* and the concept of the citizen in uniform, they remained adamant in their opposition to the draft. In an attempt to persuade Social Democrats, Blank's argument also made an explicit reference to the pre-1914 French socialist-internationalist Jean Jaurès and his German socialist-internationalist counterpart and contemporary, August Babel.<sup>57</sup> In fact, support of universal conscription had always been a traditional socialist policy. However, the post-1945 situation made the SPD abandon this traditional attachment to the draft. In a party resolution from March 1956 the SPD stated:

The SPD opposes the draft of the Conscription Law submitted by the Federal Government because it increases in a particularly disastrous way the division of our country, it threatens to completely interrupt all the human connections of Germans on either side of the zone border and plunges the young citizens into serious conflicts of conscience.<sup>58</sup>

Whereas for Adenauer the division of Germany had by this time become a matter of fact and hence he preferred the alignment with Western allies, for the Social Democrats a peaceful reunification remained a primary politico-strategic aim. Forcing young man to serve under arms in an army of which the most likely adversary would be the Germans from the other side appeared only ineluctably to jeopardise any chance for reunification.

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Die allgemeine Wehrpflicht verteilt diese Lasten gleichmäßig in echt demokratischer Weise. Der Bürger würde sonst allzu leicht in einem Berufsheer die Institution sehen, der allein die Sicherung seiner Freiheit obliegt.' "Rede des Bundesministers der Verteidigung Theodor Blank in der Debatte des Deutschen Bundestages über das Wehrpflichtgesetz vom 4.5.1956," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 375.

<sup>57</sup> See e.g. Jaurès, *Democracy & Military Service*.

<sup>58</sup> 'Die SPD widersetzt sich dem von der Bundesregierung vorgelegten Wehrpflichtgesetz, weil es in besonders unheilvoller Weise die Spaltung unseres Landes vertieft, die menschlichen Verbindungen der Deutschen diesseits und jenseits der Zonengrenze völlig zu unterbrechen droht und die jungen Staatsbürger in schwere Gewissenskonflikte stürzt.' In Wilker, *Die Sicherheitspolitik der SPD*, 103-04.

### ***The citizen in uniform and his rights and duties***

Rather than in the conscription, the Social Democrats saw the cornerstone of realisation of the concept of the 'citizen in uniform' in the 'Soldiers' Law' which enacted the chief ideas of Baudissin's *Innere Führung*. The 'Soldiers' Law' is first and foremost a list of rights and duties of soldiers, hence sometimes called 'new German soldiers' Magna Carta'.<sup>59</sup> So the law echoes the constitutional principle (Art.17a/1) establishing the soldier as a citizen in uniform by stipulating that the 'soldier has the same citizen rights as any other citizen'. It is constitutionally recognised, however, that the nature of military service requires some necessary but temporary limitations on rights and freedoms of soldiers, yet these restrictions must be explicitly stated in the law. Among such limitations are a ban on wearing a uniform in public party-political events, expressing political opinions while on duty or using the authority of the superior for influencing political opinions of subordinates.

Discipline and the relationship between the superior and the subordinate are other crucial parts of the 'Soldiers' Law'. The superior is entitled by the law to give only such an order whose subject is related to official purposes and lies in the interests of service. 'It is not a case of disobedience if the subordinate does not follow an order which violates human dignity or has not been issued for official purposes.'<sup>60</sup> Moreover, the subordinate is obliged not to follow an order which would violate international law, the law of the state and service rules. Being aware of the fact that the order violates law and to follow the order anyway constitutes a crime in the same way as issuing the order itself.<sup>61</sup> The Soldiers' Law thus burdens every individual soldier with not only moral but also legal responsibility for the acts he commits in his official capacity.

The development of an extra-legal authoritarian culture was to be prevented by subordinating the realm of military discipline to the competence of civilian justice. The Basic Law allows for military criminal courts only 'during a state of defence or over members of the Armed Forces serving abroad or on board warships'.<sup>62</sup> Only a disciplinary court could be established within the armed forces, competence of which was strictly limited to

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<sup>59</sup> Large, *Germans to the Front*, 251.

<sup>60</sup> 'Ungehorsam liegt nicht vor, wenn ein Befehl nicht befolgt wird, der die Menschenwürde verletzt oder der nicht zu dienstlichen Zwecken erteilt worden ist.' "Auszug aus dem Soldatengesetz vom 19.3.1956," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 387; see also Friedhelm Krueger-Sprengel, "The German Military Legal System," *Military Law Review*, 57(1972): 21.

<sup>61</sup> "Soldatengesetz 1956," 387.

<sup>62</sup> *Basic Law*, art.96/2.



misbehaviour by and complaints of soldiers. However, either party could appeal against the decision of the disciplinary court to the Federal Court of Administration. Special military crimes, such as desertion, absence without leave or disobedience, could be prosecuted only by a civilian attorney at an ordinary penal court.<sup>63</sup> Thus the military establishment was invested with no judicial power in criminal matters of its soldiers and even disciplinary measures could be reviewed by civilian courts.

Participation of soldiers in the leadership to be exercised over their unit was supposed to be realised by the institution of an elected representative (*Vertrauensmann*) whose task was to communicate with commanding officers on behalf of the soldiers and represent their will in the unit-level planning and decision making. The participation in leadership through an elected representative, qualified obedience, subjection to civilian judicial system and individual rights and responsibilities were the aspects through which the armed forces were to approximate a free community of mature citizens.

An active approach to create an alignment between the soldier and the state was represented by the provision for citizenship education. Baudissin realised that after the Second World War the relationship between the individual and the state needed to be re-established and the citizenship education was regarded as one of the ways to achieve this aim. Such education, however, should not resemble an indoctrination or propaganda; on the contrary, the 'Soldiers' Law' insisted that the 'overall picture of education must be designed in such a way that the soldiers are not influenced for or against a particular political opinion'.<sup>64</sup> So as to assist the *Bundeswehr* officers with the citizenship education and with the leadership according to the philosophy of *Innere Führung* the School of the Bundeswehr for *Innere Führung* was established in October 1956.

### ***Conscientious objection***

An important question which the legislature needed to resolve was the issue of conscientious objection. It was affirmed in 1949 as one of the basic rights of West German citizens that no one can be 'compelled against his conscience to render military service involving the use of arms'.<sup>65</sup> Yet a legal provision (§25 of the 'Conscription Law') was

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<sup>63</sup> Krueger-Sprengel, "The German Military Legal System," 22-23.

<sup>64</sup> 'Das Gesamtbild des Unterrichts ist so zu gestalten, daß die Soldaten nicht zugunsten oder zuungunsten einer bestimmten politischen Richtung beeinflußt werden' "Soldatengesetz 1956," 388.

<sup>65</sup> *Basic Law*, art.4/3.

required to regulate details of this constitutional principle. According to the proposal of the Government the conscientious objection was to be limited to a fundamental religious or moral conviction against all use of violence in international relations. The Social Democrats opposed this proposal on the ground that conscience cannot be reduced only to religious and moral conviction, also political reasons may and should cause a conscientious decision. In addition, the SPD objected to the point that the conscientious objector must refuse *all* use of violence between states and nations. In their view, a selective conscientious objection should be allowed.<sup>66</sup>

Whereas the former objection was accepted by the majority of the *Bundestag*, the latter did not. The final version of the clause hence stated:

Who opposes on grounds of conscience to participate in every use of weapons between states and therefore refuses military service with a weapon, shall instead of military service provide an alternative service outside the armed forces. On his own request he can be called up for unarmed service in the armed forces.<sup>67</sup>

Nonetheless, the last word in this issue was said by the Federal Constitutional Court. The court decided in 1960 that the clause was constitutional; however, the court's decision was not unconditional. The clause could be preserved only if its interpretation would not be limited to fundamental pacifists. The court recognised that an objection against military service might be genuinely conscientious even if it is based on a particular political situation and not on a universal, chronologically unlimited objection to the use of violence.<sup>68</sup>

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As demonstrated, the political representatives in the *Bundestag* embraced Baudissin's concept and genuinely tried to provide a legislative setting for the new armed forces in accordance with the philosophy of *Innere Führung* and the concept of the citizen in uniform. For Baudissin and his colleagues, a crucial role was ascribed to the importance of military laws for the realisation of *Innere Führung*. 'Perhaps more than any other single event or set of events', stresses Donald Abenheim, 'these laws simultaneously broke with the tradition of

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<sup>66</sup> Volker Möhle and Christian Rabe, *Kriegsdienstverweigerer in der BRD: Eine empirisch-analytische Studie zur Motivation der Kriegsdienstverweigerer in den Jahren 1957-1971* (Opladen: Westdeutscher Verlag, 1972), 24-31.

<sup>67</sup> 'Wer sich aus Gewissensgründen der Beteiligung an jeder Waffenanwendung zwischen den Staaten widersetzt und deshalb den Kriegsdienst mit der Waffe verweigert, hat statt des Wehrdienstes einen zivilen Ersatzdienst außerhalb der Bundeswehr zu leisten. Er kann auf seinen Antrag zum waffenlosen Dienst in der Bundeswehr herangezogen werden.' Wehrpflichtgesetz 1956, §25. Quoted in *Ibid.*, 26.

<sup>68</sup> *Ibid.*, 32-33.

the past and acted to foster what have become the Bundeswehr's own traditions'.<sup>69</sup> Most of the measures which Baudissin had specified were enacted by the *Bundestag*. Only the proposals for a university-style education of officers and training of soldiers in civilian professions remained unheeded. Yet these suggestions became a cornerstone of the subsequent military reform in the early 1970s. The reform of military education was meant to save *Innere Führung* from a complete failure which had been caused by a rather hostile reception of the concept by the majority of the *Bundeswehr* officer corps.

## **Reception and Resistance in the Armed Forces**

Despite the fact that the authors of the concept of *Innere Führung* were career military officers, some of them with outstanding service records, the concept was espoused almost exclusively by civilians, in particular by members of the *Bundestag* for all main political parties. However, the legislative and institutional setting had to be implemented by professional non-commissioned officers (NCOs) and officers, usually veterans of the *Wehrmacht*, who proved to be much less enthusiastic.

Looking through a Huntingtonian prism, some sort of conflict was necessary. In liberal society the societal imperatives are claimed to remain in opposition to the functional imperatives. Therefore, the concept of *Innere Führung* as a pure example of a subjective civilian control over the military must have clashed with the notion of military professionalism. The question is, however, whether the 'functional imperative' and the notion of 'military professionalism' represent in any sense universal military requirements, as Huntington argues. A close look at a resistance of West German career soldiers to the reform could illuminate this issue.

### ***Traditionalists in the Amt Blank***

A resistance to the reform began even before the first soldiers were recruited. The roots of the conflict over *Innere Führung* go as deep into the past as the concept itself. Illustrative is the fact that the reform concept was originally called *Inneres Gefüge*, which means internal structure, organisation and cohesion and which term is sometimes regarded as more adequate. However, opponents of the concept were soon speaking, in a play of words,

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<sup>69</sup> Abenheim, *Reforging the Iron Cross*, 170.

of *Inneres Gewürge*, literally ‘internal retching’, so as to ridicule the concept. Hence *Innere Führung* had to be coined as a substitute.<sup>70</sup>

In fact, a military-conservative reaction emerged even before *Inneres Gefüge/Innere Führung* took any discernible shape. A conflict arose over the issue of the 20 July 1944 Resistance and to what extent its members and advocates should determine the character of the FRG’s future armed forces. The reformers, on the one hand, regarded the 20 July Resistance as an example of ethical maturity and responsibility which should become an ideal of the new armed forces. On the other hand, a significant part of the *Wehrmacht* veterans held the ‘men of 20 July’ as nothing but traitors and warned vociferously against ‘oath-violation’ becoming a principle in the new army.<sup>71</sup> According to a survey from 1951, the majority of the former professional soldiers, 59 percent, took a negative view of the military resistance. Hasso von Manteuffel, a general of the *Wehrmacht* who was very well-known from his leadership role in the December 1944 Ardennes offensive and was Adenauer’s military advisor, insisted that he was proud of the fact that he kept his oath until the very end and Heinz Guderian, chief of the army general staff in 1945 and an advisor in the *Amt Blank*, required for the new armed forces only such people ‘who are willing to keep their oath of allegiance’.<sup>72</sup>

In the *Amt Blank* the position and political influence of the men of the 20 July was relatively secure. However, this was less the case of the legacy of the 20 July and, as for the reform concept itself, the reformist ideals proved to be very controversial among former *Wehrmacht* officers. ‘Indeed, a bitter internecine conflict over the troublesome issues of Resistance and reform soon divided Blank’s staff and threatened its cohesion.’<sup>73</sup> The traditionalist faction was given its leader in the personality of Bogislav von Bonin, himself imprisoned by the Gestapo for disobeying Hitler’s direct orders. Von Bonin, who, owing to his family history as well as personal experience, exemplified the spirit of the Prussian militarism, was regarded by many former officers as a counterweight to the influence of the

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<sup>70</sup> Martin Kutz, "Innere Führung – Leadership and Civic Education in the German Armed Forces," *The Quarterly Journal*, 2, no. 3 (2003): 117.

<sup>71</sup> Large, "A Gift to the German Future?," 509, 19.

<sup>72</sup> Stefan Geilen, "Das Widerstandsbild in der Bundeswehr," *Militärgeschichte*, 6(1996).

<sup>73</sup> Large, "A Gift to the German Future?," 520.

reformers. Some even believed that his appointment finally secured ‘the primacy of military requirements in *Amt Blank*’.<sup>74</sup>

Von Bonin did not speak directly against a reform; in fact, he recognised a need for it. However, he opposed strongly the effort of Baudissin and his circle. Thus von Bonin explained that he ‘merely objected to the unrealistic exaggerations in the thought processes of Baudissin because these cannot withstand the harsh reality’.<sup>75</sup> In order to prevent ‘softening’ of future soldiers due to the proposed reforms, von Bonin tried to disable Baudissin’s section through subordinating it to himself. This reorganisation was stopped by Blank; nevertheless, in protest against the growing influence of von Bonin and other traditionalists, the reformers Konrad Kraske and Axel von dem Bussche, the latter being one of the few survivors of the 20 July, resigned from the *Amt Blank*. Kraske’s and Bussche’s resignation brought to public attention the conflict between traditionalists and reformers within the office.<sup>76</sup>

Authority among former professional soldiers though von Bonin was, his leaning towards German neutrality made him rather uncomfortable for the Government. In 1955, after his memorandum proposing small all-volunteer armed forces leaked out to the press and was used by the opposition, von Bonin was released from the *Amt Blank*. However, at the time a new personality emerged to publicly represent the critics of *Innere Führung* – Heinz Karst.

Karst, a member of Baudissin’s Section for *Innere Führung*, attracted public attention when, during Baudissin’s absence, Karst’s official memorandum presenting the position of traditionalists leaked out to the press and was put on the agenda of the *Bundestag*’s Committee for the Issues of European Security. Karst’s memorandum attacked the attempts to put soldiers under *civilian* control. Democratic civil-military relations, Karst argued, should not be based on primacy of civilians; rather, it ought to rest on ‘the primacy of politics and statecraft over the military leadership and military considerations. This primacy is *recognized by all soldiers and genuinely affirmed*.’<sup>77</sup> It is all right, said Karst, that the

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<sup>74</sup> Heinz Brill, "Der Konflikt um die Innere Führung in der Dienststelle Blank: Die Position Bogislaw von Bonins im Jahre 1952," *Kampfgruppen - Kampfunterstützungstruppen*, 26, no. 5 (1984): 219.

<sup>75</sup> ‘Ich habe mich lediglich gegen die unrealistischen Übertreibungen in den Gedankengängen des reinen Theoretikers Baudissin gewandt, weil sie der harten Wirklichkeit nicht standhalten können und somit unbewußt den Keim der Unehrllichkeit in sich tragen.’ *Ibid.*: 221.

<sup>76</sup> Krüger and Wiese, "Zwischen Militärreform und Wehrpropaganda," 103-04; Large, "A Gift to the German Future?," 520; Brill, "Der Konflikt um die Innere Führung in der Dienststelle Blank," 219-20.

<sup>77</sup> ‘Es handelt sich ausschließlich um den Vorrang der Politik und Staatskunst gegenüber der militärischen Führung und militärischen Erwägungen. Dieser Vorrang wird von allen Soldaten anerkannt und aufrichtig

*Bundestag* exercises control over the executive branch, Ministry of Defence including. It was claimed to be unacceptable, however, that ‘within the armed forces and the Ministry of Defence only the soldiers are controlled, while the civilians remain uncontrolled, and in addition to parliamentary control further checks are carried.’<sup>78</sup> An apparently hostile attitude of the politicians towards soldiers was claimed to be undermining soldiers’ self-respect, public status and technical effectiveness.<sup>79</sup>

Karst’s criticism did not connote a refusal of the attempt to prevent alienation of soldiers from society. On the contrary, he presented himself as a strong advocate of the concept of the ‘citizen in uniform’. However, the ‘citizen in uniform’ would be a stillborn baby unless the soldiers were trusted and respected and the soldiering recognised as a *sui-generis* profession. It was only by demonstrating a mistrust towards the soldiers, Karst argued, that would, instead of the ‘citizen in uniform’, paradoxically create the ‘soldier in a ghetto’.<sup>80</sup>

Moreover, Karst’s views of the armed forces in democracy contradicted to Baudissin’s attempt to let the peace imperative permeate the military.

It is not the soldier who has to prevent the war, but the political leadership which bears primary responsibility for the destiny of the state. The soldier has merely to prepare for war. It would be self-deception to say that the soldier is not there to win a possible war, but to prevent it. The soldier’s only task is to win a possible war, wherever he stands and fights. The more he tries to turn this principle into reality, the more likely is peace secured.<sup>81</sup>

Like his appeal to the politicians and the public to trust soldiers and respect the peculiarity of their profession, here, too, was revealed the basic assumption of Karst and other conservatively thinking officers. The military ought to be an instrument of statecraft. It should be respected that the character of means may necessarily differ from the nature of

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bejaht. ‘Karst quoted in Georg Meyer, "Soldat im Ghetto? Eine Denkschrift der Gruppe Innere Führung im Bundesministerium für Verteidigung," *Militär-geschichtliche Beiträge*, 5(1991): 67. Original emphasis

<sup>78</sup> ‘Es ist aber nicht vertretbar, daß innerhalb der Streitkräfte und des Verteidigungsministeriums nur die Soldaten kontrolliert werden, während die Zivilisten unkontrolliert bleiben oder gar neben der Kontrolle des Parlaments weitere Kontrollen ausüben.’ Ibid.

<sup>79</sup> Large, *Germans to the Front*, 240.

<sup>80</sup> Meyer, "Soldat im Ghetto?," 67; Large, *Germans to the Front*, 240.

<sup>81</sup> ‘Nicht der Soldat hat den Krieg zu verhindern, sondern die politische Führung, die für die Geschehnisse des Staates mit Vorrang Verantwortung trägt. Der Soldat hat sich allemal auf den Krieg vorzubereiten. Es wäre Selbsttäuschung zu sagen, der Soldat sei nicht dazu da, einen etwaigen Krieg zu gewinnen, sondern ihn zu verhindern. Der Soldat hat nur die Aufgabe, einen etwaigen Krieg zu gewinnen, wo immer er steht und kämpft. Je besser er das wahrzumachen verspricht, desto wahrscheinlicher ist der Friede gesichert.’ Hans-Joachim Harder, "Traditionspflege in der Bundeswehr 1956-1972," in *Tradition und Reform in den Aufbaujahren der Bundeswehr*, ed. Hans-Joachim Harder and Norbert Wiggershaus (Bonn: Verlag E.S.Mittler & Sohn, 1985), 104.

ends in order to achieve the latter effectively. Nevertheless, despite the necessary difference between means and ends, both should be seen as parts of one whole. On this ground the traditionalists understood the need for the organic integration of the military into society.

From the viewpoint of Baudissin's opponents in the *Amt Bank*, the reform contradicted the best experience which every one of the former officers had picked up not only during his military training but also on the battlefields of the Second World War. Karst's major contribution was that he articulated the objections of traditionalists with the sophistication of an intellectual. Yet, no matter how sophisticated Karst's thinking was, it merely represented the principles of the former German militaries. It remained questionable, however, whether these principles corresponded with the ideological and nuclear aspects of the Cold War.

In any case, Karst's criticism was, on the one hand, sharp enough to make him popular and influential among fellow-officers and, on the other hand, sufficiently constructive to qualify him as one of the main educators of soldiers in the first years of the *Bundeswehr's* development. As a person in charge of soldiers' education and a popular military intellectual Karst obviously bears his share of responsibility for the shortcomings of *Innere Führung* in the first decade of the *Bundeswehr's* existence, yet the deficiencies of this period do not appear to stem primarily from intellectual reflections.

### ***Situation in the Bundeswehr***

In April 1957 the *Bundeswehr* inducted into its ranks the first eight thousand conscripts. Only two months later a tragic accident happened which revealed to the West-German public that the vision of the modern leadership suffered severe shortcomings in the new armed forces. On 3 June 1957, 15 recently drafted paratroopers drowned in the river Iller while they tried to cross its swollen stream. Fault for this tragedy fell on the NCO in charge of the platoon who ordered this crossing without proper authorisation and under conditions clearly unsuitable for untrained recruits. However, apart from the individual's fault, this accident also revealed that, in spite of the measures enacted in the 'Soldiers' Law', recruits were willing to blindly follow orders of their superiors.<sup>82</sup>

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<sup>82</sup> Rudolf J. Schlaffer, "Die Innere Führung. Wolf Graf von Baudissins Anspruch und Wahrnehmung der Wirklichkeit," in *Wolf Graf von Baudissin 1907-1993: Modernisierer zwischen totalitärer Herrschaft und*

The failure to implement *Innere Führung* was no surprise for observers within the armed forces. The hostile reception that Baudissin's *Innere Führung* had already received from quite a few former officers in the *Amt Blank* had presaged the problems which the reform concept was facing in the *Bundeswehr* more widely. The fact that the vast majority of the *Bundeswehr* officer corps was born between 1913 and 1920 and hence had an experience with the way of leadership practiced in the *Wehrmacht*, while so called 'white cohorts' (years of birth 1925-1936) were almost completely missing had already determined that implementation of *Innere Führung* in the troops was to be an uphill struggle.<sup>83</sup>

The realisation of the reform concept hence experienced serious shortcomings from the outset. Only a year after the recruitment of the very first officers, in November 1956, Baudissin issued a report in which he reflected a reluctance of career NCOs and officers to embrace the reform and warned against the restoration of the old practices of drill and leadership.<sup>84</sup> 'Troop instructors schooled in the *Wehrmacht* resurrected the *Kommiss* methods embodied in the 1936 regulations, a symptom of the growing movement in favor of restoration of the drillmaster mentality within the ranks', so Donald Abenheim summarised Baudissin's message.<sup>85</sup> A similar picture shows the following recollection of a recruit from the 1950s:

... almost all instructors (...) came from the old *Wehrmacht*. They still had the same attitude to soldiering and training as at the time of Nazism. They talked very enthusiastically about their heroic deeds. This personnel and substantive continuity with the Nazi era was obvious.<sup>86</sup>

However, Baudissin pointed out that the deficiencies did not rest solely on bad will among the NCOs and officers; rather, adverse material conditions of rearmament rendered the reform ineffective. Inadequate accommodation, clothing and salaries did not motivate soldiers to adjust to the completely new way of leadership. Moreover, lack of training aids

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*freiheitlicher Ordnung*, ed. Rudolf J. Schlaffer and Wolfgang Schmidt (München: R. Oldenbourg Verlag, 2007), 144.

<sup>83</sup> Georg Meyer, "Zur inneren Entwicklung der Bundeswehr bis 1960/61," in *Anfänge westdeutscher Sicherheitspolitik 1945-1956*, ed. Hans Ehlert, Christian Greigner, and Bruno Thoß (München: R. Oldenbourg Verlag, 1993), 875.

<sup>84</sup> *Ibid.*, 949; Abenheim, *Reforging the Iron Cross*, 172; Large, *Germans to the Front*, 263.

<sup>85</sup> Abenheim, *Reforging the Iron Cross*, 172.

<sup>86</sup> 'Damals hat sich keiner groß darüber aufgeregt, aber fast alle Ausbilder, Unteroffiziere und der Feldweibel kamen aus der alten *Wehrmacht*. Sie hatten noch die gleiche Einstellung zum Soldatentum und zur Ausbildung wie zur Nazi-Zeit. Sie schwärmten uns von ihren Heldentaten vor. Diese personelle und inhaltliche Kontinuität zur NS-Zeit war unübersehbar und unüberhörbar.' Sebastian Fischer et al., "Die Wehrpflicht-Lüge," *Spiegel Online*, 1 Sep. 2010.



and regulations made it impossible to effectively train even those officers who were open to new ideas.<sup>87</sup> The worst obstacle to the reform, nonetheless, was said to be ‘the experience of some officers that they not only can get away with violating the rules of *Innere Führung*, but also that the open rejection of the concept as a set of rules tends to be quite expedient and sometimes even fashionable’.<sup>88</sup>

The first annual report of the Parliamentary Commissioner, Helmut von Grolman, in 1959 only proved that little had happened to change Baudissin’s negative view of the situation in the *Bundeswehr*.

The year under review has shown clearly all inevitably negative consequences of the rapid build-up of the *Bundeswehr*. The excessive demands on the troop leaders, lack of experienced officers (company commanders), the insufficient number of young officers and NCOs... inadequate equipment and insufficient training opportunities (local training courses, etc.) have partially affected the internal fabric, mood and spirit in the most afflicted units.<sup>89</sup>

The picture painted in Grolman’s report was so gloomy that the defence minister Franz Josef Strauß considered it extremely damaging to the armed forces and hence tried to prevent publication of the report.

However, despite being far from the ideals of *Innere Führung*, the new *Bundeswehr* was by no means a resurrection of the *Wehrmacht*. David Clay Large demonstrates this by an experience of Charles Thayer, a US diplomat, who visited the *Bundeswehr*’s officers’ training centre in 1956:

Thayer found that the school was not, unlike the *Wehrmacht* cadet schools he had seen in 1937, similar in style and atmosphere to West Point. ‘Each room I looked into was arranged differently from the one before. The lockers even had locks to assure a little privacy. Inside, horror of horrors! civilian clothes hung next to uniforms and linen and underwear were neatly enough piled but in any order and on any shelf the owner saw fit.’ Thayer concluded,

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<sup>87</sup> Abenheim, *Reforging the Iron Cross*, 172.

<sup>88</sup> ‚Die vielleicht negativste Belastung dürfte die Erfahrung mancher Offiziere sein, dass man nicht nur ungestraft gegen Vorschriften der Inneren Führung verstossen kann, sondern dass die offene Ablehnung der Konzeption wie bestimmter Einzelregelungen ganz opportun, ja teilweise zum Stil wird.‘ 'Zustandsbericht über die Innere Führung' quoted in Schlaffer, "Die Innere Führung. Anspruch und Wahrnehmung," 144.

<sup>89</sup> ‚Im Berichtsjahr zeigten sich deutlich alle zwangsläufig nachteiligen Folgen des zu schnellen Aufbaus der Bundeswehr. Die Überforderung der Truppenführer, der Mangel an erfahrenen Offizieren (Kompaniechefs), die zu geringe Zahl junger Offiziere und Unteroffiziere, das Auseinanderreißen von Verbänden, hohe Abgaben zu Neuaufstellungen, verwaltungsmäßige Schwierigkeiten, unzulängliche Ausrüstung, ungenügende Ausbildungsmöglichkeiten (Standortübungsplätze usw.) wirkten sich teilweise fühlbar auf das innere Gefüge, auf Stimmung und Geist der besonders betroffenen Truppenteile aus. 'Jahresbericht des Wehrbeauftragte 1959', quoted in *Ibid.*, 144-45.

somewhat wistfully, that West Point, not the new German army, was now ‘the last stronghold of Frederick’s Prussian discipline’.<sup>90</sup>

Moreover, various reports from the early 1960s expressed a cautious optimism concerning the progress of *Innere Führung* in becoming an every-day reality among soldiers. General Ulrich de Maizière, a commander of the School *Innere Führung*, observed that the soldiers’ loyalty to the FRG’s constitution and their recognition of the primacy of politics was beyond doubt. Yet de Maizière saw *Innere Führung* in the troops as ‘coherent, but rather thin ice’, which can easily break under pressure.<sup>91</sup>

An official situational report of the School *Innere Führung* from 1961 is even more optimistic. Officers and NCOs, the report said, had attained ‘greater certainty in the application of the principles of *Innere Führung*’. The resistance to the reform concept, which was so distinct at the beginning, was now on the wane.<sup>92</sup> A similarly positive view was articulated in the ‘Annual Report 1961’ of the Parliamentary Commissioner Vice Admiral (ret) Hellmuth Heye. His regular visits to troops gave him the impression that soldiers were sufficiently aware of the principles of *Innere Führung*. It appeared to him that the legal norms stipulating ‘that the personality of the subordinate soldiers must be respected – regardless of individual failures – is increasingly becoming a matter of course’.<sup>93</sup>

Yet only two years later the same Vice Admiral Heye subjected the situation in the *Bundeswehr* to severe criticism and as a consequence was forced to leave his office. At the origins of this episode was the so called ‘Nagold-scandal’ – a death of one conscript as a consequence of harsh training methods in the 6/9 parachute training company in Nagold. This incident attracted strong public attention and accordingly also brought about a reaction from the Ministry of Defence. Several NCOs and officers were held responsible and the disgraced training company 6/9 was withdrawn from the list of units.<sup>94</sup>

Heye, nonetheless, did not consider Nagold as merely an individual incident, but rather a symptom of a fatal development of the *Bundeswehr*. In the Parliamentary Commissioner’s Annual Report for 1963, Heye identified a fundamental misconception shared among soldiers:

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<sup>90</sup> Large, *Germans to the Front*, 246.

<sup>91</sup> Quoted in Meyer, "Innenpolitische Auseinandersetzungen," 1013.

<sup>92</sup> Quoted in *Ibid.*, 1012.

<sup>93</sup> Quoted in *Ibid.*, 1014.

<sup>94</sup> Schlaffer, *Der Wehrbeauftragte 1951 bis 1985*, 161-64.

To train the recruits to hardness, it is necessary that they are – like the old-timers used to be – ‘ground down’. From this site it is also often emphasized that the good soldier never complains and never refers to his rights when these were injured in an intolerable way.<sup>95</sup>

Generally *Innere Führung* seemed to him to be in a shambles and the *Bundeswehr* was reported to be tending towards the ‘state within a state’. However, this annual report was, in Heye’s view, largely ignored by politicians and therefore he decided to publicise his perspective in a series of articles under the title ‘*In Sorge um die Bundeswehr*’ in the illustrated magazine ‘*Quick*’. Heye’s main argument read:

The Bundeswehr is an institution built upon ancient organisational principles, which has learnt nothing from the American model of the performance-efficiency thinking, which maintains outdated hierarchies and traditions and which, even when innovations are tentatively carried out, desperately clings to lore regardless of whether useful or otherwise.<sup>96</sup>

However, it was not so much his argument as the fact of publicising the report which led to Heye’s resignation. Political and military leadership alike regarded his articles as an open attack on the armed forces and Heye himself became a *persona non grata* for the *Bundeswehr*.<sup>97</sup>

An important aspect of *Innere Führung* was to make individual soldiers conscious of the necessity to defend the state in general and of the meaningfulness of military tasks in particular. Yet Baudissin, as well as the ‘Soldiers’ Law’, made abundantly clear that this should have nothing to do with propaganda. On the contrary, the moral commitment of soldiers was to be built upon unbiased information and free discussion. To provide an aid to this effort various journals and other informational and educational sources were being published and distributed to soldiers. However, the original idea to provide free and unbiased information obviously suffered heavy casualties in the collision with reality. Martin Kitchen’s analysis on this issue deserves to be quoted at length:

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<sup>95</sup> ,Um die Rekruten zur Härte zu erziehen, sei es notwendig, dass sie – wie früher die Alten – „geschliffen“ werden. Auch wird von dieser Seite nicht selten betont, der gute Soldat beschwere sich nicht und berufe sich allenfalls auf seine Rechte, wo sie in unerträglicher Weise verletzt seien. All dies gehöre zum richtigen Bild vom Soldaten.‘ 'Jahresbericht des Wehrbeauftragte 1963', quoted in Ibid., 164-65.

<sup>96</sup> ,Die Bundeswehr ist eine nach altertümlichen Organisationsgesetzen eingerichtete Institution, die vom amerikanischen Vorbild des Leistungs-Effectivitäts-Denkens nichts gelernt hat, die überholte Hierarchien und Traditionen aufrechterhält und sich selbst da, wo zaghaft Neuerungen durchgeführt werden, krampfhaft an Überlieferungen klammert, ob diese nun etwas taugen oder nicht.‘ Heye's 'In Sorge um die Bundeswehr', quoted in Harder, "Traditionspflege in der Bundeswehr 1956-1972," 135.

<sup>97</sup> Schlaffer, *Der Wehrbeauftragte 1951 bis 1985*, 164-80; Harder, "Traditionspflege in der Bundeswehr 1956-1972," 133-36.

A detailed study of the educational material of the Bundeswehr, the *Information for the Troops*, shows how far the lofty ideals of Graf Baudissin have been abandoned. 'Democracy' is defined as being the political system of the Federal Republic, so that there can be no question of whether the Federal Republic is democratic enough, or how it could be made more democratic. Criticism of the system is denounced as 'belly-aching', and a compulsory stay behind the Iron Curtain is suggested as the best remedy. Great stress is placed upon the need for order, discipline and obedience both in civil and military life. Freedom is thus defined as subjection to authority. This definition of freedom is reconciled with the concept of democracy by insisting that: 'The democratic leader... takes responsibility for his fellow citizens and makes decisions on their behalf which they, through lack of strength, responsibility and understanding are unable to make.... These people make up the active part of democracy. One could even say that they form an elite.'<sup>98</sup>

Illustrative here is also the fact that General Friedrich Foertsch, shortly after his appointment to the position of Inspector General in 1961, considered it necessary to ban in discussions on communism the use of offensive expressions, such as 'red devils' and 'Bolshevik *Untermensch*'. Such a ban, nonetheless, had already been stipulated by paragraph 33 of the 'Soldiers' Law'.

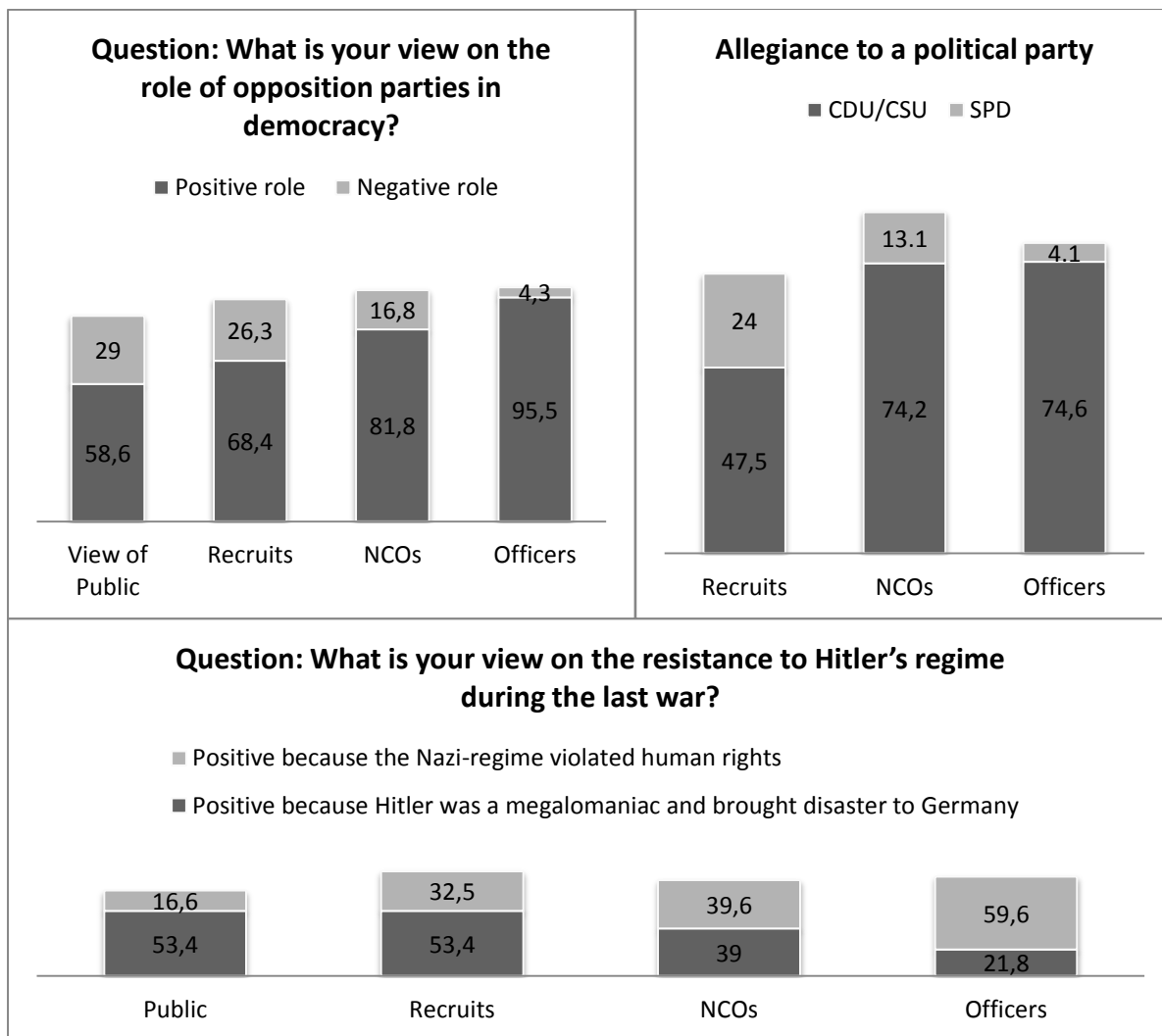
On the other hand, the apparent deviation of citizenship education towards agitation and propaganda did not turn the *Bundeswehr* into an effective 'school of the nation'. In fact, a survey<sup>99</sup> conducted in the early 1960s produced results which might be interpreted as a remarkable success of the education towards citizenship and democracy. Regarding beliefs in liberal democracy, the soldiers showed in general greater adherence to democratic principles than did the civilian population and, moreover, the democratic conviction showed signs of increasing with the rise in rank. No less remarkable is the fact that, despite the support given by a majority of the professional soldiers and even more so among the officers, for the Christian Democrats (CDU/CSU), the performance of compulsory military service had absolutely no impact on the political preferences of conscripts (see the charts below). In fact, the survey noted a slight tendency to change during the military service one's political allegiance in favour of the SPD.<sup>100</sup>

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<sup>98</sup> Martin Kitchen, *Military History of Germany: from the Eighteenth Century to the Present Day* (London: Weidenfeld and Nicolson, 1975), 344.

<sup>99</sup> Eric Waldman, *Soldat im Staat: Der Staatsbürger in Uniform. Vorstellung und Wirklichkeit* (Boppard am Rhein: Harald Boldt Verlag, 1963).

<sup>100</sup> *Ibid.*, 235-59; cf. Kitchen, *Military History of Germany*, 344.



**Figure 7 Success of the education towards citizenship and democracy demonstrated in the survey conducted in the early 1960s.<sup>101</sup>**

Considering the implementation of *Innere Führung*, the first decade of the *Bundeswehr's* existence witnessed a mixture of failures and successes, with a vast predominance of the former. Obviously, the aims of the reform concept were not accompanied by adequate material or human resources. Officers and NCOs, who were proud of *Wehrmacht's* achievements and their own careers in it, would have been reluctant to embrace the reform even if conditions had been favourable. However, the *Bundeswehr's*

<sup>101</sup> Source: Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59. Waldman, *Soldat im Staat*, 235-59.

build-up was so rapid that re-education and retraining of those officers and NCOs in accordance with the propositions of *Innere Führung* was bound to fail. The old practices of military training and discipline thus necessarily intermingled with the reform measures imposed by law and demanded by both the political representation and the public. As a result, Detlef Bald notes, there was evidence of a tendency to reduce the practice of *Innere Führung* to a kind of technocratic human relations. The spirit of the reform became ‘denatured, soulless or perverted’.<sup>102</sup>

## **The Second Reform in the Early 1970s**

The late 1960s brought profound changes into German politics and society. Externally, a nuclear stalemate was accompanied by the slow but steady reduction of tension between the East and the West. Within the FRG the Grand Coalition of the SPD and the CDU/CSU led by Kurt Georg Kiesinger from 1966 until 1969 and the government of the SPD and the Liberal Democrats (FDP) under Chancellor Willy Brandt from 1969 and, most important, the radicalisation of German youth, the year 1968 being its culmination, all affected the situation of and in the *Bundeswehr*. The 1968 revolt in particular brought about a remarkable liberalisation of West-German society. As Gerhard Kümmel puts it, the ‘1968-ers’ ‘initiated and achieved nothing less than a democratisation of society and of the political system which translated into politics. This impulse towards political participation, towards transparency in a lively public debate could not leave the armed forces unaffected.’<sup>103</sup> Probably the most immediate effect was that the 1950s’ notion that armed forces are a ‘necessary evil’ lost in perception of the radicalised youth its attribute of necessity. Aggressive demonstrations during public military ceremonies and dramatically rising numbers of conscientious objectors were the most tangible consequences of this attitude.

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<sup>102</sup> Detlef Bald, *Militär und Gesellschaft 1945 - 1990: die Bundeswehr der Bonner Republik* (Baden-Baden: Nomos, 1994), 59 & 74.

<sup>103</sup> Gerhard Kümmel, *Civil-Military Relations in Germany: Past, Present and Future*, SOWI-Arbeitspapier 131 (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 2001), 17.



and General de Maizière, one of the spiritual fathers of *Innere Führung*, asked service chiefs to draft suggestions for a possible reform of the inner structure of the armed forces.<sup>105</sup>

To some military opponents of *Innere Führung* this was an opportune moment to speak out in order to reverse what they regarded as the unfavourable trends in the military and society. Moreover, a generation of former *Wehrmacht* officers in the leadership of the *Bundeswehr* was approaching retirement age and hence was also losing scruples about challenging the very foundations of the civil-military relations that had been installed in West Germany. On the other hand, in October 1969 Helmut Schmidt became the first Social-Democratic minister of defence in Germany since 1920 and brought with him to the ministry a determination to make *Innere Führung* work.

### ***Military counterreformation 1969***

Despite many shortcomings during the first decade, the term *Innere Führung* was increasingly perceived as ‘*temenos*’, a sanctuary, which ought to remain intact.<sup>106</sup> Attacks on the term were confined to private conversations behind garrison walls, where the term *Innere Führung* was frequently being referred to as ‘soft wave’, ‘inner strangulation’ or ‘inner bullshit’.<sup>107</sup> It was not until 1969 that the military resistance to the reform developed into an open stage. The first one whose views emerged before the public was Vice Inspector of the Army, i.e. vice chief of the army staff, Major General Hellmut Grashey, whose speech at the General Staff College in Hamburg leaked out to the *Spiegel* magazine.

The *Bundeswehr* was, in Grashey’s view, in an unpleasant state due to, first, the civilian administration in the Ministry of Defence; second, the parliamentary commissioner as the symbol of the *Bundestag*’s ‘institutionalised mistrust’; and last but definitely not least, the concept of *Innere Führung* itself. As for the last point, Grashey asserted that the reform was nothing but a mask: ‘the entire concept of *Innere Führung* was bought as a new thing

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<sup>105</sup> Abenheim, *Reforging the Iron Cross*, 243.

<sup>106</sup> Meyer, "Innenpolitische Auseinandersetzungen," 994.

<sup>107</sup> Abenheim, *Reforging the Iron Cross*, 174. Baudissin reported the hypocrisy among officers too: „nach außen, mit Unbekannten, mit der Presse und Politikern so zu sprechen, als of die Innere Führung natürlich eine Überzeugungssache wäre, und zwei Minuten später im Kasino im Kameradenkreis zu sagen: „Das ist ja alles Unsinn“.“ Quoted in Claus von Rosen, "Erfolg oder Scheitern der Inneren Führung aus Sicht von Wolf Graf von Baudissin," in *Wolf Graf von Baudissin 1907-1993: Modernisierer zwischen totalitärer Herrschaft und freiheitlicher Ordnung*, ed. Rudolf J. Schlaffer and Wolfgang Schmidt (München: R. Oldenbourg Verlag, 2007), 216.



merely in order to get the SPD's agreement to rearmament.<sup>108</sup> Now, to Grashey, the time had become ripe to take off the mask and stop pretending that the *Bundeswehr* was in any sense a new organisation.

A few months later in June 1969, General Albert Schnez, Inspector of the Army, presented a study prepared by his staff, Heinz Karst being among the contributors, called *Thoughts on improvement of internal organization of the Army*, or simply the '*Schnez-Studie*'. The study maintained that the 'point of departure for all reflections affecting the army's size, structure, internal order, combat power as well as its integration into the state' must be the armed forces' mission, which the study defines as combat.<sup>109</sup> Echoing Karst's paper from 1955, the '*Schnez-Studie*' asserted that the soldier 'is not there only to deter, but to fight if the deterrence fails. He contributes to the deterrence only through his fighting capability. To be a soldier is, therefore, a task *sui generis* and not a "job like any other".'<sup>110</sup>

Innere Führung was a failure, the '*Schnez-Studie*' claimed, because it rested on the erroneous assumption that all citizens are prepared to make voluntary sacrifices in order to defend their freedom. In the view of the army staff this assumption did not correspond with the reality of West-German society. The real state of society was argued to warrant some changes in the Basic Law, particularly the points governing conscientious objection and the military judicial system. Moreover, in order to improve discipline within the ranks, the study demanded measures to curtail the right of soldiers to complain to the parliamentary commissioner and to increase officers' right to discipline their subordinates. However, the most courageous, or outrageous, passage was put into the conclusion. The army staff called for nothing smaller than a wholesale reform of West-German society: 'Every attempt to cure symptoms promises as little effective success as the removal of individual deficiencies. Only

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<sup>108</sup> ... das ganze Konzept der Inneren Führung nur als neu verkauft wurde, um die SPD für die Wiederbewaffnung zu gewinnen. Aber jetzt könnte man doch endlich die Maske vom Gesicht nehmen und sagen: „Ja bitte, es war doch schon immer da!“: Harder, "Traditionspflege in der Bundeswehr 1956-1972," 138; Abenheim, *Reforging the Iron Cross*, 242.

<sup>109</sup> "'Schnez-Studie': Gedanken zur Verbesserung der Inneren Ordnung des Heeres," in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 430; Abenheim, *Reforging the Iron Cross*, 244.

<sup>110</sup> '(Soldat) ist nicht nur zum Abschrecken da, sondern zum Kämpfen, falls die Abschreckung versagt. Nur durch den Kampfwert, den er erreicht, trägt er zur Abschreckung bei. Soldat sein ist somit eine Aufgabe *sui generis* und nicht ein „Beruf wie jeder andere“.' "Schnez-Studie," 430.

a root-and-branch reform of the *Bundeswehr* and society, which has the goal of going after the ills at its roots, can decisively raise the fighting power of the army.’<sup>111</sup>

Immediately after the ‘*Schnez-Studie*’ had been publicised in December 1969, a group of eight lieutenants composed an open letter entitled ‘*Der Leutnant 1970*’. In nine theses the authors refused the reactionary demands of the army staff and, in contrast, required democratisation and civilianisation of the institutional culture of the *Bundeswehr*. One of their theses, for instance, stated: ‘I want to be an officer of the *Bundeswehr* who can question the conduct (= official order) of a superior while his own conduct can be questioned by subordinates, or rather by anyone. I want to be an officer who takes nothing for granted.’<sup>112</sup> Baudissin with satisfaction commented the paper: ‘For the first time, active officers have passed me from the left!’<sup>113</sup> Yet, the nine theses were regarded as too radical to gain any considerable body of support among other officers.

That was not, however, the case of another paper produced by low/middle rank officers – the so called ‘*Hauptleute von Unna*’.<sup>114</sup> Thirty company commanders of the 7<sup>th</sup> *Panzergrenadier* Division in Unna drafted a paper which provided a complete support for the theses presented in the ‘*Schnez-Studie*’. But it has to be noted that, all the same, the captains from Unna were encouraged, or maybe tasked, by their divisional commander, Major General Eike Middeldorf, one of the authors of the ‘*Schnez-Studie*’.<sup>115</sup> In any case, however spontaneous the work of the captains from Unna, their paper appears to reveal some authentic views of ordinary army officers. After all, more than eight hundred of the nine thousand captains in the *Bundeswehr* explicitly expressed their agreement with the ideas in the paper.<sup>116</sup>

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<sup>111</sup> ‘Jedes Kurieren an Symptomen verspricht ebensowenig durchschalgenden Erfolg wie die Beseitigung einzelner Mängel. Nur eine Reform an „Haupt und Gliedern“, an Bundeswehr und Gesellschaft, mit dem Ziel die Übel an der Wurzel zu packen, kann die Kampfkraft des Heeres entscheidend heben.’ *Ibid.*, 441; Abenheim, *Reforging the Iron Cross*, 245.

<sup>112</sup> ‘Ich will ein Offizier der Bundeswehr sein, der das Verhalten (= dienstliche Anordnung) eines Vorgesetzten in Frage stellen darf und sein eigenes Verhalten von Untergebenen bzw. von jedermann in Frage stellen läßt; ich möchte ein Offizier sein, der nichts selbstverständlich findet.’ “*Der Leutnant 1970*: Thesenpapier von acht Leutnanten vom Dezember 1969,” in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979), 444.

<sup>113</sup> Quoted in Abenheim, *Reforging the Iron Cross*, 248; Harder, “Traditionspflege in der Bundeswehr 1956-1972,” 139; for further Baudissin's comments see Rosen, “Erfolg oder Scheitern der Inneren Führung,” 217.

<sup>114</sup> See “Thesenpapier von Hauptleuten der 7. Panzergrenadierdivision in Unna vom Dezemmber 1970,” in *Sicherheitspolitik der Bundesrepublik Deutschland: Dokumentation 1945 - 1977*, ed. Klaus von Schubert (Köln: Verl. Wiss. u. Politik, 1979).

<sup>115</sup> See Bald, “Restaurativer Traditionalismus,” 15-16.

<sup>116</sup> Abenheim, *Reforging the Iron Cross*, 251.

The problem of the *Bundeswehr* was, in the eyes of the captains from Unna, twofold – within the armed forces and in general society – although both aspects were interrelated. Regarding the former, the efficiency of the *Bundeswehr* was seriously hindered by lack of discipline in the troops. Officers could not maintain sufficient discipline because their educational and disciplinary tools were inadequate to deal with conscripted soldiers unconvinced of the utility of their military service. As for the latter, society was said to underestimate the military threat posed by the Warsaw Pact, for which political and military leadership was to blame. In general, the captains pressed for the primacy of military requirements. Unless society recognised the need for a uniqueness of the military institution – the soldier as a profession *sui generis*, a need for formal discipline etc. – the *Bundeswehr* would never be an efficient and reliable military force.<sup>117</sup>

In terms of Huntington's concepts, despite all the effort to impose a *subjective civilian control*, the *Bundeswehr* became, after almost one and half decade since its establishment, only very imperfectly *transmuted* military (or one could say the actual *identification* with society was insufficient). The considerable changes in society and politics in the late 1960s rendered the threat of *insulation* and *extirpation* of the military more than conceivable. An action was, therefore, needed in order to ensure at least an elementary military security of West Germany. In the view of some military circles, as this section shows, the answer lay primarily in society. According to the relatively modest suggestion of the captains from Unna, raising a threat perception would be a feasible way to preserve and increase the *Bundeswehr*'s fighting capability. The more ambitious view of the army staff required a 'root-and-branch reform' of society. As a result, it was believed, a more pro-militaristic society would permit *objective civilian control* and a *tolerated* military professionalism.

The following subsection shows that the intentions of the Ministry of Defence under Helmut Schmidt were entirely opposite – by increasing *subjective civilian control* to more closely approximate the state of *identification* with society. Owing to the fact that at the end of the 1960s more than a half (55%) of the public did not feel threatened by the Soviet Union, in contrast to a third of the population who did,<sup>118</sup> the increased *identification/transmutation* could not considerably improve the fighting power of the armed forces. However, it certainly

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<sup>117</sup> "Hauptleute von Unna," 447-57.

<sup>118</sup> Data for the year 1969. *Weißbuch 1970: Zur Sicherheit der Bundesrepublik Deutschland und zur Lage der Bundeswehr*, (Bonn: Bundesministerium der Verteidigung, 1970), 116.

could preserve the *Bundeswehr*'s capability to become a powerful fighting force again if the need was felt.

### ***Helmut Schmidt's response – re-institutionalisation of Baudissin's reform***

The effort of Helmut Schmidt to amend *Innere Führung* focused on two particular shortcomings of the implementation in the 1950s. The realisation of the reform was hampered, first, by the fact that the *Handbuch Innere Führung* published in 1957 in order to clarify the practical meaning of the reform concept was not issued as a regulation or an order and hence could be and was easily ignored. Second, Baudissin's suggestions to introduce university-style education into the professional training of officers and 'training in civilian professions' for the long-term serving NCOs and rank and file soldiers<sup>119</sup> had not been implemented. A response to the former shortcoming was a service regulation 'ZDv 10/1: *Hilfen für die Innere Führung*'<sup>120</sup> and in order to deal with the latter problem a commission led by Thomas Ellwein proposed a large reform of military education.

Yet a first direct response of the Ministry of Defence to the criticisms and demands asserted in the 'Schnez-Studie' was presented in the *Weißbuch 1970: Zur Sicherheit der Bundesrepublik Deutschland und zur Lage der Bundeswehr* in a section on the *Bundeswehr* and society.<sup>121</sup> Minister Schmidt here welcomed the contribution of the officers to a free discussion on a future development of the concept of *Innere Führung*, but at the same time insisted that the principles of 'the primacy of politics, respect for the human dignity of the soldiers and the constitutional protection of the individual' remained immutable.<sup>122</sup> Moreover, in response to Grashey, the *Weißbuch 1970* stated that the principles of *Innere Führung*, since they rested on the Basic Law, were 'no "mask" which one can take off, but an essential core of the *Bundeswehr*. Whoever rejects it is not suitable to be a superior to our soldiers.'<sup>123</sup>

The *Weißbuch 1970* also affirmed the fundamental principles of the liberal military policy: commitment to peace, the integration of soldiers in society and protection of

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<sup>119</sup> See Baudissin, "The New German Army," 11-12.

<sup>120</sup> ZDv 10/1: *Hilfen für die Innere Führung*, (Bonn: Bundesministerium für Verteidigung, 1972).

<sup>121</sup> *Weißbuch 1970*, 115-38. The 'Weißbuch' is an equivalent to the US *National Security Strategy* or the UK *Strategic Defence Review*.

<sup>122</sup> 'Der Primat der Politik, die Achtung vor der Menschenwürde des Soldaten, der rechtsstaatliche Schutz des Einzelnen gehören in die Kategorie der unveränderbaren Grundlagen.' *Ibid.*, 127.

<sup>123</sup> 'Deswegen sind die Grundsätze der inneren Führung keine „Maske“, die man ablegen könnte, sondern ein Wesenskern der Bundeswehr. Wer sie ablehnt, taugt nicht zum Vorgesetzten unserer Soldaten.' *Ibid.*, 121.

individual rights and liberties. ‘The Federal Government considers peace as the supreme good’, read the first words of the *Weißbuch 1970*.<sup>124</sup> To secure this good three policy aims were pursued: first, to collaborate on maintaining a stable balance of military force; second, to mitigate the East-West confrontation; third, limitation and reduction of armaments of all states. The mission of the military was hence stated to be the deterrence and preservation of peace. The *Weißbuch 1970* clarified these requirements by quoting Gustav Heinemann, then the Federal President: ‘It is not war that is the critical case in which the man has to prove himself... but peace that is the challenge in which we all have to prove ourselves.’<sup>125</sup>

Regarding the principle of integration, Schmidt, among other things, countered the officers’ demand to recognise their profession as *sui generis*. Soldiering, according to the *Weißbuch 1970*, naturally possessed several peculiarities, just like various other professions – the need for loyalty and obedience might be shared with civil servants, and police or firefighters had to face a similar level of personal danger. Those peculiarities, as long as being functional, should be recognised. However, the *Weißbuch 1970* reminded its readers that ‘war threatens lives and property of the entire nation, not only the soldiers’. Such consideration, contrary to the call for recognition of soldiering as a *sui generis* profession, ought to ‘determine the self-image of the *Bundeswehr*’.<sup>126</sup>

Respect to the individual rights and freedoms of the soldiers was strongly emphasised in the *Weißbuch 1970*. ‘Basic rights and rights guaranteed by law are not to be impaired’, proclaimed Minister Schmidt. In addition, he refused an ‘unnecessary regimentation in the private sphere’ (e.g. unification of the haircut).<sup>127</sup> The institution of the parliamentary commissioner, the ‘*Weißbuch 1970*’ also said, was not an ‘expression of a permanent mistrust towards the soldiers’, as the military critics claimed. On the contrary, the parliamentary commissioner was claimed to protect the individual rights of the soldiers.

The main weight of Schmidt’s effort to amend *Innere Führung* lay in the reform of military education. Thomas Ellwein’s commission, which was established for this purpose, drafted in 1970 a report proposing that all long-term serving and career soldiers should be

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<sup>124</sup> ‚Die Bundesregierung betrachtet den Frieden als das höchste Gut.‘ Ibid., 3.

<sup>125</sup> ‚Nicht der Krieg ist der Ernstfall, in dem der Mann sich zu bewähren habe, wie meine Generation in der kaiserlichen Zeit auf der Schulbänken lernte, sondern der Frieden ist der Ernstfall, in dem wir alle zu bewähren haben.‘ Ibid., 115.

<sup>126</sup> ‚Nicht die Soldaten allein können Ziel und Opfer gegnerischer Gewaltanwendung werden; der Krieg gefährdet Leben und Gut des ganzen Volkes, nicht nur der Soldaten. Diese Einsichten bestimmen das Selbstverständnis der Bundeswehr.‘ Ibid., 116.

<sup>127</sup> Ibid., 126.

given a qualification in civilian professions. The soldiers and NCOs were supposed to attend a vocational training, and gaining a degree in one of the newly established universities of the *Bundeswehr* in Hamburg and Munich would become an essential part of a career development of the officers.

An immediate effect of the widened qualification of soldiers on each level of the military hierarchy could be a more efficient utilisation of modern military technology. However, the reform was intended to address a more fundamental problem of the *Bundeswehr* – its insufficient recruitment of long-term serving soldiers. Arguably, a notable part of the problems with the internal order and discipline in the troops that prompted the public attack by professional officers on the concept of *Innere Führung* was caused by a shortage in both quantity and quality of training personnel. This situation would, presumably, have deteriorated if the call for *sui generis* profession had been given an approval and the military hence were to become further divorced from society. The education reform, in contrast, transformed the military's image from a combat organisation towards an occupational and educational organisation and the military profession now appeared as a job.<sup>128</sup> This might have, on the one hand, adversely affected its combat efficiency on the battlefield; on the other hand, it considerably improved the position of the *Bundeswehr* in the labour market at a time of negligible unemployment in the economically booming FRG of the early 1970s. The latter consideration around this issue of recruitment was, from the strategic perspective of the Cold-War West Germany, the more important factor.

In fact, even the diminishing effect on combat efficiency is open to dispute. Considering the fact that efficient utilisation of technology was increasingly perceived as the key factor in warfare, a cadre of short- to long-term volunteers who would bring into the *Bundeswehr* their technical professional skills was generally understood as crucial to this efficient exploitation of technology. However, as Rudolf Warnke proposed in 1969, the incentives offered to the volunteers at the time attracted primarily such a candidate whose intention was to stay in the armed forces after the end of his commitment and hence 'has greater similarity with a candidate for the civil service or with an office clerk than with a technologically trained skilled worker'. Therefore, contrary to the original intention, the cadre of volunteers was dominated by people who had given up the civilian occupation they had

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<sup>128</sup> Ebeling et al., *Ethische Fundamente der Inneren Führung*, 32.

learned in order to take up bureaucratic and organisational activities.<sup>129</sup> The educational reform was supposed to change this state by making the voluntary service attractive for technologically trained personnel from industrial companies. Such people could, after completing their *Bundeswehr* service, easily return to the industry and indeed do so with greatly enhanced professional knowledge.

Moreover, the effects of the reform were supposed to go far beyond these practical advantages. As the report of Ellwein's commission maintained, 'an education reform in a free and democratic constitutional order will not only improve the professional qualification of the individual, but also allows for a greater political participation and shared responsibility.'<sup>130</sup> It was believed that providing soldiers with non-military qualifications would also penetrate, or even tear down, the walls between the military and civilian worlds. Detlef Bald thus may have very aptly noted that in Ellwein's reform 'a contemporary interpretation of the values of *Innere Führung* found its expression... The connection between the objectives of the reform of 1971 and the reform ideals of the early 1950s is evident.'<sup>131</sup>

## Conclusion

In the enquiry as to what extent liberalism determined the military capacities of Western armed forces, the case of the rearmament of the FRG in the 1950s and 1960s offers several apparent paradoxes. More than any other state, the FRG in the 1950s was an object of international politics rather than a powerful subject that exercised influence on the international structure. The international structure to which West Germany had to adapt was determined by the conflict between two blocs of opposing ideologies – the liberal West and the Marxist-Leninist East. Theoretically, such a constellation was quite unfavourable to an extensive influence of ideological imperatives on military policy. The domestic ideological forces, as Alexander Wendt proposes, may only adjust the performance of a structurally

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<sup>129</sup> Rudolf Warnke, "The Problem of Social Integration in the Armed Forces as Demonstrated in the Deutsche Bundeswehr," in *Armed Services and Society: An International Conference on Alienation, Management, and Integration*, ed. J. N Wolfe and John Erickson (Edinburgh: Edinburgh University Press, 1970), 50-51.

<sup>130</sup> 'Eine Bildungsreform in einer freiheitlich-demokratischen Grundordnung verbessert nicht nur die fachliche Qualifikation des einzelnen, sondern ermöglicht auch eine stärkere politische Beteiligung und Mitverantwortung.' The *Bildungskommision* quoted in Bald, *Militär und Gesellschaft 1945 - 1990*, 78.

<sup>131</sup> 'In der von Ellwein geprägten Form fand die zeitgemäße Interpretation der Werte der Inneren Führung ihren Ausdruck.... Die Bindung der Ziele der Reform von 1971 an die Reformideale der frühen fünfziger Jahre sind evident.' *Ibid.*, 77.

given role.<sup>132</sup> Yet, here comes the first apparent paradox: *despite West Germany's obvious lack of power in international politics, the influence of liberalism on West-German rearmament was, as demonstrated above, notable.*

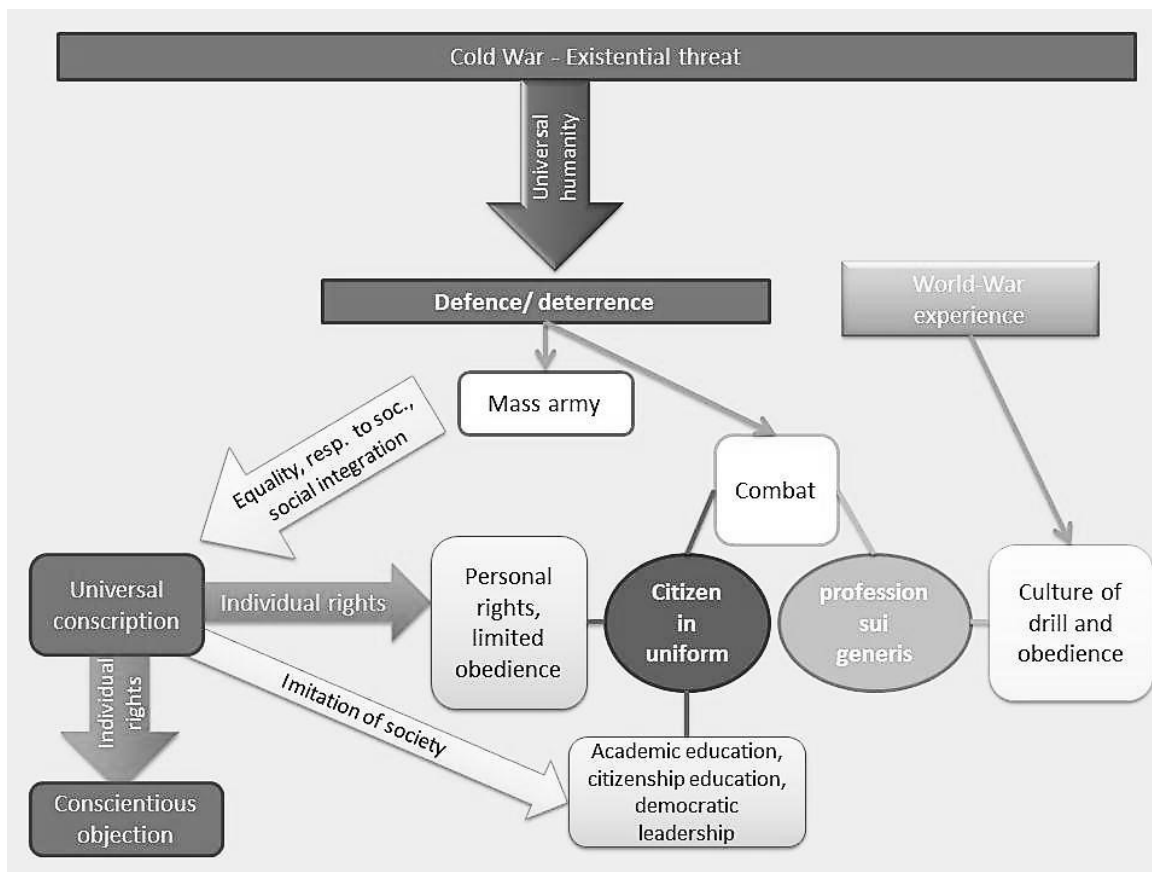
However, this paradox is only an appearance of one, due to the fact that the same liberal principles which determined the creation of the *Bundeswehr* were quite commonplace in the West. The NATO strategy, although it had to deal with and hence adapt to a non-liberal opponent, was naturally affected by the liberal preferences of its members. Therefore, the strategy of deterrence, to which West Germany had to contribute with a mass army of half a million soldiers, was compatible with the development of liberal military institutions.

In terms of the concept of liberal military capacities (see Figure 9), to generate a mass army necessitated by the mission of deterrence equal participation of all capable citizens through universal conscription was required. However, although liberal society can appeal to individual responsibility to defend one's society, this principle alone cannot justify the compulsory service in the armed forces. Conscription in West Germany was hence legitimised, on the one hand, by the right to refuse the military service on the ground of conscience and, on the other hand, by a rather civilianised institutional culture based on the concept of the 'citizen in uniform'. The concept of the 'citizen in uniform' was supposed to ensure that personal rights and freedoms of soldiers would be observed and that the *Bundeswehr's* internal life would not diverge from the life of society.

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<sup>132</sup> See Wendt, "Anarchy is what states make of it," 419.





**Figure 9 Model of liberal military capacity under the conditions of existential threat**

The explanation of the first paradox is, in fact, an essential part of understanding liberalism as a meta-ideology. It should be a matter of course that state borders should not be considered a crucial limitation when dealing with liberalism. The liberal West should be regarded as a relatively coherent community built on common liberal assumptions. Individual states and nations should be regarded merely as members of this community of values. However, here we must face the second paradox of this case: *West German people in the first two decades after the end of the Second World War can hardly be referred to as a genuinely liberal society.*

The overthrow of the Third Reich in 1945, and its aftermath, certainly meant a great break from the past for the Germans. Ideologies and social institutions connected with their tragic history were discredited outright. The ideological and cultural rupture following the end of the 1939-45 war was believed to mean the *Stunde Null* (zero hour) in the development of (West) German society. Arguably, the post-war conditions were very favourable for liberalism to flourish in the western parts of Germany. Only after the defeat in the Second

World War 'could bourgeois-capitalism, which had been retarded until then, develop in the Federal Republic', notes Ludwig von Friedeburg.

After the destruction of industry in the war and immediate post-war period, the industrial revolution had, as it were, to be carried out a second time. But it was only after the German upperclasses had lost their influence, the German state had been replaced and its army dismantled, that private business could substantially influence the social order and its political organization.<sup>133</sup>

Yet, it takes time for society to internalise norms and values. Therefore, liberalism in the 1950s in West Germany was very far from the state of meta-ideology – the 'set of presupposition and sentiments of a supposedly neutral and universal kind which dominates political thinking across the ideological spectrum'.<sup>134</sup>

In spite of all that, it is justifiable to argue that liberal principles significantly determined West German rearmament. The concept of *Innere Führung* represents, as demonstrated above, an accurate manifestation of liberal principles. The fact that the authors of the concept anchored their ideas in the principles stipulated in the West German constitution, the Basic Law, and, furthermore, that the reform gained a support of political representatives across the political spectrum signify that liberalism did play an important role in West Germany in the early years after the end of the Second World War. A liberal society was something that West German people were certainly trying to achieve.

From the previous point follows the third paradox: *West German liberalism was at the time an elite-driven project*.<sup>135</sup> This is certainly the truth regarding the process of rearmament. The reform concept of *Innere Führung* was created by a small circle of experts in the *Amt Blank*, most notably by Graf Wolf von Baudissin. Particularly Baudissin was very successful in gaining public and political support for the reform concept. Yet, the 'public' he dealt with were representatives of German churches, probably the most influential social organisations in the Western parts of Germany in the aftermath of the Second World War,<sup>136</sup>

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<sup>133</sup> Ludwig von Friedeburg, "Rearmament and Social Change: Observations on Civil-Military Relations in Western Germany," in *Armed Forces and Society*, ed. Jacques van Doorn (Hague: Mouton, 1968), 178.

<sup>134</sup> Bellamy, *Liberalism and Modern Society*, 1.

<sup>135</sup> See Eggebrecht, *Die zornigen alten Männer*.

<sup>136</sup> See e.g. Frederic Spotts, *The Churches and Politics in Germany* (Middletown: Wesleyan University Press, 1973); Ian Connor, "The Churches and the Refugee Problem in Bavaria 1945-49," *Journal of Contemporary History*, 20, no. 3 (1985); Sabrina P. Ramet, "Religion and Politics in Germany since 1945: The Evangelical and Catholic Churches," *Journal of Church and State*, 42, no. 1 (2000); Alice Holmes Cooper, "The West German Peace Movement and the Christian Churches: An Institutional Approach," *The Review of Politics*, 50, no. 1 (1988); Bernd W. Kubbig and Thomas Risse-Kappen, "Living Up to the

and, most important, members of the *Bundestag*, chiefly the members of the Defence Committee.

Particularly the *Bundestag* played the role of an agent of liberalism in the process of rearmament. In 1955/56 the cross-party majority of the members of the *Bundestag* passed the legislation implementing the concept of *Innere Führung*, partly in opposition to the wishes of Chancellor Konrad Adenauer and later on it was the Parliamentary Commissioners of the Armed Forces who were actively promoting the realisation of the reform concept in the *Bundeswehr*. Not unimportant among the liberal agents was also the Federal Constitutional Court which in the issue of conscientious objection demonstrated its power to protect and promote the liberal principles of the FRG's constitution.

The effort of the agents of liberalism was, however, an unfinished project. The philosophy of *Innere Führung* became an ideal which would never be entirely attained. The fact that the liberal reform concept was unattainable might be, to some extent, inherent to any ideologically driven design. After all, Richard Bellamy might be right in arguing that modern liberalism preserves the ethical values which were created in and for a particular historical community.<sup>137</sup> In any case, it can hardly be expected that any ideological model would manage to anticipate perfectly and deal with all problems that may emerge in a confrontation with reality.

More important, however, is the fact that every military force is a human organisation with peculiar social dynamics which is rarely found to exist in absolute harmony with broader society. Specifically in the case of West German rearmament, the emerging *Bundeswehr* had to rely on veterans of the *Wehrmacht* and *Reichswehr* who possessed a very clear picture of how a military should look and be inwardly ordered, and hence showed a significant tendency to resist the reform ideas. One might, therefore, read the case as a proof of Huntington's argument that an inherent conflict exists between liberalism and military professionalism.<sup>138</sup> However, although a strong tendency of the professional military cadres to oppose practices introduced from the outside by societal actors is clearly manifested in this case study, it does not necessarily mean a conflict between the societal/ideological imperatives and the functional imperatives to ensure military security. In fact, here comes the

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Ethical Dimensions of Nuclear Armament The Churches as Pace-Setters of Current Thinking on Peace and War," *Security Dialogue*, 15, no. 1 (1984).

<sup>137</sup> Bellamy, *Liberalism and Modern Society*, 1.

<sup>138</sup> Huntington, *The Soldier and the State*, 94.

last paradox revealed in the case of West German rearmament: *considering the West-German situation in the 1950s and 1960s, the expertise provided by the traditionalist officers would probably lead to a decline of military security.*

## **Chapter Four:**

# **The Post-Cold War Transformation of the *Bundeswehr* – towards an Expeditionary Force**

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The establishment of the *Bundeswehr* in the 1950s was, as the previous chapter was designed to demonstrate, a response of West German society to the challenges caused by the Cold War. The bipolar international confrontation, in which the FRG took the side of the Western alliance, posed, or certainly was believed to pose, a threat to the very existence of the West German state and society. Hence specific military capacities were required to face the threat. The mission of deterrence necessitating a mass army, universal conscription as a means of recruiting the mass army, and the concept of the ‘citizen in uniform’ to legitimise and mitigate the circumscription of individual rights and freedoms during the fulfilment of a person’s compulsory military service, all represented the fundamental characteristics of the Cold-War *Bundeswehr*.

However, while such military capacities perfectly fitted the international security situation of the bipolar confrontation between the East and the West, the end of the Cold War brought about a completely new security context. This was now one in which a direct existential threat effectively disappeared. The original military mission and the corresponding military institution were consequently rendered meaningless. The post-Cold War world demanded military capacities of its own. This chapter strives to show how German military capacities were adjusted to the new security environment. Specifically, it examines, first, the transformation of the military mission; second, the policy on conscription; and, third, the adaptation of the guiding image of the *Bundeswehr* soldier – the ‘citizen in uniform’.

### **Transformation of the Mission**

The post-Cold War era, instead of entering the world of peaceful cooperation and bringing any much talked-about ‘peace dividend’, was ushered in by war. The Gulf War (1990-91) meant a sea change of the role of military power in world politics, a conversion which caught Bonn incapable of making an adequate response. The end of the Cold War

rendered military power a necessary, legitimate and once again practicable instrument of international society for contributing to the preservation of global peace and justice.

This new imperative, however, stood in sharp contrast with the foreign and military policy practices which the FRG had developed and internalised by this time. As described earlier on, during the Cold War the *Bundeswehr* was tolerated for its necessary function of territorial defence against the threat from the East. The armed forces were seen as essential for society's survival, yet they were not considered a legitimate tool of German foreign policy.<sup>1</sup>

The end of the Cold War did not bring about a sudden end of this notion. Territorial defence and deterrence against an existential threat continued to be the primary mission of the *Bundeswehr* long after the international security situation had fundamentally changed.<sup>2</sup> In the White Paper of 1994 the government made clear that attack against Germany and its allies was the most threatening risk to Germany's security, but it was at the same time also the most unlikely. Yet the White Paper insisted that the 'foremost objective of German defence policy remains that of preventing' such a threat.<sup>3</sup> Analogously, The *Konzeption der Bundeswehr 1996*, a major doctrinal document composed by Inspector General Klaus Naumann, stipulated that 'national and Alliance defence in Central Europe remained the primary tasks of the German armed forces'.<sup>4</sup> Thus it had not been until Peter Struck's reform of the structure of the armed forces in 2003 that the territorial defence ceased to be the strategic foundation of the *Bundeswehr*:

According to Article 87a of the Basic Law, the Federation establishes Armed Forces for purpose of defence. Defence as it is understood today means more, however, than traditional defensive operations at the national borders against a conventional attack. It includes the

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<sup>1</sup> See e.g. Sven Bernhard Gareis and Kathrin Nolte, "Zur Legitimation bewaffneter Auslandseinsätze der Bundeswehr: politische und rechtliche Dimension," in *Auslandseinsätze der Bundeswehr : sozialwissenschaftliche Analysen, Diagnosen und Perspektiven*, ed. Sabine Jaberg (Berlin: Duncker & Humblot, 2009), 28-30; Franz-Josef Meiers, "Von der Scheckbuchdiplomatie zur Verteidigung am Hindukusch. Die Rolle der Bundeswehr bei multinationalen Auslandseinsätzen 1990-2009," *Zeitschrift für Außen- und Sicherheitspolitik*, 3, no. 2 (2010): 204.

<sup>2</sup> On this issue see e.g. Dyson, "German Military Reform 1998-2004: Leadership and the Triumph of Domestic Constraint over International Opportunity."; Tom Dyson, *The Politics of German Defence and Security Leadership and Military Reform in the Post-Cold War Era* (Oxford: Berghahn, 2008); Longhurst, *Germany and the Use of Force*.

<sup>3</sup> *White Paper on the Security of the Federal Republic of Germany and the Situation and Future of the Bundeswehr*, (Bonn: Bundesministerium der Verteidigung, 1994), § 508.

<sup>4</sup> 'Landes- und Bündnisverteidigung in Zentraleuropa bleiben die primären Aufgaben deutscher Streitkräfte' *Konzeption der Bundeswehr/ Teil Aufgaben und Fähigkeiten*, (Bonn: Bundesministerium der Verteidigung, 1996), 2.

prevention of conflicts and crises, the common management of crises, and post-crisis rehabilitation.<sup>5</sup>

This persistence of what had become, in the changed circumstances, a now-outdated military doctrine in Germany may support the theses of German ‘culture of restraint’ and the concept of ‘civilian power’. According to these theses, during the Cold War Germany developed and deeply internalised a normative posture based on pacifism and antimilitarism. Arguably, as a consequence of this strategic culture, German military policy offered a strong resistance to the external pressure for fundamental transformation.<sup>6</sup> Simultaneously, however, the change of security situation did engender within German society a change of attitudes towards their military power. This section will focus specifically on the shift of mission of the *Bundeswehr* towards an expeditionary force and argues that liberal principles within German society influenced this shift.

### ***The Bundeswehr marching abroad***

At the time when Federal Chancellor Helmut Kohl’s government refused to contribute with military troops to the liberation of Kuwait, the role and legitimacy of the *Bundeswehr* in the new international context was being examined by a blue ribbon independent commission chaired by Hans-Adolf Jacobsen, Emeritus Professor of political science and history at the Bonn University. The report of the Jacobsen Commission,<sup>7</sup> published in September 1991, outlined the form of the transformation of the *Bundeswehr* for the decade to come. The official strategic documents which were issued afterwards, such as the Defence Policy

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<sup>5</sup> *Defence Policy Guidelines*, (Berlin: Bundesministerium der Verteidigung, 2003), § 5.

<sup>6</sup> On German strategic culture see e.g. Berger, "Norms, Identity, and National Security in Germany and Japan."; Thomas Berger, "A Perfectly Normal Abnormality: German Foreign Policy after Kosovo and Afghanistan," *Japanese Journal of Political Science*, 3, no. 2 (2002). The term ‘civilian power’ was coined in Hanns W. Maull, "Germany and Japan: The New Civilian Powers," *Foreign Affairs*, 69, no. 5 (1990); and further applied e.g. by Sebastian Harnisch and Hans Maull, *Germany as a civilian power?: the foreign policy of the Berlin Republic* (Manchester: Manchester Univ Press, 2001); Adrian Hyde-Price, "Germany and the Kosovo war: still a civilian power?," *German Politics*, 10, no. 1 (2001); Maull, "Germany and the Use of Force: Still a 'Civilian Power'?" However, some authors also point out that these concepts are often misused by political actors, see e.g. Olivier Schmitt, "Strategic Users of Culture: German Decisions for Military Action," *Contemporary Security Policy*, 33, no. 1 (2012); Dyson, "German Military Reform 1998-2004: Leadership and the Triumph of Domestic Constraint over International Opportunity."; Dyson, *Politics of German Defence and Security, The*.

<sup>7</sup> Hans-Adolf Jacobsen and Hans-Jürgen Rautenberg, eds., *Bundeswehr und europäische Sicherheitsordnung: Abschlußbericht der Unabhängigen Kommission für die künftigen Aufgaben der Bundeswehr* (Bonn: Bouvier Verlag, 1991).

Guidelines 1992 (VPR 1992)<sup>8</sup> and the White Paper 1994<sup>9</sup>, followed the ideas drawn in the Jacobsen Report.

The military security of Germany, as the Jacobsen Report was the first conceptual document to acknowledge, was 'less than ever at risk'. The danger of an acute military threat was assessed, for the foreseeable future, to be highly improbable.<sup>10</sup> This, nonetheless, does not mean that the role of the *Bundeswehr* in territorial defence would decline in importance. 'The main task and political legitimacy of the armed forces are and will remain the capability and willingness to defence.'<sup>11</sup> Yet, the report is explicit that territorial defence can no longer remain the only task of the *Bundeswehr*. The new international situation poses new challenges which need to be faced, among other things, with the deployment of the armed forces. 'German forces should in the future, when the federal government is requested by the UN institutions, participate in international operations according to the UN Charter.'<sup>12</sup>

The call for the *Bundeswehr* to assume new tasks in international peacekeeping did not follow on only from Germany's loyalty to the United Nations. The Jacobsen Report also reflected a strongly positive attitude within German society to international peacekeeping and expected that 'the majority of the population might be in favour of the *Bundeswehr*'s participation in peacekeeping'.<sup>13</sup> Another document submitted by the Ministry of Defence to

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<sup>8</sup> *Verteidigungspolitische Richtlinien*, (Bonn: Bundesministerium der Verteidigung, 1992).

<sup>9</sup> *Weißbuch zur Sicherheit der Bundesrepublik Deutschland und zur Lage und Zukunft der Bundeswehr*, (Bonn: Bundesministerium der Verteidigung, 1994); English version: *White Paper 1994*.

<sup>10</sup> Jacobsen and Rautenberg, eds., *Bundeswehr und europäische Sicherheitsordnung*, 19.

<sup>11</sup> 'Hauptaufgabe und politische Legitimation der Streitkräfte sind und bleiben die Fähigkeit und Bereitschaft zur Verteidigung...' Ibid., 28.

<sup>12</sup> 'Deutsche Streitkräfte sollen sich künftig, sofern die Bundesregierung von den Organen der Vereinten Nationen dazu aufgefordert wird, an internationalen Einsätzen im Rahmen der UN-Charta beteiligen.' Ibid., 36.

<sup>13</sup> 'Die Wertschätzung, die alle Formen internationaler Friedenssicherung und besonders die Vereinten Nationen in Deutschland genießen, mag eine günstige Voraussetzung für eine mehrheitliche Zustimmung der Bevölkerung zur Beteiligung der Bundeswehr an Friedenssichernden Aktionen sein.' Ibid., 58. Opinion polls in 1991/1992 show that about 70% of population were in favour of the *Bundeswehr*'s participation in the UN peacekeeping operations. Jörg Jacobs, "Öffentliche Meinung und Transformation der Bundeswehr zu einer Einsatzarmee: Eine Bestandsaufnahme," in *Streitkräfte unter Anpassungsdruck*, ed. Gerhard Kümmel (Baden-Baden: Nomos, 2009), 50. On the other hand, in the view of Dirk Koob the Jacobsen Commission acted entrepreneurially, as its suggestions were in stark contrast with the mainstream political discourse opposing any military engagement abroad. The commission's suggestions, Koob argues, were by no means a reflection of the German public in the early nineties, but a 'legitimizing agency' (*Legitimationsagentur*) of the *Bundeswehr*. Dirk Koob, *Deutsche Militärpolitik in den neunziger Jahren: Wie (selbst-) organisiert ist die Bundeswehr?* (Marburg: Tectum Verlag, 1999), 108.



the Bundestag in January 1992 seemed to take for granted that 'the maintenance of peace, humanity and international security' is Germany's responsibility as well as is in her interest.<sup>14</sup>

Kohl's liberal-conservative government eventually completely embraced the notion of cosmopolitan responsibility for peace and security. Kohl in his foreword to the White Paper of 1994 was explicit about the role of Germany, her military included, in international affairs.

Germany will not enjoy a secure future in peace and freedom unless we continue to make our contribution, as a member of the Euro-Atlantic community of shared values with a common fate, to preventing war and averting dangers and to building a just and stable international order in which human and minority rights are effectively protected.<sup>15</sup>

In terms of practical steps, Minister of Defence Volker Rühle is said to have acted entrepreneurially when he introduced the out-of-area operations into the agenda of the *Bundeswehr* and also tactically in relation to the public as he was gradually increasing the intensity of missions, using the so called 'salami tactics'. In that sense, a field hospital was sent to Cambodia in May 1992, from July 1992 German navy (*Bundesmarine*) took part in monitoring, but not enforcing, the UN arms embargo on the former Yugoslavia and the year 1993 witnessed the first armed operations of the *Bundeswehr* abroad. The German personnel in the NATO Airborne Warning and Control System (AWACS) became part of the operation enforcing the UN-sanctioned no-fly zone over Bosnia and a contingent of German soldiers was deployed in Somalia as a part of UNOSOM II.

In terms of public opinion, the Jacobsen report was not wrong when expecting the public to give its support to peacekeeping operations. Jörg Jacobs reports the favourable attitude of German society to the UN peacekeeping operations during the 1990s always sitting at well above 60%:

The German citizens support international commitments, those with military means included, as long as it contributes to make the conflict situation more stable and secure. However, society is split on the issue of combat missions, even if they are carried out under a mandate of the United Nations and with the aim to establish peace.<sup>16</sup>

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<sup>14</sup> "Militärpolitische und militärstrategische Grundlagen und konzeptionelle Grundrichtung der Neugestaltung der Bundeswehr: Vorlage des Bundesministeriums der Verteidigung an den Verteidigungsausschuß des Bundestages vom 20. Januar 1992," *Blätter für deutsche und internationale Politik*, no. 4 (1992).

<sup>15</sup> *White Paper 1994*, 1.

<sup>16</sup> 'Die Bundesbürger befürworten ein internationales Engagement, auch mit militärischen Mitteln, solange es der Sicherung und der Stabilität in Konflikten dient. Gespalten ist die Gesellschaft, wenn es darum geht, Kampfeinsätze zu bewerten, auch wenn sie zur Schaffung von Frieden unter einem Mandat der Vereinten Nationen durchgeführt werden.' Jacobs, "Öffentliche Meinung und Transformation der Bundeswehr zu einer Einsatzarmee: Eine Bestandsaufnahme," 51.

The peace-enforcing combat operations have never received the same amount of support as the peacekeeping ones. In the early 1990s the reported approval for peace-enforcing combat operations was fluctuating between 40 and 50%.<sup>17</sup>

Despite the relatively positive attitude of the public, the out-of-area deployments in the early 1990s, including the peacekeeping operation in Somalia, did generate a strong political controversy. The issue, however, was not as to whether the operations were morally right or wrong, but exclusively about their constitutionality. Not their legitimacy but their legality was questioned. The authors of the Basic Law, in order to minimise the risk that the *Bundeswehr* could be abused against international peace or democratic order at home, delimited quite precisely the role of the armed forces. 'The Federation shall establish Armed Forces for purposes of defence', Article 87a, §1 of the Basic Law stipulates. In addition, §2 makes clear that 'the Armed Forces may be employed only to the extent expressly permitted by this Basic Law'.<sup>18</sup> Quite understandably, the authors did not conceive of the possibility to send armed troops abroad in the role of peacekeepers and, furthermore, the official Cold-War interpretation of the constitution explicitly prohibited this option.<sup>19</sup>

The constitutional issue remained a valid argument for Kohl when he refused to send troops to the Gulf War in 1990.<sup>20</sup> Nonetheless, the Jacobsen Commission insisted, and Kohl's government then followed suit, that the Basic Law permitted the use of armed forces in cooperation with major international organisations of which Germany was a member.<sup>21</sup> This interpretation of the constitution, however, found support neither among opposition parties nor in the junior coalition partner, the Free Democratic Party (FDP). The dispute had to be settled by the Federal Constitutional Court, which in July 1994 decided in favour of the Government.

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<sup>17</sup> Ibid., 50.

<sup>18</sup> *Basic Law*, Art. 87a, §§1-2.

<sup>19</sup> In 1982, the government's security council put forward that, in accordance with a general 'security-political consensus', the constitution does not permit any 'out of area' deployment of armed soldiers. Reiner Baumann and Gunther Hellmann, "Germany and the use of military force: 'total war', the 'culture of restraint' and the quest for normality," *German Politics*, 10, no. 1 (2001): 68; Arthur Hoffmann and Kerry Longhurst, "German strategic culture and the changing role of the Bundeswehr," *WeltTrends* (1999), 22(1999): 149-50.

<sup>20</sup> Baumann and Hellmann, "Germany and the use of military force: 'total war', the 'culture of restraint' and the quest for normality," 69.

<sup>21</sup> Jacobsen and Rautenberg, eds., *Bundeswehr und europäische Sicherheitsordnung*, 15.

It is important to reiterate that this ruling of the Federal Constitutional Court was far from uncontroversial.<sup>22</sup> The extensiveness of the ruling is clearly demonstrated by the fact that the Federal Constitutional Court had to create a mechanism of parliamentary agreement to the foreign deployments, a procedure which the Basic Law had not known.<sup>23</sup> The judges thus appeared to be less interested in the text of the Basic Law itself than in the ideological foundation of the constitution. The court did not act merely as a mechanical, value-neutral interpreter of a codified text but rather took the role of a liberal agent applying principles appropriate for a given situation.<sup>24</sup>

Despite the controversy about the constitutionality of foreign operations for the German armed forces, a basic consensus around the subject itself existed among all the mainstream parties in the Bundestag. During the months preceding the Federal Constitutional Court ruling each party in the Bundestag submitted a draft of constitutional amendment expressing its view on the *Bundeswehr*'s role in the world. Except for the post-communist PDS, all parties felt that the *Bundeswehr*'s abstinence from international peacekeeping effort would be untenable. The parties naturally had different views regarding specific conditions of international engagements; but they shared and embraced the moral responsibility for international peace. The explanation of the left-centre SPD's proposal may illustrate this point:

The international responsibility of the Federal Republic of Germany and the credibility of its foreign policy make necessary the formulation of constitutional rules for the involvement of individual army units in peacekeeping non-combat missions of the United Nations (so called 'blue helmets')... The Federal Republic of Germany can no longer require such deployments in war zones, without being willing to participate in them themselves. Our history dictates restraint, but also forbids us to refuse help, especially when such operations are allowed by the consent of the conflict parties.<sup>25</sup>

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<sup>22</sup> For an argument in favour of constitutional amendment see Wolfgang März, *Bundeswehr in Somalia: verfassungsrechtliche und verfassungspolitische Überlegungen zur Verwendung deutscher Streitkräfte in VN-Operationen* (Berlin: Duncker & Humblot, 1993), 80-95.

<sup>23</sup> Robert Christian Van Ooyen, "Die neue Welt des Krieges und das Recht: Out-of-area-Einsätze der Bundeswehr im verfassungsfreien Raum," *Internationale Politik und Gesellschaft*, no. 1 (2002): 98.

<sup>24</sup> Donald P. Kommers et al., *The constitutional jurisprudence of the Federal Republic of Germany*, 3rd ed. (Durham, NC: Duke University Press, 2012), 70-74.

<sup>25</sup> 'Die international Verantwortung der Bundesrepublik Deutschland und die Glaubwürdigkeit ihrer Außenpolitik machen es erforderlich, die verfassungsrechtlichen Voraussetzungen zu schaffen für eine Beteiligung einzelner Bundeswehreinheiten an friedenserhaltenden Maßnahmen der Vereinten Nationen ohne Kampfauftrag (sogennante Blauhelm-Einsätze)... Die Bundesrepublik Deutschland kann nicht länger solche Einsätze in Kriegsgebieten fordern, ohne selbst zur Beteiligung daran bereit zu sein. Unsere Geschichte gebietet Zurückhaltung, verbietet aber auch Verweigerung, zumal solche Einsätze nur mit Zustimmung der Konfliktparteien zulässig sind.' 'Begründung zu dem Gesetzentwurf der Fraktion der SPD (Drucksache 12/4534)' published in März, *Bundeswehr in Somalia*, 121.

In comparison with other countries, Germany's military engagement in international affairs certainly appeared restrained. Moreover, the foreign deployments of the *Bundeswehr* were by no means lacking severe elements of controversy. Having said that, it is important to emphasise that a general consensus supporting the principle of international peacekeeping emerged very early in the 1990s. The political representatives in the Bundestag, the Federal Constitutional Court, and public opinion recognised the essential moral imperative behind German participation in international peacekeeping. These societal actors might have had different views on means – such as whether a revision of the constitution was necessary or whether peace-enforcement was an acceptable instrument. As for the former, the constitutional court's ruling settled for good the constitutional dispute. Regarding the latter, no clear consensus was reached, but the attitude within the re-unified German society towards peace-enforcing or other combat operations was in the 1990s, and has remained until today, decidedly cautious. In any case, the end – a moral responsibility for peace and security around the world – was widely recognised.

### ***The Bundeswehr marching to war***

As argued above, German society relatively quickly accepted the idea that German soldiers should actively help other people around the world. After the 1994 ruling of the Federal Constitutional Court the number of soldiers deployed abroad grew dramatically. By the end of the 1990s the overall size of German contingents in international missions, mostly in the Balkans, had risen to 7,000 members of the *Bundeswehr* and at some point in the early 2000s over 10,000 soldiers were deployed worldwide.<sup>26</sup> The humanitarian and almost non-violent character of the peacekeeping operations appealed to German society and granted a secure foundation in broad-based public support.<sup>27</sup>

Attractive though the non-combat humanitarian and peacekeeping engagements of the *Bundeswehr* were perceived to be, combat operations are not absent in the records of German foreign missions. *Bundeswehr* soldiers have already taken a role as belligerents in two wars - the Kosovo War and the War in Afghanistan. Germany's engagement in these two cases tells

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<sup>26</sup> Bastian Giegerich, *Mugged by Reality? German Defense in Light of the 2003 Policy Guidelines*, vol. 10, DIAS-Kommentare (Düsseldorf: Düsseldorfer Institut für Außen- und Sicherheitspolitik, 2003), 6-7; Meiers, "Von der Scheckbuchdiplomatie zur Verteidigung am Hindukusch. Die Rolle der Bundeswehr bei multinationalen Auslandseinsätzen 1990-2009," 211.

<sup>27</sup> See e.g. Jacobs, "Öffentliche Meinung und Transformation der Bundeswehr zu einer Einsatzarmee: Eine Bestandsaufnahme," 51.

two different stories. Their comparison might illuminate the attitudes of German society towards the use of military force.

The air campaign against Yugoslavia in 1999 represents a landmark in the history of re-united Germany. German military aircrafts were participating in a violent military operation without a UN mandate against a sovereign state, yet this fact engendered very little disagreement. The process of decision-making before the campaign is remarkable for its swiftness, as Adrian Hyde-Price wittily describes:

The decision to participate in operation Allied Force took 15 minutes, from the time of Clinton's phone call to the final 'yes'. The subsequent debate in the Bundestag was remarkable for its lack of controversy, with only the former East German Communist Party, the PDS (Party of Democratic Socialism) opposing the war. Indeed some critics noted that more controversy surrounded a proposed law against graffiti-artists than the debate on German military action against Yugoslavia.<sup>28</sup>

After the formative experience with the massacre in Srebrenica in July 1995, the conflict in Kosovo came to represent in German discourse another case of starting genocide and thus raised a strong sense of moral responsibility. Such a normative ethical commitment towards those who suffered in Kosovo was, furthermore, supplanted by responsibility towards NATO allies and worries about another wave of asylum-seekers and refugees.<sup>29</sup> These concerns were by no means exclusive to political elites. Also the public embraced the case for an armed humanitarian intervention. At the beginning of the campaign in March 1999 over 60% of the population was reported to support the NATO operation. Admittedly though, these numbers started wavering as the campaign went on.<sup>30</sup>

The situation was, in the eyes of German society, severe enough to legitimise the use of armed forces. However, the mode of deployment of *Bundeswehr* troops presents a telling picture of the German approach to the use of military power. Since the aim of the campaign was to relieve civilian population from humanitarian suffering, the means were supposed to correspond, in part at least, with the end. The *Bundeswehr* hence formed two distinct contingents with completely different tasks – the air-force group participating in the coercive strikes against Yugoslavia (Operation Allied Force) and the army contingent in Macedonia and Albania (Operation Enabling Force).

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<sup>28</sup> Hyde-Price, "Germany and the Kosovo war: still a civilian power?," 21.

<sup>29</sup> Ibid.: 21-22.

<sup>30</sup> *Deutschlandtrend Juni 1999 und Europatrend II: Umfrage zur politischen Stimmung im Auftrag von ARD*, (Berlin: ARD, 1999), 10.

Germany contributed to the Operation Allied Force with 10 ECR (electronic combat reconnaissance) and 4 RECCE (reconnaissance) Tornados supported with 200 technical personnel stationed in Italian Piacenza. The fourteen planes performed during the campaign approximately 500 sorties and launched about 200 HARM anti-radar missiles.<sup>31</sup> Yet, whereas the air-force contingent represented less than 2% of the allied air force,<sup>32</sup> 4200 German troops of the Enabling Force in Macedonia and Albania formed the second largest contingent at the beginning of the campaign. The troops in Macedonia and Albania, however, were not intended as a possible invading force and German politicians strongly opposed any plans to mount a ground operation into Kosovan territory. The task of these troops was, rather, to secure conditions for a future peace agreement. Therefore, in the German view, soldiers designated for peacekeeping tasks should not be compromised by participation in combat operations. In the words of Defence Minister Rudolf Scharping: 'If one wants to retain a chance to achieve a peace in Kosovo that is based on an agreement and secured by civil as well as military presence, then the potential peacekeepers must not take part in the preceding combat.'<sup>33</sup> Accordingly, during the air campaign the soldiers in Macedonia and Albania were primarily engaged in humanitarian assistance to refugees who had fled Kosovo.

The engagement in Afghanistan is, in number of aspects, a contrasting case. In terms of social consent for German action, the terrorist attacks in September 2001 engendered an intensive sense of threat and spawned a strong support for the US military response against al-Qaeda and the Taliban in Afghanistan.<sup>34</sup> Yet, when the Bundestag had to decide about the deployment of the *Bundeswehr* troops in the counterterrorist Operation Enduring Freedom

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<sup>31</sup> Walter Spindler, "Der Beitrag der Bundeswehr zur Bewältigung des Kosovo-Konflikts: Ein Element des internationalen Krisenmanagements im ehemaligen Jugoslawien," *Jahrbuch für internationale Sicherheitspolitik*, (2000): 733; Rolf Clement, "Die Teilnahme der Bundeswehr am internationalen Militäreinsatz im Kosovo und in Jugoslawien," in *Der Krieg um das Kosovo 1998/99*, ed. Erich Reiter (Mainz: Hase und Koehler, 2000), 157-58.

<sup>32</sup> The NATO forces flew in total 38000 sorties with over one thousand planes. *Report to Congress: Kosovo/Operation Allied Force after-Action Report*, (Washington: Department of Defense, 2000), xvii, 32; "Operation Allied Force: Order of Battle Trends," GlobalSecurity.org, [http://www.globalsecurity.org/military/ops/allied\\_force\\_orbat\\_trends.htm](http://www.globalsecurity.org/military/ops/allied_force_orbat_trends.htm).

<sup>33</sup> „Wenn wir jemals die Chance behalten wollen, im Kosovo auf der Grundlage eines Abkommens durch zivile und militärische Präsenz“ Frieden zu schaffen, dann dürften die Beteiligten nicht vorher kämpfender Teil des Konflikts gewesen sein.“ "Keinen Einsatz von Bodentruppen," *Frankfurter Allgemeine Zeitung*, 29 March 1999.

<sup>34</sup> After the September 2001 terrorist attacks in New York and Washington the perception of terrorist threat among Germans almost doubled and by far exceeded all other security issues (criminality, unemployment and armed conflicts in the world). Thomas Bulmahn, *Bevölkerungsbefragung zum sicherheits- und verteidigungspolitischen Meinungsbild in Deutschland: Ergebnisbericht 2004* (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 2004), 19. In an ARD survey in November 2001 over 60% were reported to approve the ongoing US military operation in Afghanistan. *Deutschlandtrend November 2001: Umfrage zur politischen Stimmung im Auftrag von ARD*, (Berlin: ARD, 2001), 14.

(OEF) and in the International Security and Assistance Force (ISAF) in Afghanistan, the German government could not avoid controversy as it had in the case of the Kosovo War.

Similarly as in the Kosovo case, the *Bundeswehr* engaged in two different missions – the counterterrorist OEF and ISAF. OEF, in particular, became a serious issue for the government coalition. Despite the effort to present the German contingent as militarily harmless – the Special Forces (*Kommando Spezialkräfte*, KSK), a combat unit engaged in the terrorist hunt, were said to perform merely ‘police work’<sup>35</sup> – the question of German participation created a split within the coalition parties, the SPD and the Greens. In order to gain support for the mission among the coalition members of the Bundestag, Chancellor Gerhard Schröder resorted to connect the vote on the *Bundeswehr*’s mandate with a vote of confidence.

The support for ISAF was overwhelming. 538 out of 581 members of the Bundestag voted in December 2001 for the participation of *Bundeswehr* soldiers. Yet the discussion on this issue was remarkable for a strong effort to draw a clear distinction between the US-led OEF and UN-mandated ISAF. In contrast with the anti-terrorist campaign, the mission of ISAF was to assist in post-conflict reconstruction and state-building, which is the kind of mission strongly preferred by the German public.<sup>36</sup>

The *Bundeswehr* engagement in Afghanistan was not meant to be seen as a combat mission whatsoever. Only one hundred special troops of the KSK were designated for combat counterterrorist operations, however, the operational secrecy requirements of special forces operations, Timo Noetzel and Benjamin Schreer pointed out, ‘prevented these activities from triggering a domestic debate about the role of military force within Germany’s overall involvement in Afghanistan’.<sup>37</sup> Furthermore, as revealed in a session of the Defence Committee of the Bundestag in 2008, during their engagement in Afghanistan, the KSK soldiers killed or wounded no-one.<sup>38</sup>

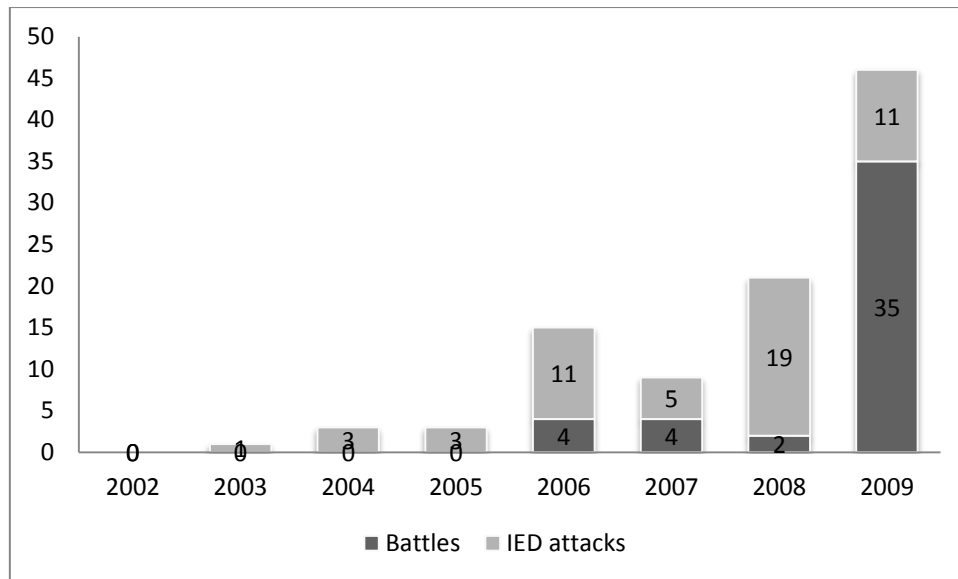
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<sup>35</sup> Lutz Holländer, *Die politischen Entscheidungsprozesse bei Auslandseinsätzen der Bundeswehr 1999 - 2003* (Frankfurt am Main: Peter Lang, 2007), 104-05.

<sup>36</sup> A survey from 2007 reports that whereas 57% of people agreed with the reconstruction of Afghanistan and 63% supported the deployment of German forces in a peacekeeping role, only 24% of Germans agreed with the combat operations and 16% supported the participation of German troops in the combat operations. Jacobs, "Öffentliche Meinung und Transformation der Bundeswehr zu einer Einsatzarmee: Eine Bestandsaufnahme," 53.

<sup>37</sup> Timo Noetzel and Benjamin Schreer, "All the way? The evolution of German military power," *International affairs*, 84, no. 2 (2008): 214.

<sup>38</sup> Winfried Nachtwei, "Der Afghanistaneinsatz der Bundeswehr – Von der Friedenssicherung zur Aufstandsbekämpfung: Der Einsatz der Bundeswehr in Afghanistan," in *Der Einsatz Der Bundeswehr in*



**Figure 10 Incidence of skirmishes and IED attacks faced by German soldiers in Afghanistan<sup>39</sup>**

Peaceful intentions notwithstanding, German forces slid slowly into a quagmire of violent conflict. As the security situation in Afghanistan began deteriorating, first in the south of the country and later also in the German area of responsibility in the north, controversial decisions became necessary and public support began to waver. So in March 2007 a serious political issue was made of the decision to dispatch six RECCE-Tornados (reconnaissance aircraft), which, allegedly, could be used in support of other forces' counterinsurgency operations.<sup>40</sup> In July 2008, the *Bundeswehr* built the Quick Reaction Force and a year later the Rules of Engagement of the German contingent were silently adjusted to allow for the offensive use of lethal force.<sup>41</sup> In September 2009 up to 142 people were killed in an air strike ordered by a German commander in Kunduz (for details see the subsection 'Militarised professional identity - danger to life and limb' below), which event led to the resignation of

*Afghanistan: Sozial- und politikwissenschaftliche Perspektiven*, ed. Anja Seiffert, Phil C. Langer, and Carsten Pietsch (Wiesbaden: VS Verlag für Sozialwissenschaften, 2012), 34.

<sup>39</sup> Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43. Source of data: Ibid., 42-43.

<sup>40</sup> As a member of the Bundestag for SPD expressed: „Die bisherige relative Sicherheit deutscher Soldaten beruht nicht zuletzt auf der erkennbaren Trennung beider Operationen [ISAF und OEF]... Es steht also zu befürchten, dass Widerstandsgruppen in Afghanistan eine solche Differenzierung nicht nachvollziehen werden und die deutschen Tornados als Flugzeuge im Kampfeinsatz bewerten. Deutsche soldaten könnten damit für Kriegooperationen verantwortlich gemacht werden, auf deren Planung und Durchführung sie keinerlei Einfluss haben.“ Quoted in Stefan Jungbauer, *Die Bundeswehr in Afghanistan: Die innerstaatlichen Restriktionen des deutschen ISAF-Einsatzes* (Hamburg: Verlag Dr. Kovač, 2010), 103.

<sup>41</sup> Benjamin Schreer, "Political Constraints: Germany and Counterinsurgency," *Security Challenges*, 6, no. 1 (2010): 105.



Defence Minister Franz-Joseph Jung. Jung's successor Karl-Theodor zu Guttenberg became the first member of the Government who acknowledged 'that in colloquial language one may actually speak of war-like circumstances in parts of Afghanistan' and, finally, in February 2010, Foreign Minister Guido Westerwelle announced before the Bundestag that Germany now considered the conflict in all of Afghanistan an 'armed conflict in terms of international humanitarian law'.<sup>42</sup>

This section has so far examined how societal attitudes towards military policy affected Germany's engagement in the Kosovo and Afghan wars. Yet, these wars had also an effect on the further development of societal attitudes. The experience of both wars emphasised a need for a major reform of defence policy and to some extent determined its form as well. Predictably, the different histories of the Kosovo and Afghan wars also produced distinct reforms of defence policy and the organisation of the *Bundeswehr*.

The Kosovo War completed the trend of growing public acceptance of peace-enforcement combat missions, a trend which had been initiated by the experience with atrocities committed in Bosnia and Herzegovina. In 1999 and 2000 around 70% of the German population was reported to believe that it was right if the *Bundeswehr* contributed to a peace-enforcement operation.<sup>43</sup> Nonetheless, the Kosovo War manifested not only the utility of the use of force in crisis management, but also the deficiencies of European militaries, the *Bundeswehr* being a blatant example, to carry out such operations.

As early as May 1999 Schröder's government appointed a commission chaired by former *Bundespräsident* Richard von Weizsäcker. The task of this commission was to outline a plan for a transformation of the *Bundeswehr* in accordance with the current requirements. After a year of work, the Weizsäcker Commission published a paper recommending the *Bundeswehr* to concentrate on 'the most likely tasks of crisis prevention and crisis management'.<sup>44</sup> The proposal of the Weizsäcker Commission was, however, shelved by Minister of Defence Rudolf Scharping, mainly because of its radical demands for a reduction of conscription. Nonetheless, the demand to render the *Bundeswehr* more fit for deployment

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<sup>42</sup> Quoted in Timo Noetzel, "Germany's Small War in Afghanistan: Military Learning amid Politico-Strategic Inertia," *Contemporary Security Policy*, 31, no. 3 (2010): 487.

<sup>43</sup> Jacobs, "Öffentliche Meinung und Transformation der Bundeswehr zu einer Einsatzarmee: Eine Bestandsaufnahme," 50-52.

<sup>44</sup> Richard von Weizsäcker et al., *Gemeinsame Sicherheit und Zukunft der Bundeswehr: Bericht der Kommission an die Bundesregierung* (Berlin/Bonn: Kommission „Gemeinsame Sicherheit und Zukunft der Bundeswehr“, 2000), 15.

did not fade away. The reforms set in train by Peter Struck, the minister of defence from 2002 to 2005, rested on the same strategic assumption.<sup>45</sup>

Admittedly, it is far from certain to what extent it was particularly the success of the humanitarian intervention in Kosovo that determined the acceptance of expeditionary activities for the *Bundeswehr*. However, the German contribution to ISAF might be seen to be affected by the interventionist zeal sparked by the Kosovo operation and it is a hard fact that since the Kosovo War until the end of the first Schröder's government in 2002 the number of German soldiers in various operations abroad increased four-fold.<sup>46</sup>

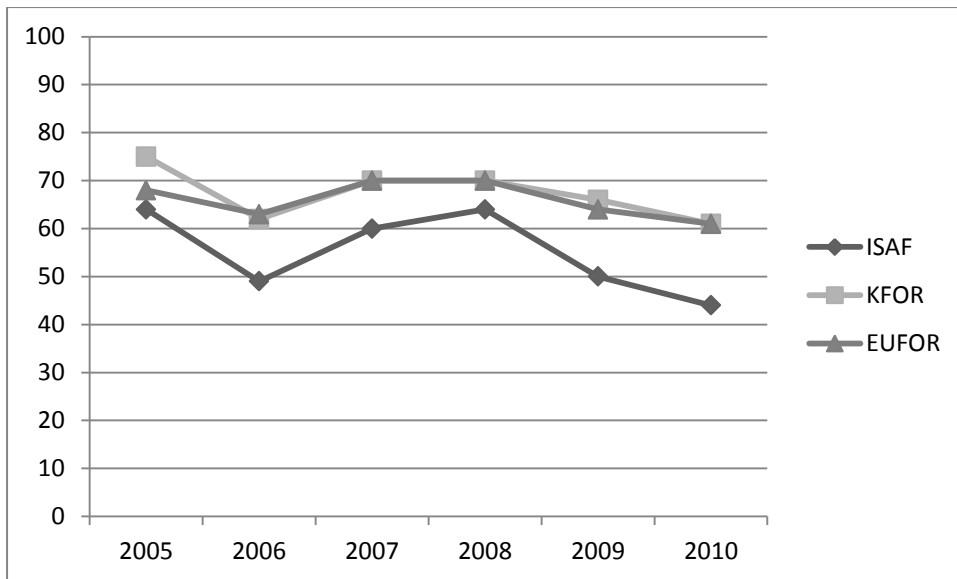
Yet the experience with the war in Afghanistan resulted in a different attitude of German society towards the use of force. As the *Bundeswehr* became associated in public discourse primarily with the Afghanistan operation,<sup>47</sup> the weariness of the protracted engagement in Afghanistan and the experience with the violent insurgency led to a declining support for foreign missions in general (see Figure 11). The reluctance to get militarily engaged in any new major foreign mission is apparent both in the current strategic doctrines as well as in responses to specific crises.

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<sup>45</sup> See *Verteidigungspolitische Richtlinien*, (Berlin: Bundesministerium der Verteidigung, 2003); *Grundzüge der Konzeption der Bundeswehr*, (Berlin: Bundesministerium der Verteidigung, 2004).

<sup>46</sup> Meiers, "Von der Scheckbuchdiplomatie zur Verteidigung am Hindukusch. Die Rolle der Bundeswehr bei multinationalen Auslandseinsätzen 1990-2009," 211; *Bundeswehr 2002: Sachstand und Perspektiven*, (Berlin: Bundesministerium der Verteidigung, 2002), 3.

<sup>47</sup> While in 2005 only 17% of newspaper articles about Bundeswehr mentioned Afghanistan, in 2007 Afghanistan occurred in 42% of newspaper articles about Bundeswehr and in 2009 the proportion grew to 47%. Thomas Bulmahn et al., *Sicherheits- und verteidigungspolitisches Meinungsklima in Deutschland: Ergebnisse der Bevölkerungsbefragung 2010 des Sozialwissenschaftlichen Instituts der Bundeswehr* (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 2011), 48.



**Figure 11 Public support to ISAF in comparison with other foreign missions of the Bundeswehr.<sup>48</sup>**

As for the response to a concrete crisis situation, the legacy of Afghanistan did affect the position of Germany with regard to the Libya crisis in 2011. Angela Merkel's government decided to abstain in the vote on UN Security Council Resolution 1873 imposing a no-fly zone over Libya and not to contribute to such a military effort. Potential risks accompanying an armed humanitarian intervention were presented as the main reason for the decision. So Foreign Minister Guido Westerwelle asserted that the abstention 'does not mean that we are neutral, it does not mean that we have any sympathy with Colonel Gaddafi, but it means that we see the risks'. Though in different manner, the same message was conveyed also by Defence Minister Thomas de Maizière: 'Although the heart says yes (to a military mission), the cool head says: leave it alone.'<sup>49</sup>

Interestingly enough, German soldiers actually did engage in the Libya War. In February 2011 the German air force conducted a rescue operation to evacuate employees of a German company. This fact corresponds quite well with the current trend of deployment of the armed forces. Since 2008 Germany contributed to only two new relatively large operations. German naval vessels of the Bundesmarine are protecting sea trade off the coast of Somalia and German anti-missile systems are defending Turkey. A direct threat to security

<sup>48</sup> Source: Ibid., 39.

<sup>49</sup> All quoted in Alister Miskimmon, "German Foreign Policy and the Libya Crisis," *German Politics*, 21, no. 4 (2012): 396, 98.

of German citizens and Germany's allies seems to have become the limiter on the use of military force nowadays.

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The end of the Cold War rendered the exercise of cosmopolitan responsibilities with military means possible. As liberal thinkers insist, resourceful liberal states have a duty to assist those societies which are deprived of basic achievements of civilisation, such as basic human rights and human security. Yet such a responsibility could not be exercised in its full extent until the risk of major war between the East and the West eased up. Therefore, it has been only since the early 1990s that Germany conceived of its armed forces as a potentially useful instrument when cosmopolitan moral responsibility dictated to deal with other peoples' crises and emergency situations.



**Figure 12** The old (left) and the new (right) slogan of the *Bundeswehr*.

However, liberalism – despite its tendency towards occasional crusading, using the terminology of Martin Ceadel<sup>50</sup> – does not consider the use of military force alone as a just and proper means to this end. If military force is deployed, it should always be followed by other instruments that are more capable than the military forces of bringing about social improvement. This view is very strongly present in and manifested by German society. Even if the use of violence is necessary, the primary role of the *Bundeswehr* should be to help the

<sup>50</sup> See Ceadel, *Thinking about Peace and War*, 4-5.

civilian communities in need. Thus even during the relatively short spell of crusading fervour around the Kosovo War, the *Bundeswehr* was primarily focused on the humanitarian aspects of that international engagement.

Nonetheless, since the operation in Afghanistan became a war, discursively as well as materially, the nature of the *Bundeswehr*'s role has been undergoing a slight yet noticeable shift from an 'instrument of justice' towards a 'tool of policy'. The last *Defence Policy Guidelines* issued in May 2011 characterise armed forces as an 'indispensable tool of [Germany's] foreign and security policy'.<sup>51</sup> This sentence, not very noteworthy in itself, represents a significant departure from the traditional style of German strategic writing. Authors of previous documents considered necessary to qualify the character of the security policy or the nature of the *Bundeswehr*'s instrumentality. For instance, the role of the *Bundeswehr* was quite clearly defined in the White Paper of 1994: 'The Bundeswehr is one of several tools of German foreign and security policy. The aim of this policy is to advance international cooperation and to prevent crises and conflicts.'<sup>52</sup> In a similar vein, the *Bundeswehr*'s slogan *Im Einsatz für den Frieden* ('In action for peace'), was replaced with the less lofty and significantly less cosmopolitan motto: *Wir.Dienen.Deutschland.* ('We.Serve.Germany. '; see Figure 12). All of these might be viewed as merely changes in self-presentation; yet the attitude of the German public to the *Bundeswehr* and military policy has transformed since the war in Afghanistan – 'friendly disinterest' being an apparent effect.<sup>53</sup> German society seems to lose a clear understanding about what the armed forces should be used to do. Such a situation may approximate Huntington's model of the insulated military – armed forces which lack any considerable position in society as well as any importance in security policy, but are free to develop their autonomous professional ethos.<sup>54</sup>

It would be a great exaggeration, however, to claim that the *Bundeswehr* is anywhere close to being a tool of Real-Politik, as shown in the case of *Bundespräsident* Horst Köhler. In May 2010 Köhler resigned in response to a fierce criticism of the comments he made about the possible utilisation of the armed forces. In an interview he said that 'military deployments

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<sup>51</sup> *Defence Policy Guidelines*, (Berlin: Bundesministerium der Verteidigung, 2011), 8.

<sup>52</sup> *White Paper 1994*, § 502.

<sup>53</sup> The term 'freundliche Desinteresse' was coined in the discourse on the Bundeswehr by *Bundespräsident* Horst Köhler in 2005. See Horst Köhler, *Einsatz für Freiheit und Sicherheit: Rede von Bundespräsident Horst Köhler bei der Kommandeurtagung der Bundeswehr am 10. Oktober 2005 in Bonn* (Berlin: Bundespräsidialamt, 2005). See also Jacobs, "Öffentliche Meinung und Transformation der Bundeswehr zu einer Einsatzarmee: Eine Bestandsaufnahme," 49.

<sup>54</sup> See Huntington, *The Soldier and the State*, 97.

are necessary in an emergency to protect our interests - for example when it comes to trade routes, for example when it comes to preventing regional instabilities that could negatively influence our trade, jobs and incomes.<sup>55</sup> In 2010 it was still inappropriate for the German Federal President, whose role in German politics is merely symbolic, to pronounce publicly that German soldiers might fight for the sake of national economic interests.

## **Transformation of the Make-up – from a Conscript to an All-Volunteer Force**

A strong tension is present in liberal thinking and liberal principles, as shown earlier on, when the desirability of compulsory military service is concerned. On the one hand, national defence is considered a responsibility of all citizens and the ultimate sacrifice made on behalf of the community should not be seen as merely an occupational hazard of a few professionals. On the other hand, the coercion necessary to uphold the compulsory service is a serious infringement of individual rights and freedoms. Only the *necessity* of defending society and its state against an external threat, regardless of whether real or only imagined, can justify compulsory service.

In 1956, when universal military service was established in West Germany, the security situation and military needs were considered serious enough to justify the coercion. The threat posed by the Warsaw Pact forces of the Soviet bloc was argued to require a standing force of half a million German soldiers and large reserves. In order to recruit a force of such strength conscription was necessary. To justify it further, universal conscription was argued to distribute the necessary sacrifice ‘evenly in a truly democratic manner’.<sup>56</sup> In 1973 the *Wehrstruktur Kommission*, initiated by the SPD/FDP coalition government of Chancellor Willy Brandt, confirmed the necessity of universal conscription, but also suggested that reconsideration of the practice would be required if the strategic conditions changed.<sup>57</sup> Such a change happened in 1989 when the direct threat posed by the Eastern Bloc vanished and Germany ceased to be a front-line state. ‘Instead, she is surrounded nowadays exclusively by

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<sup>55</sup> "Controversy Over Afghanistan Remarks: German President Horst Köhler Resigns," *Spiegel Online*, 31 May, 2010.

<sup>56</sup> "Himmeroder Denkschrift," 375.

<sup>57</sup> Kerry Longhurst, "Why aren't the Germans debating the draft? path dependency and the persistence of conscription," *German Politics*, 12, no. 2 (2003): 153.

allies and friendly partners’, as the Defence Policy Guidelines 1992 pointed out.<sup>58</sup> Thus, arguably, along with the disappearance of the Soviet threat also disappeared the necessity that brought about the establishment of universal conscription in the 1950s.

Yet, in spite of the sea change in Germany’s security environment, the White Paper of 1994 stated emphatically that universal conscription ‘is and will remain the expression of the individual citizen’s personal share of responsibility for a life in peace and freedom’.<sup>59</sup> Indeed, compulsory military service remained until as late as 2011. Thus the question arises as to whether the strong persistence of compulsory military service in Germany falsifies our assumption that liberal society will oppose compulsory service if the *necessity* of defence is lacking.

### ***The legitimacy of conscription questioned in the 1990s***

Despite the official policy, it is not true that the change of security environment would have no consequences whatsoever for the acceptance and acceptability of compulsory military service in Germany. The liberal position was clearly articulated in 1995 by Roman Herzog, the *Bundespräsident* from 1994 to 1999 and previously a judge of the Federal Constitutional Court:

Conscription is such a deep interference with the individual freedom of the young citizen that the democratic state can require it only if the external security of the state dictates so. It is no universal principle either, but is dependent on the concrete security situation. Its maintaining, suspension, or abolition, as well as the duration of the military service must rest on security policy. Socio-political, historical, financial and military-organisational arguments can then be used as supplements. But, in discussion with the citizens, these arguments can never be the sole basis for consensus. Conscription will retain credibility only if we make clear why it is still needed despite the absence of direct external threat.<sup>60</sup>

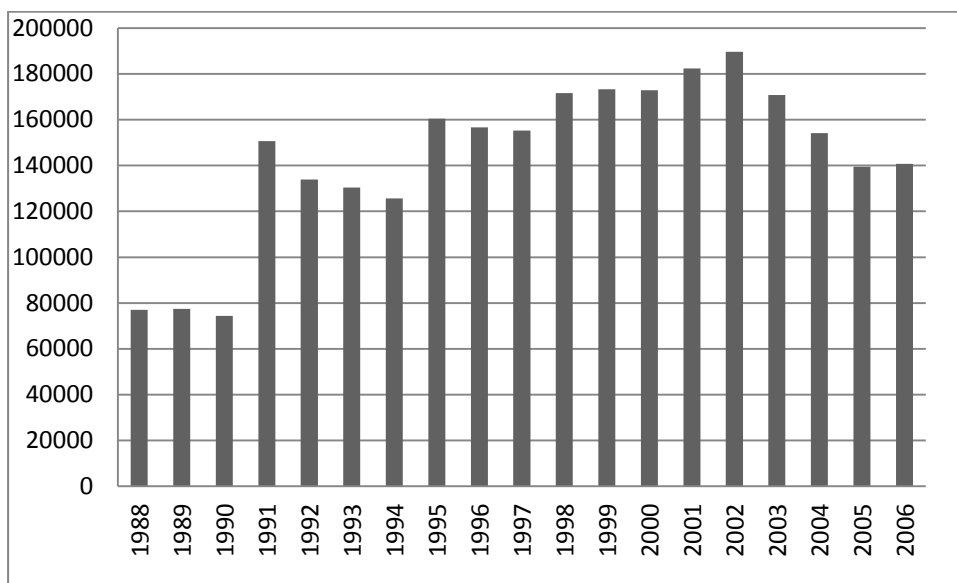
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<sup>58</sup> *Verteidigungspolitischen Richtlinien 1992*, § 9.

<sup>59</sup> *White Paper 1994*, 2.

<sup>60</sup> ‚Die Wehrpflicht ist ein so tiefer Eingriff in die individuelle Freiheit des jungen Bürgers, dass ihn der demokratische Rechtsstaat nur fordern darf, wenn es die äußere Sicherheit des Staates wirklich gebietet. Sie ist also kein allgemeingültiges ewiges Prinzip, sondern sie ist auch abhängig von der konkreten Sicherheitslage. Ihre Beibehaltung, Aussetzung oder Abschaffung und ebenso die Dauer des Grundwehrdienstes müssen sicherheitspolitisch begründet werden können. Gesellschaftspolitische, historische, finanzielle und streitkräfteinterne Argumente können dann ruhig noch als Zusätze verwendet werden. Aber sie werden im Gespräch mit dem Bürger nie die alleinige Basis für Konsens sein können. Wehrpflicht glaubwürdig zu erhalten, heißt also zu erklären, weshalb wir sie trotz des Wegfalls der unmittelbaren äußeren Bedrohung immer noch benötigen.‘ Roman Herzog quoted in Berthold Meyer, *Bundeswehr ohne Wehrpflichtige: Was folgt daraus für die Parlamentsarmee im Einsatz?*, HSFK-Report 11/2010 (Frankfurt am Main: Hessische Stiftung Friedens- und Konfliktforschung, 2010).

However, contrary to Herzog's statement, it seems that military conscription in Germany retained some credibility even in 'the absence of direct external threat'. Nonetheless, the call to rethink the need for compulsory service was certainly not unsubstantiated. The end of the Cold War was marked by a surge of the applications for exemption on grounds of conscientious objection. Whereas at the end of the Cold War the conscientious objectors amounted to the number of 77,000 men, between 1991 and the end of compulsory service in 2011 the number did not drop below 125,000. In the new security situation, many young men who were expected to make the personal sacrifice could not recognise the purpose of their military service.<sup>61</sup>



**Figure 13 Number of applications for conscientious objection.<sup>62</sup>**

The rapid surge of applications for conscientious objection naturally warranted the attention of Alfred Biehle, the parliamentary commissioner of the armed forces. In his *Annual Report 1991* he identified the Gulf War as the primary cause of the surge:

During the Gulf crisis, the number of applications for recognition of conscientious objection doubled. In the wake of this development, the Bundeswehr should ask the question as to

<sup>61</sup> Dieter Hackler, Federal Commissioner for the Civilian Service, interpreted the strong increase of conscientious objectors in a similar vein: 'The decisive factor is the social climate. If the army is reduced from over 600 thousand to about 340 thousand men, many young men succumb to the illusion that security is less important - and thus also the service in the army.' "Gerechtigkeit wie im Bilderbuch: Interview mit dem Bundesbeauftragten für den Zivildienst Dieter Hackler," *Der Spiegel*, no. 23 (1996).

<sup>62</sup> Source of data: Annual Reports of the Parliamentary Commissioner of the Armed Forces 2001-2006 (*Jahresbericht des Wehrbeauftragten*) and Bredow, *Demokratie und Streitkräfte*, 137.



whether its soldiers are convinced that their loyal duty should include also service outside the state borders.<sup>63</sup>

As the *Annual Report 1991* demonstrates, the engagement of the international community in the Gulf War was the first occasion to pose the question about the legitimacy of conscription and the utility of conscripts in non-defensive missions.

This question was answered in a clearly consensual manner. From the very beginning there was no significant voice in Germany that would challenge the assumption that only territorial defence can legitimise universal conscription.<sup>64</sup> The *Bundeswehr's* missions abroad must, it was generally agreed, consist of regular soldiers and volunteers only. This conviction is expressed, for instance, in a draft of a constitutional amendment submitted by the SPD: 'It follows from the nature of compulsory military service that conscripts cannot be allowed to participate in such operations which are not required by the defence mission of the armed forces.'<sup>65</sup> The government coalition appeared to be slightly more permissive than the SPD or The Greens on this issue; nonetheless, the same principle was followed when the *White Paper 1994* posited that conscripts can take part in peacekeeping missions and humanitarian relief activities, but only on a voluntary basis.<sup>66</sup>

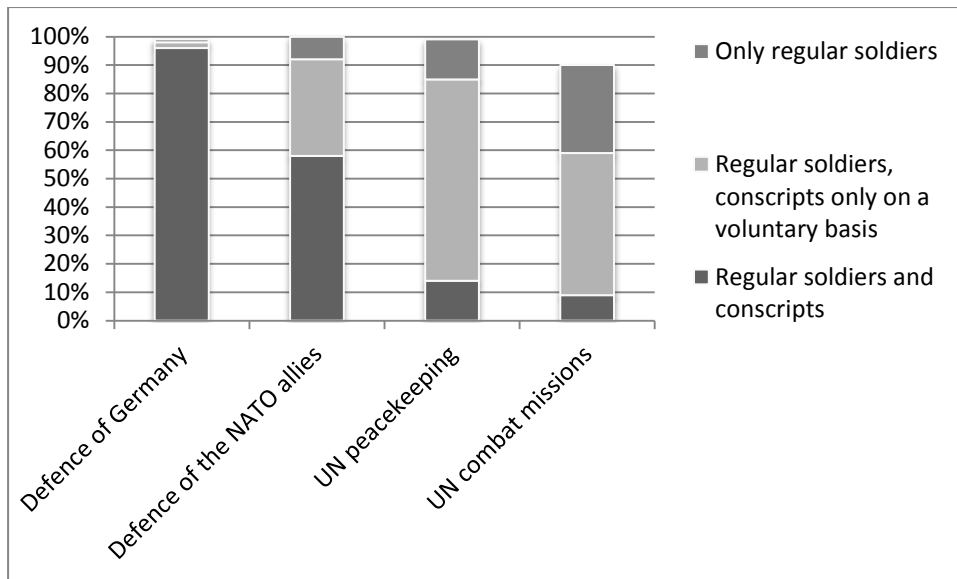
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<sup>63</sup> ,Während der Golfkrise verdoppelte sich die Zahl der Anträge auf Anerkennung als Kriegsdienstverweigerer. Im Zuge dieser Entwicklung mußte sich die Bundeswehr die Frage stellen lassen, ob die Soldaten von der inneren Einstellung her dazu befähigt seien, ihrer Pflicht zum treuen Dienen auch außerhalb der eigenen Staatsgrenzen nachzukommen.' *Unterrichtung durch den Wehrbeauftragten: Jahresbericht 1991*, (Bonn: Deutscher Bundestag, 1991), 5.

<sup>64</sup> E.g. *Verteidigungspolitischen Richtlinien 1992*, § 38.: ,Verteidigung ist der politische Legitimationsrahmen für die Streitkräfte und die Allgemeine Wehrpflicht.'

<sup>65</sup> ,Dem Wesen der Wehrpflicht entspricht es, daß Grundwehrdienstleistende an solchen Einsätzen, die nicht der Verteidigung dienen, nicht teilnehmen dürfen....' Begründung zu dem Gesetzentwurf der Fraktion der SPD (Drucksache 12/4534)' published in März, *Bundeswehr in Somalia*, 121.

<sup>66</sup> *White Paper 1994*, § 517.



**Figure 14 Results of the opinion survey on the issue of who should participate in various missions of the Bundeswehr.<sup>67</sup>**

The clear distinction between the defensive mission and conscription, on the one hand, and the out-of-area operations and the volunteers, on the other, was the assumption on which the reform of the *Bundeswehr* in the early 1990s rested. The *Bundeswehr* was divided into the Reaction Forces and the Main Defence Forces. Only the Reaction Forces, which consisted exclusively of regular and temporary-career soldiers, were to be available for ‘conflict prevention and crisis management within an Alliance framework and as a contribution to international peace missions.’<sup>68</sup>

### ***Conscription defended in the 1990s***

In considering its justification and legitimisation, universal conscription did remain during the 1990s strongly connected with the mission of territorial defence. ‘The primary task of the armed forces remains that of defending the territory of the Federal Republic of Germany’, stated the *White Paper 1994*, and in order to achieve this task it was claimed to be ‘of decisive importance that Germany has sufficient augmentable forces’.<sup>69</sup> Yet, the question arises as to whether the persistence of conscription was really only a practical response to the

<sup>67</sup> Georg-Maria Meyer and Sabine Collmer, *Zum UN-Einsatz bereit? Bundeswehrsoldaten und ihr neuer Auftrag* (Wiesbaden: Deutscher Universitäts-Verlag, 1997), 65.

<sup>68</sup> *White Paper 1994*, § 529.

<sup>69</sup> *Ibid.*, §§ 516, 20.

strategic analysis of the security environment, or, in reverse, the strategic environment was interpreted this way in order for conscription to remain relevant.

Little to no incentive to change the status quo came from within the military. Universal conscription ensured that the armed forces would always obtain all the manpower they needed without an extra effort and great expenditures. Moreover, around half of the *Bundeswehr*'s regular and temporary-career soldiers were recruited from the pool of conscripts.<sup>70</sup> However, to the military establishment, conscription was not regarded as merely a way of ensuring sufficient quantities of soldiers. Territorial defence, universal conscription and the citizen in uniform were understood as the constitutive elements of the *Bundeswehr*'s identity. As the *Bundeswehr* itself liked to emphasise, it was thanks to universal conscription that the *Bundeswehr* could consider itself 'intelligent armed forces'.<sup>71</sup> In this sense, the *Bundeswehr*'s capabilities could rest on 'professionalism', which in this context means that the *Bundeswehr* 'can fall back on a cross-section of young men's abilities, skills and professional qualifications'.<sup>72</sup> Such an interest of the armed forces is in complete accord with the liberal view that civilian skills, not martial virtues, are the major contribution to the military power. Thus these arguments were bound to resonate in society.

In fact, the interests of the military in upholding conscription were to a large extent in harmony with the contemporary concerns of society. In this sense, the *Bundeswehr* also adopted the principle of integration of the armed forces in parent society.<sup>73</sup> It was of greatest importance in the 1950s, when the *Bundeswehr* was established, that it should never degenerate into a 'state within a state', as did the Reichswehr in the Weimar Republic.<sup>74</sup> Universal conscription was one of the instruments to prevent such a development. The military itself embraced this concern, but interpreted it in its own way: 'Conscription creates a high degree of social awareness and interest in issues concerning security and the armed forces among policy-makers and in society.'<sup>75</sup> In the view of the armed forces, universal conscription was instrumental for maintaining the political authority of the military

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<sup>70</sup> *Ibid.*, § 517.

<sup>71</sup> Longhurst, "Why aren't the Germans debating the draft? path dependency and the persistence of conscription," 160.

<sup>72</sup> *White Paper 1994*, § 517.

<sup>73</sup> A German admiral observed: 'If I sit together with 20 officers, 18 or 19 of them argue in favour of retaining the conscription', because an all-volunteer army would become detached from society. "Wehrpflicht am Ende?," *Der Spiegel*, no. 6 (1993): 44-45.

<sup>74</sup> See e.g. Francis Ludwig Carsten, *The Reichswehr and Politics: 1918-1933* (Oxford: Clarendon Press, 1966); Craig, *The Politics of the Prussian Army, 1640-1945*; Hans von Seeckt, *Gedanken eines Soldaten* (Leipzig: Koehler, 1935).

<sup>75</sup> *White Paper 1994*, § 517.

representatives and for preventing the *Bundeswehr*'s 'insulation' or 'extirpation', to use Huntington's terms. The system of subjective civilian control enhanced and necessitated by universal conscription appeared to be a bearable tax for the political survival of the *Bundeswehr*.<sup>76</sup>

Indeed, no considerable challenge to conscription came from society in the 1990s. Both major political parties, CDU/CSU and SPD, defended this institution so vigorously that some commentators speak about the conscription 'taboo' and the imposition of an effective '*Diskussionsverbot*' ('ban on discussions').<sup>77</sup> A consistent support between 70 and 80% was also reported in opinion surveys throughout the 1990s and 2000s.<sup>78</sup> Apparently, since 1956 conscription grew to be perceived as a normal institution, 'part of the defence culture that has evolved over the decades' in Germany.<sup>79</sup> Thus only the junior parties in the Bundestag, The Greens, PDS, and partly also the FDP, came to be in favour of abolishing compulsory military service.

Moreover, universal conscription was not only deeply rooted in hearts and minds of the Germans.<sup>80</sup> It also evolved into a complex social institution far surpassing its original military purpose. Conscription did not generate manpower only to the military, but also through alternative civilian service (*Zivildienst*) for public services. The exemption from military service for the members of the fire brigades, emergency relief services or development agencies was certainly an effective incentive for recruitment to these organisations also. Members of the public could therefore enjoy very tangible benefits of universal conscription on a daily basis. Despite the fact that from the liberal perspective a

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<sup>76</sup> An alternative explanation might be that the professional officer corps simply prefers to work with conscripts. So General Klaus Naumann described his feeling about conscripts: 'I have to say it was a joy to work with the young men. It was very different from professional armies, because you basically have to constantly earn the respect and recognition of the young conscripts through your own efforts. It's not as automatic as in some professional armies where you have two stars on your shoulder and then you're simply the boss. The young conscript says: "he's good" or "he's no good." And he makes his opinion known. That's a great thing about conscription. And if you get it right, if you're a good commander in a conscript army, then I think you get a kind of solidarity among the troops which is probably better than in any comparable army. Those men will go with you through thick and thin, to hell and back.' "Interview with Former German Army Chief: I no Longer See any Point in Conscription," *Spiegel Online*, 24 Aug 2010.

<sup>77</sup> Hoffmann and Longhurst, "German strategic culture and the changing role of the Bundeswehr," 160.

<sup>78</sup> For years 1996-2003 see Bulmahn, *Bevölkerungsumfrage 2004*, 62.

<sup>79</sup> *White Paper 1994*, § 517.

<sup>80</sup> Kerry Longhurst is persuasive in arguing that 'the reasons behind the continuation of conscription are historical in nature and lie in a broadly held and strongly propagated belief in Germany that without it the Bundeswehr would be democratically unviable at home and a threat to the international order.' Longhurst, "Why aren't the Germans debating the draft? path dependency and the persistence of conscription," 148.

mere budgetary convenience can hardly justify forced labour, the alternative civilian service represented another reason why abolishing conscription appeared to be politically unrealistic.

After all, the compulsory military service was not practically inconsequential either. From the perspective of Kohl's government, universal conscription was an effective tool to bring together young people from the old and the new *Bundesländer*. It was a fundamental part of the 'Army of Unity' (*Armee der Einheit*), as the *Bundeswehr* in the 1990s was called.<sup>81</sup> In addition, the soldiers were called out to help during the floods in Bonn and Koblenz in 1995, on the Oder in 1997 and on the Elbe in 2002.<sup>82</sup> Particularly in 1997 on the Oder, about 15 thousand soldiers, mostly conscripts, showed themselves in spotlights when fighting the catastrophic floods. 'Those who were there could see the young generation which through their actions gave an example of lived patriotism and public spirit,' and with these words Helmut Kohl paid tribute to the participating soldiers.<sup>83</sup> Pictures of soldiers filling sand bags were also used in a TV-advertisement of the *Bundeswehr*.<sup>84</sup> In this way, the conscripts were associated with disaster relief, which is, together with national self-defence, the most esteemed mission of the *Bundeswehr*.<sup>85</sup>

### ***Conscription undermined in the 2000s***

The Kosovo War in 1999 dramatically challenged the primacy of territorial defence. Development of expeditionary and interventionist capabilities became the order of the day. 'A continuation or a mere adaptation of the present structure will only cure the symptoms' observed the General Inspector of the *Bundeswehr* Hans Peter von Kirchbach in November 1999. 'A fundamental change of the *Bundeswehr*'s structure is inevitable'.<sup>86</sup> Accordingly, during the early 2000s several plans were drawn to augment the expeditionary capabilities of

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<sup>81</sup> See Meyer, *Bundeswehr ohne Wehrpflichtige: Was folgt daraus für die Parlamentsarmee im Einsatz?*, 3-4.

<sup>82</sup> See "Die Bundeswehr an der Katastrophenfront," Bundesministerium der Verteidigung, [http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/!ut/p/c4/04\\_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKU1PjUzLzixJIqIDcxKT21ODkjJ7-4ODUPKpFaUpUKVBefnViSWFxSpF-Q7agIAMpCeOs!/](http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/!ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKU1PjUzLzixJIqIDcxKT21ODkjJ7-4ODUPKpFaUpUKVBefnViSWFxSpF-Q7agIAMpCeOs!/).

<sup>83</sup> 'Wer dort dabei war, konnte eine junge Generation erleben, die mit ihrem Tun ein Beispiel für gelebten Patriotismus und Gemeinsinn gibt.' "Die Bundeswehr ehrt den scheidenden Bundeskanzler Kohl," *Frankfurter Allgemeine Zeitung*, 19 Oct 1998.

<sup>84</sup> "Spots ohne Oderflut," *Der Spiegel*, no. 33 (1997): 16.

<sup>85</sup> E.g. in 2009, 98% of the population agreed with the deployment of the *Bundeswehr* in disaster relief within Germany. Thomas Bulmahn, *Sicherheits- und verteidigungspolitisches Meinungsklima in Deutschland: Ergebnisse der Bevölkerungsbefragung Oktober/November 2009* (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 2010), 30.

<sup>86</sup> Quoted in Franz-Josef Meiers, "The reform of the *Bundeswehr*: Adaptation or fundamental renewal?," *European Security*, 10, no. 2 (2001): 2.

the *Bundeswehr* – the Weizsäcker Report,<sup>87</sup> General Kirchbach's 'Eckwerte-Papier',<sup>88</sup> and Minister of Defence Scharping's 'cornerstones'.<sup>89</sup> Yet, it had not been until Minister of Defence Peter Struck came into office in October 2002 that the *Bundeswehr*'s structure began a transformation towards an 'army in operations' (*Armee im Einsatz*). However, despite the doctrine of territorial defence being abandoned in 2003, compulsory military service survived for eight more years.

According to Struck's reform plans, the armed forces were to be restructured into three groups, each with a specific role with regard to the foreign missions. The Rapid Response Forces (*Eingreifkräfte*), 35,000 troops, were designed to engage in high-intensity operation; the Stabilising Forces (*Stabilisierungskräfte*), 70,000 soldiers, were earmarked for low-to-medium intensity peacekeeping and post-conflict reconstruction missions; and the Support Forces (*Unterstützungskräfte*), 134,500 soldiers, whose main task was to provide logistical and other support to the forces in operation.<sup>90</sup> In this force structure conscripts could serve only in the Support Forces and on a voluntary basis they could take part in the operations of the Stabilising Forces.

Despite the fact that the primary role of conscripts was reduced to the support of operational troops, Struck's *Defence Policy Guidelines* of 2003 provide a strong defence of the compulsory military service. In Struck's view, the transformation of the *Bundeswehr*'s structure into an expeditionary force necessitated the retention of conscription: The 'army on operation' was said to need 'a capability allowing reconstitution, within a foreseeable, albeit prolonged, period of time, of the assets needed to conduct national defence against a conventional attack.'<sup>91</sup> Moreover, the risk of terrorist attacks required capabilities for the protection of the population and vital infrastructure – 'Conscripts and reservists will thus be employed in their classic role, the protection of their country and fellow citizens.'<sup>92</sup>

However, the idea of compulsory service as a backup which allows the *Bundeswehr* to focus on expeditionary missions cannot be sustained once it is placed under closer scrutiny. It

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<sup>87</sup> Weizsäcker et al., *Gemeinsame Sicherheit und Zukunft der Bundeswehr: Bericht der Kommission an die Bundesregierung*.

<sup>88</sup> See e.g. "Generäle für kleinere Bundeswehr," *Spiegel Online*, 28 Apr 2000; "Scharpings Affront: Das neue Weißbuch sorgt für Ärger," *Zeit Online*, 23 Mar 2000.

<sup>89</sup> See e.g. *The Bundeswehr in 2002: The Current Situation and Perspectives*, (Berlin: Bundesministerium der Verteidigung, 2002).

<sup>90</sup> *Grundzüge der Konzeption der Bundeswehr*, 22-27.

<sup>91</sup> *Defence Policy Guidelines 2003*, § 62.

<sup>92</sup> *Ibid.*, 80.

is generally accepted that a basic military service of relatively short duration, such as nine months, makes sense only when the skills acquired during the basic service are being repeatedly refreshed in regular reserve training periods or under the framework of a militia system.<sup>93</sup> Yet, considering the cohort born in 1981, almost 115,000 men had done their military service by the end of 2008, but only 1021 (0.9%) of them took part in at least one military exercise after completing their basic service.<sup>94</sup> As Paul Klein comments, the conscripts were trained for nine months and then sent home. ‘As a rule, they soon forget the things they have learned as soldiers because reserve training is only planned for a small minority of dismissed soldiers who are earmarked as a reserve for active soldiers.’<sup>95</sup> Furthermore, between 2004 and 2010 only a small proportion of the *Bundeswehr*, about 60-70,000 out of 250,000 soldiers, were conscripts (about 40,000 doing the basic military service and about 23,000 voluntarily signing up for the extended military service).<sup>96</sup> Taking into account that a significant part of the nine-month service was spent in training and hence a large number of the regular soldiers had to work as instructors,<sup>97</sup> the compulsory service became a hindrance rather than an indispensable contribution to the *Bundeswehr*’s functionality. After all, Struck himself admitted that, although he and his party (SPD) were strong advocates of conscription, at the time the reform tasks were being pushed through ‘the *Bundeswehr* has to be in a position ... to function with professional full-time soldiers without great changes.’<sup>98</sup>

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<sup>93</sup> Paul Klein, "Conscription and Expeditionary Forces in Germany," in *Core Values and the Expeditionary Mindset: Armed Forces in Metamorphosis*, ed. Henrik Fürst and Gerhard Kümmel (Baden-Baden: Nomos, 2011), 194.

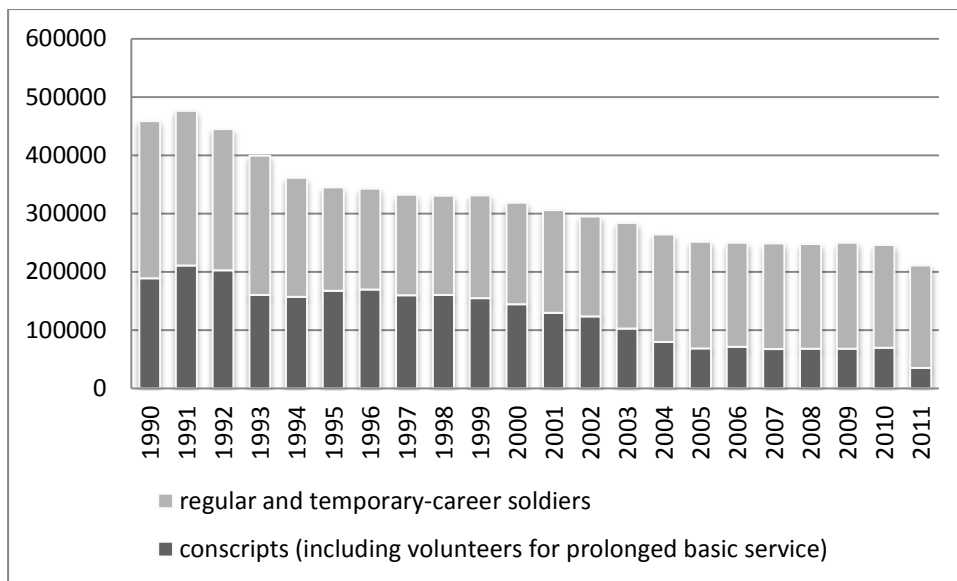
<sup>94</sup> Werner Glenewinkel and Tobiassen Peter, "Abgeschoben!: Anmerkung zur Wehrpflicht-Entscheidung des Bundesverfassungsgericht vom 22.7.2009," *Neue Zeitschrift für Verwaltungsrecht*, 29, no. 3 (2010): 173.

<sup>95</sup> Klein, "Conscription and Expeditionary Forces in Germany," 194.

<sup>96</sup> *Unterrichtung durch den Wehrbeauftragten: Jahresbericht 2005 (47. Bericht)*, (Berlin: Deutscher Bundestag, 2005), 32; *Unterrichtung durch den Wehrbeauftragten: Jahresbericht 2006 (48. Bericht)*, (Berlin: Deutscher Bundestag, 2006), 30.

<sup>97</sup> According to General Naumann, 30-40,000 instructors are needed to train 50-60,000 conscripts. "Interview with Former German Army Chief."

<sup>98</sup> Dyson, "German Military Reform 1998-2004: Leadership and the Triumph of Domestic Constraint over International Opportunity," 380.



**Figure 15 Decreasing share of conscripts in the manpower structure of the *Bundeswehr*.<sup>99</sup>**

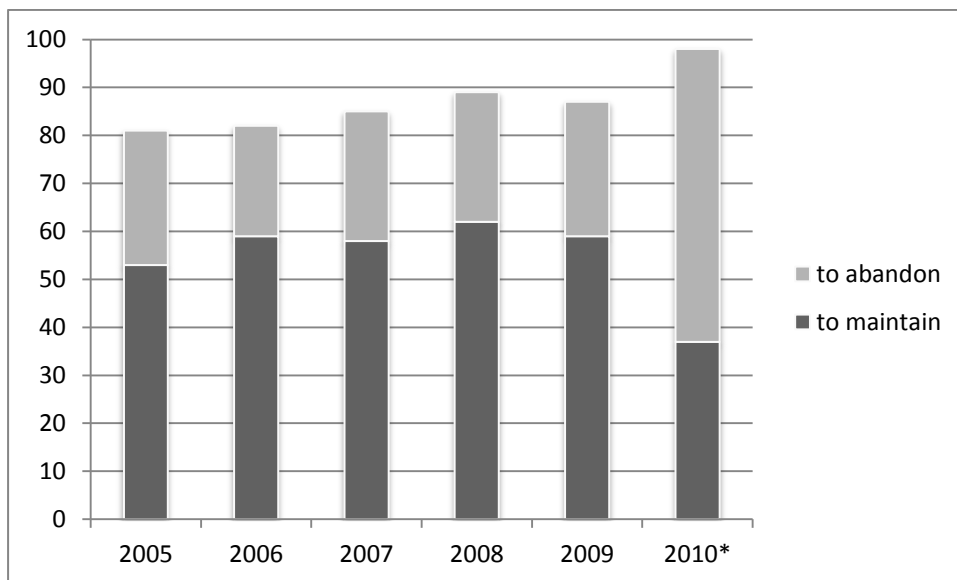
From the perspective of politicians and general society at large, it certainly was not inconsequential that conscription carried on bringing benefits in the form of alternative civilian service. Yet the argument which was supposed to legitimise the continuation of compulsory service was based on the notion that conscription was an instrument linking society with the *Bundeswehr*. Men from all social groups were supposed to represent society, its interests and concerns within the military. However, because of the relative insignificance of conscripts in the military structure, this kind of argument lost some of its original persuasiveness. It is probably fairer to say with Sven Gareis that conscription continued to play the role of an important symbol – the symbol which reminds that the security of Germany continues to be a responsibility of society as a whole.<sup>100</sup> In a similar vein Peter Struck defended the need for conscription: ‘If we had no conscripts coming from practically all walks of life, society might turn away from the army and isolate it under the motto: The soldiers have chosen this profession; therefore they should do their job.’<sup>101</sup>

<sup>99</sup> Source of data: "Die Geschichte der Wehrpflicht," Bundesministerium der Verteidigung, [<sup>100</sup> Sven Bernhard Gareis, "Auslaufmodell oder Wehrform der Zukunft? Zum Für und Wider der Wehrpflicht in Deutschland," in \*Wehrpflicht - Legitimes Kind der Demokratie\*, ed. Andreas Ahammer and Stephan Nachtigall \(Berlin: BWV Berliner Wissenschafts-Verlag, 2010\), 36.](http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/FcbBDYAgDAXQWVygVXtzC_VW8AMNBAk0sr6ad3l88qfKo1FM7yqFdz68rm6SmxdoWIda7oJgoInUWYjqk1HE8OkfuOVteQFmm3g_/; Unterrichtung durch den Wehrbeauftragten: Jahresbericht 2010 (Drucksache 17/4400), (Berlin: Deutscher Bundestag, 2011).</a></p>
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<sup>101</sup> „In der Weimarer Republik war die Reichswehr ein Staat im Staat. Sie hat sich von der übrigen Gesellschaft abgekapselt. Meine Befürchtung ist, dass eine umgekehrte Entwicklung eintreten könnte. Wenn wir keine



However, such a symbolic role could hardly rely on a strong public support to persist when economic recession necessitated radical cuts in military expenditures. On the one hand, opinion polls manifested a constant and seemingly robust endorsement for compulsory service; on the other hand, people, or media in the first place, were very little concerned with this issue. As a survey in 2004 revealed, the political controversies about the future of universal conscription were hardly ever reported and discussed in the media. Only 2.3% of media coverage of the *Bundeswehr* was concerned with the issue of conscription, while international missions vastly prevailed in the media discourse.<sup>102</sup> This lack of public interest may also be demonstrated in the way the German public easily accepted the decision to suspend conscription as a simple matter of fact.



**Figure 16 Public preferences about the future of conscription.**

**\*) In 2010 the survey was conducted after the decision to suspend conscription had been taken.<sup>103</sup>**

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Wehrpflichtigen aus praktisch allen Schichten mehr haben, könnte sich die Gesellschaft abwenden und die Armee nach dem Motto isolieren: Die Soldaten haben diesen Beruf gewählt, sie sollen ihren Job machen, fertig.“ „Jedes Land entscheidet souverän,“ *Der Spiegel*, no. 49 (2003): 53.

<sup>102</sup> Bulmahn, *Bevölkerungsumfrage 2004*, 62, 72.

<sup>103</sup> Bulmahn, *Sicherheits- und verteidigungspolitisches Meinungsklima in Deutschland: Ergebnisse der Bevölkerungsbefragung Oktober/November 2009*, 49; Bulmahn et al., *Sicherheits- und verteidigungspolitisches Meinungsklima in Deutschland 2010*, 21.

## ***Conscription suspended***

Throughout the 2000s the legitimacy of conscription was seriously undermined. The single decisive argument that can justify compulsory service – the necessity of sufficient defensive military capabilities – was definitely written off by Struck’s reform. All the other justifications, however persuasive they were, could not uphold the legitimacy of universal conscription for too long. The foreseeable death blow finally came in 2010 with the global economic recession. The Ministry of Defence was tasked to save 8.3 billion Euros over the following four years - an equivalent of 40,000 professional soldiers. These radical cuts in the military budget promptly initiated a discussion about the utility of compulsory military service under the current conditions.

In April 2010 Minister of Defence Karl-Theodor zu Guttenberg appointed a commission chaired by Frank-Jürgen Weise, head of the Federal Labour Agency, to outline a plan of a reform of the *Bundeswehr*’s structure. At the end of October 2010 the ‘Structure Commission’ issued a report proposing that conscription should be suspended. Despite the fact that the original and chief motivation of the reform lay in the military budget, the commission examined the societal aspects of universal conscription and argued accordingly. On the one hand, they acknowledged the benefit of conscription for the integration of the armed forces in society; on the other hand, it was emphasised that ‘the social acceptance of conscription is dwindling’.<sup>104</sup> The latter, however, cannot be understood in terms of public opinion, which appeared to be consistently in favour of conscription. Nor did conscription become part of controversial public debates long before the report appeared. What the Structure Commission must have had in mind was the fundamental unsustainability of compulsory military service, absencing any conceivable strategic requirement: ‘Generally speaking, conscription is meaningful only if it is necessitated by external security requirements. After the elimination of a massive, immediate military threat conscription in its present form can no longer be justified in the terms of security policy.’<sup>105</sup>

Minister zu Guttenberg accepted the recommendation of the Structure Commission and started the reform process along these lines. Guttenberg’s reform plans attracted strong

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<sup>104</sup> ‚Heute aber schwindet die gesellschaftliche Akzeptanz der Wehrpflicht.‘ Frank Jürgen Weise et al., *Bericht der Strukturkommission der Bundeswehr: Vom Einsatz her Denken, Konzentration, Flexibilität, Effizienz* (Berlin: Strukturkommission der Bundeswehr, 2010), 28.

<sup>105</sup> ‚Generell ist eine solche nur dann sinnvoll, wenn dies die äußere Sicherheit des Staates zwingend gebietet. Durch den Wegfall einer massiven, unmittelbaren militärischen Bedrohung kann die Wehrpflicht in der heutigen Form sicherheitspolitisch nicht mehr gerechtfertigt werden.‘ Ibid.

criticism for being too radical and Thomas de Maizière, who succeeded Guttenberg after the latter had resigned due to the PhD plagiarism affair in March 2011, significantly moderated the impacts of the reform. Nonetheless, this does not apply to conscription. The fact that the continuation of conscription was no longer justifiable was accepted not only by the new minister, but also in both the traditionally pro-conscription parties, CDU/CSU and SPD.

As for the CDU/CSU, the determination of Minister of Defence zu Guttenberg played a crucial role in the rapid change of attitudes of this (double) party towards conscription. As Berthold Meyer points out, zu Guttenberg did not allow for any alternative way towards re-establishing cost-effective armed forces. The CDU/CSU hence reluctantly, yet completely, accepted Guttenberg's plans.

'Following the conclusion of [the security analysis of the Ministry of Defence from August 2010], the conscription of young men into basic military service has been rendered *unnecessary* by the current security situation. [The Executive Committees of the CDU and CSU] support the Minister of Defence in his effort to align the armed forces with the current security challenges and tasks.'<sup>106</sup>

The opposition SPD formulated its own distinct plan with regard to compulsory service. Although their proposal suggested retention of the basic military service in a semi-compulsory/semi-voluntary form – selective conscription would be applied only if there were not enough volunteers for the basic military service – the SPD referred to the same principles as zu Guttenberg and the Structure Commission:

Conscription is not a natural universal civic duty. Its retention, reconfiguration, or abolition, and also the duration of military service must be founded on compelling security-political reasons. That is, conscription must be absolutely *necessary* for the safety of the Federal Republic of Germany.<sup>107</sup>

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<sup>106</sup> ‚Schlussfolgerung aus der (Sicherheitsanalyse des Bundesministers der Verteidigung vom August 2010) ist, dass eine sicherheitspolitische *Notwendigkeit* für die allgemeine Wehrpflicht nicht mehr gegeben ist. (Die Präsidien von CDU und CSU) unterstützen den Bundesminister der Verteidigung dabei, die Bundeswehr an den aktuellen sicherheitspolitischen Herausforderungen und Aufgaben auszurichten.‘ Meyer, *Bundeswehr ohne Wehrpflichtige: Was folgt daraus für die Parlamentsarmee im Einsatz?* , 19. Emphasis added.

<sup>107</sup> ‚Die Wehrpflicht ist aber nicht irgendeine selbstverständliche allgemeine Bürgerpflicht. Ihre Beibehaltung, ihre Ausgestaltung oder Abschaffung und ebenso die Dauer des Grundwehrdienstes müssen zwingend sicherheitspolitisch begründet werden können. Das heißt, die Wehrpflicht muss für die Sicherheit der Bundesrepublik Deutschland *unbedingt erforderlich* sein.‘ Rainer Arnold, "Das Wehrdienstmodell der SPD," in *Wehrpflicht - Legitimes Kind der Demokratie*, ed. Andreas Ahammer and Stephan Nachtigall (Berlin: BWV Berliner Wissenschafts-Verlag, 2010), 173. Emphasis added.

A 'culture of volunteerism' now grew to be accepted as a new imperative necessary to replace universal conscription and the complex web of social institutions which were based upon it.<sup>108</sup> 'Our society needs a culture of volunteerism',<sup>109</sup> posited the Structure Commission and hence proposed a system of voluntary service to replace both the compulsory military service and the alternative civilian service.

With a voluntary service young people will be given an offer that brings personal, professional, social and security interests in harmony. The options can range from nursing and welfare, over the field of education, the environment protection and disaster relief, through development assistance to service in the armed forces.<sup>110</sup>

The Structure Commission expected that about 15,000 posts in the *Bundeswehr* would be held by these short-term volunteers, whereas de Maizière's more modest assessment was 5 to 15,000. Yet the actual response of the young people has, overall, been positive. According to a survey by SOWI, about a quarter of young people (up to the age of 30 years) responded to be willing to carry out the voluntary military service.<sup>111</sup> More importantly, in the first year over 12,000 men and women joined the voluntary military service and similarly positive results are reported about the voluntary civilian service, in which all 35,000 allocated posts were filled.<sup>112</sup>

Consequently, the end of conscription does not mean that the secondary, or – as Roman Herzog put it – supplementary, liberal principles which were originally seen as inherent to universal conscription, such as the integration of the military in society and the notion that civilian skills are of crucial importance in the military field, were abandoned. On the one hand, with regard to the integration, it is being emphasised now, as General Klaus Naumann does, that 'we do not need conscription as a way of linking the army to society. The principle of the "citizen in uniform" ... has always applied to all professional and career

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<sup>108</sup> So the aim of SPD's semi-voluntary model of conscription was 'to integrate the military service in a general culture of volunteerism and social engagement.' (,Das Ziel muss sein, den Wehrdienst in eine allgemeine Kultur der Freiwilligkeit und des sozialen Engagements einzubinden.‘) Ibid., 176. The CDU/CSU executive committee emphasised the need 'to promote in Germany a new culture of volunteerism in the sense of an active civil society.' (Es gilt nun, eine neue Kultur der Freiwilligkeit in Deutschland im Sinne einer aktiven Bürgergesellschaft zu fördern...) Quoted in Meyer, *Bundeswehr ohne Wehrpflichtige: Was folgt daraus für die Parlamentsarmee im Einsatz?*, 21.

<sup>109</sup> ,Unsere Gesellschaft braucht eine Kultur der Freiwilligkeit.‘ Weise et al., *Bericht der Strukturkommission der Bundeswehr: Vom Einsatz her Denken, Konzentration, Flexibilität, Effizienz*, 12.

<sup>110</sup> ,Mit einem freiwilligen Dienst wird jungen Menschen ein Angebot gemacht, das persönliche, berufliche, gesellschaftliche und sicherheitspolitische Interessen in Einklang bringt. Die Möglichkeiten können von der Pflege, Betreuung und Wohlfahrt über den Bereich Bildung und Erziehung, den Umwelt- und Katastrophenschutz über die Entwicklungshilfe bis eben hin zum Dienst in der Bundeswehr reichen.‘ Ibid.

<sup>111</sup> Bulmahn et al., *Sicherheits- und verteidigungspolitisches Meinungsklima in Deutschland 2010*, 26.

<sup>112</sup> Peter Dausend, "Sag mir, wo die Rekruten sind," *Zeit Online*, 17 Jan 2013.

soldiers.<sup>113</sup> On the other hand, the role of conscripts in linking the military and society was now claimed to be taken over by short-term volunteers and reservists, whose role in the *Bundeswehr* is to be enhanced. Short-term volunteers and reservists were to function as ‘mediators between the *Bundeswehr* and society and as citizens in uniform, they serve as an indispensable link that will benefit both recruitment and the integration of the armed forces into society’.<sup>114</sup> Moreover, in contrast with the conscripts, the short-term volunteers, owing to their longer period of training, should be able to participate in most of the missions of the *Bundeswehr* and hence become an integral part of the military organisation. Similarly, regarding the concept of ‘professionalism’ in the *Bundeswehr*, which means to draw on civilian qualifications and skills among soldiers, the skills are now supposed to be brought in by reservists, instead of young inexperienced conscripts. Thus the principles of integration and ‘professionalism’ under the voluntary system appear to be more plausible than in the draft army of the 2000s.

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To sum up, the discourse accompanying the suspension of conscription in 2011 perfectly reflects the fundamental liberal norms. The coercion involved in universal conscription can be justified only if being *necessary* for security reasons. In 2010 and 2011 it became generally accepted that basic military service had been rendered *unnecessary* by the altered current security situation and hence had lost its justification. However, the security situation had changed already in 1989/1990, whereas the compulsory military service remained active and relatively unchallenged for two more decades. This two-decade long persistence of conscription warrants the question as to whether this strong persistence falsifies our assumption that liberal society will oppose compulsory military service if the necessity of defence is lacking.

The case of the *Bundeswehr*’s transformation does not allow for a simple and straightforward answer. For the falsification of the assumption speaks the fact that during the 1990s the mission of defence became more abstract, more detached from the real security conditions. Analogously, the interpretation of compulsory military service moved towards a universal civic duty independent of a current security situation. Moreover, secondary, or supplementary, reasons and justifications grew into prominence. The need to maintain links

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<sup>113</sup> "Interview with Former German Army Chief."

<sup>114</sup> *Defence Policy Guidelines 2011*, 15.

between the armed forces and society was the main normative argument, while the benefits of alternative civilian service for public services and of the compulsory military service for the recruitment of military professionals were important practical reasons in the defence of conscription.

In support of our assumption stands the fact that from the very beginning there was no ambiguity about the appropriate use of the conscripts. People clearly understood that the conscripts could be deployed only in the case of national or collective self-defence, while out-of-area missions could be carried out only by career soldiers and volunteers. This consensus was manifested in the public opinion, in the discourse of political elites as well as in military doctrines. Furthermore, the conscript army found its niche in defence against large-scale environmental disasters, such as floods. It would be hard to argue that this kind of defence is of lesser importance than the proper military defence of the state, though it remains questionable whether the military is an institution most suitable for this task. Last but not least, the stance of universal conscription was undermined during the period from 2003 on, when territorial defence disappeared from the missions of the *Bundeswehr*. Arguably, the absence of the defensive mission significantly facilitated the emergence of the general consensus about the end of compulsory military service in 2010.

The debate about conscription, however, is not only about the clash of the principles of common responsibility of all members of society for the defence of their state, on the one hand, and the rights and freedoms of the individual, on the other. It concerned also other norms, specifically the principle prohibiting social segregation of the military community and the notion that civilian competencies are at least as important as exclusively martial skills in the military activities. The concept of universal conscription was traditionally justified also by these norms and after 2003 an effort was made to use these principles as the chief normative justification of conscription. However, the discourse surrounding the suspension of universal conscription in 2010/11 demonstrated two things. First, these principles cannot be the sole basis for justification of compulsory military service. They can only add weight to the support of conscription if the primary justification based on the strategic necessity is present. Second, conscription is not the only instrument for application of these norms. All-volunteer forces can be organised in such a form that links between the armed forces and society remain strong and civilian skills find their way into the military.

## Transformation of the Culture - 'World -Citizen in Uniform'?

Next to the territorial defence and conscription, the philosophy of *Innere Führung* with the guiding image of the 'citizen in uniform' (*Staatsbürger in Uniform*) constituted the identity of the *Bundeswehr* during the Cold War. The 'citizen in uniform' represented the unity between the state, the military and society. 'Only the man who knows that as a citizen he is at one here and now with the state and who sees its capacities for development as his own – only that man can survive in and win the cold war.'<sup>115</sup> From the liberal viewpoint, the validity of this statement of Baudissin should not be limited to the context of the Cold War. Various aspects of the concept of the 'citizen in uniform' are considered timeless. Thus the *Defence Policy Guidelines 2011* is certainly not the last document to emphasise that the principles of 'the "citizen in uniform" will remain unchanged'.<sup>116</sup> Yet, this section is to demonstrate that a certain modification of this concept is warranted in order for the 'citizen in uniform' to remain relevant in the post-Cold War context.

With regard to the surge of conscientious objectors at the time of the Gulf War in 1991-92, Admiral Elmar Schmäling drew attention to the limitation of the Cold War concept of the 'citizen in uniform':

What is now expressed with the increased number of applications for recognition as a conscientious objector – also by professional soldiers – is the result of 35 years of education and training to the 'peace service'. The young men who now refuse to serve have logic and morals on their side.<sup>117</sup>

According to the original concept, the 'citizen in uniform' is seen as a 'born defender of the fatherland' (*geborener Vaterlandsverteidiger*). The soldier is assumed to be a free and mature individual who is conscious of his responsibility towards society. No doubt, the civic responsibility to defend one's country remains valid at all times; however, the relevancy of this appeal with regard to an expeditionary force is questionable. Being closely related to conscription, the responsibility to society can be claimed by the state only when the state and society face an existential threat. However, if the state claimed the civic responsibility with

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<sup>115</sup> Baudissin, "The New German Army," 4.

<sup>116</sup> *Defence Policy Guidelines 2011*, 16.

<sup>117</sup> 'Was nun mit den vermehrten Anträgen auf Anerkennung als Kriegsdienstverweigerer – auch von Berufssoldaten – zum Ausdruck kommt, ist das Ergebnis einer 35jährigen Erziehung und Ausbildung zum „Friedensdienst“. Die jungen Männer, die jetzt den Dienst verweigern, haben Logik und Moral auf ihrer Seite.' Flottenadmiral a.D. Elmar Schmäling, quoted in Dörthe Rosenow, *Der Wehrbeauftragte im Transformationsprozess: vom Kontrolleur zum Ombudsmann*, Studien der Hessischen Stiftung Friedens- und Konfliktforschung (Baden-Baden: Nomos, 2008), 44.

regard to the expeditionary missions, the individual citizen would then be used only as a means to an end. In the liberal eyes, the responsibility of the individual to society and the state cannot legitimise the sacrifice that expeditionary missions – even if their benevolent humanitarian character is undisputable – entail.

The image of the ‘born defender’ also stipulated a specific character of the military service. On the one hand, the soldier was trained to fight in war. To create the capability to war-fighting was the only purpose of the military training. On the other hand, the capability to fight in war was supposed to be in accord with the commitment to peace. ‘To be ready to fight in order not to have to fight’ (*Kämpfen können, um nicht kämpfen zu müssen*) was the central tenet of the Cold War *Bundeswehr*. Such an ethos, combat-focused though it was, caused no considerable distinction between the citizens with and without uniform due to the fact that war would threaten ‘lives and property of the entire nation, not only the soldiers’, as the *White Paper* 1970 put forward.<sup>118</sup> Yet the engagement in foreign missions demands much broader skills than those required to face an enemy’s armoured divisions, on the one hand; on the other hand, it brings about risks which have no parallel in the life of society.<sup>119</sup>

Therefore, without adaptation the concept of the ‘citizen in uniform’ and the institutional philosophy of *Innere Führung*, as Elmar Wiesendahl aptly points out, might be taught and practiced without questions in a politically correct way, but at the same time these concepts will be rendered empty as far as their guiding role in everyday conduct is concerned.<sup>120</sup> Indeed, Wiesendahl presents a strong case that, because of the lax effort to adapt the guiding concepts, an image of the ‘archaic warrior’, also called ‘Spartan’ or *miles bellicus*, is growing into prominence within the *Bundeswehr*.<sup>121</sup>

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<sup>118</sup> ‚Nicht die Soldaten allein können Ziel und Opfer gegnerischer Gewaltanwendung werden; der Krieg gefährdet Leben und Gut des ganzen Volkes, nicht nur der Soldaten. Diese Einsichten bestimmen das Selbstverständnis der Bundeswehr.‘ *Weißbuch 1970*, 116.

<sup>119</sup> Heiko Biehl, *Die neue Bundeswehr*, SOWI-Arbeitspapier 112 (Strausberg: Sozialwissenschaftliches Institut der Bundeswehr, 1998), 50.

<sup>120</sup> Elmar Wiesendahl, "Neue Bundeswehr und überholte Innere Führung. Ein Anstoß zur Fortentwicklung eines abgestandenen Leitbilds," in *Innere Führung - Dekonstruktion und Rekonstruktion*, ed. Wilfried Gerhard (Bremen: Edition Temmen, 2002), 21.

<sup>121</sup> See Elmar Wiesendahl, "Neue Bundeswehr und die Weiterentwicklung der Inneren Führung," in *Neue Bundeswehr - neue Innere Führung*, ed. Elmar Wiesendahl (Baden-Baden: Nomos, 2004); Wiesendahl, "Neue Bundeswehr und überholte Innere Führung. Ein Anstoß zur Fortentwicklung eines abgestandenen Leitbilds.," Elmar Wiesendahl, "Die Innere Führung auf dem Prüfstand - Zum Anpassungsbedarf eines Leitbildes," in *Neue Bundeswehr - neue Innere Führung*, ed. Elmar Wiesendahl (Baden-Baden: Nomos, 2004); Elmar Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis?* (Bremen: Edition Temmen, 2010); Elmar Wiesendahl, "Zurück zum Krieger? Soldatische Berufsleitbilder der Bundeswehr zwischen Athen und Sparta," in *Soldaten im Einsatz: sozialwissenschaftliche und ethische Reflexionen*, ed. Stefan Bayer and Matthias Gillner (Berlin: Duncker & Humblot, 2011).



A major proponent of this martial image is General Hans-Otto Budde, inspector of the army 2004-2010.<sup>122</sup> On the one hand, being a soldier of the *Bundeswehr* since 1966, General Budde automatically acknowledges in his public writings the fundamental concepts of the *Bundeswehr*:

The *Innere Führung* with the concept of the citizen in uniform is the basis for the identity of the Army.... The concept of the ‘citizen in uniform’ commits us soldiers to an ethos of respect for human rights, fairness, tolerance and loyalty to democratic decisions.<sup>123</sup>

On the other hand, he became known as a promoter of the image of the ‘archaic warrior’, which stands in an effective opposition to the core ideals of the *Innere Führung* and the ‘citizen in uniform’.

The recognition of the principles of the *Innere Führung* and the ‘citizen in uniform’ is particularly emphasised with regard to a responsibility of the individual soldier. General Budde affirms that soldiers are and ought to be subordinated to politics and that the support by politicians and society is a necessary condition for the success of each mission. The individual responsibility of the soldier is argued to be of the utmost importance in order to utilise the ‘mission command’ (*Führen mit Auftrag*). ‘We do not need the “obtuse” order taker’, insists Budde, ‘but the thinking soldier, who can justify his actions to himself, his superiors and his country’.<sup>124</sup> The individual responsibility of the soldier is thus confined to the subordination to political decision-making, on the one hand, and, as a so-called ‘strategic corporal’ (*strategischer Gefreiter*), to the freedom to follow orders in accordance with their aim, not exact wording. Such a limitation might be reasonable if the only mission of the military was the territorial defence against a potential external aggression. Yet, with regard to the foreign missions, the subordination of an individual conscience to political decision-

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<sup>122</sup> See Heinz-Otto Budde, "Einsatz verpflichtet: Gedanken zur Einsatzorientierung des Heeres," *Europäische Sicherheit*, 55, no. 12 (2006); Heinz-Otto Budde, "Das militärische Selbstverständnis des Deutschen Heeres: ein wichtiger Faktor für den Erfolg im Einsatz," in *Militärisches Selbstverständnis* (Fürstenfeldbruck: Gneisenau-Gesellschaft, 2008); Heinz-Otto Budde, "Einsatz verpflichtet: das Deutsche Heer - Selbstverständnis, Fähigkeiten, Perspektiven," *Strategie und Technik*, 51, no. 2/3 (2008); Heinz-Otto Budde, "Das Heer im Einsatz: der Mensch im Mittelpunkt," *Europäische Sicherheit*, 58, no. 12 (2009).

<sup>123</sup> „Die Innere Führung mit dem Leitbild des Staatsbürgers in Uniform ist die Grundlage für das selbstverständnis des Heeres.... Das Leitbild des „Staatsbürgers in Uniform“ verpflichtet uns Soldaten auf ein Ethos des Respekts vor den Menschenrechten, der Fairness, der Toleranz und der Loyalität gegenüber demokratischen Entscheidungen.“ Budde, "Das militärische Selbstverständnis des Deutschen Heeres: ein wichtiger Faktor für den Erfolg im Einsatz," 31-32.

<sup>124</sup> „Wir brauchen nicht den „stumpfen“ Befehlempfänger, sondern den mitdenkenden Soldaten, der sein Handeln vor sich, seinen Vorgesetzten und seinem Land verantworten kann.“ *Ibid.*, 32.

making contradicts Baudissin's liberal view of the 'citizen in uniform' as a morally mature and empowered individual.

General Budde's view, however, is not confined to the mission of territorial defence. On the contrary, the image of the 'army on operations' is asserted to represent the identity of the *Bundeswehr*.<sup>125</sup> In contrast with the Cold War *Bundeswehr*, General Budde insists that 'today the soldier needs to know how to fight and be willing to fight when he has to fight'.<sup>126</sup> Combat is claimed to be the fundamental aspect, the common denominator, of the soldierly profession. 'Protection, mediation and assistance are to be considered rather subsidiary.'<sup>127</sup> The soldier should not be regarded as an 'armed social worker' or an 'armed THW' (*Technisches Hilfswerk*, German disaster relief agency).<sup>128</sup> For combat being the core aspect of soldiering, the timeless soldierly values and virtues, such as 'bravery, courage, commitment and a strong will to prevail', are argued to be the cornerstones of soldierly identity. In contrast, the principles of 'justice, fairness, tolerance, respect and honesty' are said to be merely additional.<sup>129</sup>

The kind of martial thinking as manifested by General Budde is certainly not new in the *Bundeswehr*. As demonstrated earlier on, the notion of soldiering as a profession *sui generis* was present in varying strength throughout the entire existence of the *Bundeswehr*. For instance, the 1980s witnessed a surge of the martial mentality, as Detlef Bald argues. At the time the 'combat motivation' (*Kampfmotivation*) was prevailing within the *Bundeswehr* over the 'defence motivation' (*Wehrsmotivation*) and hence the *Innere Führung* was declining in relevance.<sup>130</sup> However, General Budde's writing clearly shows that the expeditionary engagement of the *Bundeswehr* since the 1990s represents an added challenge to the principles of *Innere Führung* and the 'citizen in uniform'.

An adequate liberal adjustment of the 'citizen in uniform' is presented by authors, such as Elmar Wiesendahl, Wilfried von Bredow, Karl W. Haltiner, Joachim Arenth and

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<sup>125</sup> Budde, "Einsatz verpflichtet: das Deutsche Heer - Selbstverständnis, Fähigkeiten, Perspektiven," 33.

<sup>126</sup> 'Der Soldat muss heute kämpfen können und kämpfen wollen, wenn er kämpfen muss.' Budde, "Das militärische Selbstverständnis des Deutschen Heeres: ein wichtiger Faktor für den Erfolg im Einsatz," 29.

<sup>127</sup> 'Schutz, Vermittlung und Hilfe sind eher subsidiär zu betrachten.' Budde, "Das Heer im Einsatz: der Mensch im Mittelpunkt," 21-22.

<sup>128</sup> General Budde quoted in Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis?*, 45.

<sup>129</sup> Budde, "Das militärische Selbstverständnis des Deutschen Heeres: ein wichtiger Faktor für den Erfolg im Einsatz," 31, 33.

<sup>130</sup> Detlef Bald, "Militärische Mentalität versus Innere Führung: Zur Reform der Bundeswehr," *Wissenschaft & Frieden*, 18, no. 3 (2000): 46.

Siegrid Westphal.<sup>131</sup> With concepts, such as the Athenian type of soldier or the *miles protector*,<sup>132</sup> they propose an adaptation of the meaning of individual responsibility and the professional identity in such a way that follows the liberal principles upon which the original concepts were built.

As early as 1994 Arendt and Westphal introduced the thesis that the out-of-area deployments require a new guiding image of the soldier – the ‘world-citizen in uniform’ (*Weltbürger in Uniform*). Germany ‘cannot afford soldiers with the mentality of a “foreign legionnaire”’, argue Arendt and Westphal. Instead, they propose an alternative in the form of ‘a humanistically educated, ethically acting homo politicus’.<sup>133</sup> The risk of one’s own life by protecting strangers requires from a soldier that he or she exercises a strong altruism.<sup>134</sup> Individual ethical commitment to the cosmopolitan cause of the mission is hence held to be necessary in order to uphold the notion of the soldier being a morally mature individual.

The character of the foreign missions should determine the professional identity of the soldiers. The aim of these missions is not to win a war over a conventional enemy, but to manage crises and conflicts and to enable a peaceful development of war-torn societies. In such a situation the line between the military and non-military worlds become blurred. The armed violence would still play an important role here as it is necessary to provide security, but the application of violence ‘can only deal with the symptoms, while the key to the lasting resolution of conflicts and crises lays elsewhere’.<sup>135</sup> In order to accomplish the complex task of conflict resolution and state building, the soldiers, first, besides their role of combatants,

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<sup>131</sup> Wiesendahl, "Neue Bundeswehr und die Weiterentwicklung der Inneren Führung."; Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis*; Wilfried von Bredow, "Kämpfer und Sozialarbeiter – Soldatische Selbstbilder im Spannungsfeld herkömmlicher und neuer Einsatzmissionen," in *Handbuch Militär und Sozialwissenschaft*, ed. Sven Bernhard Gareis and Paul Klein (Wiesbaden: VS Verlag für Sozialwissenschaften, 2006); Karl W. Haltiner, "Athens versus Sparta. The New Missions and the Future of Military Education in Europe," in *NL ARMS Netherlands Annual Review of Military Studies*, ed. H. Kirkels, W. Klinkert, and Moelker R. (Breda: Koninklijke Militaire Academie, 2003); Karl W. Haltiner, "Vom Landesverteidiger zum militärischen Ordnungshüter," in *Handbuch Militär und Sozialwissenschaft*, ed. Sven Bernhard Gareis and Paul Klein (VS Verlag für Sozialwissenschaften, 2006); Joachim Arendt and Siegrid Westphal, "'Staatsbürger in Uniform' plus 'out-of-area' gleich 'Weltbürger in Uniform': Ein kritischer Beitrag zum Politikbegriff im Reformkonzept Innere Führung," in *Reform und Beteiligung: Ideen und innovative Konzepte für die Innere Führung in der Bundeswehr*, ed. Uwe Hartmann and Meike Strittmatter (Frankfurt am Main: Fischer Verlag, 1994).

<sup>132</sup> The concept of *miles protector*, or the ‘guardian soldier’, was coined by Gustav Däniker, retired general of the Swiss army. See e.g. Gustav Däniker, *The Guardian Soldier: On the Nature and Use of Future Armed Forces* (New York: UN, 1995).

<sup>133</sup> „Bonn kann sich keinesfalls Soldaten mit der Mentalität eines „Fremdenlegionärs“ leisten... Die alternative zum „Legionär“ hieße, einen humanistisch gebildeten, ethisch handelnden homo politicus zu haben...‘ Arendt and Westphal, "'Staatsbürger in Uniform' plus 'out-of-area' gleich 'Weltbürger in Uniform': Ein kritischer Beitrag zum Politikbegriff im Reformkonzept Innere Führung," 132.

<sup>134</sup> Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis?*, 42.

<sup>135</sup> *Ibid.*, 38.

need to adopt a role of 'cosmopolitan social worker' whose task is to protect, assist, rescue and mediate. Second, they need to cooperate with a whole range of non-military actors. Civilianisation of the military professional identity, or rather approximating the character of the police or constabulary, is therefore seen to be rendered necessary.<sup>136</sup>

### ***Individual responsibility***

Exercising the individual moral responsibility in everyday conduct, however encouraged it would be, might face serious obstacles. In this subsection we will confront the ideal image of the morally mature individual with the findings of German military sociologists Anja Seiffert and Maren Tomforde about the power of foreign deployments to transform the individual perception of identity and legitimacy.<sup>137</sup> Subsequently, the practical possibility to refuse orders on the ground of conscience will be manifested in the ground-breaking case of Major Florian Pfaff.<sup>138</sup>

The sociological surveys reveal that the original motivation of German soldiers to take part in a foreign military mission is largely based on personal convictions and social background of the soldiers.<sup>139</sup> Indeed, the training and service at home does not effectively mould the individual into an automatically obedient soldier. This may be illustrated with the case of several pilots of the German Air Force who refused for moral reasons to take part in

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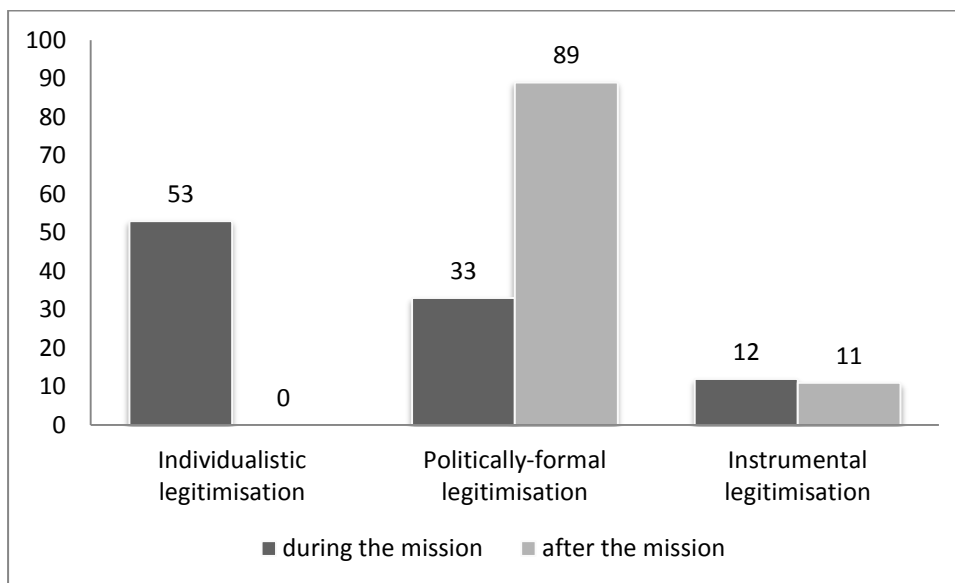
<sup>136</sup> Bredow, "Kämpfer und Sozialarbeiter – Soldatische Selbstbilder im Spannungsfeld herkömmlicher und neuer Einsatzmissionen," 291-93; Haltiner, "Vom Landesverteidiger zum militärischen Ordnungshüter," 518-20; Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis?*, 38-43.

<sup>137</sup> See Anja Seiffert, "Veränderungen des soldatischen Selbstverständnisses unter Einsatzbedingungen," in *Gesellschaft, Militär, Krieg und Frieden im Denken von Wolf Graf von Baudissin*, ed. Martin Kutz (Baden-Baden: Nomos, 2004); Anja Seiffert, *Soldat der Zukunft: Wirkungen und Folgen von Auslandseinsätzen auf das soldatische Selbstverständnis*, Beiträge zur Friedensforschung und Sicherheitspolitik (Berlin: Köster, 2005); Maren Tomforde, "Motivation and Self-Image among German Peacekeepers," *International Peacekeeping*, 12, no. 4 (2005); Maren Tomforde, "Einmal muss man schon dabei gewesen sein ...' - Auslandseinsätze als Initiation in die 'neue' Bundeswehr," in *Armee in der Demokratie: zum Verhältnis von zivilen und militärischen Prinzipien*, ed. Ulrich Vom Hagen (Wiesbaden: VS, 2006).

<sup>138</sup> See Mathias Gillner, "Für einen 'die ethischen Grenzmarken des eigenen Gewissens bedenkenden Gehorsam': das Urteil des Bundesverwaltungsgerichts zu Gewissensfreiheit des Soldaten und seine Konsequenzen für die Bundeswehr," in *Auslandseinsätze der Bundeswehr: sozialwissenschaftliche Analysen, Diagnosen und Perspektiven*, ed. Sabine Jaberg (Berlin: Duncker & Humblot, 2009); Jürgen Rose, "Gehorsam bis zum Hindukusch?," *Sicherheit und Frieden*, 22, no. 3 (2004); Jürgen Rose, "Gewissensfreiheit statt Kadavergehorsam: Freispruch für Bundeswehroffizier," *Wissenschaft und Frieden*, 24, no. 1 (2006); Jürgen Rose, "'Globale Verteidigung': von der Entgrenzung des militärischen Auftrags und der Freiheit des Gewissens," *Sicherheit und Frieden*, 24, no. 4 (2006); Jürgen Rose, "Gehorsam oder Gewissen," *Blätter für deutsche und internationale Politik*, 53, no. 7 (2008); Claus von Rosen, "Ethik & Strategie," in *Jahrbuch Innere Führung 2011: Ethik als geistige Rüstung für Soldaten*, ed. Uwe Hartmann, Claus von Rosen, and Christian Walther (Berlin: Carola Hartmann Miles - Verlag, 2011).

<sup>139</sup> Tomforde, "Motivation and Self-Image among German Peacekeepers," 585.

the strikes against Serbia in 1999.<sup>140</sup> However, the strains caused by a long-term deployment significantly contribute to the development of a corporate identity and to socialisation of the participating soldiers into it. 'Dealing with long working hours, no weekends and the permanent dress code even outside the working hours and outside the camp connects the soldiers. The creation of a corporate identity helps to overcome the problems in the place and the separation from home.'<sup>141</sup> The military camp functions as a 'total institution' and hence the socialisation in it, as Seiffert's research demonstrates, significantly affects the moral individuality and independency of its occupants.



**Figure 17 Change of the individual legitimisation of participation in the SFOR mission in Bosnia and Herzegovina in 1998.<sup>142</sup>**

The legitimisation of the individual participation, which is largely based on personal motives at the beginning of the deployment, would fade away throughout the process of socialisation in the camp in favour of 'politically-formal' legitimisation (see Figure 17). In this latter kind of legitimisation the soldier shifts the responsibility for the mission from the judgement of their own conscience towards the political masters – the Bundestag and the

<sup>140</sup> Rose, "Gehorsam bis zum Hindukusch?," 135.

<sup>141</sup> „Der Umgang mit längeren Dienstzeiten, fehlenden Wochenenden, dem ständigen Dresscode auch außerhalb der Dienstzeiten und des Lagers verbindet die Soldaten. Die Schaffung einer corporate identity hilft, Schwierigkeiten vor Ort und die Trennung von zu Hause zu Überwinden.“ Tomforde, "Einmal muss man schon dabei gewesen sein ..." - Auslandseinsätze als Initiation in die 'neue' Bundeswehr," 111.

<sup>142</sup> Source of data: Seiffert, "Veränderungen des soldatischen Selbstverständnisses unter Einsatzbedingungen," 161; Seiffert, *Soldat der Zukunft: Wirkungen und Folgen von Auslandseinsätzen auf das soldatische Selbstverständnis*, 282.

Government. The deployment therefore dramatically strengthens the personal connection between the soldier and the state and simultaneously renders the soldier apolitical. ‘The experience with mission promotes and strengthens the awareness of the state and the loyalty to the state.’<sup>143</sup>

<b>Individualistic legitimisation</b>	<b>Politically-formal legitimisation</b>	<b>Instrumental legitimisation</b>
<ul style="list-style-type: none"> <li>• I need to reconcile the mission with my conscience. That is the most important.</li> <li>• I can very well distinguish whether a mission is appropriate. I can assess whether it makes sense and then say, for these people I do want to be deployed or I don't, that's it.</li> <li>• If the Bundeswehr takes a step one day towards an intervention force which will, for example, represent economic interests and be deployed throughout the world, then I will have to reflect on whether I can still serve in this army. I certainly could not accept to be sent sometimes in the Gulf and then to Africa and another time to Asia.</li> </ul>	<ul style="list-style-type: none"> <li>• The parliament's approval is decisive for me.... If the Government says that we are to do this, then this will be done.</li> <li>• ...we are now the executive of politics and we have to do what the politicians say. I agree with this, as we are not here to object to it.... We are a democracy and we have to do what the people representatives say.</li> </ul>	<ul style="list-style-type: none"> <li>• I have sworn to the Federal Republic to serve bravely and loyally. Whether this is in the context of national defence or within the alliance does not matter to me whatsoever.... If we get an order tomorrow to board a machine to Africa, I will simply fly to Africa.</li> <li>• ...the duties count first for me. The obligation to loyally serve is to me in the first place. I cannot always want to discuss everything.</li> </ul>

**Figure 18** Examples of soldiers' statements about the legitimisation of their participation in the German SFOR contingent.<sup>144</sup>

The service abroad tends to create an informal corporate culture that promotes formal obedience and suppresses individual conscience. On the other hand, the case of Major Florian Pfaff successfully challenged and changed the interpretation of the law concerning the relations between conscience and obedience in favour of the former. On 20 March 2003, at the beginning of the Iraq War, Major Pfaff, a staff officer working on an IT-project which was to improve the management of international logistics, declared an objection to participate indirectly in, in his view, an illegal war and hence refused to continue in the project, for this would involve cooperation with the US Army. He was convinced that collaboration with the

<sup>143</sup> ‚Die Einsatzerfahrung fördern und stärken Staatsbewusstsein und Staatstreue.‘ Seiffert, *Soldat der Zukunft: Wirkungen und Folgen von Auslandseinsätzen auf das soldatische Selbstverständnis*, 299.

<sup>144</sup> All quoted from *Ibid.*, 253-71.

US Army would mean a support of a war of aggression and therefore, among other things, also constituted a crime.<sup>145</sup>

The *Bundeswehr* superiors of Major Pfaff recognised neither his argument about illegality of the Iraq War nor, more importantly, his right to conscientious refusal to obey orders. Major Pfaff was first subjected to psychiatric examination and then, when declared sane, prosecuted before a military court and sentenced to demotion by one rank. It is remarkable that the military court showed relative leniency on the account of honourable motives for the disobedience.<sup>146</sup> Nonetheless, Major Pfaff appealed against the ruling to the Federal Court of Administration which decided in June 2005 in his favour.

According to the *Bundeswehr* the law stipulated that the state was entitled to coerce the individual into a morally burdensome conduct if it was necessary to secure a greater constitutional good and the operational capability and effectiveness of the armed forces was affirmed to be such a good. Therefore the order was claimed to prevail over conscientious objection. However, the Federal Court of Administration ruled the contrary. The decision made abundantly clear that the constitutionally guaranteed ‘freedom of conscience is unconditional; the individual cannot be forced to actions that would incriminate their conscience’.<sup>147</sup> As a consequence of this judicial decision, freedom of conscience was added to the ‘Rights and Duties of Soldiers’ as another officially recognised limitation of obedience.<sup>148</sup>

### ***Civilianised professional identity – helper in uniform***

Throughout the 1990s and 2000s, public discourse in Germany was united in the view that the job of the members of the *Bundeswehr* should not be defined in exclusively or predominantly martial terms. On the contrary, soldiers were expected to play a significant role in the management of humanitarian aid – the type of mission which has been constantly receiving by far the greatest support in public surveys.<sup>149</sup> The preference for the engagement

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<sup>145</sup> Rose, "Gehorsam bis zum Hindukusch?," 134-35; Rosen, "Ethik & Strategie," 79-80.

<sup>146</sup> Rose, "Gehorsam bis zum Hindukusch?," 135.

<sup>147</sup> „Nun hat das Urteil aber unmissverständlich klargestellt, dass die Gewissensfreiheit vorbehaltlos gilt, dass der Einzelne gerade nicht zu gewissensbelastenden Handlungen gezwungen werden darf.“ Gillner, "Für einen "die ethischen Grenzmarken des eigenen Gewissens bedenkenden Gehorsam": das Urteil des Bundesverwaltungsgerichts zu Gewissensfreiheit des Soldaten und seine Konsequenzen für die Bundeswehr," 210.

<sup>148</sup> *Joint Service Regulation ZDv 10/1: Innere Führung (Leadership Development and Civic Education)*, (Bonn: Bundesministerium der Verteidigung, 2008), Annex 2/2, § 4c.

<sup>149</sup> See e.g. Bulmahn et al., *Sicherheits- und verteidigungspolitisches Meinungsklima in Deutschland 2010*, 64.

in humanitarian assistance over combat was blatantly manifested during the Kosovo War in 1999. The media coverage of the German troops stationed in Macedonia and Albania whose main activity during the air campaign was to provide humanitarian aid to refugees from Kosovo considerably outweighed the reports about the engagement of German military aircrafts directly participating in the campaign.<sup>150</sup> This subsection will further demonstrate the predominance of the image of civilianised soldier, or *miles protector*, in the societal view, as well as the acceptance of such a professional identity within the military.

The predominance of the image of *miles protector* might be illustrated by the parliamentary discussion concerning the lifting of all restrictions for service of women in the *Bundeswehr*. In January 2000 the European Court of Justice decided in favour of Tanja Kreil, an electronic technician, whose application for employment in the weapon electronics maintenance section of the *Bundeswehr* was rejected on the ground that the constitution does not allow women to serve in military posts involving the use of arms. The European Court of Justice decided 'that German legislation generally barring women from military posts involving the use of arms was contrary to the Community principle of equal treatment between men and women, although derogations concerning certain special combat units were possible.'<sup>151</sup> Remarkably, the ruling engendered no significant opposition at all. On the contrary, in an immediate response to the decision Minister of Defence Scharping announced that from the beginning of 2001 onwards all posts in the military would be available under equal conditions to both men and women and later in the year the Bundestag passed with an overwhelming majority (512 out of 543) the constitutional amendment permitting this change.

Concerning the professional identity of the *Bundeswehr* soldiers, it is of significance that in the parliamentary discussion nobody raised the issue of combat efficiency and of the advantage of the masculine military culture.<sup>152</sup> On the contrary, some members of the

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<sup>150</sup> According to a content analysis of media reports about the Bundeswehr's participation in the Kosovo War (630 articles in total), 151 items were reporting about the refugees in Macedonia and Albania, while only in 69 articles were mentioned the participation of German air forces. (The results are retrieved from the database Nexis on 8 April 2013)

<sup>151</sup> Ulrike Liebert, *Europeanizing the Military: The ECJ and the Transformation of the Bundeswehr* (Bremen: Jean Monnet Center for European Studies, 2002), 3-4.

<sup>152</sup> On the issue of women in combat roles see e.g. Martin Van Creveld, "Less than We Can Be: Men, Women and the Modern Military," *The Journal of Strategic Studies*, 23, no. 4 (2000): 1-20; Martin Van Creveld, "The Great Illusion: Women in the Military," *Millennium*, 29, no. 2 (2000): 429-42; Martin Van Creveld, "A Woman's Place: Reflections on the Origins of Violence," *Social Research*, 67, no. 3 (2000): 825-47; Martin Van Creveld, "Armed but not Dangerous: Women in the Israeli Military," *War in History*, 7, no. 1 (2000): 82-98; Christopher Dandeker and Mady Wechsler Segal, "Gender Integration in Armed Forces:



Bundestag accentuated the benefits of women's participation in contemporary military missions. So Hans Peter Bartels (SPD) asserted: 'Nowadays the *Bundeswehr* must be set for other missions than ten years ago. It requires some other skills. Women bring those other skills.'<sup>153</sup> In a similar vein Margot von Renesse (SPD) emphasised the contribution of women to adequate military performance: 'The *Bundeswehr* is not the El Dorado of adventurers, certainly not in the operations in Kosovo or East Timor.... I do not want the *Bundeswehr* to change the women, but I will be very pleased if the women change the *Bundeswehr*.'<sup>154</sup> The presence of women in the *Bundeswehr* and, more importantly, in the missions abroad was thus assumed to prevent the soldierly identity from turning into a warrior and adventurer.

In fact, sociological surveys conducted in the early 2000s manifest significant congruence between the societal view of the image of soldier and soldiers' self-perception. Considering the survey conducted among the soldiers in the German SFOR contingents in 2003 and 2004, only a negligible minority associated themselves with the combat-oriented image of a masculine warrior or with the desire for adventure and experience. On the contrary, the self-image of the 'helper in uniform' whose mentality suits peace more than combat was predominant among the participating soldiers (see Figure 19).<sup>155</sup>

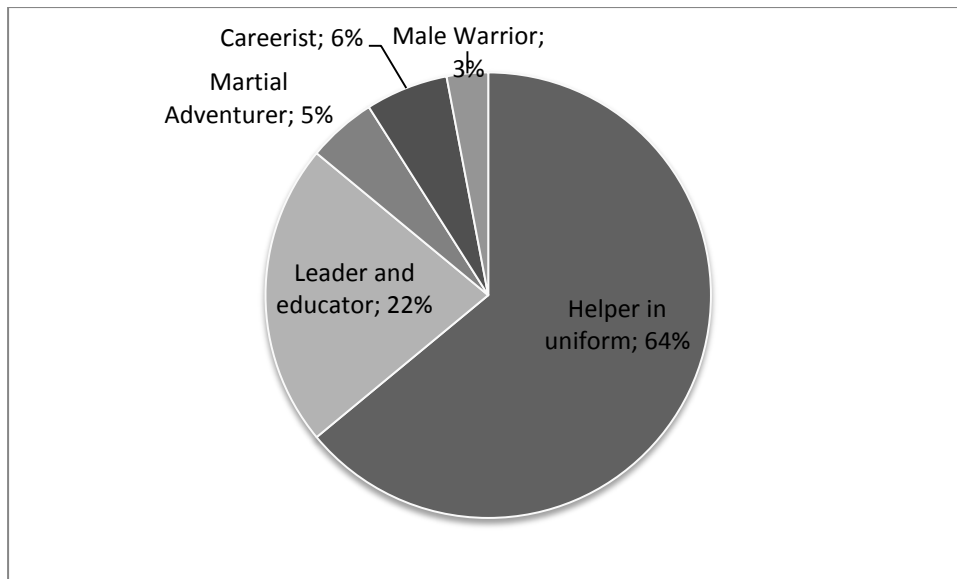
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Recent Policy Developments in the United Kingdom," *Armed Forces & Society*, 23, no. 1 (1996): 29-47; Dandeker, "New Times for the Military: Some Sociological Remarks on the Changing Role and Structure of the Armed Forces of the Advanced Societies," 648-50; Judith Stiehm, *It's our military, too!: Women and the US military* (Philadelphia: Temple University Press, 1996); Judith Stiehm, "Women, Peacekeeping and Peacemaking: Gender Balance and Mainstreaming," *International Peacekeeping*, 8, no. 2 (2001): 39-48; Rosemary Skaine, *Women at War: Gender Issues of Americans in Combat* (Jefferson: McFarland, 1999); Mary C. Frels, *Women Warriors: Oxymoron or Reality* (Carlisle Barracks: US Army War College, 1999); Caroline Kennedy-Pipe, "Women and the Military," *Journal of Strategic Studies*, 23, no. 4 (2000): 32-50.

<sup>153</sup> 'Die Bundeswehr muss heute auf andere Einsätze als vor zehn Jahren eingestellt sein. Dazu braucht sie zum Teil andere Fähigkeiten. Frauen bringen solche anderen Fähigkeiten mit.' *Deutscher Bundestag: Stenographischer Bericht der 128. Sitzung (Plenarprotokoll 14/128)*, (Berlin: Deutscher Bundestag, 2000), 12344.

<sup>154</sup> 'Die Bundeswehr ist nicht das Dorado der Abenteurer, schon gar nicht bei Einsätzen im Kosovo oder in Osttimor.... Ich möchte nicht, dass die Bundeswehr die Frauen verändert, bin aber sehr zufrieden, wenn die Frauen die Bundeswehr verändern.' *Ibid.*, 12346-47.

<sup>155</sup> Tomforde, "Motivation and Self-Image among German Peacekeepers," 584.



**Figure 19 Types of German SFOR soldiers.**<sup>156</sup>

It was the deployment in foreign missions that, Maren Tomforde proposes, civilianised the self-image of soldiers. On the one hand, older NCOs and officers who joined the *Bundeswehr* in the Cold War internalised a combat-oriented identity. ‘For them, combat rather than peacekeeping is what makes an army relevant and legitimate.’<sup>157</sup> This was because their primary mission from basic training onwards had been the existential fighting in defence of the Federal republic itself. The younger generation, on the other hand, regards the deployment in a foreign mission ‘as a rite of passage, an “initiation” which each modern soldier should have experienced at least once during their military service.’<sup>158</sup> The soldiers of the *Bundeswehr* thus developed a new identity of the ‘military *Einsatzprofis*’.<sup>159</sup> Since most of the *Bundeswehr*’s missions abroad have been peaceful with little need for robust rules of engagement, the new professional self-image is not characterised in martial terms – hence the tendency of the SFOR soldiers to identify themselves with ‘helpers in uniform’ and aid volunteers. Consequently, as Gerhard Kümmel’s research on the acceptance of women in the *Bundeswehr* suggests, the two-third majority of soldiers recognised that women’s

<sup>156</sup> Jörg Keller, *Warrior, Helper, Adventurer: Soldierly Self-Identity in Missions* (Strausberg: Bundeswehr Institute of Social Sciences, 2004); Tomforde, "Motivation and Self-Image among German Peacekeepers," 584.

<sup>157</sup> Tomforde, "Motivation and Self-Image among German Peacekeepers," 578.

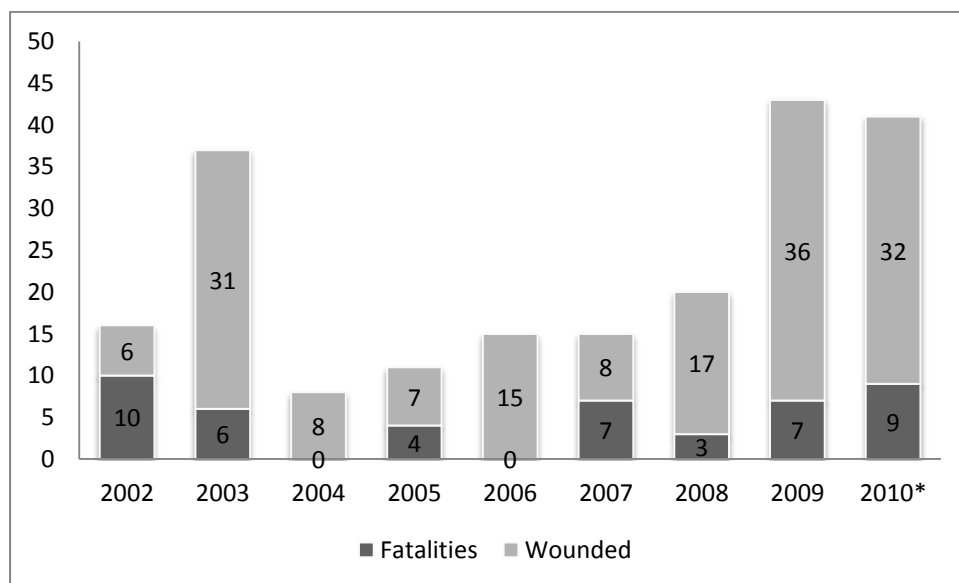
<sup>158</sup> *Ibid.*: 583.

<sup>159</sup> Tomforde, "Einmal muss man schon dabei gewesen sein ..." - Auslandseinsätze als Initiation in die 'neue' Bundeswehr," 118.

communication skills would be a significant contribution to foreign missions, where the ability to peacefully de-escalate tense situations is of the utmost importance.<sup>160</sup>

### ***Militarised professional identity - danger to life and limb***

The mission in Afghanistan, though designed and declared as non-combat post-conflict reconstruction, reminded participants and observers alike that the danger to life and limb is an inherent part of the military profession. Although this mission was not the first one in which a soldier of the *Bundeswehr* was killed – one German military medic was assassinated in Cambodia as early as in 1993 – the ISAF operation is the first and, so far, the only one in which casualties have become a regular occurrence (see Figure 20). Thus an improvised commemorative stone erected by the German soldiers of ISAF was claimed to inspire Minister of Defence Franz Josef Jung to build a memorial (*Ehrenmal*) of the *Bundeswehr* in Berlin. Minister Jung's effort to acknowledge the risk of life as an intrinsic part of the military profession will be contrasted in this subsection with the promotion of war-fighting soldiers under Jung's successor in the office Karl-Theodor zu Guttenberg.



**Figure 20 German casualties taken in Afghanistan.**<sup>161</sup>

\*) The data on wounded soldiers in 2010 are incomplete.

<sup>160</sup> Gerhard Kümmel, "Complete Access: Women in the Bundeswehr and Male Ambivalence," *Armed Forces & Society*, 28, no. 4 (2002): 563.

<sup>161</sup> "In Afghanistan verwundete Soldaten der Bundeswehr von 2001 bis 2010," Statista.de, <http://de.statista.com/statistik/daten/studie/77313/umfrage/in-afghanistan-verwundete-soldaten-der-bundeswehr/>; "In Afghanistan gefallene Bundeswehrosoldaten von 2002 bis 2013," Statista.de, <http://de.statista.com/statistik/daten/studie/153902/umfrage/in-afghanistan-gefallene-bundeswehrosoldaten/>.  
\*The data on wounded soldiers in 2010 are incomplete.

The memorial, which was inaugurated in September 2009, represents a symbolic recognition of the fact that the supreme sacrifice is an essential part of the military profession.<sup>162</sup> Such an act naturally invited criticism. The idea of the military memorial was opposed, among other things, on the ground that Germany should not commemorate only the soldiers in separation from other German citizens (police, diplomats, aid volunteers) who lost their lives in the service of Germany abroad. As a commentator in the *Berliner Zeitung* has proposed: ‘This pathetic sacred commemoration reclaims a special status for soldiers in this state. Yet, if it is true that the army is acting merely in a humanitarian way, what about the civilian casualties – the technicians, doctors and aid workers?’<sup>163</sup>

Despite this and other criticisms, Minister Jung was quite successful in gathering support, avoiding controversies and creating a positive public relations image of the project. Under the dedication: ‘To the dead of our Bundeswehr. For peace, justice and freedom’, the memorial is to commemorate the death of 3200 members of the *Bundeswehr*, both soldiers and civilian employees, who have died in service since 1956. Of this total number only one hundred soldiers died in foreign missions and only 36 were killed by an enemy action.<sup>164</sup> The memorial, however, makes no difference between various causes of death. It is not the cause or situation – regardless if a suicide, accident or battle – but the danger to life itself that is suggested to render the military profession unique. The memorial, Minister Jung asserted,

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<sup>162</sup> See Angelika Dörfler-Dierken, "Der Tod des Soldaten als Opfer. Protestantische Traditionslinien," in *Bedingt erinnerungsbereit: Soldatengedenken in der Bundesrepublik*, ed. Manfred Hettling and Jörg Echternkamp (Göttingen: Vandenhoeck & Ruprecht, 2008); Manfred Hettling, "Militärisches Totengedenken in der Berliner Republik: Opfersemantik und politischer Auftrag," in *Bedingt erinnerungsbereit: Soldatengedenken in der Bundesrepublik*, ed. Manfred Hettling and Jörg Echternkamp (Göttingen: Vandenhoeck & Ruprecht, 2008); Nina Leonhard, "Die zivil-militärischen Beziehungen in Deutschland zwischen Vergangenheit und Zukunft: Das "Ehrenmal" der Bundeswehr," in *Soldaten im Einsatz: sozialwissenschaftliche und ethische Reflexionen*, ed. Stefan Bayer and Matthias Gillner (Berlin: Duncker & Humblot, 2011).

<sup>163</sup> „Dieses sakral-pathetische Gedenken reklamiert einen Sonderstatus für Soldaten im Staat. Nur: Wenn es stimmt, dass die Bundeswehr bloß humanitär agiert, was ist mit den zivilen Opfern - den Technikern, Ärzten und Mitarbeitern der Hilfsorganisationen?“ Daniel Haufler, "Die Umcodierung der Geschichte," *Berliner Zeitung*, 27 Nov 2008.

<sup>164</sup> Current as of 20 Sep 2012. "Todesfälle im Auslandseinsatz," Bundesministerium der Verteidigung, [http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/DcjBDYAgDAXQWVvYA3r25hXohRT7YgMUE1ITpJe\\_2aKdB-ZXITYpyppW2Q2b3Gfd5mAgPTVDT-cxQ-6i3gVMb04pHDYycYeWYEK3cOt1pmX5GIQYT/](http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/DcjBDYAgDAXQWVvYA3r25hXohRT7YgMUE1ITpJe_2aKdB-ZXITYpyppW2Q2b3Gfd5mAgPTVDT-cxQ-6i3gVMb04pHDYycYeWYEK3cOt1pmX5GIQYT/).

‘illustrates the peculiarity of military service: the fulfilment of a task which may ultimately require the risk of one’s life’.<sup>165</sup>

Jung’s advocacy of the plans for the memorial succeeded in avoiding the connection between death and combat. After all, the vast majority of the commemorated members of the *Bundeswehr* died in accidents. However, in the inauguration of the memorial on 8 September 2009 *Bundespräsident* Horst Köhler pronounced that the *Bundeswehr* had become ‘an army in combat’.<sup>166</sup> This statement of *Bundespräsident* Köhler was necessitated by the events which happened only four days before. On 4 September shortly after midnight the commander of German Provincial Reconstruction Team in Kunduz, Colonel Georg Klein, ordered an air strike on two hijacked tankers. According to the NATO account, up to 142 mostly innocent civilians were killed during the strike. ‘And that night’, as an article in *Der Spiegel* puts it, ‘the mistaken hope that Germany could go to war without getting her hands dirty died too.’<sup>167</sup>

Shocking though the information about numerous civilian victims was for the German public, it is the profound change of the character of the German involvement in Afghanistan that the airstrike in September 2009 really signified. Since the spring 2009, the security situation in the German sector had dramatically deteriorated. The Taliban switched its tactics from small hit-and-run attacks towards larger, company-strong strikes (see Figure 10). Consequently, the Rules of Engagement of the German contingent were amended to allow for the offensive use of lethal force.<sup>168</sup> The Kunduz airstrikes thus became an open manifestation of this recent progress. In contrast with the ingrained image of peaceful soldiers concentrating on reconstruction and development of the Afghan civilian communities, Colonel Klein did not order the bombing of the two hijacked tanker trucks so as to prevent an imminent threat to his soldiers; he did so, rather, with the acknowledged intention to ‘destroy’ the enemy combatants. Having been assured by his intelligence source that only combatants were present, ‘to take out the people’ was reported as the aim of the action. Moreover, Colonel Klein had deliberately presented false information, such as that there were German ‘troops in

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<sup>165</sup> ‚Es verdeutlicht das Besondere des soldatischen Dienstes: die Erfüllung eines Auftrags, der in letzter Konsequenz den Einsatz des eigenen Lebens fordern kann.‘ Franz Josef Jung, "Die Gefallenen nicht vergessen," *Die Welt*, 27 Nov 2008.

<sup>166</sup> ‚Unsere Bundeswehr ist zu einer Armee im Einsatz geworden, zu einer Armee im Kampf.‘ Hauke Friedrichs, "Präsident Köhler will eine Debatte über Auslandseinsätze," *Zeit online*, 8 Sep 2009.

<sup>167</sup> ‚Und es stirbt in dieser Nacht die irrige Hoffnung, Deutschland könne in den Krieg ziehen, ohne sich dabei die Finger schmutzig zu machen.‘ Ulrike Demmer et al., "Ein deutsches Verbrechen," *Der Spiegel*, no. 5 (2010): 35.

<sup>168</sup> Schreier, "Political Constraints: Germany and Counterinsurgency," 105.

contact’ and that the target constituted an imminent threat, in order to persuade the hesitating US pilots to carry out the airstrike.<sup>169</sup>

<b>4 September 2009</b>	<b>The communication between the forward air operator in Kunduz (‘Red Baron’) and the US fighter jets (‘Dude 15’ and ‘Dude 16’)</b>
<b>1.08 am</b>	Two American F-15 fighter jets appeared in the skies over Kunduz responding to Colonel Klein’s report that there are ‘troops in contact’.
<b>1.12 am</b>	The first instruction of the German forward air controller, ‘ <b>Red Baron</b> ’, to the US F-15 pilots, ‘ <b>Dude 15</b> ’ and ‘ <b>Dude 16</b> ’, is to circle the target area, but as wide as possible. ‘Stay away from the target, as far as it goes.’ The pilots are told to prepare to drop six 500-pound bombs.
<b>1.18 am</b>	<b>Red Baron</b> : ‘the vehicles and some individuals are the target’. <b>Dude 15</b> suggests flying at low altitude over the sandbar where the two tankers the Taliban had hijacked were stuck. It was intended as a ‘show of force’. <b>Red Baron</b> rejects the proposal. He wants the F-15 to ‘hide’.
<b>1.22 am</b>	<b>Dude 15</b> reiterates his previous suggestion to fly at low altitude over the site, so as to scatter the people on the ground and then destroy the trucks. No response from <b>Red Baron</b> .
<b>1.28 am</b>	<b>Dude 15</b> asks about the status of the people. <b>Red Baron</b> replies that, according to reliable sources, they are all enemy combatants.
<b>1.29 am</b>	<b>Red Baron</b> urges the pilots to treat the trucks as a ‘time-sensitive target’. He orders to drop one 2000-pound bomb between the trucks.
<b>1.32 am</b>	<b>Dude 15</b> enquires as to whether the trucks or the people are to be targeted. <b>Red Baron</b> replies that the aim is ‘to take out the people’.
<b>1.36 am</b>	<b>Dude 15</b> proposes for the third time to fly at low altitude over the target
<b>1.38 am</b>	<b>Dude 15</b> repeats for the fourth time his suggestion to fly at low attitude over the target. He also suggests to attack with two 500-pound bombs. <b>Red Baron</b> reports the commander’s agreement with the use of two 500-pounds bombs.
<b>1.39 am</b>	<b>Dude 15</b> proposes for the fifth time to fly at low altitude over the target. <b>Red Baron</b> replies: ‘negative, I want you to strike directly’.
<b>1.46 am</b>	The American pilots ask the Germans one more time whether the people on the ground truly constitute an ‘imminent threat.’ Under the NATO rules of engagement, only an

<sup>169</sup> John Goetz et al., "NATO's Secret Findings: Kunduz Affair Report Puts German Defense Minister Under Pressure," *Spiegel-Online*, 19 Jan 2010; Demmer et al., "Ein deutsches Verbrechen."

	<p>imminent threat may justify an air attack. <b>Red Baron</b> replies: ‘Yes, those pax (people) are an imminent threat.’ He says that the insurgents are trying to tap the gasoline from the trucks, and when they finish that, they will ‘regroup and we have intelligence information about current operations’ and they will probably be ‘attacking Camp Kunduz.’</p> <p><b>Dude 15</b> starts the countdown. They will strike in two minutes time.</p>
<b>1.49 am</b>	<p>Weapon-system officers in the US F-15 fighter jets drop two 500-pound bombs, type GBU-38.</p>

**Figure 21 The communication between the German forward air operator, carrying out orders of Colonel Klein, and the two US F-15 fighter jets as reconstructed by the magazine *Spiegel*.<sup>170</sup>**

According to the NATO investigators, Colonel Klein severely violated the NATO rules and procedures.<sup>171</sup> Yet, at the beginning of November Minister of Defence Karl-Theodor zu Guttenberg, who took over the office after the Kunduz affair having enforced the resignation of Franz Josef Jung, regarded these violations as merely ‘procedural errors’ which did not alter the fact that ‘the airstrike was inevitable’. A month later Minister zu Guttenberg changed his mind about the military value of the airstrikes, yet his support to Colonel Klein remained firm: ‘Although Colonel Klein undoubtedly acted to the best of his knowledge and belief, as well as to protect his soldiers, it was, from today’s objective viewpoint..., militarily inappropriate.’<sup>172</sup> This stance was warmly welcome within the military. For instance, Ulrich Kirsch, the president of the *Bundeswehrverband* (an independent organisation representing the interests of soldiers), said: ‘Guttenberg made it very clear that he was behind Colonel Klein and would not let him fall and that uncertainty was a necessary companion of this military decision.... That is the political greatness that we need.’<sup>173</sup> Vilified though Colonel Klein became in public, his action in Kunduz was seen with sympathies within the *Bundeswehr*. Colonel Klein had turned into a symbol of the soldiers engaged in a genuine war and Minister zu Guttenberg implicitly granted a recognition to the image of war-fighting soldier.

<sup>170</sup> Goetz et al., "NATO's Secret Findings."; Demmer et al., "Ein deutsches Verbrechen," 42-43.

<sup>171</sup> Matthias Gebauer, "Aftermath of a Deadly Airstrike: Misguided Esprit de Corps Lets Officer Off the Hook," *Spiegel-Online*, 20 Aug 2010.

<sup>172</sup> Goetz et al., "NATO's Secret Findings."

<sup>173</sup> ‚Guttenberg hat eindeutig klar gemacht, dass er zu Oberst Klein steht und ihn nicht fallen lässt, und dass Ungewissheit der Begleiter die-ser militärischen Entscheidung sein musste.... Das ist die politische Größe, die wir auch brauchen.‘ Mariam Lau and Christine Richter, "Afghanistan: Verteidigungsminister Guttenberg hält den Luftangriff in Kundus jetzt für falsch.," *Berliner Morgenpost*, 4 Dec 2009.

Moreover, the emerging identity of the *miles bellicus* was explicitly recognised in the act of awarding the Cross of Honour for Bravery (*Ehrenkreuz der Bundeswehr für Tapferkeit*), which was introduced in September 2008 by Minister Jung, and the Combat-Mission Medal (*Einsatzmedaille Gefecht*) decreed in November 2010 by Minister zu Guttenberg. The combat medal, being awarded to each soldier who has taken part in a combat operation (22 soldiers were awarded in 2010), is a straightforward attempt to acknowledge the fact that combat have become an essential part of soldiers' life in mission.<sup>174</sup> As for the *Ehrenkreuz*, however, Minister of Defence Jung intended to recognise with the highest military honours the personal bravery in situations presenting danger to life and limbs, but not necessarily under fire. In accordance with this intention, the four soldiers who received the first crosses for bravery in July 2009 were awarded for exercising courage and determination in the rescue of comrades and civilians from a burning vehicle. Their bravery was said to be proved by the fact that detonations of ammunition in the vehicle 'did not stop the four soldiers from continuing their efforts'.<sup>175</sup> In contrast, under Minister zu Guttenberg the *Ehrenkreuz* turned into awards for deeds of bravery in battle. Thus the first two soldiers awarded by Minister zu Guttenberg distinguished themselves by leading their men into battle to relieve an ambushed patrol.<sup>176</sup>

### ***The image of soldiers in the view of official military doctrines***

'The soldiers of the Bundeswehr have to develop a new identity in order to face successfully the challenges of the future.'<sup>177</sup> With these words the Ministry of Defence introduced its vision of the new guiding image as early as 1992. Indeed, at the time when the *Bundeswehr* was making the first hesitant steps towards the expeditionary engagements, the *Defence Policy Guidelines* exercised a very forward-looking view of soldierly identity. The German soldiers were urged to 'take on responsibility for the threatened freedom and the welfare of other nations and states' and to devote their energy to develop skills necessary for

<sup>174</sup> *Ehrenzeichen und Einsatzmedaillen der Bundeswehr*, (Berlin: Bundesministerium der Verteidigung, 2011), 19, 44.

<sup>175</sup> "Merkel und Jung verleihen Ehrenkreuze für Tapferkeit," Bundesministerium der Verteidigung, [http://www.bmvg.de/portal/a/bmvg/!ut/p/c4/NYrBCsIwEAX\\_aDcRRfRWEUEo1oOg9Za2ISx0k7Ld1osfb3LwDcxIHr4xE91KwSml6EZ8YdvTsftAx2sApkizeqGF8Vm-g4c-Ra\\_F6qNSdhCnSWBKomMpi0guQAO2xp5Pxp\\_7Hf\\_uFf1YbfZXm-XBifm6gczKI9n/](http://www.bmvg.de/portal/a/bmvg/!ut/p/c4/NYrBCsIwEAX_aDcRRfRWEUEo1oOg9Za2ISx0k7Ld1osfb3LwDcxIHr4xE91KwSml6EZ8YdvTsftAx2sApkizeqGF8Vm-g4c-Ra_F6qNSdhCnSWBKomMpi0guQAO2xp5Pxp_7Hf_uFf1YbfZXm-XBifm6gczKI9n/).

<sup>176</sup> "Ehrenkreuze für Tapferkeit verliehen," Bundesministerium der Verteidigung, [http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/NYvBCsJADET\\_KGmhUPSmiKgHxVNtb2kbS6C7W3ajBfHjzR6cgTnMvMEOzZ7eMpFK8DTjA9tBtv0K\\_ToysPhErB8GJykZwR4k0RObfDRgsEpzKnsVyy mShghLiDrn5RWjLSAjtKv52Jd18Vf5rbvmdL9U1eZ8Pd5wcW73Ax9GejM!/](http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/NYvBCsJADET_KGmhUPSmiKgHxVNtb2kbS6C7W3ajBfHjzR6cgTnMvMEOzZ7eMpFK8DTjA9tBtv0K_ToysPhErB8GJykZwR4k0RObfDRgsEpzKnsVyy mShghLiDrn5RWjLSAjtKv52Jd18Vf5rbvmdL9U1eZ8Pd5wcW73Ax9GejM!/).

<sup>177</sup> 'Die Soldaten der Bundeswehr müssen in ein neues Selbstverständnis hineinwachsen, um die Herausforderungen der Zukunft erfolgreich meistern zu können.' *Verteidigungspolitischen Richtlinien 1992*, § 53.



international cooperation and for the rescue of and help to people in need. ‘Soldierly professionalism must be geared to the real conditions of war, danger, and human misery in which soldiers will perform their service in future.’<sup>178</sup>

Whereas the *Defence Policy Guidelines* 1992 outlined a straightforward way towards a conscientious *miles protector*, the doctrinal documents to come in the following years, *ZDv10/1 1993*<sup>179</sup> and the *White Paper 1994*,<sup>180</sup> presented significantly less clearly defined images of the soldier. On the one hand, it is acknowledged, in accordance with the concept of *miles protector*, that the task of territorial defence ‘is supplemented by that of providing protection, furnishing aid and helping to build a base for humanitarian operations and peace missions’<sup>181</sup>. In fact, the ability to ‘protect, help and mediate’ has since the early 1990s become a part of the soldierly identity that is constantly promoted.<sup>182</sup> Moreover, this new calling is affirmed in the *White Paper* to require a kind of soldier who is able to assume ‘responsibility for the freedom and human dignity of others’ and ‘who recognizes and is a firm advocate of the political causes, conditions and consequences of the military action he takes’.<sup>183</sup>

On the other hand, the *White Paper* states that combat will remain the ‘ultima ratio’ of the military profession and that the willingness to fight and risk one’s own life is a ‘moral core of military service and is as true today as it ever was’.<sup>184</sup> Despite not being so defined, it seems evident that the emphasis is placed on combat due to the, at the time still dominant, doctrine of territorial defence. After all, the foreign deployments throughout the 1990s and beyond may demonstrate the unease of the *Bundeswehr* to engage in any forceful action.<sup>185</sup>

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<sup>178</sup> ‚Unsere Soldaten müssen künftig aber auch bereit sein... Mitverantwortung für die bedrohte Freiheit und das Wohlergehen anderer Völker und Staaten zu übernehmen. Sie sollen mit derselben Tatkraft und Tüchtigkeit, mit der sie ihre Kampfaufträge durchführen, zur internationalen Kooperation, zur Hilfe und zur Rettung fähig sein. Soldatische Professionalität muß sich dazu an den realen Bedingungen von Krieg, Gefahr und menschlichem Elend orientieren, unter denen Soldaten künftig ihren Dienst leisten werden.‘  
Ibid.

<sup>179</sup> *Joint Service Regulation ZDv 10/1: Innere Führung (Leadership and Civic Education)*, (Bonn: Bundesministerium der Verteidigung, 1993).

<sup>180</sup> *White Paper 1994*.

<sup>181</sup> Ibid., § 712.

<sup>182</sup> See *Weißbuch zur Sicherheitspolitik Deutschlands und zur Zukunft der Bundeswehr*, (Berlin: Bundesministerium der Verteidigung, 2006), 63; *Defence Policy Guidelines 2011*, 17.

<sup>183</sup> *White Paper 1994*, § 705.

<sup>184</sup> Ibid., §§ 711, 14.

<sup>185</sup> The unreadiness of the *Bundeswehr* to use violent measures (e.g. rubber bullets and tear gas) may be illustrated by the case of the 2004 riots in Kosovo. See "Die Hasen vom Amselfeld," *Der Spiegel*, no. 19 (2004).

Dramatically more noteworthy is the attempt to portray the soldier as a passive receiver of orders from the politicians. The *White Paper*, for example, declares that

...military personnel *can rest assured* that the decisions taken by the executive are lawful and are open to public scrutiny and judicial review.... The serviceman can therefore *be certain* that he will only be employed after thorough and conscientious consideration has been given to a situation and only if there is a sound legal basis for such action.<sup>186</sup>

However, this attempt to detach the individual soldier from his own moral agency with regard to his deployment does not appear to be a result of an intentional effort to steer the development towards the archaic-warrior type of soldier. It is more plausible to consider this image of the soldier as an inadequate translation of the Cold War concepts. At the time when the defence against external aggression was the only mission of the military, to apply or not for the status of a conscientious objector represented the moral choice of every individual whether to accept the mission of the *Bundeswehr*. After this decision had been made, the soldier was supposed to be receiving information, explanations and justifications in the form of political education so as to keep his motivation strong. The ‘Working Group on Further Development of *Innere Führung*’ (*Arbeitskreis Weiterentwicklung der Inneren Führung*) at The Institute for Peace Research and Security Policy (IFSH) in Hamburg pointed out in 2002 that the concept of ‘adult education’ (*Erwachsenenerziehung*) promoted in the *Bundeswehr* as an essential part of *Innere Führung* is anachronistic and inadequate, as it evokes an immaturity of the soldiers.<sup>187</sup> However, the *ZDv 10/1* from 1993 still followed closely the Cold War *Innere Führung*; and the *White Paper 1994*, though very progressive in many aspects, also maintained this image of soldiers passively adopting and internalising the reasons and justifications.

More than a decade later the *White Paper 2006* and *ZDv 10/1 2008* present quite a contrasting view. Surprisingly though, some commentators, such as Elmar Wiesendahl, insist that, in terms of the form and content, the *ZDv 10/1 2008* largely reproduces the regulation from 1993. The only considerable difference from the 1993 regulation, Wiesendahl argues, is with regard to the issue of killing and dying in service.<sup>188</sup> The practical experience with foreign missions of various intensities evidently rendered this issue important. Whereas the

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<sup>186</sup> *White Paper 1994*, § 714. Emphasis added.

<sup>187</sup> Jürgen Groß, *Weiterentwicklung der Inneren Führung*, IFSH Hamburger Beiträge; Heft 130 (Hamburg: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg, 2002), 36-37.

<sup>188</sup> Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis?*, 30-32.

previous documents speak only about the ultimate sacrifice by protecting Germany,<sup>189</sup> in 2008 it became blatantly clear that the military service ‘involves risking life and limb and, in the final analysis, the obligation to kill in battle’.<sup>190</sup>

What did not change at all, according to Wiesendahl, is the concept of the ‘citizen in uniform’ whose civic morality is argued to provide little adequate motivation for the engagements abroad.<sup>191</sup> However, specifically the aspect of moral responsibility of the individual does represent a stark contrast to the documents from the 1990s. According to the *ZDv 10/1 2008*, the *Bundeswehr* soldiers are supposed, ‘out of personal conviction’, to ‘actively defend human dignity, freedom, peace, justice, equality, solidarity and democracy’.<sup>192</sup> They should be able to ‘assume responsibility for other people’ and ‘distinguish right from wrong conduct’.<sup>193</sup> The concept of the ‘citizen in uniform’ presented in *ZDv 10/1 2008* consistently encourages soldiers to use their individual conscience. In this sense, the decision of Federal Court of Administration in the case of Major Pfaff recognising the right to freedom of conscience is not at all inconsistent with this image of the soldier. The *ZDv 10/1 2008* hence explicitly legitimises disobedience based on ‘freedom of conscience’. This personal right is affirmed to guarantee that ‘the state does not have the right to force an individual to commit acts that violate ethical standards of good and evil’.<sup>194</sup>

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To sum up, the experience with various foreign missions did affect the concept of the ‘citizen in uniform’. It was evident from the very beginning that the soldiers would need to broaden their professional identity by incorporating the police-like capabilities to ‘protect, help and mediate’. For quite a long time society perceived soldiers as an ‘armed THW’ and the politicians were accordingly sending the troops into missions which suited the identity of *miles protector*. Even soldiers tended to conceive of themselves as ‘helpers in uniform’. However, this does not mean that in the reading of official military doctrines the soldierly professional identity would be completely civilianised. In the early 1990s the concept of the ‘citizen in uniform’ remained orientated towards war-fighting. Yet, this combat orientation was focused only on the abstract possibility of repulsing an external aggression against the

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<sup>189</sup> E.g. *ZDv 10/1 1993*, § 209; *White Paper 1994*, § 711.

<sup>190</sup> *ZDv 10/1 2008*, § 105.

<sup>191</sup> Wiesendahl, *Athen oder Sparta - Bundeswehr quo vadis?*

<sup>192</sup> *ZDv 10/1 2008*, § 106.

<sup>193</sup> *Ibid.*, § 508.

<sup>194</sup> *Ibid.*, Annex 2/2, § 4c; cf. *ZDv 10/1 1993*, Appendix 2, § 4c.

land of Germany itself. Although this accent on territorial defence eased up in the 2000s, owing to the involvement in Afghanistan the professional military identity remained distinct. Numerous casualties sustained during the mission prompted the recognition of the ultimate sacrifice as an intrinsic part of the military profession. It was the ministerial policy during Franz Josef Jung's term in office to acknowledge properly the danger to life and limb the soldiers had to take, but, simultaneously, to uphold the image of *miles protector* whose identity is not primarily defined by combat. After the security situation in Afghanistan dramatically deteriorated and Jung was replaced by Karl-Theodor zu Guttenberg, combat and bravery in battle began to be recognised as the core of the military profession. Thus the latest *Defence Policy Guidelines* declares, as a distinctive part of military service, that soldiers must be prepared to put 'their lives on the line in combat'.<sup>195</sup>

Partly because of the emerging risk of dying and killing, the moral responsibility of the individual came into prominence in the 2000s. While the uniformed life in the military camp tends to suppress individual moral judgement about the causes and utility of the particular mission, from the perspective of the military and political leadership in the Ministry of Defence, simple obedience would be unsustainable in such ethically challenging conditions. The soldier must be aware of the risks and challenges the mission entails and feel convinced that the cause of the mission is worth them. Moreover, the humanitarian character of most of the missions requires genuinely motivated soldiers in order to provide an effective aid to the people in need.

## Conclusion

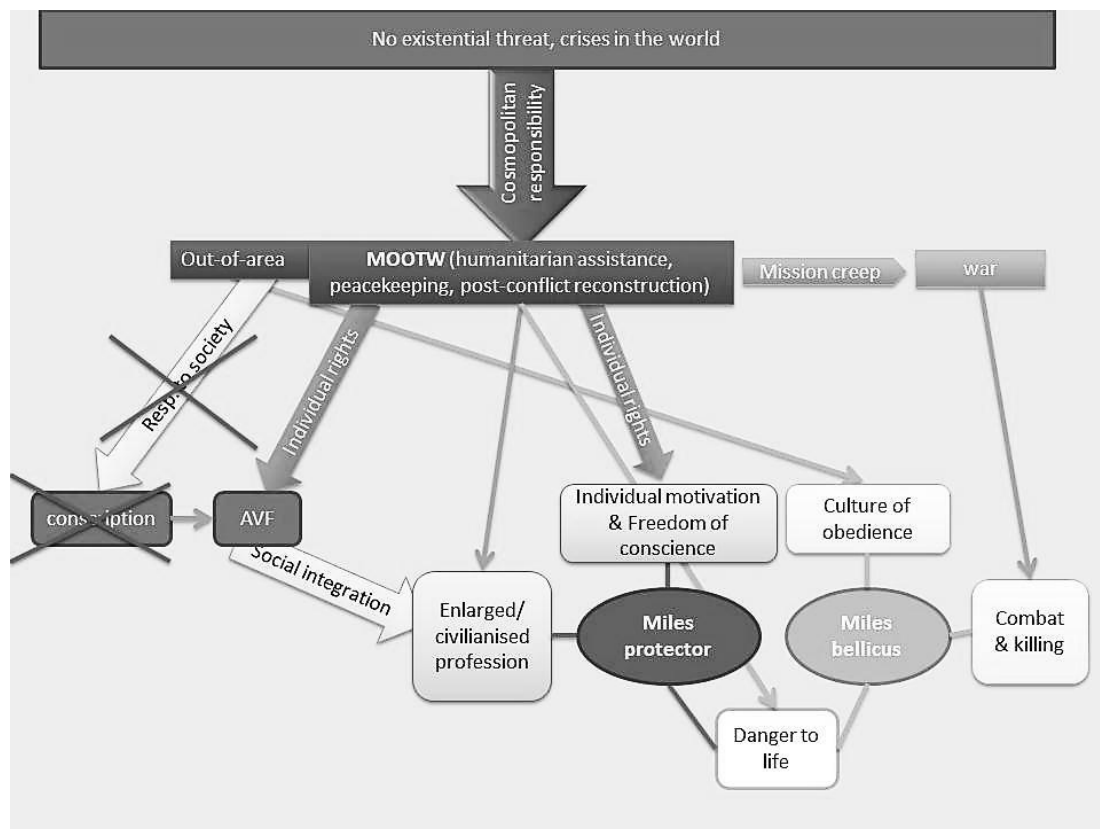
Instead of the threat posed by Soviet armoured divisions on the other side of the Fulda Gap, the international politics after the end of the Cold War has become concerned with crises and armed conflicts in the Balkans, Africa or the Middle East. None of these problems had a potential to cause a threat approximating the severity of a hot conflict between NATO and the Warsaw Pact. In terms of German security, the worst possible consequence of these crises and conflicts was an increased risk of terrorism at home, while probably the most tangible effect were waves of immigrants from the conflict regions putting strain on Germany's welfare system and social cohesion. However, as important as the national self-interest, or as even more prominent, was a perceived responsibility to help people in need. It

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<sup>195</sup> *Defence Policy Guidelines 2011*, 17.

stems from the liberal perspective on humankind as a universal whole, a cosmopolitanism that proposes that those who have the means and opportunity are morally obligated to help other human beings out of misery.<sup>196</sup>

This moral obligation does not necessarily include a military involvement and German society, for historical reasons, manifests a strong tendency to avoid the use of armed force in honouring its moral obligations. However, the experience of the international community with crisis management and conflict resolution in the early 1990s made clear that military force is sometimes a necessary instrument available to deal with critical situations effectively. Germany, partly under external pressure and partly on its own, came to adopt the same view. The *Bundeswehr* thus had to convert into an instrument possessing the capacities to deal effectively with international crises.



**Figure 22 Model of the military capacities in post-Cold War Germany**

<sup>196</sup> On the issue of cosmopolitanism see e.g. Andrew Linklater, "Citizenship and Sovereignty in the Post-Westphalian State," *European Journal of International Relations*, 2, no. 1 (1996): 77-103; Andrew Linklater, "Cosmopolitan Citizenship," *Citizenship studies*, 2, no. 1 (1998): 23-41; Andrew Linklater, "Distant Suffering and Cosmopolitan Obligations," *International Politics*, 44, no. 1 (2007): 19-36; Toni Erskine, "Qualifying Cosmopolitanism? Solidarity, Criticism, and Michael Walzer's 'View from the Cave'," *International Politics*, 44, no. 1 (2007): 125-49; Nicholas J Wheeler, "Guardian Angel or Global Gangster: A Review of the Ethical Claims of International Society," *Political Studies*, 44, no. 1 (1996): 123-35; Wheeler, "Agency, Humanitarianism and Intervention," 9-35.

Consequently the out-of-area military operations other than war (MOOTW) supplemented in the 1990s the persisting mission of territorial defence and in 2003 the former missions completely replaced the latter. Humanitarian assistance, peacekeeping, peacebuilding and post-conflict reconstruction came to justify and legitimise the *Bundeswehr*'s existence in the eyes of society and these kinds of mission were also to determine the organisational structure and institutional culture of the *Bundeswehr*.

As for the organisational structure, the out-of-area deployments, though supposedly responding to the call of cosmopolitan responsibility, could not justify the circumscription of the rights and freedoms of the individual which is inherent to the compulsory military service. The state cannot justify the invocation of the individual's responsibility towards society, if no threat is present or at least conceivable. The less, then, the conscripts could be deployed, without their explicit consent, in missions other than national or collective self-defence. An all-volunteer force therefore remains the only legitimate form of military organisation suitable for humanitarian deployments abroad. The long persistence of conscription in Germany seems to challenge this assumption, but it only serves to demonstrate the glacially slow adaptation of the German military capacities to the new security context. The rapid surge of conscientious objectors after 1989, the explicit confinement of conscripted units to the mission of territorial defence during the 1990s and the obvious unsustainability of conscription after the doctrine of territorial defence was at last pushed aside in 2003 prove the assumption right also in the case of Germany.

In 2011 the *Bundeswehr* was finally transformed into an all-volunteer force; however, with respect to the out-of-area operations, it has been effectively acting as a volunteer/professional force since the early 1990s. Individual choice is a necessary liberal prerequisite for non-defensive missions. Whereas the military might be used as an instrument of the state, the soldier should never be treated merely as an instrument and object with no regards to the individual as an end in itself. It is therefore the individual consent that retains and preserves the moral subjectivity of the soldier. The soldier in liberal society is hence supposed to join the service of the state according to their own will. Yet the soldiers should not be recruited merely for pecuniary interest; they are assumed to feel a moral commitment to the cause they serve. In that sense, the right to refuse orders on the ground of conscience was granted to the soldiers by the ruling of the Federal Court of Administration in the case of

Major Pfaff in 2005 and subsequently the importance of individual ethical commitment was emphasised in the joint service regulation on the *Innere Führung* (ZDv 10/1).

Yet, the very nature of military professionalism also contains the tendency to develop a caste identity based on the peculiarity of the soldierly calling. The tendency of liberalism, on the other hand, is to preclude the alienation of the military from its parent society. Whereas during the Cold War, the concept of the ‘citizen in uniform’ was supposed to ensure the social integration of soldiers in society, in the post-Cold War *Bundeswehr* it became the character of the military occupation/profession which is to prevent the segregation of soldiers from society. While the soldierly profession, in comparison with other occupations, maintains a certain uniqueness due to the danger to life and limbs it involves, as represented by the Memorial of the *Bundeswehr* in Berlin, the dedication of the *Bundeswehr* ‘to protect, help and mediate’ renders soldiering comparable to other civilian professions, such as police, social workers or ‘first responder’ rescuers.

The individual ethical commitment and the civilian character of the military business constitute the concept of *miles protector* which is not only positively perceived by liberal society, but also functionally fits the tasks of humanitarian assistance, peacekeeping, peace-building and post-conflict reconstruction – the missions to which liberal societies are ready and willing to deploy their armed forces. Hence as long as liberal states are in control of their foreign policy, the concept of *miles protector* is an adequate response to both societal and functional imperatives.

Opposite to the concept of *miles protector* may stand the image of a warrior soldier, or *miles bellicus*. This concept emphasises the peculiarity of the military profession due to its inevitable intimate connection with combat and killing. The self-identification with the warrior is a more or less latent tendency within every military force, the *Bundeswehr* being no exception. Nonetheless, the image of the war-fighting soldier has grown into political relevance in Germany since the security situation in the German area of responsibility in Afghanistan deteriorated in 2009. The German involvement in Afghanistan gradually crept from the mission of post-conflict reconstruction towards a war against insurgents. In that sense, official foreign and defence policy of the German government ceased being in command over the situation; instead the Ministry of Defence had to accommodate measures necessitated by the development in the Afghan theatre. The introduction of the combat medal in 2010 is just a token of this latest development.

Following the development in Afghanistan, the *Bundeswehr* set a course towards the Huntingtonian model of the professional military. The motto 'We.Serve.Germany' is an open declaration of the conversion of the *Bundeswehr* towards the instrument of policy. However, as Huntington postulates, a professional military in an antimilitaristic liberal society tends to suffer from insulation – this means, on the one hand, deepening the gap between parent society and the military, on the other hand, loss of any importance of the military in the foreign and security policy.<sup>197</sup> The growing reluctance of Merkel's government to engage the *Bundeswehr* soldiers in any new mission might support the thesis that this development predicted by Huntington is indeed now set in train.<sup>198</sup>

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<sup>197</sup> See Huntington, *The Soldier and the State*, 97.

<sup>198</sup> See e.g. Miskimmon, "German Foreign Policy and the Libya Crisis."; "Merkel's Caution: Berlin Reverts to Old Timidity on Military Missions," *Spiegel Online*, 26 March 2013.



## Chapter Five:

# British Military Capacities

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Historical experience compelled German society to be extremely sceptical about the utility of the use of force in international politics and suspicious of the political and social influence that powerful armed forces might exercise. Therefore, the creation of the *Bundeswehr* had to reflect these societal feelings. In order to dispel the hostility of German society, a strict delimitation of the military roles and close identification with and integration into society was a prerequisite of the *Bundeswehr*'s establishment, survival and relative wellbeing. Because of the specific conditions under which the *Bundeswehr* was set up and had to function, the *Bundeswehr* presents a unique case of armed forces that have been very deeply and systematically penetrated by liberal norms.

The British military capacities, to which we now turn our attention, could not offer a more contrasting case. The British military, which became irreversibly rooted into the fabric of British society since the time of the English Civil War of the mid-17<sup>th</sup> Century, has become characterised by the embeddedness of its traditions and institutions rather than its sensitivity and susceptibility to the development of societal imperatives. The question of the utility of force in international politics has never presented the scale of concern within British society that it has in the FRG. Yet it is not true that British society would not evince much suspicion about the military; on the contrary, a strong mistrust or even hostility to a powerful regular army and the soldierly profession, as captured in Rudyard Kipling's poem 'Tommy', was a prevalent sentiment in Britain at least until the Second World War. Yet, because of the specific security requirements of the vast empire and the island position of Great Britain, the British antimilitarism of the 19<sup>th</sup> and early 20<sup>th</sup> Century, in contrast with the German *Bundeswehr* in the second half of the 20<sup>th</sup> Century, resulted in an isolation of the armed forces from society, rather than an identification with it. Although the Second World War with its notion of being a 'People's War' changed the societal sentiments towards the military somewhat, the basic patterns of societal-military relations in Great Britain have manifested a significant measure of continuity with the past.<sup>1</sup>

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<sup>1</sup> See Angus Calder, *The People's War: Britain 1939-45* (London: Cape, 1969); Jeremy Crang, *The British Army and the People's War, 1939-1945* (Manchester: Manchester University Press, 2000).

Despite the apparent detachment and even isolation of the UK armed forces from their parent society, it should not be assumed that the normative imperatives of liberal society had no effects on the development of British defence policy and military institutions. Thus this chapter is designed to analyse British military capacities and to identify the outcomes of ideological imperatives on the constitutive parts of the military capacities. In the first section of this chapter the functional roles and missions of the UK armed forces will be briefly described. The subsequent section will examine the political debates concerning compulsory military service. The effect of liberalism on the institutional culture of the British Army will be analysed in the last two sections before the conclusion. Unlike the German *Bundeswehr*, the individual services of the UK armed forces – Royal Navy, Royal Air Force, and British Army – maintain a considerable institutional autonomy and, therefore, have distinct institutional cultures. Thus for practical reasons, the examination of the institutional culture will be chiefly confined to the British Army. In comparison with the technical character of the work in the navy and the air force, the land forces have a greater tendency to emphasise the violent part of the soldierly profession. It is, therefore, the British Army that presents the strongest challenge to the influence of liberal principles. To reflect this resistance of the military culture, the fourth section will look at the Army's self-proclaimed need for a distinct ethical system. The fifth section will then examine to what extent the professional identity of the British soldier adopted features of the police profession.

## **Missions and Roles of the British Armed Forces**

Military power is the ultimate instrument and expression of national power, in circumstances ranging from coercion through to the deliberate application of force to neutralise a specific threat, including pre-emptive intervention. It is the principal means of defence.<sup>2</sup>

The latest *British Defence Doctrine* describes the armed forces as a universal instrument at the disposal of the government's foreign and security policy. Unlike the German *Bundeswehr* during the Cold War, the British military's *raison d'être* has rarely rested on one core mission. Rather, the armed forces have always been regarded as the ultimate executive tool of the government of the day to assert its interests both overseas as well as at home.

The instrumentality of the British military is not confined to the use of force either. The armed forces are, the *British Defence Doctrine* of 2001 explains, 'potentially useful

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<sup>2</sup> *British Defence Doctrine 2011*, Fourth ed. (London: Ministry of Defence, 2011), § 124.

instruments of domestic policy in reserve, capable of dealing with a range of contingencies as required by HM Government'.<sup>3</sup> The military has often been called out to perform disaster relief in emergency situations, so called 'Military Assistance to Civilian Communities' (MACC). It has not been unusual, either, that soldiers were requested to provide essential services during industrial disputes, so called 'Military Assistance to Government Departments' (MAGD), or previously the 'Military Assistance to Civil Ministries' (MACM).<sup>4</sup> In contrast with the MACC, the latter kind of military deployment is by no means uncontroversial. The normative issue in such a deployment was highlighted by Winston Churchill as early as 1919:

To use soldiers or sailors, kept up at the general expense of the taxpayer, to take sides with the employer in an ordinary trade dispute... would be a monstrous invasion of the liberty of the subject, and ... would be a very unfair, if not an illegal, order to give to the soldier. But the case is different where vital services affecting the health, life or safety of large cities or great concentrations of people are concerned.<sup>5</sup>

Similar justifications of military interventions in industrial disputes, as a moral imperative to provide essential services, became relatively commonplace among British politicians.<sup>6</sup> As a consequence, British soldiers were deployed in such diverse roles as meat-handlers (1946, 1947, and 1950), refuse collectors (1970 and 1975), fire-fighters (1973 and 1977-78), or ambulance drivers (1979).<sup>7</sup> However, as Christopher Whelan reminds us, the 'distinction between strikebreaking and safeguarding essential supplies is often a very fine one', especially if the government is a party in the industrial dispute. In the 1970s it hence appeared that the technological and industrial skills which the military possessed were a factor more decisive than normative principles.<sup>8</sup>

However, the missions of MACC and MAGD/MACM are obviously only of secondary importance to the military. The primary purpose of the armed forces has always been the threat or use of violence. The following parts of this section are set to show that the UK armed forces were equally instrumental for operations within the British Empire and the United Kingdom, and against external challenges. While there can be little doubt that the

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<sup>3</sup> *British Defence Doctrine 2001*, Second ed. (London: Ministry of Defence, 2001), ch.6, pp.8-9.

<sup>4</sup> See *Ibid.*, ch.6, pp.9-10.

<sup>5</sup> Quoted in Christopher J Whelan, "Military Intervention in Industrial Disputes," *Industrial Law Journal*, 8(1979): 222; on this point see also Keith Jeffery and Peter Hennessy, *States of Emergency: British Governments and Strikebreaking since 1919* (London: Routledge & Kegan Paul, 1983).

<sup>6</sup> Jeffery and Hennessy, *States of Emergency*, 263.

<sup>7</sup> See Whelan, "Military Intervention in Industrial Disputes," 223.

<sup>8</sup> *Ibid.*: 233.

military was considered as a tool of Real-Politics and the major limitations of its use were caused by financial constraints, the United Kingdom entered the 20<sup>th</sup> Century as a satisfied power. It was concerned almost exclusively with preserving the existing order in international politics and upholding the rule of law within the Empire. It was only after the UK had left the Cold War behind and was thus not only stripped of most of the imperial duties but, more importantly, also had no relevant threat to its very existence that the military began to be considered in distinctly ethical/normative terms as a ‘force for good’.

### ***Defence and deterrence***

The island position of Great Britain determined that home defence has rarely played a key role in the UK’s defence strategy. There were still good reasons to believe at the beginning of the 20<sup>th</sup> Century that as long as the Royal Navy remained capable of asserting command of the sea the British Isles would be safe from invasion. In the view of the military authorities in the 1900s, a flotilla large enough to transport an invasion force could never avoid interception and heavy damage while crossing the Channel. Hence the worst case that the home-defence forces might face was argued to be small scale raids, an eventuality which did not require a large land force for home defence.<sup>9</sup>

Rather than defence of metropolitan Great Britain, it was the Empire whose security had to be provided by the British Army. As a commentator in the early 20<sup>th</sup> Century put it, ‘To run the risk of destroying our Imperial Army for the sake of providing the British Islands with an additional security which they do not need might not unjustly be described as “Little Englandism” in a panic.’<sup>10</sup> For the most of the first half of the 20<sup>th</sup> Century the imperial duties, both defence and policing, presented the primary mission for the British Army. Thus to check the Russians on the north-west frontier of India was the main strategic challenge for the pre-1914 Army, and likewise to meet an Italian invasion of Egypt was the key task for the Army in the 1930s.<sup>11</sup> Though becoming of steadily lesser relative importance, the mission of imperial defence remained one of the main pillars of UK defence strategy until the late 1960s. In 1968 the budgetary pressure that had already forced an embarrassing devaluation of Sterling in November 1967 forced the Labour Government’s Defence Secretary, Denis

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<sup>9</sup> Peter Dennis, *The Territorial Army, 1906-1940* (Woodbridge, Suffolk: Boydell Press, 1987), 5,19; see e.g. Ian Hamilton, *Compulsory Service: A Study of the Question in the Light of Experience*, 2nd ed. (London: John Murray, 1911). Appendix III: Notes containing the admiralty view of the risk of invasion.

<sup>10</sup> *The Case for Voluntary Service: The Handbook of the Voluntary Service Committee*, (London: P. S. King & Son, 1914), 143.

<sup>11</sup> Hew Strachan, "The British Way in Warfare Revisited," *The Historical Journal*, 26, no. 2 (1983): 459.

Healey, to propose a withdrawal of most of the British forces from east of Suez. 'The 1968 white paper stated for the first time that Britain's defence effort would in future be concentrated on Europe and the North Atlantic.'<sup>12</sup>

The Cold War compelled the UK to consider defence of the European mainland as crucial for its security and commit a substantial part of its land forces to that mission. In fact, arguments that the defence of the Channel depended on the security of the Low Countries had been voiced since the beginning of the 20<sup>th</sup> Century. In the 1930s the question of continental commitment engendered heated discussions and considerable opposition in military circles.<sup>13</sup> So it was not until the Second World War that it became abundantly clear that without security for Western Europe there was no security for the United Kingdom either. Technological innovations, such as long-range bombers and ballistic missiles, rendered the strategic or at any rate protective significance of the Channel negligible and thus Britain was forced for the first time to make 'a definite military commitment to Europe while at peace'.<sup>14</sup>

However, the technological innovations not only necessitated the continental commitment but also brought about a new strategic importance for UK home defence. The ascent of air power in the interwar period led to the idea of deterring aggression by a threat of massive retaliation through air strikes against civilian targets. Consequently, when air domination was lost in the late 1930s, the priority mission of the Army and the RAF became the defence against an enemy's aerial bombing.<sup>15</sup> In a similar way, during the Cold War the ultimate defence of the British Isles was entrusted to the deterrent power of nuclear weapons.

It is an unfortunate fact about British defence policy that the wars the UK had to fight rarely corresponded with the kinds of conflicts she had planned for. Hence the oft-repeated quip that the British Army is always mistakenly preparing to re-fight the last war. Thus while the armed forces during most of the first half of the 20<sup>th</sup> Century expected and were preparing for a limited war somewhere on the fringes of the British Empire, they had to fight two total wars with the main operations concentrated in the European theatre. The first Cold War strategy of 1948 postulated that the security of the United Kingdom depended upon three

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<sup>12</sup> Colin McInnes, *Hot War, Cold War: The British Army's Way in Warfare, 1945-1995* (London: Brassey's, 1996), 16.

<sup>13</sup> Strachan, "The British Way in Warfare Revisited," 459.

<sup>14</sup> *Ibid.*: 460; Michael Howard, *The Continental Commitment: The Dilemma of British Defence Policy in the Era of the Two World Wars* (London: Maurice Temple Smith, 1972).

<sup>15</sup> See Richard J Overy, "Air Power and the Origins of Deterrence Theory before 1939," *The Journal of Strategic Studies*, 15, no. 1 (1992); Malcolm S Smith, "Rearmament and Deterrence in Britain in the 1930s," *The Journal of Strategic Studies*, 1, no. 3 (1978).

pillars: defence of the UK, maintaining vital sea communications and securing the Middle East as a defensive and striking base against the Soviet Union.<sup>16</sup> Only two years later British soldiers were sent to the Korean War. The period that followed was, as Colin McInnes notes, ‘something of a transitional phase whereby the Army lost its overseas role and gained one in Europe’.<sup>17</sup> The steady process of concentration of all resources to deter a Soviet aggression in Europe culminated in the Defence Review of Sir John Nott, Defence Secretary in Margaret Thatcher’s first government, in 1981. The Nott Review confirmed the modernisation of the UK’s nuclear deterrent and re-equipment of the British Army of the Rhine (BAOR), while the Royal Navy set to bear the costs. One aircraft carrier, two amphibious ships and approximately one fifth of its destroyers and frigates were earmarked to be scrapped. This would have effectively eliminated the UK’s expeditionary capability.<sup>18</sup> However, only a few months later, and just before the naval cuts embedded in the Nott Review could be implemented, the UK had to mount a task force for an old-fashioned limited conflict with Argentina over the Falkland Islands in April-June 1982.<sup>19</sup>

### ***Imperial policing and counterinsurgency***

An interstate armed conflict, though being considered the *raison d’être* of almost every military organisation in the world, is usually only a very unlikely, though conceivable, possibility for soldiers. It is quite commonplace that a soldier’s entire career is devoted to the preparation for a war which would never come. Though the UK in the 20<sup>th</sup> Century has been engaged in more interstate wars than most other countries, even in her case a hot international conflict presented a rather rare occurrence. During the Cold War, in particular, British soldiers were preparing for an apocalyptic war in order not to have to fight it. Yet, the year 1968 is often remembered as the only one in the 20<sup>th</sup> Century when no British soldier was killed in action. While interstate armed conflicts were uncommon events in the life of British soldiers, duties within the British Commonwealth were the everyday business of the military.

Indeed, the reforms of Edward Cardwell, Secretary for War in the 1870s, were intended to establish a force designed primarily for asserting British power over the Empire. Although in the late 19<sup>th</sup> Century soldiers did engage in various small wars beyond the

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<sup>16</sup> Claire Taylor, *A Brief Guide to Previous British Defence Reviews* (London: House of Commons Library, 2010), 3.

<sup>17</sup> McInnes, *Hot War, Cold War*, 3-4.

<sup>18</sup> Taylor, *A Brief Guide to Previous British Defence Reviews*, 8.

<sup>19</sup> Lawrence Freedman, *The Official History of the Falklands Campaign* (London: Routledge, 2005); Lawrence Freedman, *Britain and the Falklands War* (Oxford: Basil Blackwell, 1988).

borders of the Empire, as colonial expansion in Africa and Asia came to its end, most of the armed conflicts would take place within the imperial borders and thus be considered civil unrest rather than war.<sup>20</sup> Arguably it was only with the establishment of a General Staff in 1906 that the Army began to be seriously concerned with planning for a major conventional war.<sup>21</sup>

With the acquisition of the mandate territories as a consequence of the 1919 peace settlement, imperial policing became, in practical terms, the primary focus of the Regular Army.<sup>22</sup> Although the home forces tried to preserve and further develop their warfighting capabilities, in some instances the mission of imperial policing came to prevail outright. So in 1922, the General Staff instructed all Commands to train 'for the most probable war, i.e. against an enemy rather worse armed than ourselves',<sup>23</sup> and in 1931, at the time of disarmament negotiations, the Army was told to regard imperial policing as its first training priority, whereas preparing for a great national war was to come last.<sup>24</sup>

The Cold War period was not short of police-like deployments of the Army either. Colonial counter-insurgency, such as Malaya (1948-60), Kenya (1952-56), Cyprus (1954-59) or Aden (1964-67), and other low-intensity operations within the Empire were until the late 1960s the most frequent form of military deployment.<sup>25</sup> According to the calculations of John Van Wingen and Herbert K. Tillema, between 1949 and 1970 Britain initiated 34 military interventions.<sup>26</sup> An examination of these interventions brings the authors to the conclusion that the UK's interventions were supposed only to assist in an orderly withdrawal from the colonies. 'Britain did not systematically channel force to serve her greatest interests near her

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<sup>20</sup> Thomas Mockaitis, *British Counterinsurgency, 1919-1960* (London: Macmillan, 1990), 17-18.

<sup>21</sup> McInnes, *Hot War, Cold War*, 115; see also John Gooch, *The Prospect of War: Studies in British Defence Policy 1847-1942* (London: Franc Cass, 1981).

<sup>22</sup> For illustration, Srinath Raghaven notes that only from 1926 to 1931, the army in India was called out 433 times, roughly once every five days. Srinath Raghaven, "Protecting the Raj: The Army in India and Internal Security, c. 1919-39," *Small Wars & Insurgencies*, 16, no. 3 (2005): 257.

<sup>23</sup> David French, "Big Wars and Small Wars between the Wars, 1919-39," in *Big Wars and Small Wars: The British Army and the Lessons of War in the 20th Century*, ed. Hew Strachan (London: Routledge, 2006), 37.

<sup>24</sup> *Ibid.*, 38.

<sup>25</sup> On particular counter-insurgency campaigns see Karl Hack, "The Malayan Emergency as Counter-Insurgency Paradigm," *The Journal of Strategic Studies*, 32, no. 3 (2009); Huw Bennett, *Fighting the Mau Mau: The British Army and Counter-Insurgency in the Kenya Emergency* (Cambridge: Cambridge University Press, 2013); Huw Bennett, "The Mau Mau Emergency as Part of the British Army's Post-War Counter-Insurgency Experience," *Defense & Security Analysis*, 23, no. 2 (2007); Huw Bennett, "The Other Side of the COIN: Minimum and Exemplary Force in British Army Counterinsurgency in Kenya," *Small Wars and Insurgencies*, 18, no. 4 (2007); Robert Holland, *Britain and the Revolt in Cyprus, 1954-1959* (Oxford: Clarendon Press, 1998).

<sup>26</sup> John Van Wingen and Herbert K. Tillema, "British Military Intervention after World War II: Militance in a Second-Rank Power," *Journal of Peace Research*, 17, no. 4 (1980): 294.

bases in the Empire. Violence was a necessary catalyst. Without violence the United Kingdom rarely took military action to protect her interests no matter how they might be threatened.<sup>27</sup>

By the 1970s the overt deployments in Africa, Middle East and Asia came to an end.<sup>28</sup> Consequently, 'the British army was to be left with one primary responsibility, apart from its contribution to NATO – that for which it had been originally established on a regular basis at the end of the seventeenth century: the maintenance of peace in Ireland'.<sup>29</sup> Peacekeeping and internal security operations in Northern Ireland (1969-98) then came to characterise soldiering for almost three decades after the withdrawal from empire. Although, as McInnes puts it, the Army probably considered the peacekeeping operations as 'something of a diversion from its real business – preparing for a war against the Soviet Union – it may be seen as a modern variant of a more traditional role for the Army, namely that of imperial policing'.<sup>30</sup>

### ***'Force for good'***

In the context of the Kosovo crisis, the Labour government's *Strategic Defence Review (SDR)* of 1998 was introduced by Defence Secretary George Robertson in the House of Commons with the following words:

Our armed forces are a vital part of our armoury in helping to enforce the rule of law in an unstable world. Their response to the call in the Gulf, in the Balkans, in west and central Africa and elsewhere is a living demonstration of the policy that underpins the strategic defence review....

We as a nation are not prepared to stand idly by. When it matters, we want to make a difference, and we are prepared to take a lead in doing so. That is not a question of abstract philanthropy. We have international responsibilities that it is right for us to discharge, but we also have hard-nosed interests in a peaceful, stable, prosperous and democratic Europe, in a peaceful, stable, prosperous and democratic world.<sup>31</sup>

The novelty of the *SDR* of 1998 was its explicit foundation on an unambiguously cosmopolitan morality. 'We do not want to stand idly by and watch humanitarian disasters or

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<sup>27</sup> Ibid.: 299.

<sup>28</sup> British counter-insurgency in the Trucial states, Radfan and Dhofar (UAE/Oman) continued till at least 1975; mainly using SAS and other elements for covert operations. See e.g. Peter De la Billiere, *Looking for Trouble* (London: Harper Collins, 1994).

<sup>29</sup> Michael Howard, "1945-1995: Reflections on Half a Century of British Security Policy," *International Affairs (Royal Institute of International Affairs 1944-)*, (1995): 711.

<sup>30</sup> McInnes, *Hot War, Cold War*, 114.

<sup>31</sup> "HC Deb 19 October 1998: Strategic Defence Review," vol 317 c968.



aggression of dictators go unchecked’, stated Defence Secretary Robertson in the introduction to SDR, ‘we want to be a force for good’.<sup>32</sup>

Yet the *SDR* of 1998 does not represent the beginning of British military cosmopolitanism. Exercising an enormous effort, the UK armed forces provided the coalition forces in the 1991 Gulf War with the second largest contingent. Christopher Bellamy points out,

...the United Kingdom did not have to do it. It was a political choice, a reflection of what the government thought the country could afford and what it thought was an appropriate contribution. Before the April general election, both Conservative and Labour Parties in Britain stood by the latter option. Britain not only had to be able to defend itself against attack-from where, by whom, who knows? – it also had to do its bit in the world.<sup>33</sup>

The *Defence White Paper* of 1992, the so called ‘Options for Change’, which followed soon after the Gulf War, defined the promotion of ‘wider security interests through the maintenance of international peace and stability’ as one of the three main defence roles.<sup>34</sup> The government emphasised that Britain – as a major trading power with a vested interest in international stability and as a permanent member of the UN Security Council – had a world role and global responsibilities.<sup>35</sup>

Immediately after the end of the Cold War it thus became clear that the commitment to collective defence would decline in importance, whereas ‘wider security interests’ would grow in prominence.<sup>36</sup> However, ‘Options for Change’ still asserted that ‘the forces required to meet these requirements will be drawn from those with other roles’.<sup>37</sup> It was not until the *Strategic Defence Review* of 1998 that a strategic attack against NATO was officially declared to be ‘no longer within the capacity of any conceivable opponent and to recreate such a capacity would take many years’.<sup>38</sup>

The strategic assumption of the *SDR* of 1998 that the UK faced no clear threats had to be re-examined after the events of 11 September 2001 and the subsequent declaration of the

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<sup>32</sup> Strategic Defence Review, §19, quoted in Tom Dodd and Mark Oakes, *The Strategic Defence Review White Paper* (London: House of Commons Library, 1998), 16.

<sup>33</sup> Christopher Bellamy, "Soldier of Fortune: Britain's New Military Role," *International Affairs (Royal Institute of International Affairs 1944-)*, (1992): 447-48.

<sup>34</sup> Philip A.G. Sabin, "British Defence Choices beyond 'Options for Change'," *International Affairs (Royal Institute of International Affairs 1944-)*, 69, no. 2 (1993): 269.

<sup>35</sup> Colin McInnes, "Labour's Strategic Defence Review," *International Affairs*, 74, no. 4 (1998): 826.

<sup>36</sup> McInnes, *Hot War, Cold War*, 23.

<sup>37</sup> Quoted in Sabin, "British Defence Choices beyond 'Options for Change'," 281.

<sup>38</sup> Quoted in McInnes, "Labour's Strategic Defence Review," 836.

global war on terror by the US government. The *SDR New Chapter* of 2002 and the *Defence White Paper* of 2003 newly provided for a flexible range of military and non-military options in order to deter or actively prevent any potential terrorist threat.<sup>39</sup> However, the adaptation of the UK defence strategy to meet the potential terrorist threat did not expunge the original cosmopolitan ethos of the 1998 *SDR*.

The direct consequences of the post-2001 strategic environment were the operation in Afghanistan from 2001 onwards and the invasion and occupation of Iraq, in which the British forces took part from 2003 to 2011. While the US-led coalition justified the 2003 invasion of Iraq primarily in terms of pre-emptive action to stop the threat of weapons of mass destruction, the Blair Government felt the need to justify the deployment of its armed forces in terms of cosmopolitan morality too. The aim of the British armed forces hence was to liberate the Iraqi people from Saddam Hussein's tyranny.<sup>40</sup> In a similar vein, the cosmopolitan ethics and the principles of humanitarian intervention were invoked when Britain took over responsibility for operations in Helmand in 2006. As Hew Strachan put it, a US-led campaign to target terrorists has been transformed into a mission 'to bring to Afghanistan good governance, aid and construction'.<sup>41</sup>

However, the warlike cosmopolitanism of the Blair Government caused a strong backlash within British society. Instead of short and decisive operations which would lead to unambiguously improved living conditions of the people in need, the British forces sank into a quagmire of protracted violence and instability. As an inevitable consequence of this experience over more than a decade, the subsequent governments took a more sober view on the utility of force. Yet, the commitment to global responsibilities and humanitarian ethics, which has underlined British defence policy since the end of the Cold War, has not been abandoned. The National Security Strategy of 2010 maintained:

Our strategic interests and responsibilities overseas could in some circumstances justify the threat or use of military force. There will also be occasions when it is in our interests to take part in humanitarian interventions. Each situation will be different and these judgements will not necessarily be easy.<sup>42</sup>

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<sup>39</sup> Alister Miskimmon, "Continuity in the Face of Upheaval - British Strategic Culture and the Impact of the Blair Government," *European Security*, 13, no. 3 (2004): 281; Taylor, *A Brief Guide to Previous British Defence Reviews*, 13.

<sup>40</sup> Miskimmon, "Continuity in the Face of Upheaval," 292.

<sup>41</sup> Hew Strachan, "The strategic gap in British defence policy," *Survival*, 51, no. 4 (2009): 49.

<sup>42</sup> *A Strong Britain in an Age of Uncertainty: The National Security Strategy*, (London: HM Government, 2010), § 3.33.

The intervention in Libya in 2011 may be evidence that humanitarian ethics remains a valid justification for the use of force and the difference of situations and difficulty of the judgement calls to be made is surely well borne out by the non-intervention in Syria after the UK parliamentary vote in autumn 2013.

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Huntington's concept posited that military professionalism and objective civilian control rest on the idea that armed forces are a 'tool of the state'.<sup>43</sup> As the instrument of the state the professional military can be deployed when-, where- and however the government wishes. The role of the British armed forces has usually been identified in exactly such real-political terms. The UK governments have rarely felt uncomfortable to speak about the armed forces and their use in the service of the national interest. For example, according to the *Strategic Defence and Security Review* of 2010, the armed forces give Britain 'the means to threaten or use force when other levers of power are unable to protect [her] vital national interests.'<sup>44</sup> However, as J.S. Mill pointed out as early as 1859, 'The thought they have in their minds, is not the interest of England, but her security. What they would say, is, that they are ready to act when England's safety is threatened, or any of her interests hostilely or unfairly endangered.'<sup>45</sup> It is not true that normative principles would have no bearing on decisions concerning the use of force. For instance, the practice of military interventions during the withdrawal from empire demonstrated that Britain 'did not systematically use force in favor of her greatest trade monopolies, nor her most profitable overseas investment, nor her largest overseas populations. Where, when, and why Britain intervened reveal that she used force to cope and not to conquer.'<sup>46</sup> Moreover, when the existential security concerns disappeared at the end of the Cold War, British defence policy gained the liberty to justify deployments of British soldiers in explicitly ethical terms, as a 'force for good'.

The British armed forces should be ready to carry out any mission the government requires. That demands a great deal of flexibility on the part of the military. However, every individual service – Royal Navy, Royal Air Force, and Army – was designed for a particular

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<sup>43</sup> Huntington, *The Soldier and the State*, 83.

<sup>44</sup> *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*, (London: HM Government, 2010), § 2.1.

<sup>45</sup> Mill, "A Few Words on Non-Intervention 1859."

<sup>46</sup> Van Wingen and Tillema, "British Military Intervention after World War II: Militance in a Second-Rank Power," 300.

task or gradually adapted to fit the requirements of a specific mission. Thus probably most of the main features of the British Army were created under the conditions of imperial duties. Until the Second World War, the Army's major strategic role lay in the defence of the Empire against other colonial powers and maintaining the rule of law within the colonies was its everyday business. As the issues of compulsory military service and citizenship education in the following parts of this chapter will demonstrate, the predominance of imperial commitments rendered the Army incompatible with the requirements of total warfare during the First and, more significantly, the Second World War. On the other hand, the imperial duties endowed the British Army with constabulary skills – a topic of the last section – and thus made the Army an adequate instrument for later low-intensity operations, such as Northern Ireland, the Balkans or Afghanistan.

### **Make-up of the Armed Forces: Compulsory or Voluntary Service**

Conscription, or national service,<sup>47</sup> has never become rooted in the organisational structure of the British armed forces. In the last century, Britain conscripted young people into her armed services for no more than 25 years in total. The first modern conscription law (Military Service Law) in the United Kingdom was introduced in January 1916, at the time when voluntary recruitment for the battlefields of the First World War not only was unable to secure sufficient intake of fresh recruits but also proved to be detrimental to the effective distribution of manpower between the armed forces and war industry. Call-up of conscripts ended shortly after the end of the war in mid-1919. The second period of compulsory military training and service started on the eve of the Second World War in April 1939 and after the war conscription was maintained until the end of 1960 (the last conscripts leaving the armed forces in 1963). The United Kingdom was not only the last European power that resorted to conscription but also the first to decide it could resume the system of all-volunteer forces in the post-1945 period.

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<sup>47</sup> The term 'conscription' was being systematically avoided by the advocates of compulsory service for its negative connotations in British society. They preferred the term 'National Service' because 'conscription' was associated with the purchase of substitutes, on the one hand, and with the continental model of conscription that was seen as the basis of national aggression, on the other. Dennis, *The Territorial Army, 1906-1940*, 18; see also Peter Dennis, *Decision by Default: Peacetime Conscription and British Defence, 1919-1939* (London: Routledge and Kegan Paul, 1972), 206-25; Denis Hayes, *Conscription Conflict: The Conflict of Ideas in the Struggle for and against Military Conscription in Britain between 1901 and 1939* (London: Sheppard Press, 1949), 38.

Unsurprisingly, the international situation of the UK in 1916 and 1939 led public opinion to grow strongly in favour of the introduction of conscription,<sup>48</sup> but apart from the time of emergency, certainly during most of the first half of the 20<sup>th</sup> Century, conscription was generally regarded as illiberal and at odds with British democratic traditions.<sup>49</sup> As one radical MP noted in the discussion on the 1916 Military Service Bill, the people of Britain were believed to be engaged in ‘a fight for Liberty against Bureaucracy, for British ideals and for Liberalism in its widest sense against Prussian Militarism and Tyranny’. The recourse to compulsory service was therefore viewed as embodying nothing less than ‘the negation of Liberalism’.<sup>50</sup> The defence commentator, military historian and 1914-18 veteran Basil Liddell Hart approached the same issue at the time of the Second World War with an identical sentiment:

The principle of compulsory service, embodied in the system of conscription, has been the means by which modern dictators and military gangs have shackled their people after a coup d'état, and bound them to their own aggressive purposes. In view of the great service that conscription has rendered to tyranny and war, it is fundamentally shortsighted for any liberty-loving and peace-desiring peoples to maintain it as an imagined safeguard, lest they become the victims of the monster they have helped to preserve – as has happened before.<sup>51</sup>

The same author expressed elsewhere more specifically why, in his view, conscription is not compatible with the liberal nature of the British nation. Compulsory service is said to entail ‘the suppression of individual judgement – the Englishman’s most cherished right.... In respect of personal service, freedom means the right to be true to your convictions to choose your course, and decide whether the cause is worth service and sacrifice. That is the difference between the free man and the state-slave.’<sup>52</sup> As also shown below, individual initiative and freely developed enthusiasm are among the main virtues which were ascribed to voluntary service by its advocates.

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<sup>48</sup> See Hayes, *Conscription Conflict*, 145; Daniel Hucker, "Franco-British Relations and the Question of Conscription in Britain 1938–1939," *Contemporary European History*, 17, no. 04 (2008): 443.

<sup>49</sup> Enforced military service was, in fact, not as strange in Britain as the 20<sup>th</sup> Century discourse might suggest. ‘In their more romantic moments [the supporters of conscription] harked back to the Anglo-Saxon fyrd. More relevantly they cited the Militia Act, [which sanctioned the use of ballot and] which, at least in name, had only been suspended rather than positively repealed.’ Hew Strachan, "Liberalism and Conscription 1789-1919," in *The British Army, Manpower, and Society into the Twenty-First Century*, ed. Hew Strachan (London: Frank Cass, 2000), 7.

<sup>50</sup> Johnson, "The Liberal War Committee," 400.

<sup>51</sup> Basil Henry Liddell Hart, *The Revolution in Warfare* (London: Faber & Faber, 1946), 82.

<sup>52</sup> Basil Henry Liddell Hart, *Willing Service or Compulsion* (Swindon: Swindon Press, 1939), 8. Quoted in Hayes, *Conscription Conflict*, 358. Cf. Charles Trevelyan: ‘Of all forms of subservience short of positive slavery, military subservience is by far the worst.’ Quoted in Hayes, *Conscription Conflict*, 143.

However, to conclude that peace-time conscription was seen to contradict the highly esteemed principle of individual freedom would do a great injustice to the issue. An examination of the debates between proponents of universal conscription and advocates of voluntary recruitment into the armed forces, particularly the rich debate from the early 1900s until the introduction of National Service in 1916, and details of the institutionalisation and practice of conscription, such as conscientious objection, will give a more nuanced view on the ideological background of the recruitment system.

### ***The conscription debate***

The 1899-1902 Second Boer War revealed, among other serious shortcomings, an inefficiency of the British military system to generate reserve forces sufficient to sustain a prolonged campaign. Military reform was thus required. A lively discussion emerged at the time as to whether Britain should adopt compulsory military service, as was commonplace all over the Continent, or should completely rely on voluntary service. As early as 1902 the National Service League (NSL) was established – a pressure group which took the lead in the public campaign for compulsory military training in the United Kingdom. The publications of the NSL,<sup>53</sup> though not ultimately successful in attaining their aim, were effective in opening the public discussion on this issue. On the other side of the debate stood the Secretary of the State for War Richard Haldane, whose reform of home-defence and reserve forces rested on part-time voluntary service of citizens. To counter the campaign of the NSL, Haldane commissioned the publication of *Compulsory Service*,<sup>54</sup> a book defending his reform composed by a senior army officer, Sir Ian Hamilton, Adjutant-General until 1910.

The island position of Britain and the vast empire determined that her military strategy was bound to rest on a large navy capable of the command of the sea and a regular army consisting of long-term serving soldiers who could be posted anywhere in the empire. None of the parties in the conscription debate before the outbreak of the First World War challenged this fundamental assumption. A dividing line, however, existed with regards to the question of the impenetrability of Britain's maritime defence. Whereas the conscriptionists justified their call for compulsory military training and a large reserve force upon the assumption that the navy could not guarantee that no invasion force whatsoever

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<sup>53</sup> George R.F. Shee, *The Advantages of Compulsory Service for Home Defence* (London: J. J. Keliher & Co., 1902); Frederick Sleigh Roberts, *Fallacies and Facts: An Answer to "Compulsory Service"* (London: Murray, 1911); Frederick Scott Oliver, *Ordeal by Battle* (London: Macmillan & Co., 1915).

<sup>54</sup> Hamilton, *Compulsory Service*.

might ever cross the Channel, the so called ‘bolt from the blue’ argument, Haldane’s reform was backed by the Admiralty and Committee of Imperial Defence’s dismissal of the invasion threat.<sup>55</sup>

In Haldane’s eyes, a draft-based home-defence army would be an unnecessary drain on economic resources which could be more effectively used to the benefit of the navy and the regular army.<sup>56</sup> However, despite the fact that the question of home defence was in the forefront of this debate, neither party considered the defence of the homeland territory to be the only reason for the establishment of National Service, on the one hand, or the voluntary Territorial Force, on the other. The debate had arisen because of the deficiencies revealed in attempting to maintain a sufficiently strong force throughout the entire course of the Boer War. Therefore, the main intention of either party was to prepare the armed forces for another large-scale military engagement overseas. Not merely to maintain a home-defence army, but also to create a second-line force was among the chief intentions of both Haldane and the NSL.<sup>57</sup> A militarisation of British society was deemed necessary; the controversy lay in the question about what way British society should get prepared for war. The arguments in the debate were therefore largely of an ideological nature.

To be clear, neither side represented an unambiguously liberal position. Haldane was a liberal imperialist and the NSL, even if non-partisan, associated mostly members and supporters of the Conservative Party and its arguments reflected nationalist and civic-republican political views.<sup>58</sup> The imperialist dimension of Haldane’s reasoning occurred in his emphasis on aggressive military strategy, for which a voluntarily recruited army was claimed to be necessary:

Voluntary service is inspired by the spirit of self-expansion, by a spirit of self-confidence so genuine and so deep as to engender a belief that others will be benefited by being brought under the Flag. The spirit of Imperialism, the adventurous spirit, the appreciation of the

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<sup>55</sup> Dennis, *The Territorial Army, 1906-1940*, 5,19; see e.g. Hamilton, *Compulsory Service*. Appendix III: Notes containing the admiralty view of the risk of invasion.

<sup>56</sup> *The Case for Voluntary Service: The Handbook of the Voluntary Service Committee*, 134; Hamilton, *Compulsory Service*, 37.

<sup>57</sup> Roberts, *Fallacies and Facts: An Answer to "Compulsory Service"*, 20-21. Hamilton, *Compulsory Service*, 143; Dennis, *The Territorial Army, 1906-1940*, 19.

<sup>58</sup> Roger T. Stearn, "National Service League (act. 1902–1914)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press); Strachan, "Liberalism and Conscription 1789-1919," 7; H.C.G. Matthew, "Haldane, Richard Burdon, Viscount Haldane (1856–1928)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2011); John Gooch, "Haldane and the National Army," in *Politicians and Defence: Studies in the Formulation of British Defence Policy 1845-1970*, ed. I. F. W. Beckett and John Gooch (Manchester: Manchester University Press, 1981).

romance of war, the true spirit of the professional army, can only there find its free expression.<sup>59</sup>

Compulsory service, in contrast, was said to be inspired by the spirit of self-conservation and nationalism and would naturally lead to a defensive or passive state of mind. Such an attitude was regarded as damaging to the vital interests of the British Empire. 'If a rich nation turns its mind entirely to defence, it commits the deadly sin of tempting others to transgress. By renouncing the offensive idea it goes just half-way to inviting its rivals to attack...'<sup>60</sup> Thus, in Haldane and Hamilton's views, voluntary service was preferable for being aggressive and imperialist, whereas compulsory service was deplorable for its defensiveness and 'Little Englandism'.

Denis Hayes passed a telling comment that in the 'changed thought of to-day the voluntarists must have seemed to plead for war and the conscriptionists for peace'.<sup>61</sup> However, the cause of the NSL was not considered in such positive terms by their contemporaries. Rather, the NSL became notorious for awaking invasion scares. Moreover, for many conscriptionists, compulsory service was sought to arrest national decline and preserve military and masculine qualities in the nation.<sup>62</sup> As Lloyd George pointed out in his memoirs, the pre-war conscriptionists were commonly associated 'with extreme Jingoism, and in consequence opposition to any suggestion of national military service had become an article of faith with some liberals and socialists.'<sup>63</sup>

Yet to be comprehensible and acceptable to British society at large, both parties also had to undergird their causes with liberal arguments. As mentioned above, home defence was publicly asserted to be the chief reason for both compulsory National Service and the voluntary Territorial Force. So, despite Haldane's intention to build the Territorial Force as a second line behind the Regular Army component of the Expeditionary Force, he did not find sufficient political support for his plan to make the Territorials liable for overseas service.<sup>64</sup> The effort of the civilian society, but on a voluntary basis, to defend their homes could not be compromised by a liability for overseas military adventures.

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<sup>59</sup> Hamilton, *Compulsory Service*, 49.

<sup>60</sup> *Ibid.*, 142.

<sup>61</sup> Hayes, *Conscription Conflict*, 101.

<sup>62</sup> T.H.E. Travers, "Technology, Tactics, and Morale: Jean de Bloch, the Boer War, and British Military Theory, 1900-1914," *The Journal of Modern History*, 51, no. 2 (1979): 279-80.

<sup>63</sup> Quoted in Hayes, *Conscription Conflict*, 122.

<sup>64</sup> Dennis, *The Territorial Army, 1906-1940*, 19.



Indeed, creating the nation-in-arms was claimed to be the aim of Haldane's reform. He declared his reorganisation of the military forces in such a fashion as to create a genuine 'National Army, not separated from itself by artificial barriers of caste and class, but regarded by the people as something that is their very own.'<sup>65</sup> Haldane emphasised that the concept of 'nation-in-arms' had to reflect the nature of British society and, therefore, should be based on the voluntary system controlled by local organisations. Only under these conditions would the Territorial Force be effectively integrated in local communities and thus, it was believed, become an organic part of the life of society.<sup>66</sup>

The principle of voluntary recruitment into the Territorial Force was said not only to reflect the democratic and liberal traditions of British society, but also to suit the strategic requirements of the British Empire. 'If the first or Regular Line must be recruited, as it is today, on a voluntary basis, then,' as reads one of the main ideologically based theses of Haldane and Hamilton, 'recruiting for it would be seriously jeopardised if a general system of training were made compulsory during the period of life at which recruits enlist for the Regular Army.'<sup>67</sup> The belief that compulsory service undermines recruitment of career soldiers became firmly rooted in Britain. As late as 1957, Duncan Sandys, Minister of Defence in Harold Macmillan's Conservative government, applied this notion when he advocated doing away with National Service: 'It is, I think, generally recognised that the abolition of National Service, with its disturbing influence, will in itself greatly help voluntary recruitment.'<sup>68</sup>

The truly liberal aspect of Haldane's and Hamilton's thinking lay in their interpretation of conscription as a 'tremendous leveller'. Examining the German military system, Hamilton portrayed this system as the 'greatest engine the world has yet seen for the manufacture of a particular type of human intellect and body.' This system was acknowledged to produce citizens with 'backs straightened, chests broadened, clean, obedient, [and] punctual'. The other side of the coin, however, was said to be the weakening of the individual initiative of the citizens and sacrifice of 'the interplay of varying ideals' in society. 'Good or bad, black or white, all are chucked indifferently into the mill, and emerge

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<sup>65</sup> Haldane quoted in *Ibid.*, 10.

<sup>66</sup> *Ibid.*, 18. I. F. W. Beckett and Keith Simpson, *A Nation in Arms: A Social History of the British Army in the First World War* (Manchester: Manchester University Press, 1985).

<sup>67</sup> Hamilton, *Compulsory Service*, 35.

<sup>68</sup> "HC Deb 16 April 1957: Defence," in *Hansard* (London: UK Parliament), vol 568 c1771.

therefrom, no longer black or white, but a drab, uniform khaki.’<sup>69</sup> Compulsory service in any form was then claimed to severely damage plurality, free spirit and individual initiative, virtues which not only should be defended but were also believed to be the main strengths of a liberal society against any adversary. As Clement Attlee, Leader of the Labour Party (1935-55), asserted during the conscription debate before the Second World War, ‘the voluntary efforts of a free people are far more effective than any regimentation by dictators’.<sup>70</sup>

Advocates of compulsory service, on the other hand, based their argument on the principle of democracy, and fairness and equality between social classes. The voluntary system was often accused of being ‘an elaborate system of substitution’, as Lord Newton put it in 1904.<sup>71</sup> Upon the intrinsic unfairness of the voluntary system was based the advocacy of conscription by the Liberal War Committee during the First World War. In the eyes of these progressive liberals, the ‘voluntary’ system has little to do with a genuine free choice as it filled the ranks of the British army ‘with the dregs of the working classes – men for whom military enlistment was often the last alternative to poverty.’<sup>72</sup> More than three decades later, George Isaacs, minister of labour in the Attlee Government, found this argument still powerful when he put forward that ‘recruiting statistics show that we had a greater intake into the Army in days of serious unemployment, when men turned to that kind of opportunity of getting their livelihood, when no other means were open to them.’<sup>73</sup>

Compulsory service, in contrast, was meant to impose fair and equal obligation regardless of social class and wealth. Upon this argument was based the bill submitted to Parliament by George Sandys in 1913 proposing a compulsory military training within the ranks of the Territorial Force. Sandys introduced the bill insisting that the same liability to serve the state under exactly the same conditions reflects the very essence of true democracy. ‘It is only by uniting high and low, rich and poor, in a common liability to defend their country that we shall secure for ourselves, and for those who come after us, uninterrupted progress in democratic development and constitutional liberty.’<sup>74</sup> In the same vein as by Sandys, conscription was being justified during all the main discussions afterwards. Ernest

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<sup>69</sup> Hamilton, *Compulsory Service*, 44.

<sup>70</sup> Leonard V. Scott, *Conscription and the Attlee Governments: The Politics and Policy of National Service, 1945-1951* (Oxford: Clarendon Press, 1993), 3.

<sup>71</sup> Lord Newton quoted in Hayes, *Conscription Conflict*, 32.

<sup>72</sup> Johnson, "The Liberal War Committee," 416.

<sup>73</sup> "HC Deb 31 March 1947: National Service Bill," in *Hansard* (London: UK Parliament), vol 435 c1675.

<sup>74</sup> "HC Deb 11 April 1913: National Service (Territorial Force) Bill," in *Hansard* (London: UK Parliament), vol.51, cc1524-27.

Brown, minister of labour in the Chamberlain Government, defended the Military Training Bill in 1939 by maintaining that the scheme is completely democratic: 'All will serve in the ranks, all will carry the ordinary soldier's pack, all will eat the ordinary soldier's ration, and all will live in the ordinary soldier's barracks.'<sup>75</sup> In 1947, when leader of the Conservative opposition, Winston Churchill, threw his support behind the Labour Government's National Service Bill, Churchill asserted that compulsory service 'emphasises the principle of equality of sacrifice, and by mingling all classes together, in common duty and honourable service, it is a favourable agent for diminishing class differences which exist in a free and varied society.'<sup>76</sup>

Yet universal conscription was invoked for the first time in the course of the First World War to provide numbers for field forces and then again on the eve of the Second World War in 1939 so as to show Britain's resolve and determination. This clearly demonstrates that the most crucial factor in the decision for conscription was the perception of strategic necessity. 'Britain's grim determination to win had led the land of liberty to a degree of compulsion unsurpassed by friend or foe,' commented Hayes on the National Service system during the 1939-1945 conflict.<sup>77</sup> Yet, the account above was to give evidence that strategic necessity does not completely override the liberal normativity as a whole. If need be, the imperative of voluntarism may be replaced by the principle of democratic equality and fairness manifested in universal conscription. Specifically the First World War showed that voluntarism might lose its meaning in situations of national emergency. As Harry Morris, a Labour MP and ardent opponent of conscription, explained during the 1947 discussion:

We have favoured conscription in time of national emergency and in time of war, and I think that we are entitled to do that, because conscription in time of war is the best system. There are other coercions besides the coercion of law that can be brought to bear—there is the coercion of opinion. Anyone who remembers the state of this country at the beginning of the first world war, will remember that the issue of white banners and similar devices made the position of the young men in the country subject to far greater oppression than conscription. Conscription is the most free system in time of war, but equally it is the most oppressive in time of peace.<sup>78</sup>

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<sup>75</sup> "HC Deb 04 May 1939: Military Training Bill," in *Hansard* (London: UK Parliament), vol.346 cc2204-05.

<sup>76</sup> "HC Deb 31 March 1947: National Service Bill," vol 435 c1695.

<sup>77</sup> Denis Hayes, *Challenge of Conscience: The Story of the Conscientious Objectors of 1939-1949* (London: George Allen and Unwin Ltd, 1949), 24.

<sup>78</sup> "HC Deb 31 March 1947: National Service Bill," vol 435 c1700.

Morris's speech was directed against the National Service Bill of 1947, which was to introduce for the first time a system of peace-time conscription. At the time, obviously, the threshold of strategic necessity significantly decreased. The government's rationale was based on the fact 'that the regular components of our Forces have seriously run down, owing to the fact that there has been no regular recruitment during the war' and conscription was thus meant to be merely a temporary measure.<sup>79</sup> As Churchill also affirmed:

Now, at this time, after a war in which the whole people took part has been waged and extraordinary confusion reigns in the world, it is necessary to have compulsion for service overseas – a hard thing for any Government to maintain. But that is not a basis on which our Army or any other army can indefinitely be maintained.<sup>80</sup>

Important, nonetheless, is that compulsory service was in all cases maintained for the external instrumental purposes of foreign and defence policy. Even in the case of peace-time conscription from 1947 to 1960, as demonstrated by Len Scott, 'advocacy on domestic grounds, such as instilling discipline or patriotism in the young', was of little consequence to policy-makers.<sup>81</sup>

However, even when the strategic necessity in conjunction with the principle of equality overrode the voluntary imperative, the principle of individual freedom was by no means silenced. In fact, at least as much as the issue of equality, it was the allowance for conscientious objection which was supposed to render the existence of conscription justifiable and assure its broad acceptance. The institution of conscientious objection to combatant service became a natural and necessary part of the Military Service Law in 1916 and the subsequent laws establishing compulsory military service extended the right to object to any service whatsoever.

### ***Conscientious objection***

Particularly owing to the religious diversity of British society, the issue of objection to compulsory service on ethical and religious grounds accompanied the conscription debate from its onset. Pacifism and rejection of any use of violence lay in the very foundations of The Society of Friends, or Quakers, and hence the Quakers naturally assumed the lead in the campaign against compulsion. When the first National Service Bill was discussed in

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<sup>79</sup> Ibid., vol 435 c1671.

<sup>80</sup> Ibid., vol 435 c1695.

<sup>81</sup> Scott, *Conscription and the Attlee Governments*, 271.

Parliament in 1913, Arnold Rowntree, a Liberal MP and Quaker, pointed out some of the consequences of compulsory service:

Rightly or wrongly, there are large numbers of people in this country, with a profound regard for the sanctity of human life, who believe that in every human personality there is something of the divine, and that for Parliament to force men against their will to train to kill one another is a function that it has no right to perform.... if a law like this is passed you turn these people really into rebels, and you practically say to them that they have to teach their children to resist a law that has been passed by this House...<sup>82</sup>

According to Rowntree, the proposed National Service would, in the long run, destroy 'religious freedom for many people'.<sup>83</sup>

Conscientious objection became an essential part of liberal opposition to compulsory service and, therefore, the allowance for conscientious objection to undertaking combatant service was automatically incorporated into the Military Service Bill in 1916. Yet, the history of conscientious objectors in the First World War reveals a huge gap between abstract normative assumptions and actual social attitudes and practices. According to the law the scruples of those objecting to combatant service on grounds of conscience were to be respected through the operation of Local Tribunals. The tribunals could grant an exemption from combatant service (although in this case the applicant would still have to join the armed forces), or a complete exemption from armed service, but this latter option being 'conditional on the applicant being engaged in some work which in the opinion of the Tribunal is of national importance'.<sup>84</sup> However, the tribunals functioned either badly or indifferently.<sup>85</sup> Out of 13,866 men who applied for exemption, nearly six thousand did not accept the decision of the Tribunal and were consequently court-martialled and sentenced. Due to the application of the 'cat and mouse' system, at least 655 objectors were court-martialled twice, 521 three times, 50 five times and three six times for their refusal to serve.<sup>86</sup>

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<sup>82</sup> "HC Deb 11 April 1913: National Service (Territorial Force) Bill," vol 51 cc1565-66; see also Thomas Kennedy, "Opposition to Compulsory Military Service in Britain Before the Great War," *Peace & Change*, 8, no. 4 (1982): 14.

<sup>83</sup> "HC Deb 11 April 1913: National Service (Territorial Force) Bill," vol 51 c1564.

<sup>84</sup> Hayes, *Conscription Conflict*, 200-04.

<sup>85</sup> Robert S.W. Pollard, "Conscientious Objectors in Great Britain and the Dominions," *Journal of Comparative Legislation & International Law*, 28(1946): 72.

<sup>86</sup> Hayes, *Conscription Conflict*, 258; Lois Bibbings, "Images of Manliness: the Portrayal of Soldiers and Conscientious Objectors in the Great War," *Social & Legal Studies*, 12, no. 3 (2003): 341. The 'cat and mouse' system allowed repetitive sentencing of unrecognised conscientious objectors. Since the unrecognised objector was not court-martialled for conscientious objection but for refusal to obey a specific order, after his service in prison he would return to his regiment and face the same problem again.

Beyond this application of the law, the conscientious objectors, or ‘conchies’, were regarded by the general public as ‘the most heinous cultural criminal’, as Lois Bibbings describes. ‘Regardless of his exemption status, his disobedience was committed against the interlinked laws of duty, patriotism and manliness’ and therefore the conscientious objection, though not formally designated by the Parliament as crime, was nevertheless assumed to be.<sup>87</sup> In the view of some people, the objectors were even guilty of treason. ‘The Daily Express described objectors as traitors who were helping to stab the army in the back, they were “either crazy or agents of the enemy” and the [No-Conscription Fellowship] was financed with German money (10 April 1916); in short, they were “fighting for Germany” (11 September 1914).’<sup>88</sup>

After the war the unfairness of the way the men with a genuine conscientious objection were dealt with was realised and constituted an important memento. In 1939, when the new conscription bill was drafted, Neville Chamberlain’s government made use of the lesson learned. ‘We all recognise that there are people who have perfectly genuine and very deep-seated scruples on the subject of military service’, stated Chamberlain when presenting the Military Training Bill in May 1939, ‘and even if we do not agree with those scruples at any rate we can respect them if they are honestly held.’<sup>89</sup>

The prime minister emphasised that a great variation existed in the way in which conscientious objection affected people. This time, therefore, conscientious objection was to be possible not only to combatant service, but also to performance of any military service and even to being registered in the military service register and thus to undertaking any compulsory service at all. With regard to the last group, Chamberlain acknowledged that some individuals might feel it their ‘duty to do nothing even to aid or comfort those who are engaged in military operations’. He explained the position of the government to this group of objectors as follows:

Probably that is the smallest of all classes of conscientious objectors. But it often happens that those who hold the most extreme opinions hold them with the greatest tenacity. We learned something about this in the Great War, and I think we found that it was both a useless and an exasperating waste of time and effort to attempt to force such people to act in a manner which was contrary to their principles.<sup>90</sup>

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<sup>87</sup> Bibbings, "Images of Manliness," 343.

<sup>88</sup> *Ibid.*: 344.

<sup>89</sup> "HC Deb 04 May 1939: Military Training Bill," vol 346 c2097; N. J. Crowson, *Facing Fascism: The Conservative Party and the European Dictators, 1935-1940* (London: Routledge, 1997), 147-67.

<sup>90</sup> "HC Deb 04 May 1939: Military Training Bill," vol 346 c2097.

The ethical principles thus married up with utilitarian considerations. It was the lesson learned from the previous war that not only the objectors but also the state suffered in the effort to compel genuine conscientious objectors into service. 'If a man honestly believes that the use of lethal weapons under any circumstances is wrong', a government publication noted, 'then it is unfair both to him, and to the men who would have to soldier with him, to drag him into the Forces'.<sup>91</sup> In accordance with this view, the practice of recognising conscientious objection was relatively lenient. So the tribunals interpreted the reasons for objection quite widely, having even registered as conscientious objectors those who would fight for Ireland but not for the UK.<sup>92</sup> Only about twenty-five percent of the applications for registration as COs were rejected by the tribunals and only one out of ten applicants would end up in prison.<sup>93</sup> Even those unrecognised objectors who were imprisoned would not be trapped in the 'cat and mouse' system, owing to the new possibility to re-submit the case to the appellate tribunal after a certain time had been served in prison.

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The appeal to equal obligations among citizens, which the National Service League considered a universal legitimisation of conscription, the strategic situation notwithstanding, was very effectively applied at the time of direct emergency. In fact, the scope of compulsion during the 1939-1945 conflict – besides the young men for military service, the state authority also assuming control over children, women and the elderly – was without precedent in British history. It was also without comparison among the other belligerents, save perhaps for the Soviet Union.<sup>94</sup> Yet, in the absence of any emergency and strategic necessity the principle of individual freedom reasserted itself. In the post-1945 period it was only the argument of strategic necessity that allowed the government to extend compulsory service temporarily and let young conscripts 'fight and die in foreign parts without it being manifestly essential to the nation's survival'.<sup>95</sup> After all, during the period of national service

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<sup>91</sup> *Man-Power*. H.M: Stationary Office: 1944, quoted in Hayes, *Challenge of Conscience: The Story of the Conscientious Objectors of 1939-1949*, 6.

<sup>92</sup> Pollard, "Conscientious Objectors in Great Britain and the Dominions," 74.

<sup>93</sup> Roger Broad, *Conscription in Britain, 1939-1964: The Militarisation of a Generation* (London: Routledge, 2006), 188-90; Trevor Royle, *The Best Years of Their Lives: The National Service Experience, 1945-63* (London: M. Joseph, 1986).

<sup>94</sup> Hayes, *Challenge of Conscience: The Story of the Conscientious Objectors of 1939-1949*, 24; Bradley F. Smith, *The War's Long Shadow: The Second World War and its Aftermath, China, Russia, Britain, America* (London: Deutsch, 1986).

<sup>95</sup> Broad, *Conscription in Britain*, 250.

as many as 395 conscripts were killed in action.<sup>96</sup> By the mid-1950s, the justification for compulsory service was declining sharply. As the Prime Minister Anthony Eden remarked in 1956, he did not believe that ‘the nation would continue to accept, after 1958, National Service as it now [was] unless the international situation deteriorated’.<sup>97</sup>

Hew Strachan proposes that the abandonment of the mass army at the end of the First World War was facilitated by the belief that ‘new machinery – the tank and the aircraft – would act as a substitute for manpower’.<sup>98</sup> In a similar way, the introduction of the nuclear-armed V-bombers provided an opportunity for the abolition of National Service in the 1950s.<sup>99</sup> Already the 1952 *Global Strategy Paper* advocated that much greater reliance should be placed in future upon atomic weapons than upon conventional forces and this process of strategic recalibration came to culminate in the 1957 *Defence White Paper* (the Duncan Sandys Review), which presented a plan for the phased ending of National Service, while priority was to be placed on nuclear deterrence, aircraft carriers and ground-to-air guided missile systems.<sup>100</sup> The belief has been by no means uncommon in British military thinking that the adoption of cutting-edge technology, rather than the nation-in-arms, should be the main means to assure national defence.

## **Military Ethos: The Right to Be Different**

With the end of the Cold War the unique institutional culture of the British armed forces came under threat, in the perception of the military authorities. The sentiments of the military authorities were expressed in the *Discipline and Standards Paper* of 1993:

The Army has been able to maintain high moral and ethical standards largely unaffected by the changes in patterns of behaviour in society in general. In more recent times, however, this divergence between the standards expected in the service, and what many take as

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<sup>96</sup> Brian Bond, "The British Experience of National Service, 1947-1963," in *Die Wehrpflicht: Entstehung, Erscheinungsformen und politisch-militärische Wirkung*, ed. Roland G Foerster (München: R. Oldenbourg, 1994), 207.

<sup>97</sup> Quoted in S.J. Ball, "A Rejected Strategy: The Army and National Service 1946-60," in *The British Army: Manpower and Society into the Twenty-First Century*, ed. Hew Strachan (London: Frank Cass, 2000), 45; on this point see also Martin S Navias, "Terminating Conscriptio? The British National Service Controversy 1955-56," *Journal of Contemporary History*, 24, no. 2 (1989): 195-208.

<sup>98</sup> Strachan, "Liberalism and Conscriptio 1789-1919," 12.

<sup>99</sup> Broad, *Conscriptio in Britain*, 250-51.

<sup>100</sup> See "Cabinet Memorandum. Statement on Defence, 1957. Note by the Minister of Defence. 30 March 1957," The National Archives, <http://filestore.nationalarchives.gov.uk/pdfs/small/cab-129-86-c-57-84-34.pdf>; John Baylis, *Ambiguity and Deterrence: British Nuclear Strategy, 1945-1964* (Oxford: Clarendon Press, 1995), 126-51, 405-14.



acceptable in this civilian society, has led to an increased questioning and lack of understanding of the military's strict code of conduct.<sup>101</sup>

In 2000, the British Army first published the concept of a Military Covenant, which represents an attempt to define explicitly the relationship and the mutual commitments between the armed forces and the nation. Among other things, the covenant states:

Soldiers will be called upon to make personal sacrifices – including the ultimate sacrifice – in the service of the nation. In putting the needs of the nation and the Army before their own, they forego some of the rights enjoyed by those outside the Armed Forces.... the unique nature of military land operations means that the *Army differs from all other institutions*, and must be sustained and provided for accordingly by the nation. This mutual obligation forms the Military Covenant between the nation, the Army and each individual soldier; an unbreakable common bond of identity, loyalty and responsibility which has sustained the Army and its soldiers throughout its history.<sup>102</sup>

The soldier's acceptance of 'a potentially unlimited liability to lay down their lives in the service of the Nation'<sup>103</sup> is the point which is to determine the character of the relationship. General Sir John Hackett, who coined the term 'unlimited liability', maintained that it is the unlimited liability itself that 'sets the man who embraces this life somewhat apart. He will be, (or should be) always a citizen. So long as he serves he will never be a civilian.'<sup>104</sup> With the concept of covenant, the Army proposes a contract with society – only morally, not legally binding<sup>105</sup> – that in exchange for defence of the society's values, the 'Armed Forces expect the nation to recognise their "right to be different"'.<sup>106</sup>

Interestingly enough, the quoted report of the Task Force on the Military Covenant, chaired by a distinguished academic, the Chichele Professor of the History of War at Oxford, Professor Hew Strachan, used the phrase 'right to be different', which the military had already abandoned for a less assertive expression 'the need to be different'. In April 1996 the British Army Board issued a policy paper called *The Extent to Which the Army has a Right to be Different*, in which the Army Board asserted its authority to make policy decisions in

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<sup>101</sup> *Discipline and Standards Paper* of 1993, quoted in Patrick Mileham, *Ethos, British Army Officership, 1962-1992* (Camberley: Strategic and Combat Studies Institute, 1996), 5.

<sup>102</sup> *Army Doctrine Publication 5: Soldiering, the Military Covenant*, (London: Ministry of Defence, 2000), §0103. (Emphasis added)

<sup>103</sup> *British Defence Doctrine 2011*, §525.

<sup>104</sup> John Winthrop Hackett, *The Profession of Arms* (London: Sidgwick & Jackson, 1983), 202; Patrick Mileham, "Unlimited Liability and the Military Covenant," *Journal of Military Ethics*, 9, no. 1 (2010): 25.

<sup>105</sup> The author of the concept, Colonel (later Maj-Gen. Sir) Sebastian Roberts, explains that the term was 'deliberately chosen on account of its not being as legalistic or binding as a contract, and at the same time conscious of its quasi-religious overtones' Mileham, "Unlimited Liability and the Military Covenant," 32.

<sup>106</sup> Hew Strachan et al., *Report of the Task Force on the Military Covenant* (London: Ministry of Defence, 2010), 7.

terms of military tradition, culture and ethos.<sup>107</sup> Soon after that, however, the armed forces came to justify their difference from the rest of society exclusively on the ground of operational effectiveness. 'It is operational effectiveness that requires the Army to have values and standards that are different from society – "need to be different" not right to be "different"', is what is insisted upon in the *Values and Standards of the British Army*.<sup>108</sup>

However, the vocabulary of both the 'right' and the 'need' only reflects the urge of the military authorities to stress the divergence between the armed forces and society and the essentiality of defending the *status quo*. As Strachan points out in another of his articles, the services have 'chosen a policy that emphasises the existence of the "gap" rather than aims to highlight the areas of comparability. This sense of beleaguerment is at least partly self induced.'<sup>109</sup> Yet, it is by no means surprising that the armed forces, the Army in particular, naturally tend to emphasise the uniqueness of their ethical values and standards. Since the 1880s, the army's institutional culture was based on the regimental system and the regimental *esprit de corps* provided soldiers with their identity in a socialised and totalising sense, and not merely in professional terms. Exclusiveness and separation of military communities from their parent society, and also from each other, have always been the main characteristic of the British military culture and, according to the advocates of the regimental system, also its main strength. For instance, Robert Graves, English poet and novelist, acknowledged in his memoirs from the First World War that 'regimental pride', by way of contrast with patriotism and religion, 'remained the strongest moral force that kept a battalion going as an effective fighting unit'.<sup>110</sup>

The self-professed separation and exclusiveness of the regimental system, however, is at odds with the liberal preference for the unity of military and society. Yet, the development of British military culture has not been short of liberal influence. As will be demonstrated in the following subsection, the regimental system was quite accidentally built on genuinely liberal intentions. The function of the regimental system to generate strong morale will subsequently be contrasted with the liberal approaches to keeping up morale and motivation in the Second World War citizen army. Last but not least, we will examine the extent to which the modern regular army permits individual thinking and freedom of conscience.

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<sup>107</sup> Patrick Mileham, "Fifty Years of British Army Officership 1960–2010: Part II: Prospective," *Defense & Security Analysis*, 20, no. 2 (2004): 190; Patrick Mileham, "Military Virtues 1: The Right to Be Different?," *Defense Analysis*, 14, no. 2 (1998): 170.

<sup>108</sup> *Values and Standards of the British Army*, (London: Ministry of Defence, 2008), §2.

<sup>109</sup> Hew Strachan, "The Civil-Military 'Gap' in Britain," *Journal of Strategic Studies*, 26, no. 2 (2003): 49.

<sup>110</sup> Robert Graves, *Goodbye to All That* (Harmondsworth: Penguin Books, 1960), 157.

## ***The regimental system***

The British Army has certain enduring characteristics which are part of this, embodied in its regimental system.... arms, corps and regiments acquire tremendous spirit and distinctive identity from their operational reputations, which are often centuries old.<sup>111</sup>

The regimental system has seen many changes over the last century, yet its main characteristics managed to keep a prominent position in the British military culture until the present day – the distinctive regimental identity and regimental *esprit de corps*. It is a remarkable fact that this still surviving culture of exclusiveness or even regimental tribalism emerged from the liberal military reforms of Edward Cardwell, secretary of state for war from 1868 to 1874. If the intention of the reformer was not the exact opposite, it certainly is plausible to say that the lasting culture of regimental tribalism was not the aim of the Cardwell reforms.

A reform of the British military establishment was made urgent by the severe deficiencies revealed in the Crimean War (1853-1856) and the Indian Mutiny of 1858, namely the incompetence of the officer corps and the lack of reserves. Cardwell's answer to the shortcomings that had been revealed was not liberal only because it was pursued by the liberal government of William Ewart Gladstone, but primarily for the reformer's conscious attempt to remedy the military's functional problems by shifting the Army closer towards wider society and making it more integrated into the democratising social structure. Among the main reforms of Cardwell were, hence, the abolition of purchase of commission, replacement of long-term service by short-term, and localisation of regiments/brigades in specific recruitment areas.<sup>112</sup>

The issue of purchase of commission became one of the battles in the 19<sup>th</sup> Century political conflict between the conservative propertied upper class and the liberal professional middle class. By the 1870s the representatives of the conservative upper class had come to regard the purchase as a constitutional principle ensuring the unity of the army and society. As it had restricted the officer corps recruitment to the members of the propertied class, which also ruled the state, purchase was argued to guarantee the security of the established order. For the liberals the purchase was at odds with the ideal of political democracy and

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<sup>111</sup> *Army Doctrine Publication: Operations*, (London: Ministry of Defence, 2010), §0233.

<sup>112</sup> Cardwell created 66 localised brigades consisting of either one two-battalion regiment or two single-battalion regiments and associated units of Volunteers and Militia. Under the tenure of war secretary Hugh Childers in the early 1880s, the brigades were transformed into regiments.

strikingly contradicted the Liberal Party's effort to reduce the power of privilege in British society.<sup>113</sup> According to Gladstone, purchase of commission clearly demonstrated 'the extent to which the government of this country has been worked in the spirit of class, and to the disadvantage of the mass of the community'.<sup>114</sup>

More practically, the abolition of purchase was supposed to create a professional officer corps. Entry by competitions was believed to attract high-quality candidates from a much wider pool of the middle class. Moreover, promotion by merit, in contrast to purchase, was expected to develop a professional attitude towards the service. None of these aims, however, was fully realised by the late 19th Century reforms. Various social barriers remained which, in practice, continued to protect the upper-class character of the officer corps and the system of purchase was not replaced by the system of promotion by merit, but instead by the principle of seniority. The system of promotion is particularly significant for the early development of the British regimental culture. Whereas in the former system an ambitious and rich officer could quickly buy his way up to a lieutenant colonelcy through several regiments, simply purchasing a vacated post wherever it had occurred, the seniority principle confined the officer's career path to one regiment. John Keegan thus tellingly commented that the Cardwell system 'had, quite accidentally, made loyalty *to* the regiment and service *within* the regiment, and to no other regiment, the passport to a successful career'.<sup>115</sup>

The Crimean War and the Indian Mutiny also manifested the urgent need for substantial reserve forces. These, however, could not be produced by the existing army of life-long servicemen. The system of short-term service in which soldiers would spend only 6 years in the regulars and other 6 years in the reserves was an obvious and functional solution. This new system, however, could no longer rely on the recruitment from the lowest social strata – Wellington's 'scum of the earth'. A dramatic liberalisation of the conditions of service and convergence between the Army and society was hence considered necessary.

The short-term service itself was believed to attract recruits from a wider cross-section of the population, since return to civilian society would become relatively easy. Moreover, the restrictions on flogging and the prohibition on branding deserters were

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<sup>113</sup> Anthony Bruce, "Edward Cardwell and the Abolition of Purchase," in *Politics and Defence*, ed. Ian Beckett and John Gooch (Manchester: Manchester University Press, 1981), 36-38.

<sup>114</sup> Quoted in *Ibid.*, 38.

<sup>115</sup> John Keegan, "Regimental Ideology," in *War, Economy and the Military Mind*, ed. Geoffrey Best and Andrew Wheatcroft (London: Croom Helm, 1976), 9. (Original emphasis)

supposed to improve further the image of soldiering.<sup>116</sup> The localisation scheme, in which each regiment/brigade was given a territorial base for recruitment, was intended to have at least two crucial functions. As the regiment would become rooted in the social structure of the local community, joining up into the regiment would become a relevant and respectable option for significantly more young men. In addition to that advantage, Cardwell assumed that the close relationship between the regiment and the local community would facilitate the maintenance of morale and discipline in the ranks. Instead of the previous system of discipline, in which an instinctive obedience was being built throughout the long process of socialisation of the soldier in the military hierarchy – a process which was, moreover, facilitated by the use of corporal punishment – localisation, as David French explains, was to ‘transplant into the army the communal roots that bound soldiers to the civilian society from which they sprang, and to which they would return at the end of their colour service. Regiments would become reflections of their parent communities.’<sup>117</sup>

In reality, however, only a few regiments managed to recruit the majority of their men from their own neighbouring recruitment area. In practice, regiments took their recruits everywhere they could find them. French proposes that it was this incomplete success of localisation which bore the regimental *esprit de corps* as it is known today. The regimental authorities, having been deprived of their traditional instruments of discipline, had to rely upon communal ties to maintain discipline and morale. Yet, since in most cases no primordial communal ties existed, the regiments had to construct them: they hence manufactured their own regimental identity.<sup>118</sup>

The Cardwell system was primarily designed for imperial service and, expectedly, it was the deployment in the colonies which was best suited to the regimental identity. As Strachan points out, during its overseas service the regiment, quite naturally, became ‘a sort of extended family’. ‘Residence in alien lands only intensified the sense that the regiment was the embodiment of home.’<sup>119</sup> Yet, since the system rests on distinct and exclusive identities, the question arises to what extent the regimental system worked during the world wars when the situation brought about the need for a nation-in-arms.

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<sup>116</sup> Bruce, "Edward Cardwell and the Abolition of Purchase," 33-34.

<sup>117</sup> David French, *Military Identities: The Regimental System, the British Army, and the British People, c. 1870-2000* (Oxford: Oxford University Press, 2005), 58.

<sup>118</sup> Ibid.

<sup>119</sup> Hew Strachan, *The Politics of the British Army* (Oxford: Clarendon Press, 1997), 206.

Surprisingly enough, the experience from the two world wars could not be more different. Arguably, the First World War completed the Cardwell reforms at least partly in the spirit that was intended by the reformer. The localised regimental bases provided a means of wartime expansion of the British Army. Each new battalion was embedded into an existing regiment. In this way, the 1914-1918 volunteers and conscripts, as Keegan puts it, 'went off not to disappear inside a faceless juggernaut, but to join an identifiable unit whose reputation was part of local folklore, whose Territorials were a familiar and slightly comic part of the local scene and whose infinitely expandable structure offered accommodation to as many battalions as the resident population could raise'.<sup>120</sup> Despite the fact that the war experience of battalions of one regiment often dramatically differed and, as Strachan notes, 'had little more in common than their titles and their cap badges', the regimental title and cap badge suddenly became important to a much wider part of each local community than ever before.<sup>121</sup>

In contrast, recruitment and management of manpower in the Army during the Second World War was being progressively removed from the power of regiments in favour of larger formations – divisions and indeed the Army as a whole. Although the attempt of Adjutant-General Sir Ronald Adam to create the homogenous Corps of Infantry was defeated by the opposition of regimental commanding officers, the General Service Corps was at long last established in July 1942. Every recruit would thus join the corps for the first six weeks of basic training and subsequent allocation of soldiers into arms, corps and regiments became subject to psychological and aptitude testing.<sup>122</sup> To calm the traditionalist opposition, Adam advised the regimental commanding officers that the 'regimental system is not to be abolished, and the fact that men will go early in their service into their correct Corps should help to foster the Regimental spirit and tradition'.<sup>123</sup> Yet, rather than adopting regimental *esprit de corps* to the same extent as the pre-war volunteers, the war recruits tended to develop closer ties to their division. Some authors therefore maintain that the continuation of the regimental system after the war was far from certain. The system was 'resuscitated after the war by officers who wished to get back to pre-war conditions; had it been changed

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<sup>120</sup> Keegan, "Regimental Ideology," 10-11.

<sup>121</sup> Strachan, *The Politics of the British Army*, 208; see also Peter Simkins, *Kitchener's Army: The Raising of Britain's New Armies, 1914-1916* (Manchester: Manchester University Press, 1988).

<sup>122</sup> Roger Broad, *The Radical General: Sir Ronald Adam and Britain's New Model Army 1941-1946* (Stroud: The History Press 2013), 96-103; French, *Military Identities*, 279-80; David French, *Raising Churchill's Army: The British Army and the War against Germany, 1919-1945* (Oxford: Oxford University Press, 2000), 68; Strachan, *The Politics of the British Army*, 28.

<sup>123</sup> quoted in Broad, *The Radical General*, 99.

completely in 1945 there would have been little outcry, as at that moment most people were interested in divisional rather than in regimental identities'.<sup>124</sup>

There were several dramatic changes of the regimental system after the war. In 1948, regiments became organised into fifteen brigades. Each brigade ran a common training centre and all fresh recruits in the brigade were initially trained in one of its battalions. Moreover, officers and men could be freely transferred between the regiments of the same brigade. After the Sandys reform of British defence policy in the late 1950s, General Sir Gerald Templer, the Chief of the Imperial General Staff, started a process of deeper integration of single-battalion regiments into brigades, which would subsequently evolve into 'large regiments'. Templer's goal, however, was not achieved, as by 1966 only three large regiments had been formed; the rest of the infantry remained organised in the brigade structure. At this time a new structure was proposed. Since even the large regiments were still too small to deal with uneven recruitment, the regiments and brigades were to be organised into six divisions. It was supposed to become commonplace that officers, NCOs and other ranks would move between regiments of one division.<sup>125</sup>

Yet, although all these changes affected the strength of regimental identity, particularly due to the fact that officers and soldiers could be freely cross-posted between regiments of the same brigade or division, the regiment and the regimental *esprit de corps* remains even now the cornerstone of the army's institutional culture. The soldiers and officers continue to attach themselves primarily to their regiments or a specialist corps, rather than to the Army as a whole. 'The spirit of affiliation still largely remains among Army officers to the end of their service and beyond.'<sup>126</sup>

### ***The Second World War and citizenship education***

The regimental system provides the Army with a specific way of upholding morale and combat motivation. It is the regimental *esprit de corps* and the close affiliation of every corps and regiment to the sovereign herself which are believed to equip the soldiers with a powerful spiritual armament. While such a system may suit an all-volunteer regular army quite well, the citizen army's needs to create and keep morale differ considerably. The experience of the British army during the Second World War, in particular, demonstrates that

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<sup>124</sup> John C. M. Baynes, *The Soldier in Modern Society* (London: Eyre Methuen, 1972), 103-04.

<sup>125</sup> French, *Military Identities*, 290-99.

<sup>126</sup> Mileham, "Fifty Years of British Army Officership: Prospective," 187.

in liberal society loyalty to a military institution, such as the regiment or the Army, and appeals to formal patriotism and civic obligations have to be supplanted by motivation based on the objectives of a war. The citizen-soldier has to be persuaded that the aims for which he is fighting are worth his sacrifice. To the front thus comes the need for citizenship education of soldiers.

The British Army already gained its first experience with citizenship education at the end of the First World War. Early attempts to advance the general education of young soldiers were devised and carried out by the YMCA (Young Men's Christian Association) and one of the first proposals for social and political discussion groups was presented by the Deputy Chaplain-General, Bishop H.L. Gwynne. However, it had not been until 1918 that the War Office created the Army Education Corps.<sup>127</sup> Field Marshal Sir Douglas Haig, inspired by the educational work being carried out by the Canadian forces, authorised the setting up of an education scheme the aims of which should be:

To give men a wider view of their duties as citizens of the British Empire.

To help men in their work after the war.<sup>128</sup>

The founder of the Army Education Corps (AEC), Colonel Lord Gorell, explained that one of the most important purposes of the new educational schemes was to provide the soldiers with insight into the causes of the war. Such men would 'face the discomforts, privations, and dangers of military life with better heart and firmer determination'.<sup>129</sup>

With the demobilisation of 1919 and the return to an all-volunteer army the question arose as to whether the educational scheme should continue. The objections of some traditionalist officers against the scheme were conveyed by Major-General Childs when stating that, while before the war 'we had a well-disciplined and ignorant army,' the country was now burdened with 'an army educated and ill-disciplined'.<sup>130</sup> However, the military opposition was not overwhelming and, thanks to Lord Gorell's political influence, the Army education received support among the members of parliament and in the press. The continuation of the education scheme in the peacetime army was approved. After all, as

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<sup>127</sup> Penelope Summerfield, "Education and Politics in the British Armed Forces in the Second World War," *International Review of Social History*, 26, no. 2 (1981): 135.

<sup>128</sup> Quoted in S. P. MacKenzie, *Politics and Military Morale: Current-Affairs and Citizenship Education in the British Army, 1914-1950* (Oxford: Oxford University Press, 1992), 12.

<sup>129</sup> Quoted in *Ibid.*, 17.

<sup>130</sup> Quoted in *Ibid.*, 48.



Churchill commented, the Army education was practically ‘the only thing we’ve been praised for’.<sup>131</sup> Yet the economic decline of 1920-21 necessitated cuts in public expenditures and the military budget was among the most severely affected. Education in non-military subjects hence came to be viewed as a luxury the Army could no longer afford. By 1923 the AEC was reduced from 450 to 200 officers. By 1938 only 120 officers remained in the corps and citizenship education had almost completely vanished.<sup>132</sup>

At the beginning of the Second World War the British Army had no means of its own to provide the new conscripts with citizenship education and few in the War Office thought it necessary anyway. The expansion of a citizen army was confronted with the widespread belief of professional officers ‘that if the rank and file were taught to exercise their intelligence and initiative they would question orders and break down under the stress of battle’.<sup>133</sup> Any educational work was left to the voluntary initiative of Regional Committees consisting of civilian educational organisations, such as the Worker’s Educational Association, YMCA and the universities. In May 1940, a closer cooperation between the Regional Committees and the War Office was recommended by a committee chaired by Lieutenant-General Sir Robert Haining, Vice-Chief of the Imperial General Staff. According to the Haining Committee, it was of utmost importance, in terms of both morale and military efficiency, to devote more time and resources to the educational programme in order to foster initiative and intelligence.<sup>134</sup>

The series of defeats in the spring and summer of 1940 and the lack of any activity in the aftermath severely affected the morale of soldiers. One of those who fully realised that different approaches were needed in order to maintain the morale of wartime conscripts was Lieutenant-General Sir Ronald Adam. Immediately after Adam had taken over the office of adjutant general in May 1941, work began on a range of initiatives to improve the morale and efficiency of the citizen army. Among those initiatives there was also education in current affairs and citizenship. Officers were supposed to conduct compulsory weekly discussions with their men on current issues and thus raise their awareness of the war objectives. To provide officers with educational aids and pamphlets on which discussions could be based the Army Bureau of Current Affairs (ABCA) was created in July 1941 and a civilian expert,

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<sup>131</sup> Quoted in *Ibid.*, 49.

<sup>132</sup> *Ibid.*, 40-56.

<sup>133</sup> French, *Raising Churchill's Army*, 125-26.

<sup>134</sup> MacKenzie, *Politics and Military Morale*, 64-74.

W.E. Williams, secretary of the British Institute of Adult Education, was appointed as the ABCA's director.<sup>135</sup>

'The aim of A.B.C.A.', Williams explained in a newspaper article, 'is to make the average private understand the world he is living in, the cause he is fighting for and the nations he is fighting side by side with'.<sup>136</sup> In the pamphlet by the ABCA which announced the new scheme of current-affairs education the officers who were expected to carry out the talks were advised that the man 'who understands the cause for which he fights is likely to be a more reliable soldier than the man who doesn't.' In contrast, those who possessed no such understanding were the type of men 'liable in times of pressure to transform a retreat into a rout or a setback into a disaster'.<sup>137</sup> In a similar vein Adam explained the significance of Army education:

... the aims [of Army education] are to make the man a more enlightened individual, a more intelligent citizen and, therefore, a better soldier. Those three aims are inextricably interwoven. Good morale is a resultant not of one only, but of all three. On all three aspects depends the production of a man who is alert, receptive, and fortified by a knowledge of the great issues for which he is fighting.<sup>138</sup>

Naturally, not all commanding officers came to embrace the idea of open and free discussions in the ranks. According to the ABCA director, W.E. Williams, there still existed battalion commanders who were 'convinced that the soldier is a good-natured clod who is best left in his ignorance'. The idea of democratic discussion allegedly infuriated a general who then ordered 10,000 ABCA pamphlets to be burned and told his men that ABCA was 'rank treason'.<sup>139</sup> On the whole, though, the commanding officers and military authorities came to appreciate the regular lectures and discussions. In the experience of a sergeant, only the 'middle range in the hierarchy, majors and colonels who were often Regular Army, were mostly against education, news-sheets etc. They were opposed to free thinking, let alone radical thinking. At the top, and below, the lieutenants (mostly recruited from civvy street)

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<sup>135</sup> Jeremy Crang, "The British Army as a Social Institution 1939-45," in *The British Army, Manpower, and Society into the Twenty-First Century*, ed. Hew Strachan (London: Frank Cass, 2000), 25; Jeremy Crang, "Adam, Sir Ronald Forbes, second baronet (1885-1982)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004); Summerfield, "Education and Politics in the British Armed Forces in the Second World War," 138-41.

<sup>136</sup> "A.B.C.A.," *The Spectator*, 19 June 1942.

<sup>137</sup> Quoted in MacKenzie, *Politics and Military Morale*, 94.

<sup>138</sup> *Ibid.*, 156.

<sup>139</sup> *Ibid.*, 97.

were often for it.’<sup>140</sup> Reporting about the Winter Education Scheme of 1942/43, one senior commander acknowledged that the scheme ‘has assisted very materially in raising morale and quickening the men’s interest and alertness. Even [the commanding officers] who at the beginning of the period had grave doubts and little enthusiasm, admit that the results have far exceeded their expectations.’<sup>141</sup> Moreover, according to a survey conducted among 5,000 soldiers in transit camps and convalescent depots in late 1943, ABCA was carried out with complete success in 60% of all home units and adequately in another 10%, while 83% respondents indicated that they would still attend ABCA sessions if they were made voluntary.<sup>142</sup>

Rather than within the military, the most severe conflict about citizenship education had to be fought on the political level. Alerted by Conservative MPs complaining that ABCA had engaged in radical left-wing propaganda,<sup>143</sup> Churchill ordered an enquiry, conducted by Sir John Anderson, Lord President of the Council, to investigate the ABCA for political bias. However, Anderson found no faults:

My general impression of A.B.C.A is that it has proved a most successful experiment, that the Army Council is to be congratulated on having decided to launch it in spite of the possible dangers; and that those responsible for this organization have shown both initiative and restraint.<sup>144</sup>

However, political pressure continued to be put on the Executive Committee of the Army Council to limit the current-affairs discussions. The Executive Committee was told that it ‘is not a proper charge upon Army votes to educate the Army beyond the standard requisite for its success as a *military* machine’.<sup>145</sup> Yet, Adam, armed with positive reports of army commanders and supported by the Vice-Chief of the Imperial General Staff from 1941-46, Lieutenant-General Sir Archibald Nye, was able to prevent any reduction of the ABCA’s activities, or any attempt to narrow its scope. ‘Thus was Army Education the arena for a curious reversal’, comments Penelope Summerfield. ‘The military leaders in the WO [War

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<sup>140</sup> Quoted in Summerfield, "Education and Politics in the British Armed Forces in the Second World War," 152.

<sup>141</sup> Quoted in MacKenzie, *Politics and Military Morale*, 126.

<sup>142</sup> *Ibid.*, 184.

<sup>143</sup> Although the widely circulated quip that the AEC’s only battle honour of the Second World War had been the Labour victory in 1945 dramatically exaggerated both the potential of the Army education initiatives and the significance of soldiers’ votes in the election results, it is certainly true that the Army education apparatus was largely of left-wing character. After all, of the 32 officers who entered Parliament in 1945 six came from the AEC and all of them for the Labour Party. *Ibid.*, 185.

<sup>144</sup> Quoted in *Ibid.*, 142.

<sup>145</sup> Memorandum for the Executive Committee of the Army Council, 10 September 1943, quoted in Summerfield, "Education and Politics in the British Armed Forces in the Second World War," 149. (Original emphasis)

Office] protected an essentially political form of education, while the political leaders attacked it for its irrelevance to military efficiency.’<sup>146</sup>

The Army programme of current affairs and citizenship education was only one of various innovations necessitated by the transformation from an all-volunteer regular army to a citizen army. Whereas the regular army could and did rely on an almost instinctive loyalty of the soldier to his regiment or corps, the conscripted citizen-soldier required a different style of leadership. Officers, in order to maintain the full cooperation of their men, had to explain the reasons for orders and were encouraged to seek out the views of their subordinate soldiers on matters affecting their welfare.<sup>147</sup> Current-affairs and citizenship education was a natural part of this leadership style. Not only did free discussions on topical issues provide soldiers with a welcome entertainment, but also the soldier’s awareness of the war objectives proved to be an imperative for maintaining morale.

After the war’s conclusion, the Army exercised a visible tendency to revert to the pre-war system of the regular army. Despite the fact that conscripts continued to be called up, this was regarded as merely a temporal expediency and certainly not a reason for the Army to settle into the citizen-army mode. Therefore, like many other wartime innovations, the army education did not survive the end of the war unscathed. The education syllabus was thus newly designed to teach subjects directly useful for soldiering and provide information relevant to the Army, such as the structure and purpose of NATO (the North Atlantic Treaty organisation, established in April 1949). Discussions on domestic issues were ordered to be avoided.<sup>148</sup>

### ***Individual thinking and freedom of conscience in the regular army***

Discipline and morale in the wartime citizen army, as illustrated above, differed considerably from the standards of the all-volunteer regular forces. The wartime officers were told to encourage men to discuss and think, to keep elaborate inspections of troops by senior officers to a minimum, and that standards of turnout should be observed in such a way which soldiers could understand and respect.<sup>149</sup> The conscripted citizen-soldier was viewed by the military authorities as an individually thinking person resentful of authority and

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<sup>146</sup> Ibid.: 150.

<sup>147</sup> Crang, "The British Army as a Social Institution 1939-45," 23.

<sup>148</sup> MacKenzie, *Politics and Military Morale*, 219-20; Crang, "The British Army as a Social Institution 1939-45," 29.

<sup>149</sup> Crang, "Adam."

regimentation. Since blind obedience to the word of command could no longer be automatically expected, officers were hence advised to persuade soldiers into cooperation.<sup>150</sup>

In contrast, the interwar Regular Army had devoted great energy to suppressing the individuality of soldiers. Throughout the entire course of their service all soldiers were, in the first place, men under discipline, whose whole being was controlled by their superiors. It was the purpose of the endless hours devoted to parade-ground drill to ensure that both soldiers and officers inculcated collective spirit and subordinated their individual will to the authority of their superiors. On the parade ground soldiers learned to be part of a hierarchical community stretching from the sovereign at the top to the last private at the bottom.<sup>151</sup> ‘Bull’ and ‘spit and polish’ – the regular and repetitive cleaning of equipment and uniforms – were other means to the very same end. As one guard recruit observed: ‘This “small-circling” [i.e. polishing boots] must have been devised as part of the grand strategy for reducing thinking persons to the level of mindless morons.’<sup>152</sup>

The use of intelligence and initiative among the rank and file soldiers was believed to seriously undermine discipline. Indeed, the army appeared to work ‘hard to squeeze the initiative out of those men who were intelligent’.<sup>153</sup> Furthermore, under the authoritarian command structure of the Army, officers were discouraged from showing initiative either. An officer described the interwar Army culture in this respect as follows: ‘As for expressing an opinion which differed from the general point of view, that was almost unheard of... It would have been considered very bad manners not to agree with the senior officer.’<sup>154</sup>

After 1945, despite all the wartime innovation related to the citizen army, the accepted standard of instinctive obedience among soldiers and the rather anti-intellectual character of the British officer corps seemed to signify continuity with the pre-war regular army. The Grigg Report, commissioned in 1957 under Sir P. J. Grigg, a former senior civil servant and secretary of state for war, to ‘examine the factors bearing on the willingness of men and women to serve in the Armed Forces’, criticised the persistence of traditional

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<sup>150</sup> Crang, "The British Army as a Social Institution 1939-45," 23.

<sup>151</sup> French, *Military Identities*, 61-64; Kier, *Imagining War*, 125-26.

<sup>152</sup> Quoted in French, *Military Identities*, 66.

<sup>153</sup> French, *Raising Churchill's Army*, 48.

<sup>154</sup> Quoted in Kier, *Imagining War*, 130. A completely different account is offered by Thomas Mockaitis. Comparing with the formal meritocratic culture of the US Army, the British regiment, approximating the traditional family, could allow its members a certain liberty ‘without jeopardizing either the lines of authority or the bonds of affection which held the unit together. This openness extended to the junior corporal commanding the last section.’ Mockaitis, *British Counterinsurgency, 1919-1960*, 175.

disciplinary measures of ‘bull’. The report pointed out the failure of the armed services to deal with things like ‘unnecessary, elaborate pay parades, kit inspections, formalistic mounting of guards over one gate when no guard at all is mounted on the other gates’. In a similar vein, ‘The military policemen patrolling the London railway stations’ were said to symbolise ‘everything the Service man dislikes on this score; he feels that, unlike men in other walks of life, he is not treated as a responsible adult.’<sup>155</sup> With regard to the intellectual qualities of officers, the Grigg Report observed that ‘the services are a career for the “duller” boy’ and that intellect was considered of little use among junior officers, since they were supposed to obey their superiors as a duty. Junior officers, it was reported, were not expected to doubt or hesitate, as that would raise questions of insubordination.<sup>156</sup> A report of Army Board examination of basic training criticised as late as 1966 that, in the recruit syllabus, drill and physical training still took priority over training in technical military skills.<sup>157</sup>

However, the basis of authority and discipline in the Army came to be fundamentally transformed in the 1970s and 1980s. The transformation came, on the one hand, from the bottom up as a consequence of the Northern Ireland experience; on the other hand, from the top down by adopting the manoeuvrist operational doctrine. The deployment in Northern Ireland, also called a ‘platoon commanders’ war’ or a ‘corporals’ war’,<sup>158</sup> modified the relationship between officers and NCOs. The situation compelled the officers to adopt a more persuasive method of command so that in practice orders were ‘routinely “negotiated” between officers, NCOs and private soldiers. Only sensible orders could be obeyed in spirit, as in the letter.’<sup>159</sup> Moreover, due to a lack of an operational strategy, junior officers found it often necessary to act on their own initiative. ‘There is plenty of evidence that Commanders of all ranks try out new tactics and methods’, commented a senior commander in Northern Ireland. ‘This is entirely right and to be encouraged.’<sup>160</sup> Since then, devolution of responsibility to junior officers and low-rank soldiers – the concept of the ‘strategic corporal’

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<sup>155</sup> Quoted in "HC Deb 24 November 1958: Advisory Committee on Recruiting (Report)," in *Hansard* (London: UK Parliament), vol 596 c68.

<sup>156</sup> Patrick Mileham, "Fifty Years of British Army Officership 1960–2010: Part I: Retrospective," *Defense & Security Analysis*, 20, no. 1 (2004): 73.

<sup>157</sup> French, *Military Identities*, 69.

<sup>158</sup> See McInnes, *Hot War, Cold War*, 171; Norman L Dodd, "The Corporal's War: Internal Security Operations in Northern Ireland," *Military Review*, 56, no. 7 (1976).

<sup>159</sup> Mileham, "Fifty Years of British Army Officership: Retrospective," 83.

<sup>160</sup> Quoted in McInnes, *Hot War, Cold War*, 173.

– has come to be viewed as a common feature of modern peacekeeping and counterinsurgency operations.<sup>161</sup>

In the mid-1980s the British Army began to adopt a doctrine of manoeuvre operations which ‘demands a philosophy of command that promotes freedom of action and initiative’.<sup>162</sup> The concept of ‘mission command’ was hence introduced as a new ‘Army’s philosophy of command’.<sup>163</sup> The principle of mission command was described by Brigadier Richard Simpkin in 1984 as follows:

The right of the Commander on the spot, at whatever level, to modify the plan, and even his own mission in the light of his superior’s mission and the situation *without* going back for new orders. As long as his decisions are militarily reasonable, they will be backed... *and he knows they will be.*<sup>164</sup>

The *Army Doctrine Publications 2: Command* of 1995 stipulated that the underlying requirement of mission command ‘is the fundamental responsibility to act (or, in certain circumstances, to decide not to act) within the framework of the commander’s intentions’. Subordinates were supposed to be told only what effect they are to achieve and the reason why it needs to be achieved’; it remained upon them to ‘decide within their delegated freedom of action how best to achieve their missions’.<sup>165</sup> Theo Farrell points out that the philosophy of mission command ‘explicitly recognizes the essential human-centric nature of warfare and values the human ability to respond in flexible and even innovative ways to complex and unexpected situations’.<sup>166</sup> Thus, in contrast with the traditional British culture of military leadership, the principle of mission command requires that there will at all levels of a military hierarchy be people with sufficient intelligence, ability and (self)confidence to exercise their own initiative.<sup>167</sup>

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<sup>161</sup> See Chiara Ruffa et al., "Soldiers Drawn into Politics? The Influence of Tactics in Civil–Military Relations," *Small Wars & Insurgencies*, 24, no. 2 (2013): 322-34; Christopher Dandeker and James Gow, "Military Culture and Strategic Peacekeeping," *Small Wars & Insurgencies*, 10, no. 2 (1999): 58-79.

<sup>162</sup> *Army Doctrine Publication: Operations*, §0621.

<sup>163</sup> *Army Doctrine Publication 2: Command*, (London: Ministry of Defence, 1995), §0210.

<sup>164</sup> Quoted in Mileham, "Fifty Years of British Army Officership: Prospective," 180-81. (Original emphasis)

<sup>165</sup> *Army Doctrine Publication 2: Command*, §0210.

<sup>166</sup> Farrell, "The Dynamics of British Military Transformation," 788.

<sup>167</sup> Colin McInnes points out that, while the manoeuvre doctrine was employed quite successfully in the 1990-91 Gulf War, there were some deficiencies in the application of mission command, since this had not been ‘fully reflected in battlefield drills, which still tended to be rigid and formalistic’. Colin McInnes, "The Gulf War, 1990-1," in *Big Wars and Small Wars: The British Army and the Lessons of War in the 20th Century*, ed. Hew Strachan (London: Routledge, 2006), 175.

Operational and tactical dictates have compelled the Army during the last three decades to promote individual initiative and freedom of action within the limits of the military operations at hand. However, liberal ethics is more concerned with the question as to whether this individual autonomy was extended also to the area of conscience. To what extent is the British soldier expected to fight and risk his or her life out of conviction? And does the Army offer a realistic option to refuse to obey orders because of his or her conscientious objection or in the face of instructions or missions that appear to a soldier to be questionably or certainly illegal?

The text of the latest army doctrine and the Army's code of values and standards suggest that the recent operational and tactical development requires certain individual responsibility also in the sphere of morality and ethics. On equal footing with physical courage is thus put 'moral courage'. That is defined as 'the courage to do what is right even when it may be unpopular, or risk ridicule or danger, and to insist on maintaining the highest standards of decency and behaviour at all times'.<sup>168</sup> Moreover, the manoeuvre approach proscribes blind obedience. The kind of discipline which may work under this operational culture 'requires that orders are obeyed but with resourcefulness, imagination and according to ethical foundations'.<sup>169</sup>

However, the doctrinal writings appear to view morality and ethics as 'a shared view of what is right'. Owing to the fact that the British armed forces are 'rooted in the spirit of democracy', it has been rendered necessary that they 'act within the bounds of *popular understanding of what is thought to be right*'.<sup>170</sup> While this way of thinking apparently attempts to move the armed forces closer to the mainstream of British society, it avoids the issue of freedom of conscience and the right to individual dissent.

Interestingly enough, a procedure for professional soldiers who wish to be discharged from the armed forces for reasons of conscientious objection was institutionalised as long ago as 1939. In its present form, objection to military service in general or a specific war or mission in particular, based on religious, moral or political grounds, may qualify for honourable discharge from the armed forces. However, this right is not set out in legislation,

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<sup>168</sup> *Values and Standards of the British Army*, §10.

<sup>169</sup> *Army Doctrine Publication: Operations*, §0236c.

<sup>170</sup> *Ibid.*, §0220. (Emphasis added)



or mentioned in the terms of service.<sup>171</sup> Many, perhaps most, members of the armed forces are hence unaware of their rights.<sup>172</sup>

In 1939, when National Service was re-introduced, the rules for conscientious objection were designed so that conscientious objectors could not be trapped in the 'cat and mouse' system, as in the First World War.<sup>173</sup> Under the new procedure, the serviceman who refused to obey orders because of conscientious scruples and was consequently court-martialled was allowed to submit an application to be discharged as a conscientious objector. This mechanism, designed to recognise conscientious objectors to national service, survived the end of conscription and became applicable also to career soldiers.<sup>174</sup> However, in the late 1960s, the issue of boy soldiers who wanted to break up their immature commitment to a long term of service prompted a modification of the procedure so that the court-martial would be avoided.<sup>175</sup>

The current system is based on the reform of the late 1960s. Under this, the members of the armed forces who develop a conscientious objection to their service are expected to raise the issue with their commanding officer who would then submit the application to the divisional commander. If the application is turned down at the divisional level, the objector can appeal to the Advisory Committee on Conscientious Objectors (ACCO), an independent committee of civilians appointed by the Lord Chancellor and chaired by a lawyer, which holds a public hearing and then makes a recommendation to the Defence Secretary.<sup>176</sup>

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<sup>171</sup> 'The Armed Forces Act 2006 has no mention of conscientious objection. Terms of Service Regulations for the Royal Navy, Royal Marines, Army and Royal Air Forces, (Statutory Instruments) do not mention conscientious objection. The Queen's Regulations for the Royal Navy has no mention of conscientious objection; details can only be found in administrative guidelines. The Queen's Regulations for the Army sets out the procedure for conscientious objection in full. The Queen's Regulations for the RAF references an administrative leaflet about conscientious objection but mentions no further detail.' *ForcesWatch briefing: Conscientious Objection in the UK Armed Forces*, (London: ForcesWatch, 2011), 4. The Army's procedure is also described in detail in the confidential *Instruction No. 6: Retirement or Discharge on the Grounds of Conscience*, (London: Ministry of Defence).

<sup>172</sup> Marc Stolwijk, *The Right to Conscientious Objection in Europe: A Review of the Current Situation* (Brussels: Quaker Council for European Affairs, 2005), 75; *ForcesWatch briefing: Conscientious Objection in the UK Armed Forces*, 1.

<sup>173</sup> Hayes, *Conscription Conflict*, 258; Bibbings, "Images of Manliness," 341.

<sup>174</sup> "HL Deb 16 March 1967: Boy Service in the Armed Forces," in *Hansard* (London: UK Parliament), vol 281 c490.

<sup>175</sup> "HC Deb 05 February 1968: Armed Forces (Boy Entrants and Conscientious Objectors)," in *Hansard* (London: UK Parliament), vol 758 c44.

<sup>176</sup> *Instruction No. 6: Retirement or Discharge on the Grounds of Conscience*; Stolwijk, *The Right to Conscientious Objection in Europe: A Review of the Current Situation*, 75-76; *ForcesWatch briefing: Conscientious Objection in the UK Armed Forces*, 1.

Despite the deep historical roots of the right to conscientious objection, observers have noticed serious deficiencies of the military authorities' approach to this right. Between 1970 and 2010, the Ministry of Defence reported 60 applications for recognition of conscientious objection, but only one of them was submitted in the Army.<sup>177</sup> The disproportionately small number of army applicants may be explained by a combination of two factors: first, the reluctance of the military authorities to inform the personnel in the armed forces about the right to conscientious objection and second, the very low average literacy level of the British Army's other ranks.<sup>178</sup> Allegedly, a dramatically greater number of forces personnel have tried to solve their ethical scruples with desertion or absence without official leave (AWOL). Publically known became the case of Mohisin Khan, a Muslim reservist who refused to answer his call-up for the deployment in Iraq. His absence resulted in his arrest and subsequent sentencing to seven days loss of privileges. Mohisin Khan appealed to the High Court, where he explained that he had been unaware of the right to apply for discharge due to conscientious objection. The High Court upheld the conviction, but stated that it 'is, however, true that the call-out materials in this case, like the 1997 regulations, do not mention conscientious objection expressly. In that respect, it would seem that the information provided to the recalled reservist could be improved'.<sup>179</sup> The Iraq War is particularly suspected to have compelled some soldiers to go AWOL, yet the numbers of applications for conscientious objection during the 2003-2011 deployment remained negligible.<sup>180</sup>

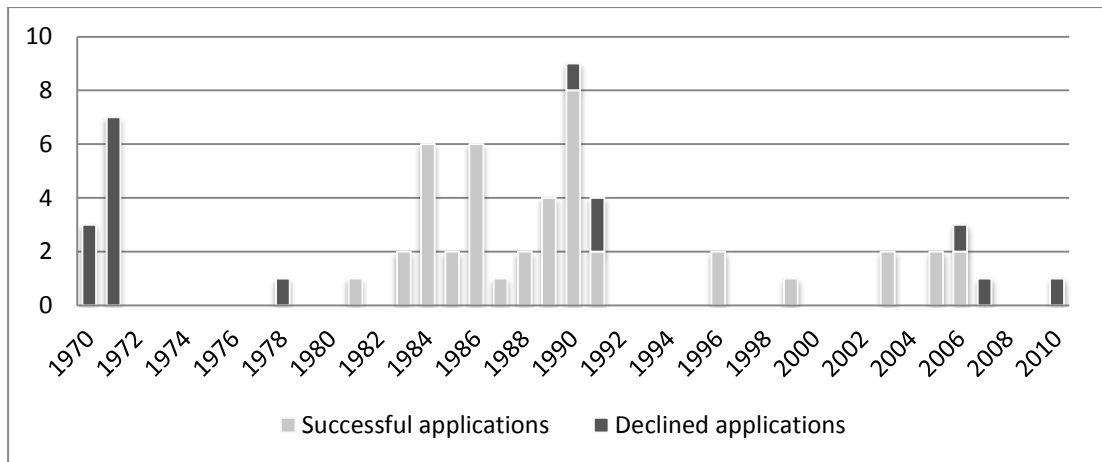
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<sup>177</sup> *Response to FOI 21-03-2011-114944-007 Enquiry Regarding Conscientious Objectors 1970 to 2011.*, (London: Ministry of Defence, 2011).

<sup>178</sup> *ForcesWatch briefing: Conscientious Objection in the UK Armed Forces, 2; Analysis of Socio-Economic and Educational Background of Non-Officer Recruits*, (London: UK Parliament, 2005).

<sup>179</sup> *ForcesWatch briefing: Conscientious Objection in the UK Armed Forces, 2*; "Muslim Reservist Loses Iraq Legal Case," *The Guardian*, 7 Oct 2004 ; "Muslim Reservist Loses Iraq Case," *BBC*, 7 Oct 2004.

<sup>180</sup> John McDonnell, Labour MP for Hayes and Harlington, insisted in 2006 that the number of absconders had trebled since the invasion with more soldiers 'questioning the morality and legality of the occupation'. "At least 1,000 UK Soldiers Desert," *BBC*, 28 May 2006. However, official statistics of the Ministry of Defence does not report any considerable difference in numbers of AWOL cases and prosecutions for desertion. *Response to FOI 20-08-2010-160944-005: Details of all service personnel who have gone AWOL*, (London: Ministry of Defence, 2010).



**Figure 23 Applications for conscientious objection.**<sup>181</sup>

Another shortcoming of the armed forces' approach to conscientious objection lies in the actual process of application. According to the server *At Ease*, it used to be a commonplace practice that, while the application was under consideration, the commanding officers assigned non-combatant or otherwise suitable duties to the objectors. Nowadays, in contrast, conscientious objectors are liable to receive orders to which it is known they must object.<sup>182</sup> Such was, for instance, the case of Michael Lyons, a medic in the Royal Navy who objected in 2010 to his deployment in Afghanistan. Lyons was convicted of 'wilful disobedience' and sentenced to seven months of detention, stripped of his rank and dismissed the service. The conviction was a result of his refusal to participate in pre-deployment rifle training at the time his application for discharge on conscientious grounds had been submitted and was pending a decision. The appeal court then only confirmed that a lawful command cannot be disobeyed on the ground of conscientious objection.<sup>183</sup>

Lyons' case is significant also for another reason. Lyons' refusal to serve in Afghanistan was based on political objections to this particular conflict. This appears to be the reason why the application was turned down. The military authorities and the Advisory Committee on Conscientious Objection (ACCO) in December 2010 described Lyons' objection as 'political' rather than 'moral' and for that reason remained unconvinced of his

<sup>181</sup> Source of Data: *Response to FOI 21-03-2011-114944-007 Enquiry Regarding Conscientious Objectors 1970 to 2011*.

<sup>182</sup> "The risk of entrapment of Conscientious Objectors," *At Ease*, [http://www.atease.org.uk/info\\_L1\\_06.htm](http://www.atease.org.uk/info_L1_06.htm).

<sup>183</sup> "Navy Afghan war objector Michael Lyons detained," *BBC*, 5 July 2011; "Imprisoned Navy Conscientious Objector to Appeal Conviction in High Court," *ForcesWatch*, 12 Oct 2011; "The Limits of Conscientious Objection," *The Guardian*, 13 Dec 2011; "Britain: Conscientious Objector Michael Lyons Sentenced to 7 Months' Detention," *War Resisters' International*, 5 July 2011.

sincerity.<sup>184</sup> Despite the fact that the right to conscientious objection is solidly institutionalised in the military system and quite a large proportion (72%) of submitted applications has been accepted,<sup>185</sup> the case of Michael Lyons suggests that professional soldiers are not expected to be convinced about the rightness of their mission. Tennyson's 'Theirs not to reason why' seems, in a sense, to be applicable also in the contemporary British armed forces. The motivation of professional soldiers is still supposed to be based solely on obedience to their political masters.

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The British armed forces in general, and the British Army in particular, profess the need to be different from the rest of society. Specifically it is insisted that they need a value system which sets them apart from civilians. Divergence between the liberal ethics and the ethics of the British regular armed forces, as demonstrated above, exists in the question of individual motivation and legitimisation to carry out given orders. Despite the existence of the right to conscientious objection, the armed forces promote apolitical or 'politically formal' legitimisation of soldiers' participation in a military mission. Under this form of legitimisation, the soldier is not supposed to carry out orders and participate in missions out of personal conviction about the causes and utility of the particular mission. She or he is, rather, expected simply to abide by the authority of his or her political masters. This culture of professional obedience contrasts with the effort to motivate citizen-soldiers during the Second World War. The citizen-soldier was not deemed to fight only for King and Country, or out of loyalty to their regiment; understanding and acceptance of the objectives of the war were regarded as also being of great importance.

Unlike the citizen army, the morale and motivation of regular soldiers rest on their identification with their regiment or corps. To facilitate this identification of the individual with the collective body, the regimental system maintains specific regimental traditions, which set apart one regiment from another. Consequently, this spirit of regimental tribalism naturally leads to the British Army's insistence on the need for a distinct and exclusive value

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<sup>184</sup> "Court Martial for Navy Medic Conscientious Objector ", *ForcesWatch*, 2 July 2011.

<sup>185</sup> *Response to FOI 21-03-2011-114944-007 Enquiry Regarding Conscientious Objectors 1970 to 2011.*

system. It does not mean, however, that the British Army would avoid the civilianising processes which affected probably all Western armed forces in the last couple of decades.<sup>186</sup>

The need to attract young people into service led to easing up the ubiquitous control that the regiment had previously exercised over the life of the individual soldier and officer. As early as the 1930s, a rather slow rate of recruitment necessitated the first significant steps away from the notion that regiments 'were closed communities that had the right to regulate every aspect of [soldiers'] daily life'.<sup>187</sup> Further pressure on narrowing the gap between the military and society was brought about by the incorporation of the European Human Rights legislation into British law and the provisions and rulings of the European Court of Human Rights and European Court of Justice. Specifically, the armed forces were compelled to comply with European governance regimes on equality and diversity, the end of the official discrimination of homosexuals in 2000 being one of the results.<sup>188</sup> The Human Rights legislation also circumscribed the military's disciplinary power. The 2000 Armed Forces Discipline Act and Armed Forces Act have reduced the powers of courts martial in order to make the judicial process more independent of the chain of command.<sup>189</sup> Last but not least, in recent years the British courts ruled that British soldiers, even when deployed in a war zone, are protected by the Human Rights Act, and the Army is therefore obligated to protect soldiers' 'right to life'.<sup>190</sup>

If compared with other West-European armed forces, what distinguishes the British armed forces, the Army in particular, is not so much their actual divergence from society, but rather their insistence on the need to be different. While the German *Bundeswehr*, as demonstrated in the previous chapters, consciously attempts to civilianise the military professional ethos, the British military is convinced that the distinctness of the military ethos constitutes one of the main sources of their military efficiency. It should not surprise, then, that almost all members (97%) of the British armed forces, according to a survey conducted by the Ministry of Defence, understand the values and standards of their service. Moreover,

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<sup>186</sup> See e.g. Charles C. Moskos, "The Emergent Military: Civil, Traditional, or Plural?," *The Pacific Sociological Review*, 16, no. 2 (1973); Moskos, "From Institution to Occupation."; Charles C. Moskos et al., eds., *The Postmodern Military: Armed Forces after the Cold War* (Oxford: Oxford University Press, 2000).

<sup>187</sup> French, *Military Identities*, 309.

<sup>188</sup> Anthony Forster, "Breaking the Covenant: Governance of the British Army in the Twenty-First Century," *International Affairs*, 82, no. 6 (2006): 1048; Strachan, "The Civil-Military 'Gap' in Britain," 48.

<sup>189</sup> Mileham, "Fifty Years of British Army Officership: Prospective," 190.

<sup>190</sup> "Iraq Damages Cases: Supreme Court Rules Families Can Sue," *BBC*, 19 June 2013; Ross McGarry et al., "The Soldier, Human Rights and the Military Covenant: a Permissible State of Exception?," *The International Journal of Human Rights*, 16, no. 8 (2012): 1186; Helen McCartney, "The Military Covenant and the Civil-Military Contract in Britain," *International Affairs*, 86, no. 2 (2010): 419.

about 80% of all respondents – the percentage of soldiers and marines being even higher – acknowledged that the ethos of their service is important both to them personally and to life in the service.<sup>191</sup>

The German *Bundeswehr* promotes the civilianised professional ethos because, among other reasons, it is believed that alienation from society would threaten the efficiency of the forces. The British armed forces, in contrast, want to believe that the ‘British expect their armed forces to be different to themselves’.<sup>192</sup> Indeed, contrary to the tendencies to be expected of liberal society to integrate liberal ethical standards into the military, there has been little-to-no attempt since Cardwell’s time to change the fundamental character of Britain’s Regular Army. One reason was that in earlier times the system not only functionally fitted with the Army’s primary mission of imperial policing, but the imperial duties also conveniently kept most of Britain’s soldiers out of sight. ‘Distance had lent enchantment’, as Strachan puts it.<sup>193</sup> Furthermore, the regimental system and service rivalry prevented the armed forces from becoming a powerful political player.<sup>194</sup> ‘The army’s problem’, explicates Strachan, ‘is not that it cannot lobby, but that the regimental system has meant that it is lobbying against itself, and that that suits its political masters only too well.’<sup>195</sup>

Yet, particularly owing to the active service of British troops in Iraq and Afghanistan, the times of keeping a low profile have definitely gone. In spite of their current visibility and, moreover, despite the controversiality of the wars in Iraq and Afghanistan, the British public and its media have continued in the last few years to show great support for their soldiers. A convincing explanation of this phenomenon is offered by Helen McCartney’s analysis of the media discourse. Soldiers are often depicted as victims and in their image of victims, observes McCartney, they become ‘objects rather than subjects of their destiny’. Soldiers thus tend to be viewed as ‘passive victims rather than perpetrators of violence’. By adopting this perspective, it has become ‘easier for the British public and its media to show support for their soldiers while simultaneously condemning the job they are required to do’.<sup>196</sup>

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<sup>191</sup> *Armed Forces Continuous Attitude Survey 2013*, (London: Ministry of Defence, 2013), tables B2.30-B2.32.

<sup>192</sup> *Army Doctrine Publication: Operations*, §0228.

<sup>193</sup> Strachan, *The Politics of the British Army*, 191.

<sup>194</sup> Michael Howard, "Soldiers in Politics," *Encounter*, 19, no. 3 (1962): 77-81; Keegan, "Regimental Ideology," 15.

<sup>195</sup> Strachan, *The Politics of the British Army*, 233.

<sup>196</sup> Helen McCartney, "Hero, Victim or Villain? The Public Image of the British Soldier and its Implications for Defense Policy," *Defense & Security Analysis*, 27, no. 1 (2011): 47.

## Professional Identity: Imperial Policeman?

Another factor that may be reconciling the Army and society is that the job which soldiers are required to do is not so contradictory to the liberal ideals of rule of law and order. Various authors propose that the British Army's role as a police force of a sort throughout the 20<sup>th</sup> Century has been at least as important as the preparation for conventional warfighting. 'Indeed for much of the preceding hundred years', maintain Caroline Kennedy-Pipe and Colin McInnes, 'the British Army had been as much an imperial police force... as an army fighting general wars against modern, high technology armies.'<sup>197</sup> Thomas Mockaitis places the counterinsurgency role even above the mission of conventional warfare. Imperial policing and counterinsurgency were, in his eyes, 'the norm and conventional war the exception'.<sup>198</sup> In a similar vein, Rod Thornton, a former Army officer turned academic, is adamant that the British Army is in the first place a counterinsurgency force: 'Almost since its very formation and for the greater part of its history, this army's principal mission was to acquire and then to police imperial possessions.'<sup>199</sup> Even after the Empire had gone, the internal security operations in Northern Ireland 1969-2007, peacekeeping in the Balkans in the 1990s, intervention in Sierra Leone in 2000, and counterinsurgency operations in Iraq and Afghanistan are often viewed as a continuation of the Army's traditional policing role.<sup>200</sup>

Nonetheless, it is not the counterinsurgency mission itself that makes the British Army less at odds with liberal ethics. There is no reason to believe that a conflict with insurgents cannot be pursued in a thoroughly warfighting manner – with a maximum of destructive force and without being constrained by legal norms.<sup>201</sup> Indeed, the soldier is usually assumed to view maximum force as the natural response not only in the case of conventional war, but also when dealing with insurrection and irregular warfare. The

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<sup>197</sup> Caroline Kennedy-Pipe and Colin McInnes, "The British Army in Northern Ireland 1969–1972: From Policing to Counter-Terror," *The Journal of Strategic Studies*, 20, no. 2 (1997): 2.

<sup>198</sup> Mockaitis, *British Counterinsurgency, 1919-1960*, 147.

<sup>199</sup> Rod Thornton, "Historical Origins of the British Army's Counterinsurgency and Counterterrorist Techniques," in *Combating Terrorism and Its Implications for the Security Sector*, ed. T.H. Winkler, A.H. Ebnöther, and M.B. Hansson (Stockholm: Swedish National Defence College, 2005), 26.

<sup>200</sup> See e.g. Paul Dixon, "'Hearts and Minds'? British Counter-Insurgency from Malaya to Iraq," *Journal of Strategic Studies*, 32, no. 3 (2009): 353 - 81; Hew Strachan, "British Counter-Insurgency from Malaya to Iraq," *The RUSI Journal*, 152, no. 6 (2007): 8-11; Rod Thornton, "The British Army and the Origins of its Minimum Force Philosophy," *Small Wars & Insurgencies*, 15, no. 1 (2004): 83-106; Thornton, "Historical Origins," 26-44.

<sup>201</sup> See e.g.

rationale behind the use of maximum force in counterinsurgency is that ‘a show of strength implies resolution and thus constitutes its own deterrent’.<sup>202</sup>

In fact, the concept of martial law stipulates that, in order to recover the rule of law, all standard legal norms and practices have to be temporarily replaced by force and military law. Yet, the post-1919 British civil authorities grew increasingly unwilling to declare martial law and thus to give free rein to the Army in dealing with insurgencies.<sup>203</sup> The counterinsurgency mission hence compelled the British Army to adopt practices resembling a police or constabulary force rather than a military.<sup>204</sup> One of the essential features characterising British soldiers conducting internal security and counterinsurgency operations thus was the use of minimum necessary force.

### ***Minimum use of force***

The concept of minimum force originated from the common law principle of minimum necessary force to maintain law and order. The common law entitles the armed forces ‘to use such force, and no more, as may be necessary to enable them to carry out the duties entrusted to them’. In such a situation the soldier is not different from the civilian, since both are supposed to be subjects of the same legal norms.<sup>205</sup> However, it had not been until the Amritsar massacre in 1919 that the concept of minimum force turned to define the practices of imperial policing. On 13 April 1919 at Amritsar, Brigadier-General Reginald Dyer ordered his men to open fire on an unarmed crowd and let the firing continue even after the crowd tried to disperse. As a result, up to 379 people died and over a thousand were wounded. While Dyer’s action was viewed with approval among his fellow officers and superiors, news reports about the massacre provoked a public outcry. During an official investigation of the incident Dyer defended his decision to use maximum violence on the ground that his action had been aimed not merely against the crowd on the scene. Because, as

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<sup>202</sup> Strachan, *The Politics of the British Army*, 164.

<sup>203</sup> Raghaven, "Protecting the Raj," 263.

<sup>204</sup> The term ‘constabulary force’ was in this context coined by Janowitz, *The Professional Soldier*. Janowitz’s concept, however, is much wider than what is meant with the term here. Janowitz’s constabulary concept encompasses ‘the entire range of military power and organization. At the upper end are the weapons of mass destruction; those of flexible and specialized capacity are at the lower end, including the specialists in military aid programs, in para-military operations, in guerrilla and counter-guerrilla warfare.’ Janowitz, *The Professional Soldier*, 418. It is the skills belonging to the ‘lower end’ which the term constabulary force represents in this chapter.

<sup>205</sup> Whelan, "Military Intervention in Industrial Disputes," 229; Charles Townshend, *Britain's Civil Wars: Counterinsurgency in the Twentieth Century* (London: Faber and Faber, 1986), 19; Mockaitis, *British Counterinsurgency, 1919-1960*, 18.



he believed, the entire Punjab was in an at least incipient state of insurrection, his intention was to produce a moral effect throughout the region and thus to deter the insurgents.<sup>206</sup> Dyer's argument, however, was not accepted by the commission of enquiry, chaired by Lord Hunter. In fact, the Hunter commission stipulated the opposite, namely that 'continued firing upon the crowd cannot be justified because of the effect such firing may have upon people in other places. The employment of excessive measures is as likely as not to produce the opposite result to that desired.'<sup>207</sup>

Before the Amritsar massacre the law distinguished between riots and insurrection. While the principle of minimum force was applicable to the former, insurrection, which was regarded as a war of a kind, justified the use of any degree of force necessary to defeat the insurgents. After 1919, this distinction vanished and the principle of minimum force expanded to include all forms of internal conflict.<sup>208</sup> So the *Manual of Military Law* of 1929 unambiguously stated that 'the types of disturbance in which troops may be called upon to intervene matter little and the principles... apply to each and every type.' Moreover, the manual was explicit that the officer could use only such force 'which is necessary to effect the immediate object before him and he must on no account use force with a view to its deterrent effects elsewhere or in the future'.<sup>209</sup>

Srinath Raghaven argues that the concept of minimum force became embedded in the military practices due to the intrusive monitoring mechanisms established by civilian authorities in the wake of the Amritsar massacre. So the 1923 handbook *Duties in Aid of the Civil Power* stipulated that troops had to be accompanied by a civil magistrate and could take action to quell a civil unrest only at the explicit request of the magistrate. Moreover, enquiry commissions were used to investigate every incident in which soldiers fired their rifles during a civil unrest and Dyer's case made officers aware of the possibility that an infringement of the minimum force principle would be punished.<sup>210</sup> Yet, besides the effort by the civilian authorities to enforce the principle, the advent of air policing played an important role in the Army's voluntary self-identification with minimum and discriminatory use of force.

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<sup>206</sup> Raghaven, "Protecting the Raj," 257-58; see also Nigel Collett, *The Butcher of Amritsar: General Reginald Dyer* (London: Hambledon and London, 2005); Mark Jacobsen, *Rawlinson in India* (Stroud: Sutton Publishing Limited for the Army Records Society, 2002), xx-xxiv, 2-4, 11-12.

<sup>207</sup> Mockaitis, *British Counterinsurgency, 1919-1960*, 23.

<sup>208</sup> Thomas Mockaitis, *British Counterinsurgency in the Post-Imperial Era* (Manchester: Manchester University Press, 1995), 143.

<sup>209</sup> Quoted in Raghaven, "Protecting the Raj," 260.

<sup>210</sup> *Ibid.*: 259-60.

The involvement of the RAF in the imperial policing during the 1920s undermined the Army's position with respect to the effort of the Treasury to cut the budgets of the armed services. The RAF was able to police large territories for only a small fraction of the expenses required by the presence of soldiers.<sup>211</sup> In 1929, the RAF proposed that if its Indian contingent was reinforced by six new squadrons, up to thirty infantry battalions and ten artillery batteries could be disbanded.<sup>212</sup> The Army was thus compelled to counter the economic arguments on humanitarian ground. For instance, the Chief of the Imperial General Staff from 1918-22, Field Marshal Sir Henry Wilson, emphasised that aircraft pilots, unlike infantrymen, were not able to reconcile hostile tribes to civilised rule.<sup>213</sup> Lieutenant-General Sir Cyril Deverell, the Chief of the Indian General Staff, came to argue that while the army had always sought to engage only the fighting men in battle, air policing was 'aimed against the whole population, men, women, and children, with no distinction between combatants and noncombatants'.<sup>214</sup> In a similar vein, Field Marshal Sir George Milne, Chief of the Imperial General Staff from 1926-33, felt that 'To attempt to kill a party of natives, not all of whom can be singled out as rebels, seems hardly a way to administer a country with justice and on British lines.'<sup>215</sup> The ability to differentiate between combatant and noncombatant and to effectively apply only minimum force became the only, yet crucial added value the Army could offer in the contest over missions, efficacy and resources with the RAF in the 1920s.

So far we have seen that the principle of the minimum use of force was promoted in the Army by two external factors. First, in the aftermath of the Amritsar massacre the civilian authorities enforced the principle directly through a thorough control of military operations within the territory of the empire. Second, the Army came to identify itself with the concept of minimum discriminatory force in order to differentiate its practices from those of the RAF.<sup>216</sup> Nonetheless, the principle of minimum force would not have become so deeply embedded in the Army's doctrines and practices if it had contradicted the functional needs of effective counterinsurgency operation.

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<sup>211</sup> See Broad, *Conscription in Britain*, 21.

<sup>212</sup> Strachan, *The Politics of the British Army*, 237.

<sup>213</sup> Thornton, "The British Army and the Origins of its Minimum Force Philosophy," 98; Townshend, *Britain's Civil Wars*, 97.

<sup>214</sup> Mockaitis, *British Counterinsurgency, 1919-1960*, 29; see also David E. Omissi, *Air Power and Colonial Control: the Royal Air Force 1919-1939* (Manchester: Manchester University Press, 1990).

<sup>215</sup> Thornton, "The British Army and the Origins of its Minimum Force Philosophy," 98-99.

<sup>216</sup> In addition, Thornton proposes that the promotion of the minimum force concept was determined by the Victorian protestant ethics with its emphasis on fair play, chivalry, 'sportsmanlike' behaviour and restraint. British male youth was socialised early on into what were acceptable standards of behaviour for the British officer. *Ibid.*: 85-95.

The Army itself realised that excessive force might be counterproductive from the perspective of a broader political effort to reconcile the local population.<sup>217</sup> In the 1930s, Major-General Sir Charles W. Gwynn wrote in his influential book *Imperial Policing* (1934): ‘Excessive severity may antagonize the neutral or loyal element, add to the number of rebels, and leave a lasting feeling of resentment and bitterness.’<sup>218</sup> In a similar way, the Staff College syllabus of 1945 emphasised the importance of winning the respect of the local population. Respect, officers were told, ‘is achieved by law and order applied fairly and promptly’, and, as a result of it, the indigenous population would ‘gradually drift apart from guerrillas’.<sup>219</sup> Moreover, as Paul Dixon points out, the use of minimum force was dictated as much by necessity as tactics. The counterinsurgency operations of the British Army were more often than not constrained by the shortage of manpower and, therefore, it had to appease the local population through exercising cultural sensitivity and by avoiding too muscular and provocative an approach.<sup>220</sup>

Admittedly, the record of the British imperial policing and colonial counterinsurgency operations is not free of such cases in which force was deliberately used in an excessive way. For example, Matthew Hughes documents brutal reprisals committed by British forces during the 1936-39 Arab Revolt in Palestine.<sup>221</sup> Similarly, Huw Bennett’s examination of the Kenya Emergency, 1952-60, demonstrates that ‘intimidation of the population, summary executions, torture and unrestrained violence’ were commonplace at the beginning of the campaign. This leads him to the conclusion that it was in part due to violent coercion that the Kikuyu were persuaded to support the government.<sup>222</sup> While the cases reported by Hughes and Bennett appear to be rather exceptional transgressions of the minimum force concept in the past-Amritsar decades, the actual application of the principle did include quite a great deal of coercion and exemplary violence. Not unusual were collective punishments in the form of cordon and search operations, curfews and collective fines. Large numbers of people were

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<sup>217</sup> McInnes, *Hot War, Cold War*, 148.

<sup>218</sup> Charles Gwynn, *Imperial Policing*, London: 1934, quoted in Thornton, "The British Army and the Origins of its Minimum Force Philosophy," 96.

<sup>219</sup> Quoted in Bennett, "The Other Side of the COIN: Minimum and Exemplary Force in British Army Counterinsurgency in Kenya," 644.

<sup>220</sup> Dixon, "‘Hearts and Minds’? British Counter-Insurgency from Malaya to Iraq," 359.

<sup>221</sup> Matthew Hughes, "The Practice and Theory of British Counterinsurgency: The Histories of the Atrocities at the Palestinian Villages of al-Bassa and Halhul, 1938–1939," *Small Wars & Insurgencies*, 20, no. 3-4 (2009): 528-50.

<sup>222</sup> Bennett, "The Mau Mau Emergency as Part of the British Army's Post-War Counter-Insurgency Experience," 158; see also Bennett, "The Other Side of the COIN: Minimum and Exemplary Force in British Army Counterinsurgency in Kenya."; Rod Thornton, "‘Minimum Force’: a reply to Huw Bennett," *Small Wars & Insurgencies*, 20, no. 1 (2009).

detained without trial – most extremely in Kenya, where over four percent of the ‘target’ population was being imprisoned at one time –<sup>223</sup> and forced resettlement of entire ethnic groups was the key factor in defeating the Mau Mau in Kenya and the communist insurgents in Malaya. Nor did the application of minimum necessary force avoid a substantial amount of casualties among the insurgents and civilian population. As French puts it, in several cases, such as Malaya, Kenya and Oman, ‘the practical emphasis seems to have been placed on what the security forces considered to be “necessary”, rather than on what they thought was an acceptable “minimum”’.<sup>224</sup>

Nonetheless, from the 1970s until recently, British troops were being deployed to exercise minimum necessary force in internal security and stabilisation operations in Northern Ireland and in the Balkans, where exposure to continuous media coverage in combination with the complexity of the political situation supplied the concept of minimum force with new urgency. Upon this experience was based the minimum force approach applied during the early times of stabilisation operations in Iraq and Afghanistan.<sup>225</sup>

In fact, it was the Iraq deployment that produced the symbol of the contemporary minimum force approach – a foot patrol of British troops wearing berets, a picture that could be contrasted with heavily armed US soldiers in armoured vehicles. In 2003, shortly after the British forces defeated the regular enemy fighters in Basra and took over the city, the British soldiers adopted a soft and unobtrusive posture, an approach that had proved effective in the peacekeeping and internal security operations in the Balkans and Northern Ireland. The non-

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<sup>223</sup> David French, *The British Way in Counter-Insurgency, 1945-1967* (Oxford: Oxford University Press 2011), 111.

<sup>224</sup> *Ibid.*, 134.

<sup>225</sup> For a clear description of the minimum force concept applied from July 2003 to March 2006 by the British Provincial Reconstruction Team in Mazar-e Sharif in northern Afghanistan see Kersti Larsdotter, "Exploring the Utility of Armed Force in Peace Operations: German and British Approaches in Northern Afghanistan," *Small Wars & Insurgencies*, 19, no. 3 (2008): 359-61. ‘One of the most visual displays of PRT Mazar-e Sharif outside the town itself were so-called Military Observer Teams (MOTs). These were small teams, around five to six military personnel, a local translator and two vehicles, patrolling the countryside.... On these patrols, the forces did not usually wear visible combat equipment, like helmets, body armour or rifles.... Rather, they wore berets, soft webbing and no visible guns, trying to deescalate any problem. They often had tea with the village elders. The MOTs usually travelled around their province in two unprotected, white painted, jeeps.... However, when security deteriorated, they used protected cars, wore helmets, body armour and had their rifles with them when dismounting from the vehicles. If needed, they could also call on the Quick Reaction Force (QRF) of about 25 soldiers, stationed at the forward support base, at the airport of Mazar-e Sharif.’

confrontational stance of British soldiers was intended to reassure rather than intimidate the civilian population and thus to avoid use of violence at all.<sup>226</sup>

The troops who first dismounted their armoured vehicles and stepped forward to face a hostile crowd with their helmets off could do so out of personal experience gained in the Balkans and Northern Ireland, with the knowledge that ‘a smile’ is the best weapon in such situations.<sup>227</sup> Nonetheless, at least as important for maintaining the minimum force approach were rules of engagement (ROE) that unambiguously prescribed the practice of minimum lethal force. The British ROE, for instance, forbade troops from firing on armed insurgents fleeing from a contact because they no longer posed an immediate threat.<sup>228</sup>

Moreover, owing to the hostile attitude of vocal sections of the British public and the media towards the Iraq War, the military authorities tried hard to prevent further criticisms by a very strict enforcement of the prescriptive ROE. The Royal Military Police hence exercised an over-zealous effort to investigate every incident involving the use of a weapon. As a consequence, soldiers grew reluctant to open fire, even when this might have been justified, for fear of a protracted investigation and that, if prosecuted, they would receive no support from their superiors.<sup>229</sup> Indeed, illustrative is the case of Trooper Kevin Williams, who had shot dead an Iraqi civilian. In this case Lieutenant-General Sir Alastair Irwin, Head of Army Personnel, overturned a decision by Williams’s commanding officer not to prosecute the soldier. General Irwin explained the need for Williams’s prosecution on the ground that,

With the current legal, political and ginger group interest in the deaths of Iraqi civilians during Op Telic, there is a significant possibility that this case, our investigation and subsequent failure to offer for prosecution, could become a *cause célèbre* for pressure groups and a significant threat to the maintenance of the military justice system.<sup>230</sup>

In Iraq, as in many cases before, a combination of functional considerations and external pressure compelled the British Army to apply the concept of minimum force. Operation Telic was not exceptional, either, in the sense that the non-confrontational posture of British forces was necessitated by the lack of manpower and resources.

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<sup>226</sup> James K Wither, "Basra's not Belfast: the British Army, 'Small Wars' and Iraq," *Small Wars & Insurgencies*, 20, no. 3-4 (2009): 621.

<sup>227</sup> As one commander observed, ‘A smile is your best weapon in Northern Ireland’. Mockaitis, *British Counterinsurgency in the Post-Imperial Era*, 113.

<sup>228</sup> Wither, "Basra's not Belfast," 626.

<sup>229</sup> Forster, "Breaking the Covenant," 1051.

<sup>230</sup> Quoted in *Ibid.*: 1050.

The UK conducted the invasion of Iraq with a force of 46,000 personnel, but numbers were reduced rapidly to 9,000 by July 2003. While the security establishment of Saddam Hussein's regime kept the ratio of security personnel to inhabitants in Basra of 1:40 and the generally accepted rule of thumb for stabilisation operations is about 1:50, in July 2003 the British forces in Basra maintained a ratio of only one soldier to every 370 inhabitants.<sup>231</sup> The British thus lacked sufficient strength on the ground and in the streets to provide basic security in the city. Although in comparison with Baghdad of 2003 the security situation in Basra was less serious, Basra was affected by mass looting and criminality too. The British occupational forces, unwilling to defy the population they had just liberated, made no serious attempt to restore order and some senior commanders even referred to the looting as an expression of liberty and a legitimate redistribution of wealth after decades of autocracy.<sup>232</sup> However, the incapability of the British forces to deal with the security situation created resentment and disillusionment among inhabitants of Basra and, furthermore, the security vacuum provided an opportunity for religious militias to become the primary providers of security in the localities under their control.<sup>233</sup> If viewed from this perspective, the emblematic minimum force that British troops applied in Basra does not appear as a specific constabulary approach to providing security, but rather as a resignation or even abdication of effective control over the city.

### ***Warfighting, not constabulary force***

In his book *Britain's Civil Wars* Charles Townshend argues that, since counterinsurgency represents a hybrid form between police law-enforcement and military operations, a hybrid or 'third force', which would be neither one nor the other, may be an effective answer. On the one hand, a police force, even if armed, could rarely be of adequate size and strength to deal with anything more serious than episodic violence. Insurrection can escalate into a kind of warfare, in which distinctly military techniques need to be applied. On the other hand, a simple military logic aims to maximise the application of force, yet this is negated by the guerrilla principle of avoiding battle. A synthesis of police and military skills is therefore needed to counter any insurrection effectively. Yet, to Townshend, such a combination of skills and capabilities was at the disposal of neither the British Army nor any

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<sup>231</sup> Wither, "Basra's not Belfast," 623-24.

<sup>232</sup> David H Ucko, "Lessons from Basra: the Future of British Counter-Insurgency," *Survival*, 52, no. 4 (2010): 135.

<sup>233</sup> Wither, "Basra's not Belfast," 620.

other British security force. At the beginning, and often throughout the course of each campaign he examined, what was apparent was ‘a direct clash between civil and military logic’.<sup>234</sup> Townshend’s account of the British historical record in counterinsurgency thus begs the question to what extent the Army’s application of minimum force approximates a constabulary approach. In this section distinctly military characteristics of the British Army’s counterinsurgency doctrine and practices will be examined.

During the years between the two world wars, at least half of the Regular Army at any one time was deployed in the colonies and, therefore, focused almost exclusively on activities connected with policing. In the opinion of later Field Marshal Sir Edmund Ironside, Chief of the Imperial General Staff 1939-41, a battalion that had spent three or four years on internal security duties became ‘almost useless as a military force’.<sup>235</sup> It, therefore, is not so self-evident, as Townshend seems to argue, that soldiers must ‘have an intense dislike of internal security duties’.<sup>236</sup> Imperial policing was *de facto* the primary mission of the interwar Regular Army. Yet, even in such employment the Army’s doctrines and practices did differ considerably from those of ordinary police and constabulary forces.

Owing to the minimum force philosophy, the military authorities refused to employ machineguns and exercised a great restraint in using armoured cars in internal security operations between 1919 and 1939.<sup>237</sup> Only infantrymen with rifles were viewed as the adequate instrument for quelling riots and insurrections. Yet, it was considered of utmost importance that the Army should not be confused with police. The *Internal Security Instructions* of 1937 explicitly stated that ‘troops will not use police methods or be armed with police weapons... they make use of the lethal weapons with which they are armed’.<sup>238</sup> The Army believed that its main utility was in deterring violence and, therefore, troops had to avoid the use of non-lethal techniques – such as physical contact, use of snatch-squads, firing blank cartridges or applying tear gas – in order not to lose respect of the population. As a general observed, ‘the populace should realise that action by troops is a serious business’.<sup>239</sup>

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<sup>234</sup> Townshend, *Britain's Civil Wars*, 13-36.

<sup>235</sup> French, "Big Wars and Small Wars between the Wars, 1919-39," 42. In the 1920s, however, obliged to defend the NW Frontier and uphold internal security in financially-straitened times, the Army in India embraced technologies such as fast light tanks and Rolls Royce armoured cars to compensate for a decline in troop numbers, infantry battalions having to be sent home to Britain as a cost-saving. Jacobsen, *Rawlinson in India*, 5-8, 13, 16-18, 21, 24-9, 36-40.

<sup>236</sup> Townshend, *Britain's Civil Wars*, 13-36.

<sup>237</sup> Thornton, "The British Army and the Origins of its Minimum Force Philosophy," 97.

<sup>238</sup> Raghaven, "Protecting the Raj," 265.

<sup>239</sup> *Ibid.*: 265-66; Townshend, *Britain's Civil Wars*, 24.

Also in accordance with military logic, the Army tried to avoid dispersion of soldiers into small patrols. Since the Army refused to adopt police methods of non-lethal violence, its power rested on the psychological effect of precisely drilled manoeuvres of a relatively large formation and, if need be, firing rifles ‘with effect’. Small groups of soldiers would not produce a sufficient deterrent effect and, consequently, would have to rely on lethal weapons. It was feared that the minimum force principle could not be observed if troops were not held under close control of their officers. A possible scenario in such a case was described by an internal security expert in 1935 as follows: ‘first time successful – then someone gets struck by a knife – men see red and confused firing starts.’<sup>240</sup>

The interwar Regular Army accommodated the requirements of imperial policing into its doctrines and practices, yet it remained as a body distinct from other security forces. Moreover, from the perspective of an ordinary rank-and-file soldier, the nature of the military profession diverged little from the ideal type of soldiering. The soldier continued to be drilled to function as a part of a collective body under strict control of his superior officer and the execution of lethal violence, even if never practiced, remained the ultimate purpose of his service.

The deployment of British troops in Northern Ireland or as a peacekeeping force in the Balkans had little in common with the deterrence philosophy of the interwar Army. The emphasis on the use of minimum force in Northern Ireland led the Army to develop various non-lethal techniques of crowd control and great restraint was exercised in the employment of lethal weapons. However, in terms of doctrines and training, the Army did not become willing to let the constabulary-style operations determine the professional identity of the British soldier. The nature of the peacekeeping and internal security operations, reads the *British Defence Doctrine* of 2001, ‘must not be allowed to divert the Armed Forces from the reality that their success in them has been based on their ability to escalate the level of force they deliver when the circumstances demand it.’<sup>241</sup>

The British military doctrines accentuate warfighting and combat as the defining characteristics of the military profession. ‘The warfighting ethos’, states *British Defence Doctrine*, ‘signifies and embodies the ideals and duties of military service, and unifies those

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<sup>240</sup> Raghaven, "Protecting the Raj," 266.

<sup>241</sup> *British Defence Doctrine 2001*, 3-4.



who serve in the Armed Forces.’<sup>242</sup> Combat is then emphasised by the Army to be its ‘primary purpose; its raison d’être’.<sup>243</sup> According to the Army doctrine, most of the military activities, including peace support missions or military aid to the civil authorities, may involve combat, it is only ‘the intensity of the combat that varies’.<sup>244</sup> Every soldier should therefore embody a ‘warrior spirit’. This means that the soldier is supposed to ‘have an offensive spirit and a desire to get to grips with adversaries and challenges’ and should never ‘hesitate to engage in combat’ when necessary.<sup>245</sup>

The doctrinal emphasis on warfighting and combat takes a material form in the structure of military training and education. The Army distinguishes two basic types of training: ‘force preparation’ and ‘force generation’.<sup>246</sup> While the latter, force generation, focuses on a current operational contingency, in other words for ‘the war’, the concept of the military profession is inculcated into soldiers during the lengthy process of force preparation. This includes the overall development from turning an untrained civilian into a soldier up to training an all-arms grouping within a formation context. Importantly the training process under the framework of force preparation is predominantly concerned with ‘a war’, an idea of deployment which, regardless of the most likely mission, is still envisioned in the form of major conventional warfare.<sup>247</sup>

Although ‘a war’, or high-intensity conventional warfare, may be the least likely mission, the training process rests on the idea that it makes sense to train soldiers for, in military terms, the most demanding task and only afterwards to ‘train down’ for a coming – probably less intensive – mission.<sup>248</sup> However, the rather deficient British performance in Helmand between 2006 and 2009, as examined by Sergio Catignani and Anthony King, suggests that the practices related to high-intensity combat cannot be so easily ‘trained down’ to suit the needs of modern counterinsurgency (COIN) operations.<sup>249</sup> The warfighting culture of the British military, King’s article points out, led the commanders of British contingents in

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<sup>242</sup> *British Defence Doctrine 2011*, §526.

<sup>243</sup> *Army Doctrine Publication: Operations*, §0804.

<sup>244</sup> *Ibid.*, §0806.

<sup>245</sup> *Ibid.*, §0233.

<sup>246</sup> *Ibid.*, §§0244-46.

<sup>247</sup> Sergio Catignani, “‘Getting COIN’ at the Tactical Level in Afghanistan: Reassessing Counter-Insurgency Adaptation in the British Army,” *Journal of Strategic Studies*, 35, no. 4 (2012): 522-23.

<sup>248</sup> Dandeker and Gow, “Military Culture and Strategic Peacekeeping,” 58.

<sup>249</sup> As Strachan puts it, ‘the argument that forces prepared for major war-fighting can move seamlessly along the ‘spectrum of conflict’ without training and education specific to each task – self-evidently false to anybody familiar with the history of the British Army – has once again been proved wrong’. Strachan, “The strategic gap in British defence policy,” 64.

Helmand to produce tactical-level plans which were incompatible with the overall COIN strategy and Catignani's analysis demonstrates that the training process was ineffective in providing soldiers with sufficient understanding of the counterinsurgency principles.<sup>250</sup>

The warfighting ethos, King proposes, created a particular professional identity for the officer corps. The warfighting culture burdened commanders with the expectation that they always ought to strive to seize and maintain the initiative in any situation, while tactical inactivity was considered inappropriate. Commanders felt the need to do something appropriately military. Thus in 2006 British troops were dispersed into isolated 'platoon houses' within an area dominated by the Taliban and later mounted mobile patrols to actively search for the enemy. In both ways the British actions attracted large-scale engagements with the Taliban and thus satisfied the military's warfighting ethos. However, neither approach allowed the British forces to hold and control ground; they therefore made little contribution to, or even jeopardized, the strategic objectives of the COIN campaign.<sup>251</sup>

According to Catignani, the battlegroup commanders eventually came to embrace the tactical principles of a 'population-centric' COIN campaign and tried 'to hammer into their subordinate commanders the need to focus on the local population rather than on the enemy'.<sup>252</sup> In practical terms, troops in contact with the enemy were supposed to exercise 'courageous restraint', or 'tactical patience', before resorting to heavy suppressive fire that might cause collateral damage and civilian casualties. However, Catignani finds that section commanders who had to deal with skirmishes often failed to take the COIN principles into account. The divergence between the official tactical directives and their implementation by troops on the ground is argued to have been the consequence of the training progression that had accentuated battle drills and force protection significantly more vigorously than the ethos of courageous restraint.<sup>253</sup>

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To sum up, since the end of the First World War soldiers of the British Army have been deployed in military aid to the civil power, peacekeeping and counterinsurgency missions much more often than in wars with an external enemy. Consequently it is not such a

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<sup>250</sup> Anthony King, "Understanding the Helmand Campaign: British Military Operations in Afghanistan," *International Affairs*, 86, no. 2 (2010): 311-32; Catignani, "Getting COIN," 513-39.

<sup>251</sup> King, "Understanding the Helmand Campaign," 322-24.

<sup>252</sup> Catignani, "Getting COIN," 533.

<sup>253</sup> *Ibid.*: 534.

great exaggeration to say, with Thornton, that ‘The British Army is a counterinsurgency army’ whose officers considered the major conventional wars of the 20<sup>th</sup> Century ‘to be “aberrations” that interfered with the normal activities’ of imperial policing.<sup>254</sup> The frequent employment of the Army to quell civil unrests, disturbances and insurrections under the conditions of normal law forced the Army to adopt practices that resembled police or constabulary methods of law enforcement rather than warfighting.

In a conventional war, which provides the military with its *raison d’être*, ‘the balance of physical force is the primary determinant of the outcome’, as Townshend puts it. ‘The form and sequence of military operations aim to maximize the application of force to overpower the enemy.’<sup>255</sup> It is, therefore, remarkable that the British Army’s conduct in imperial policing and counterinsurgency operations has become characteristic for the use of minimum force. The Army had to import this concept, which is in complete opposition to the basic principle of conventional warfighting, from the common law principles of law-enforcement. This aspect may be viewed as emblematic for the British Army’s convergence towards the image of a civilian constabulary force and therefore warranted the focus of this section. Yet, it does not mean that the use of minimum force is the only civilianising characteristic of the professional identity of British soldiers.

‘Soldiers value martial law first and foremost because it resolves all uncertainties of command and responsibility’, states Townshend.<sup>256</sup> Since 1919 the British Army was consistently denied martial law and, therefore, had to learn to cooperate with and even operate under direct control of civilian authorities, although in Malaya, 1948-60, arguably the most successful of all British COIN campaigns, Field Marshal Sir Gerald Templer, the General Officer Commanding was also appointed as High Commissioner.<sup>257</sup> The counterinsurgency doctrine of 1970 insisted that it can only be a combination of political, social, psychological, economic and military programmes ‘together with a joint government/police/military approach to the problem, which will counter the efforts of the

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<sup>254</sup> Thornton, "Historical Origins," 26.

<sup>255</sup> Townshend, *Britain's Civil Wars*, 30.

<sup>256</sup> *Ibid.*, 26.

<sup>257</sup> See e.g. John Cloake, *Templer: Tiger of Malaya* (London: Harrap, 1985); Kumar Ramakrishna, "‘Transmogrifying’ Malaya: The Impact of Sir Gerald Templer (1952–54)," *Journal of Southeast Asian Studies*, 32, no. 1 (2001): 79-92; Hack, "The Malayan Emergency as Counter-Insurgency Paradigm," 383-414; Simon Smith, "General Templer and Counter-Insurgency in Malaya: Hearts and Minds, Intelligence, and Propaganda," *Intelligence and National Security*, 16, no. 3 (2001): 60-78; Robert Thompson, *Defeating Communist Insurgency: Experiences from Malaya and Vietnam* (London: Chatto & Windus, 1966).

insurgents, and restore lawful authority.<sup>258</sup> Cooperation with other actors hence became an essential professional skill of the British Army's officers.<sup>259</sup>

Moreover, the extensive experience with imperial policing and counterinsurgency endowed the British Army with the ability to deal not only with other state agencies, but also with indigenous actors, such as warlords and tribal leaders. The British Army came to recognise that, so as to restore order, the available options include not only killing and capturing the insurgents, but also reconciling them.<sup>260</sup> Negotiation is thus considered on a par with the use of violence. Both Iraq and Afghanistan may demonstrate that negotiating with the adversary is no taboo for British officers. For example, in Helmand in October 2006, Brigadier Ed Butler concluded an agreement with local tribal leaders that British troops withdrew from the town of Musa Qaleh in exchange for guarantees that the Taliban, too, would stay away. The Taliban, however, retook the town in February 2007.<sup>261</sup> On the other hand, more successful was the case of Lieutenant-General Graeme Lamb, who reputedly made the first negotiations with Sunni tribes in western Iraq. The 'Anbar Awakening', which resulted from these talks, then contributed notably to the relative decline of violence in the mid-2000s.<sup>262</sup>

However, despite the civilianising characteristics of the British Army's conduct in imperial policing and counterinsurgency, the Army has always attempted to maintain distinctly military attributes for their soldiers' professional identity. Thus, despite the minimum force principle, the interwar Army was persistently refusing to adopt non-lethal methods of law-enforcement. Unlike the police, a soldier's duty remained to exercise lethal violence if being told to do so. The present-day Army seems similarly adamant that its focus on combat is as relevant in low-intensity operations as in major conventional wars. The 'warfighting ethos' and the 'warrior spirit' are therefore promoted to constitute the core of the professional identity of British soldiers and officers.

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<sup>258</sup> Quoted in Dixon, "'Hearts and Minds'? British Counter-Insurgency from Malaya to Iraq," 360.

<sup>259</sup> On prescriptions and operating methods in counter-insurgency see Frank Kitson, *Low Intensity Operations: Subversion, Insurgency, Peace-Keeping* (London: Faber & Faber, 1971).

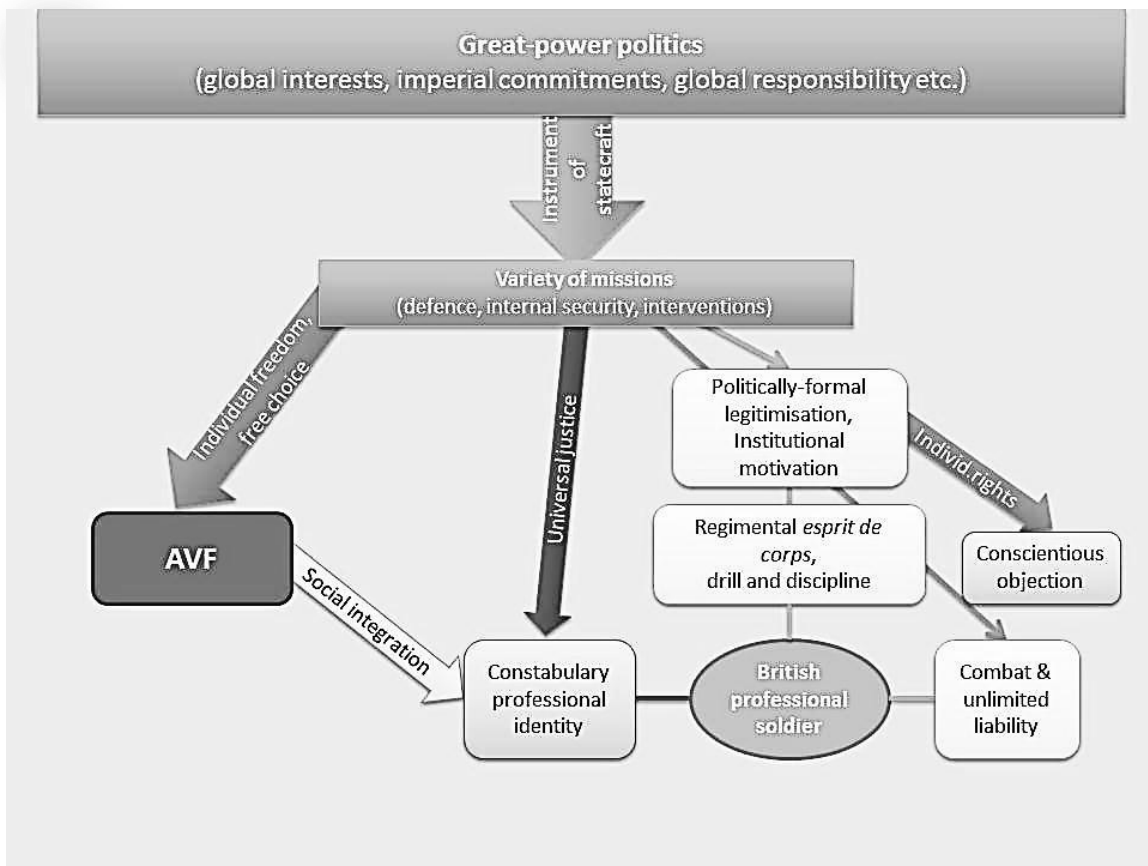
<sup>260</sup> *Army Doctrine Publication: Operations*, §0813.

<sup>261</sup> Theo Farrell and Stuart Gordon, "COIN Machine: The British Military in Afghanistan," *Orbis*, 53, no. 4 (2009): 671.

<sup>262</sup> "Losing Their Way?," *The Economist*, 29 Jan 2009; Dixon, "'Hearts and Minds'? British Counter-Insurgency from Malaya to Iraq," 374.

## Conclusion

Until the mid-20<sup>th</sup> Century, the UK was a global great power with an ‘empire on which the sun never sets’, and although the aftermath of the Second World War brought a dramatic decline of her relative power and consequently the withdrawal from empire, the UK continued to play the role of a great power. To sustain her worldwide interests and to fulfil her global responsibility, military power has always been of utmost importance for the UK. After all, the armed forces played an instrumental role that allowed Britain to ‘punch above her own weight’ in global politics throughout the second half of the 20<sup>th</sup> Century. Thus, as a tool in great-power politics the British military corresponds with Huntington’s assumptions about the role of armed forces and hence the professional military ethos and objective civilian control, as prescribed by Huntington, appears functionally desirable for the UK (see Figure 24).



**Figure 24 Model of the British military capacities for the purpose of great-power politics**

Indeed, our examination of the British military capacities demonstrates that under normal conditions, i.e. during peacetime or only limited armed engagements, the UK armed forces, the British Army in particular, managed to avoid any significant penetration of their internal culture by the norms and principles of their parent society. The availability of the armed forces as an ultimate tool of the government for whatever aim the government decides effectively prevents the development of individualised legitimisation of and motivation for a particular mission. This means that soldiers do not tend – nor do they need – to become personally convinced that the mission they are carrying out is legitimate and necessary or desirable in itself; rather, the legitimacy of each mission rests on the constitutionality of the government's decision to deploy the troops. Consequently, the soldiers' motivation is not based on the objectives of the particular mission, but on their unquestioning loyalty towards the Army and, more significantly, their corps or regiment. The regimental system with distinct regimental identities and regimental *esprit de corps* is hence regarded as one of the most precious features of the British Army.

This is not to say, however, that liberal principles would have absolutely no effect on the internal life of the British Army. Thus the politically formal legitimisation of and institutional motivation for a mission – which put soldiers in the position of objects in the hands of the government, rather than morally autonomous subjects – is, at least formally, counterbalanced by the possibility of an honourable discharge on the grounds of conscientious objection. A soldier who would develop a sincere objection to participation in a particular mission thus has a chance to avoid it. However, in theoretical terms, the right for conscientious objection does not change the fact that being a soldier means rejection of one's moral subjectivity. Conscientious objection only provides a way to resume one's subjectivity by leaving the military. Moreover, in practical terms, a rather low awareness among serving soldiers of the right's existence renders the liberalising effect of conscientious objection even less significant.

Another aspect of British military culture that narrows the gap between the military and liberal society is presented in the constabulary character of the professional identity of British soldiers. The philosophy of minimum use of force in low-intensity operations reflects the fact that the military does not operate in a normative vacuum. As the aim of such operations is to attain the rule of law, the military is supposed to act as an instrument of justice. Soldiers are hence required to respect the basic rights of the population in the area of operations and, moreover, they are themselves subjected to the law as well. The constabulary

approach to low-intensity operations thus contradicts the Clausewitzian assumption about the dual nature of war that underpins Huntington's argument for military professionalism that stipulates that the military expertise must be independent of 'the nature of the cause for which it fights'.<sup>263</sup>

Yet, although the minimum use of force is a respected military practice, the military authorities are trying hard to prevent soldiers from embracing – or even accommodating to – a constabulary professional identity. The soldiers engaged in the interwar imperial policing were drilled to function as parts of a collective body under strict control of their superior officer, whose order to exercise lethal violence had to be obeyed without hesitation. The current British military is explicit that it is the 'warfighting ethos' that 'signifies and embodies the ideals and duties of military service'.<sup>264</sup> In the same vein, combat is regarded as being the Army's 'primary purpose; its *raison d'être*',<sup>265</sup> and 'warrior spirit' is supposed to be a basic spiritual equipment of each soldier.<sup>266</sup> In this way the military defends its internal culture from civilianising factors in spite of the fact that adoption of constabulary features into the professional identity of soldiers might have a positive functional effect, as the performance of the British contingent in Helmand seems to suggest.

The British military culture appears to be capable of preserving, to a significant extent, its autonomous military ethos and professionalism. Meanwhile, and simultaneously, its authority in security and defence policy is not marginalised either. According to Huntington, such policy of 'toleration' requires a society with a pro-militarist, such as a conservative, ideology.<sup>267</sup> In the case of British society, however, it may be plausible to speak about a formally conservative society, which means that well-established institutions are respected, but it is less convincing to consider it pro-militarist. For most of the 20<sup>th</sup> Century, the armed forces were deployed in far-away colonies and thus British society could be kept ignorant of military affairs. Being out of sight and out of mind hence facilitated the policy of toleration.

However, the societal toleration of the military professionalism came into question with the growing ubiquity and intrusiveness of the media in the late 20<sup>th</sup> Century. The armed forces came under an unprecedented and unforeseen invasiveness and political pressure from

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<sup>263</sup> Huntington, *The Soldier and the State*, 57.

<sup>264</sup> *British Defence Doctrine 2011*, §526.

<sup>265</sup> *Army Doctrine Publication: Operations*, §0804.

<sup>266</sup> *Ibid.*, §0233.

<sup>267</sup> Huntington, *The Soldier and the State*, 94.

human rights groups and purely military decisions began to be scrutinised by civilian courts of law. A report published by a conservative think tank hence warns that recent ‘legal developments have undermined the armed forces’ ability to operate effectively on the battlefield. The application of laws originally designed for domestic civilian cases to military operations overseas has changed the way the armed forces can act.’<sup>268</sup> Moreover, telling is the effort of the armed forces to defend openly their ‘right to be different’. In response to attempts to subject the armed forces to human rights legislation, the military authorities chose to emphasise the divergence between armed forces and society. The fierce defence of the armed forces thus demonstrates that the traditional autonomy of the armed forces over their internal culture is viewed to be under siege.

The fact that the UK armed forces were allowed to develop their military professionalism and autonomous military ethic does not mean that the British military capacities are nothing more than a rational response to functional imperatives. In fact, the relatively autonomous development of the military culture rests on the fact that every member of the armed forces is a volunteer. Individual free choice to become a soldier thus provides an ethical justification for using soldiers as mere instruments.

The application of the voluntary principle in recruitment might be regarded as merely a functional choice in a situation when long-term service is required for building up essential professional skills and selective long-term compulsory service is incompatible with the standards of civilisation in the 20<sup>th</sup> Century. However, the real strength of ideology in defence policy became obvious at the times when the advantages and disadvantages of compulsory service were publicly discussed. Voluntary recruitment was frequently argued to be the only compatible with free people whose interests were supposed to be defended and, in contrast with compulsory service, the voluntary principle was expected to bring into the military individual initiative and enthusiasm – virtues which would also improve the effectiveness of the armed forces. Yet, this is an obvious instance of ideological ‘dissimulation’. Through dissimulation ideologies may justify situations by misidentifying them, often by equating particular conditions with an ideal.<sup>269</sup> In this case the ideal of enthusiastic volunteers overshadowed the real picture of professional soldiers who were drilled to internalise instinctive and even automatic discipline and obedience and who lived in

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<sup>268</sup> Thomas Tugendhat and Laura Croft, *The Fog of Law: An Introduction to the Legal Erosion of British Fighting Power* (London: Policy Exchange, 2013), 10.

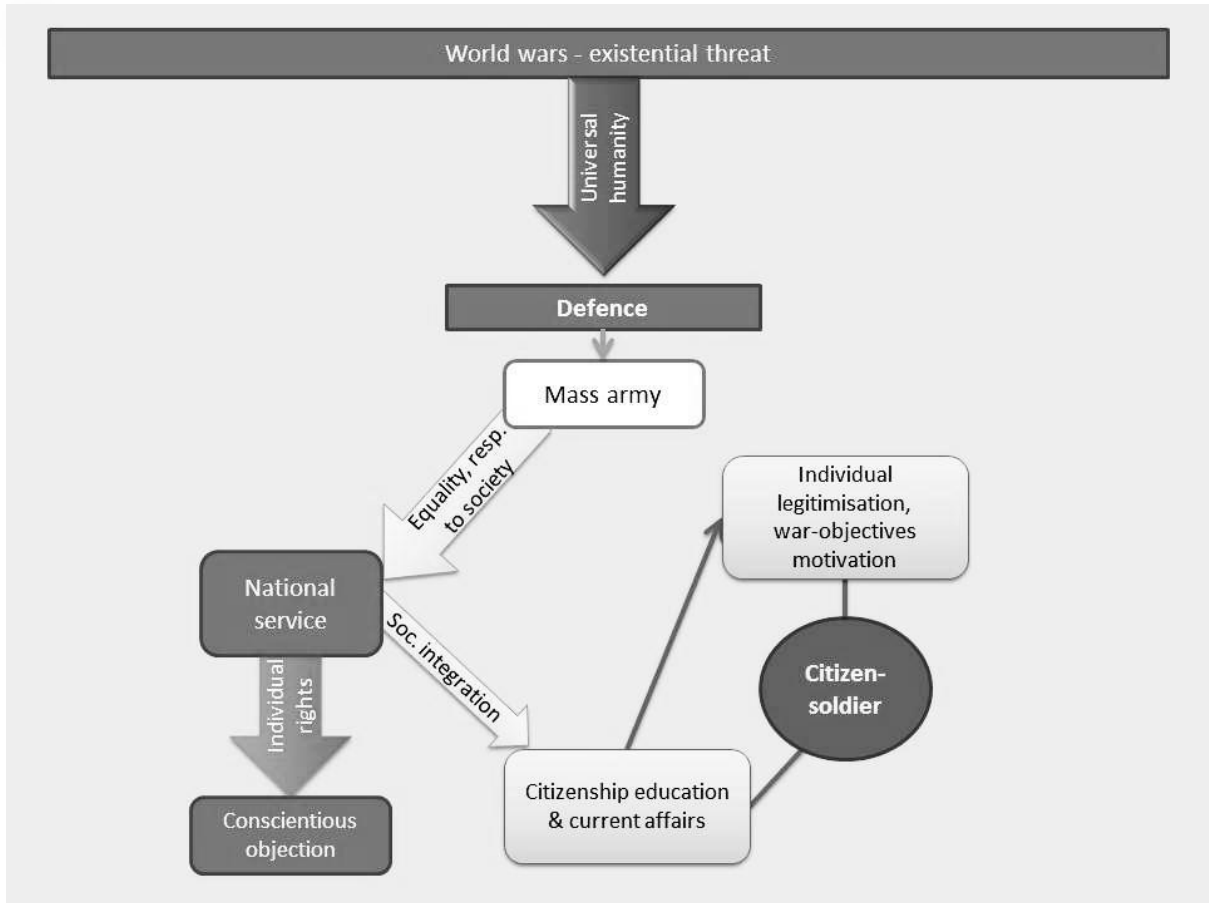
<sup>269</sup> Warren, "Liberal Constitutionalism as Ideology: Marx and Habermas," 513-14.



a culture which actively discouraged individual thinking. That was the case of British Army at least until the 1980s.

The two world wars, and that of 1939-45 in particular, necessitated a complete alteration of the military capacities (see Figure 25). Instead of a numerically small force for imperial duties, total warfare required a mass army. And as had been proved by early 1916, such a mass army could not be established and sustained by voluntarism. Strategic necessity thus permitted the wartime British Coalition government to override the peacetime principle of individual freedom and, instead, equality and individuals' responsibility to society became the order of the day. Universal conscription was imposed to bring sufficient numbers not only to the armed forces, but also to public services and industry. However, even in such a situation the principle of individual freedom was not silenced. In fact, the possibility of exemption on grounds of conscientious objection was important for justifying the existence of conscription.

Yet the conscripted mass army could no longer preserve the insularity and autonomy of its military culture. Whereas the morale and motivation of regular professional soldiers rested on their identification with their corps or regiment, it was not sufficient for the citizen-soldier to fight only for 'King and Country', or out of loyalty to their cap badge. The objectives of the war must be able to justify the suspension of individual rights in favour of society and therefore understanding and acceptance of the war objectives rapidly grew in importance. The 1939-45 citizen army had to introduce a new leadership style of which fundamental parts were citizenship education and debates on current affairs. The compulsory but free-ranging debates on socially important issues increased soldiers' awareness of the war objectives and thus helped sustain morale.



**Figure 25 Model of the British military capacities during the Second World War**

The British military capacities during the Second World War present a remarkable paradox. The severity of total warfare made necessary the overriding ‘for the duration’ of numerous peacetime rights and liberties. Yet, this was exactly the situation which led to the development of thoroughly liberal military capacities. In comparison with the armed forces for the purpose of great-power politics, the armed forces fighting in the Second World War were, through conscription and the ubiquity of the war effort, intimately connected to the rest of society. Similarly as in the case of German rearmament, the functional imperative of existential defence required the active engagement of society in its entirety. As a consequence, therefore, the transformation of the military according to liberal principles was an inevitable functional solution.

## Conclusion

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The aim of this thesis has been to analyse in what ways liberalism – as a meta-ideology or a guiding ethos – determine the military capacities of West European societies. The empirical analysis reveals that specific policies, institutions and practices are preferred because of their relation to liberal principles. Sometimes a reference to liberal norms was used to advocate an otherwise necessary policy or institutional design, universal conscription at the time of emergency being one of these cases. For certain policies and institutions, nonetheless, liberal principles can be identified as the most relevant causal factor. The existence of the right to conscientious objection, for example, resting almost exclusively on liberal ethics is a case in point. Although the latter example may reinforce the commonly held notion that societal imperatives are detrimental to military efficiency, this thesis demonstrate that more often than not a meaningful incorporation of societal imperatives into the military capacities of liberal states is functionally beneficial to their military security.

The empirical analysis has been carried out on the cases of German *Bundeswehr* and the British armed forces. One could hardly find two more divergent militaries than those of Germany and the UK. Indeed, it is no surprise that the difference of their strategic cultures, traditions and historical experiences has led to a great variance between Germany and the UK in all the categories constituting their respective military capacities. Yet, despite this enormous divergence, a similar pattern of behaviour and a similar basic logic behind the decision-making is recognisable in the two cases. The chart below displays a simple synthesised model of liberal military capacities and the following parts of this conclusion are designed to highlight the common liberal underpinning, and thus also the essential similarity, of the German and British military capacities.

<b>Structural conditions →</b>	<b>Existential threat</b>	<b>No existential threats/international system dominated by liberal states</b>
<b>Mission</b>	National defence/deterrence	Liberal interventions (humanitarian assistance, peacekeeping, humanitarian interventions)
<b>Make-up</b>	Universal conscription/scientifically advanced capabilities	All-volunteer forces
<b>Military ethos</b>	Leadership by persuasion (citizen-soldier)	Individual commitment to the mission ('world-citizen in uniform'), conscientious refusal to obey orders
<b>Professional identity</b>	Combat-oriented (defender of the state)	Enlarged profession (humanitarian/constabulary identity)

**Figure 26 Liberal military capacities**

## **Mission**

The articulation of the functional purpose for which the military is maintained, in other words, the mission, should be related to the character of the international security structure and the position of the state *vis-a-vis* the structure, in order to be of any relevancy. Yet, it is essential to the constructivist theory of international relations that underpins this research that the relationship between the state and the international structure is constitutive. Therefore, the societal ideology of liberal states affects, to the extent of their significance on the international stage, the character of the international structure. Moreover and more important to this research, even if liberal states have to respond to challenges from a non-liberal security environment, liberal ideology in general, and the assumptions about the universality of humanity and cosmopolitan justice in particular, do intervene into this relationship and affect the state's response to the security environment: the mission of the armed forces.

Liberalism, as discussed in Chapter 2, views humanity as a united community with universal standards of fundamental rights and morality. Every single person is supposed to be a member of a universal community of humankind, regardless of one's citizenship, and as such everyone enjoys some moral rights and is subject to certain duties. Existence of the universal community means, in the words of Immanuel Kant, that 'violation of right at any *one* place on the earth is felt in *all* places.'<sup>1</sup> It follows from this that *raison d'état* should never be the supreme law. The policies of the state, and its military strategy most of all, ought to abide by universal principles as stipulated by liberal international ethics.

This does not mean, however, that the principles of peaceful coexistence would be applicable in relation to every actor on the international stage. Liberalism is by no means a pacifistic ideology. Instead, liberal thinking tends to distinguish between advanced – civilised, liberal and democratic – states, on the one hand, and backward – 'barbaric', illiberal and 'outlawed' – states, on the other hand. As the liberal peace theory postulates, it is only among the advanced liberal-democratic states that a fundamentally peaceful international system – 'pacific union' – is built.

In contrast, a latent state of war, as some liberal peace theorists argue, exists between liberal and non-liberal states and, therefore, the rules of unscrupulous real-politics govern their relationships. Indeed, J. S. Mill insisted that it would be a 'grave error' to believe that 'the same international customs, and the same rules of international morality, can obtain between one civilized nation and another, and between civilized nations and barbarians'.<sup>2</sup> Yet, it would be wrong to assume that liberal principles become silent if a non-liberal state poses a security threat.

The case of West Germany in the 1950s demonstrates that a use of force in an aggressive way or as a preventive action against the Soviet bloc was out of the question not only for practical reasons, but also normatively. A government memorandum of 1956 explained that a force of 500,000 soldiers would perfectly suit the security situation since it 'enables an effective defence, but would be insufficient for an attack. The Soviet bloc, therefore, cannot regard it as a threat.'<sup>3</sup> In normative terms, the constitution of West Germany

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<sup>1</sup> Kant, "Perpetual Peace," 84.

<sup>2</sup> Mill, "A Few Words on Non-Intervention 1859."

<sup>3</sup> „Erforderlich ist jedoch eine solche Stärke der herkömmlichen Kampftruppen, daß sie vor einem zahlenmäßig überlegenen Angreifer Schutz gewähren. Eine Bundeswehr von 500 000 Mann innerhalb der NATO entspricht diesem angestrebten Kräfteverhältnis... Kampftruppe dieser Stärke erlauben eine wirksame

was explicit in that the sole purpose of establishing armed forces was defence and that to prepare for a war of aggression would be regarded as a crime.<sup>4</sup> In addition, Graf von Baudissin imbued the emerging *Bundeswehr* with the view that war should be recognised only as the last defence of human-worthy existence. If a liberal state faces an existential threat from a non-liberal adversary, the only available option for liberal people is to wait in defence and attempt to deter and, if necessary, repel a possible aggression. Whereas liberal people consider preventive war illegitimate and have refrained from practicing it,<sup>5</sup> deterrence, as both the German and British cases show, is a strategy that liberal states assume against a powerful non-liberal adversary and, consequently, also becomes the mission of the armed forces under such conditions.

A dominance of liberal norms in the international structure is necessary but not sufficient to bring about a global ‘pacific union’, as the post-Cold War situation has proved; rather, it allows the liberal states to deal with security challenges in a liberal way. Harald Müller, for instance, points out that liberal states tend to fight wars that no one else would. It is unique to liberal societies, he maintains, that their wars are waged to preserve international law and to prevent human disasters and large-scale violations of human rights.<sup>6</sup> In the eyes of liberal societies, the armed forces should be an instrument of international justice, rather than a tool of national interest.

Moreover, it is the assumed inequality between advanced liberal and backward non-liberal societies that imposes a duty on the former to help the latter in their improvement. Yet, it does not follow from this general principle whether such assistance should be strictly peaceful or whether a utilisation of military force may be required. Some authors stress that the liberal philosophical tradition allows for two competing modes of behaviour towards non-liberal states. Depending on a historical experience with the use of force, but also which liberal values are more prominent in a particular society, whether peaceful tolerance or progress and civility, various liberal societies can take different attitudes to the utility of force on behalf of the liberal cause.<sup>7</sup>

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Verteidigung. Zu einem Angriff reichen sie nicht aus. Der Sowjetblock kann sie deshalb nicht als Drohung empfinden.“ *Denkschrift der Bundesregierung zur Begründung der Wehrpflicht*,“ 104.

<sup>4</sup> *Basic Law*, Art.24 & 87a/1.

<sup>5</sup> Greener, "Liberalism and the Use of Force: Core Themes and Conceptual Tensions," 301.

<sup>6</sup> Müller, "The Antinomy of Democratic Peace," 494-520.

<sup>7</sup> *Ibid*; Greener, "Liberalism and the Use of Force: Core Themes and Conceptual Tensions," 312-13.

The difference between Germany and the United Kingdom presents a striking example. The history of pacification and policing of the British Empire rendered the use of military force a relatively normal practice and, moreover, the imperial era taught British society to connect the use of force with Britain's 'civilising mission'. Consequently, in post-colonial and post-Cold War times it was not difficult to justify the active engagement of British troops in the world under explicitly ethical terms, as a 'force for good'.

The German path towards global military engagement was much more tortuous. In the early 1990s, the *Bundeswehr* had no expeditionary capabilities and, more importantly, German society was not prepared to see its soldiers in military missions abroad. There were no doubts in Germany about their responsibility to help other people in need; however, it was, and to a certain extent remains, a controversial issue that such a moral obligation should be pursued with armed troops. It was only the experience of the international community with crisis management and conflict resolution in the early 1990s that brought home the lesson that military force may in some cases present an effective instrument to cope with critical situations.

Yet, it is common to both cases that the use of force is never regarded as a panacea. Liberalism is generally hostile to the idea of using violence in order to achieve positive goods. Military force may enable other ways of help to deliver; yet, it is not considered, in itself, an appropriate and sufficient means to help other people out of misery. Therefore, if military force is deployed, it should always be followed by instruments that are more capable than the use of violence to bring social improvement. The British Army learned during its withdrawal from empire that programmes of social, political and economic development must accompany any attempts to deal with the problem of insurgency. As for the *Bundeswehr*, humanitarian assistance and development have always been the primary roles of German troops in a foreign deployment; in contrast, the use of violence has merely been subordinated to the execution of the humanitarian roles.

To conclude, despite the great divergence between the missions of Germany and the United Kingdom, liberal principles did affect the articulation of the missions in both cases. It was assumed at the beginning of the thesis that the international structure dominated by liberal states would provide more favourable conditions for application of liberal principles on the military mission than would prevail under a more heterogeneous international structure. Yet, the empirical cases show that the difference is qualitative rather than

quantitative. The international structure of the 1990s and 2000s, arguably dominated by liberal actors, did permit states to engage armed forces in a whole range of expeditionary missions which were motivated, or at least justified, by cosmopolitan responsibility. In comparison, a threat to the national existence by a non-liberal adversary, as was the case during the Cold War, rendered unrealistic any desires to pursue cosmopolitan justice by force. Nonetheless, the liberal principle of universal humanity, and specifically the norms of just war, continued to inform British and German military strategy. Furthermore, under such conditions of national emergency the liberal principles also played a particularly important role in the other elements of the military capacities: the make-up of the armed forces and institutional culture.

### **Make-up of the Armed Forces**

The attitude of liberalism towards the issue of conscription and compulsory military training and service on the one hand, and all-volunteer forces on the other, is not without a normative tension either. Two contrary liberal principles tend to influence the decision about the mode of recruitment and the personnel composition of armed forces. Certainly the most fundamental liberal principles emphasise the importance of individual freedom and oppose unnecessary intrusion by the state and society into the private life of the individual. Moreover, the division of labour and free market are the bedrocks of the liberal socio-economic system. These principles, therefore, steer the decision-making towards the view that the soldierly profession, as Adam Smith proposed, ‘should become the sole or principal occupation of a particular class of citizens’.<sup>8</sup> The all-volunteer forces and military professionalisation would, therefore, be the preferred liberal option if the principles of individual freedom and division of labour prevailed in the decision-making.

In opposition to this professionalising tendency, however, lies the Kantian principle condemning the use of human beings as mere instruments. ‘Being hired out to kill or be killed’, Kant maintained, ‘seems to constitute a use of human beings incompatible with the rights of humanity in our own person.’<sup>9</sup> It ought to be the responsibility of every individual citizen to bear his or her fair share in defence of society and the state. From this perspective, universal conscription may be a legitimate, even preferable, instrument of national defence.

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<sup>8</sup> Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 930.

<sup>9</sup> Kant, "Perpetual Peace," 69.



Historical experience, traditions and culture may favour one principle over the other. European continental countries preferred compulsory military service throughout most of the 20<sup>th</sup> Century. For example, France's long policy of universal conscription (phased out between 1996 and 2001) was legitimised, to a certain extent, by her civic-republican tradition.<sup>10</sup> To Germany, the negative experience with all-volunteer *Reichswehr*, some of whose senior officers played key parts in enabling the rise of Nazism in the early 1930s, demonstrated the advantages of an active participation of citizens in the armed forces. In contrast, the imperial past and naval tradition of Great Britain rooted in her strategic culture a strong preference for small professional land forces.

Despite such cultural differences between the UK and Germany with regard to conscription, thinking about the personnel make-up of the armed forces was in both cases underlined by the same basic liberal principles. The principles of individual freedom and the equal responsibility of citizens for the security of society were always weighed against each other in considering reforms of the personnel structure. Moreover, in those cases in which conscription was found necessary, individual freedom, at least in its most elementary form, continued to be protected through the institute of conscientious objection. The right to object to military service on grounds of conscience accompanied national service in the UK since its first enactment in January 1916. In a similar vein, institutionalisation of this allowance was an important condition for the introduction of compulsory military service in West Germany in 1956.

It seems plausible to say that the functional strategic requirements and the mission of the armed forces should determine the military's make-up. Yet, liberal principles, in the same way as in the process of articulation of the mission, intervene in this relationship. They specify which institutional options are available as a response to the functional requirements. In this sense, Germany and the UK followed the same pattern in which only the perception of strategic necessity to provide for defence against an existential threat could and did override the principle of individual freedom and invoked the imperative of equal responsibility for the security of the state and society. So it was as late as January 1916, almost 18 months after the outbreak of the First World War, that the UK Parliament passed the first Military Service Act

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<sup>10</sup> See Philip C. F. Bankwitz, "Maxime Weygand and the Army-Nation Concept in the Modern French Army," *French Historical Studies*, 2, no. 2 (1961): 157-88; Michel L. Martin, *Warriors to Managers: The French Military Establishment since 1945* (Chapel Hill: North Carolina University Press, 1981), 118-76; Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France 1870-1914* (Stanford: Stanford University Press, 1976).

establishing compulsory military service. At this time some Liberal politicians who previously opposed the idea of national service came to recognise the unfairness of the voluntary system, which primarily relied on men for whom military enlistment was the only alternative to poverty. In the FRG the strategic need for compulsory military service was in the 1950s normatively justified by the tenet that universal conscription is a 'legitimate child of democracy'.

However, it is important to reiterate that liberal society may permit such a significant limitation of individual freedom, as compulsory military service, only if a strategic necessity of defence against existential threat is perceived. Moreover, the British case showed that universal conscription tends to be the last resort to deal with such an emergency. The more desirable alternative, in the eyes of liberal society, was to utilise the deterrence potential of cutting-edge technology. In the interwar period, it was the aeroplane and strategic bombing that were considered most likely to prevent any possible aggression. In a similar vein, nuclear weapons and V-bombers were put forward by Harold Macmillan's Conservative government as an argument for abolishing national service in the late 1950s.

Furthermore, the principle of equal responsibility is by no means applicable to justify conscription in situations when an existential threat disappeared and the military mission became defined through expeditionary deployments and crisis management. Most of the continental countries that drafted young men during the Cold War hence came to see inevitability to the professionalisation of their armed forces in the 1990s. Although the German *Bundeswehr* was finally transformed into all-volunteer forces as late as 2011, with respect to the out-of-area operations it has been effectively acting as a professional force since the early 1990s. However, not till 2010/11 was it broadly accepted that compulsory military service had been rendered *unnecessary* by the altered security situation and hence had lost its justification.

To conclude, liberal principles unquestionably determine the composition of the armed forces. It is the mode of recruitment and personnel structure, in particular, that lie within the power of political representatives and are open to public discussion. In terms of specific policies and institutions, voluntary recruitment reflects the freedom and autonomy of the individual and is, therefore, a preferable liberal option and a necessary policy if the mission of the military is dominated by expeditionary deployments. Provided that the security situation requires a strong provision for national defence, universal conscription together with

adequate allowance for conscientious objection may be an option justifiable on liberal grounds too.

Yet, it would be a bit of a trivial conclusion if it ended with this observation. One of the bedrock liberal imperatives proscribes militarisation of society, in other words, society being permeated with military values. And the military's composition plays a particularly important role in preventing militarism. Universal conscription, for example, narrows the societal and cultural gap between the military and society. Yet, it depends on the institutional culture of the armed forces whether this integration of the military and society may prevent a militarisation of society or would affect society contrariwise. It is not uncommon that compulsory military service is regarded by authoritarian leaders or military authorities as a tool for indoctrination of young recruits with the military norms of patriotism (even chauvinistic nationalism in some cases), discipline and obedience, and through the young recruits also as an instrument for the militarisation of society as a whole. In this way, Field-Marshal Helmut von Moltke the Elder, the chief of the Prusso-German Great General Staff (1857-1888), insisted that compulsory military service should function as a 'school which trains the people to order and exactness, to loyalty and obedience'.<sup>11</sup> Yet, the case of the *Bundeswehr* demonstrates that if the institutional culture is set up to respect the individuality of recruits and societal values, compulsory military service can be instrumental in civilianising and liberalising the military organisation. It is, hence, the combination of the make-up and institutional culture that may reveal the extent to which liberalism determines the military organisation.

## **Institutional Culture**

### ***Military ethos***

According to Huntington's observation, liberalism, if no external threat exists, supports the virtual elimination of all institutions of violence (his policy of so-called 'extirpation'). Provided, however, large armed forces are deemed necessary, liberalism is said to insist upon 'the refashioning of the military institutions along liberal lines so that they lose their peculiarly military characteristics' (the policy of 'transmutation').<sup>12</sup> In such a case, since

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<sup>11</sup> Moltke et al., *Essays, speeches, and memoirs of Field-Marshal Count Helmuth von Moltke*, 14.

<sup>12</sup> Huntington, *The Soldier and the State*, 155.

military defence becomes the responsibility of every citizen, rather than of a small exclusive group, conscription is rendered legitimate. Simultaneously and importantly for this section, such force is supposed to be of democratic character; this means, for example, that distinctions between officers and other ranks tend to be reduced and individual initiative is regarded as more important than discipline. Huntington argues that both the policy of extirpation and the policy of transmutation, while different in means, have the same goal of the subordination of the professional military viewpoint and marginalisation of the autonomous professional military ethic.<sup>13</sup>

Indeed, liberalism is rather hostile to the ‘professional military spirit’, which inculcates into soldiers ‘habits of passive and active obedience’.<sup>14</sup> A distinct and separate military class is regarded as not only incompatible with a liberal social order, but liberal thinkers also viewed such a military institution as an inefficient instrument to guarantee national security. Huntington is right that it is, in particular, the need for large armed forces that leads towards the refashioning of the internal institutional culture of the armed forces along liberal lines. The need to legitimise conscription and to retain the morale of a citizen-army requires that citizen-soldiers identify themselves with the cause of their service. Therefore, it is not the loyalty and obedience but the understanding and acceptance of the necessity of their service that constituted the ethos of the citizen-army.

Both the German *Bundeswehr* during the Cold War and the British Army in the Second World War adopted such a liberalised ethos. The concept of the citizen in uniform, as designed by Wolf von Baudissin in the 1950s, postulated that the soldier identify himself with the values of peace and freedom. The citizen-soldier was thus supposed to understand that through his readiness to fight he contributed to the credibility of deterrence – ‘be ready to fight in order not to have to fight’ being a tenet of the Cold War *Bundeswehr*. The capability to fight a war hence had to be in accord with the commitment of every soldier to peace. Moreover, the reason for the military service was to preserve the freedom of German society. Therefore, the citizen-soldier’s personal freedom and individual rights had to be upheld

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<sup>13</sup> Ibid., 155-57.

<sup>14</sup> Mill, "The Later Letters of John Stuart Mill 1849-1873 Part IV," 1627: "To Edwin Chadwick, 2 Jan 871'.

during his service too. According to Baudissin, only if the soldier knows what a life in free society means, he 'will then be ready to risk his life for it'.<sup>15</sup>

In a similar vein, it could not be expected from the British citizen-soldier during the 1939-45 conflict to fight only for 'King and Country', or out of loyalty to his regiment. The citizen army of the Second World War thus introduced a new leadership style of which fundamental parts were citizenship education and debates on current affairs. Officers were supposed to conduct compulsory weekly discussions with their men on current issues. The aims of these debates were 'to make the man a more enlightened individual, a more intelligent citizen and, therefore, a better soldier', as Adjutant-General Sir Ronald Adam put it. 'On all three aspects depends the production of a man who is alert, receptive, and fortified by a knowledge of the great issues for which he is fighting.'<sup>16</sup> The compulsory but free debates on socially and politically important issues was supposed to increase soldiers' awareness of the war objectives and thus to contribute to upholding the morale of the wartime army.

As was only to be expected, traditional concepts and practices of military leadership did not disappear entirely in either case. Regular professional officers and NCOs with ingrained ideas about discipline were not always able and willing to learn and practice the more civil methods of military leadership. Yet these methods eventually asserted themselves. In wartime Britain it was facilitated by the huge influx of civilian experts who joined the armed forces and the War Office. In the German *Bundeswehr* it was the institutional setting provided by German politicians in the mid-1950s and early 1970s that played the decisive role.

In contrast, the all-volunteer force is rather susceptible to developing a traditional military culture, which is distinctly at odds with the liberal principles. According to Huntington, if liberal society does not need large armed forces, the military is allowed to develop the autonomous professional ethic but at the expense of its marginalisation in security policy (i.e. the policy of extirpation).<sup>17</sup> This may be a valid empirical observation of Huntington; however, the tendency of liberalism is also to transform the institutional culture of professional forces along liberal lines.

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<sup>15</sup> 'Derjenige aber, der gelernt hat und bereit ist, für die Gemeinschaft und in ihr zu leben, wird auch genau wissen, was er in dieser Gemeinschaft verteidigt, und wird dann auch notfalls sein Leben für sie einsetzen.' Baudissin, "Zur Aufgabestellung des Referates Inneres Gefüge (1953)," 153.

<sup>16</sup> Quoted in MacKenzie, *Politics and Military Morale*, 156.

<sup>17</sup> Huntington, *The Soldier and the State*, 155.

The liberal principles that prescribe that soldiers ought to understand and accept the cause of their deployment should apply to the professional soldier in the same way as to the citizen-soldier. Of course, between the professional soldier and a conscript is the important difference that the former joins the forces out of his or her own volition. Yet, the decision to join the military should not strip the individuals of their moral autonomy. Whereas the professional military may be used as an instrument in the hands of the government and the state, provided it is used in accordance with international legal and ethical norms, no one, and that includes the professional soldier, should be treated by the state as a means with no regard to his or her subjectivity. Even if the deployment is in ethical terms beyond objection, without the soldier's agreement to the aim of the deployment he or she cannot be asked to risk his or her life in the operation.<sup>18</sup> Owing to the possible plurality of missions of a professional force, liberal ethics expects that the institutional culture permits the individual soldier's responsibility for the cause of the deployment to manifest itself.

However, the two cases examined here reveal that the adjustment of the military ethos to this ethical principle cannot be taken for granted in liberal society. In fact, the *Bundeswehr* and the British Army present two vastly different approaches to the motivation and morale of soldiers. German doctrinal writing stresses the importance of the individual conscience of soldiers and their responsibility for the wellbeing of the people to whose benefit they are deployed. The *Bundeswehr* soldiers are supposed, 'out of personal conviction', to 'actively defend human dignity, freedom, peace, justice, equality, solidarity and democracy'.<sup>19</sup> The value system of military professionals in Germany thus should not significantly differ from the ethics of liberal society.

The British Army, in contrast, professes the need for a value system that sets soldiers apart from the civilians. It is, in particular, the question of individual motivation and legitimisation to carry out given orders in which the liberal ethics and the ethics of the British Army diverge. The morale and motivation of regular soldiers rest on their identification with their regiment or corps. To facilitate this identification, the regimental system maintains specific regimental traditions which distinguish one regiment from another. In this system, soldiers are not supposed to become personally convinced that the mission they are carrying out is legitimate and necessary or desirable in itself. The soldiers' motivation hence is not based on the objectives of the particular mission, but on the soldiers' loyalty towards the

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<sup>18</sup> Walzer, *Obligations*, 89; Baer, "The Ultimate Sacrifice and the Ethics of Humanitarian Intervention," 301-26.

<sup>19</sup> ZDv 10/1 2008, § 106.

Army and, more significantly, to their corps or regiment. The regimental system with distinct regimental identities and regimental *esprit de corps* is hence regarded as one of the most precious features of the British Army.

Despite the difference between the promotion of the liberal ethics in the German *Bundeswehr*, on the one hand, and the regimental system of the British Army, on the other, the impact of these value systems on the behaviour and attitudes of the majority of soldiers may be not as dissimilar as one would expect. The case of the *Bundeswehr* reveals that deployments in out-of-area operations tend to create an informal corporate culture that promotes formal obedience and suppresses individual conscience. Yet, however (in)effective the impact of the rhetorically promoted values is, the difference between the respect for the moral autonomy of individual soldiers in the *Bundeswehr* and the British Army does exist. It is the right to refuse an order on the ground of conscience that makes a huge difference.

The British armed forces allow their personnel to appeal to the right to conscientious refusal to obey orders. However, this right is available only in the form of an honourable discharge on the grounds of conscience. This right guarantees that a soldier who would develop a sincere objection to participation in a particular mission has a chance to avoid it by leaving the forces. This means, however, that the moral subjectivity and individual autonomy is regarded as incompatible with the terms of service. The right of conscientious objection thus only protect the soldier from a court martial.

The *Bundeswehr* soldiers, in contrast, are granted the right to refuse orders on the ground of conscience without any adverse consequences for their career. The German constitution stipulates that freedom of conscience is inviolable and application of this constitutional right onto the service in the *Bundeswehr* was vindicated by the Federal Court of Administration in the case of Major Pfaff of 2003/5. As a consequence of this judicial case, freedom of conscience was affirmed also in the ‘Rights and Duties of Soldiers’ as another officially recognised limitation to obedience. The *Bundeswehr* thus explicitly recognises that it has no right ‘to force an individual to commit acts that violate ethical standards of good and evil’.<sup>20</sup>

Why do the liberal principles so significantly determine the ethos of the *Bundeswehr*, whereas their effect on the British Army remains relatively marginal? As Huntington

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<sup>20</sup> Ibid., Annex 2/2, § 4c.

observed, the armed forces in liberal society may develop a professional military ethic which sets them apart from the rest of society, but on the expense of their political and societal authority.<sup>21</sup> The focus of the British Army on colonial service during imperial times created a norm of a socially insulated and geographically distanced military so deeply ingrained in British society that the insistence of the British military authorities on the right/need to be different causes little controversy. The situation of the German *Bundeswehr* is vastly different. German society came to tolerate the rearmament after the Second World War only under the condition of close integration of the *Bundeswehr* into civilian society. The legacy of German rearmament continues also to determine the current transformation of the German military towards an expeditionary all-volunteer force. Therefore, not only is it the case that the German military authorities, socialised into the culture of close integration, are quite perceptive to societal imperatives, but also German society is extremely sensitive to and touchy about any display of militarism or martial culture. In contrast with the UK the policy of extirpation, as Huntington calls it, would render the societal and political position of the *Bundeswehr* unviable.

### ***Professional identity***

Although, as the British case demonstrates, the military may preserve the autonomy of its ethos in liberal society, it is imperative for the institutional culture to adapt to the mission of the armed forces through the professional identity of soldiers. The mission of national defence may sufficiently justify the narrow focus of soldiers' preparation on combat and warfighting. The same, however, does not apply to the situation of the professional all-volunteer force. In his critique of the Oscar-winning film *The Hurt Locker* Slavoj Žižek depicted the liberal claims on the job of professional soldiers as follows:

The film... tells the story... of an Explosive Ordnance Disposal (EOD) squad. This choice is deeply symptomatic: although soldiers, they do not kill, but risk their lives dismantling terrorist bombs destined to kill civilians – can there be anything more sympathetic to our liberal eyes? Are our armies in the ongoing War on Terror, even when they bomb and destroy, ultimately not just such EOD squads, patiently dismantling terrorist networks in order to make the lives of civilians everywhere safer?<sup>22</sup>

Indeed, the professional military in liberal society can uphold the legitimacy of its existence

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<sup>21</sup> Huntington, *The Soldier and the State*, 155.

<sup>22</sup> Slavoj Žižek, "Green Berets with a Human Face: The Hurt Locker," *London Review of Books*, 23 March 2010.



only as an instrument of cosmopolitan justice. Since the effort to improve the situation of the people in need is an essential part of the latter mission, a job description solely based on martial skills would, therefore, disqualify professional soldiers as an instrument for such humanitarian operations.

The transformation of the *Bundeswehr* in the 1990s and 2000s from an organisation for national defence towards an expeditionary force required a broadening of the professional identity of German soldiers by incorporating some civilian or police-like capabilities. The mission of territorial defence had to be supplemented, and later supplanted, by the task of providing protection, furnishing aid and helping to build a base for humanitarian operations and peace missions<sup>23</sup>. Correspondingly, the motto ‘to protect, help and mediate’ was used to represent publicly the humanitarian professional identity of German soldiers.

As for the British soldiers, the military aid to the civil power, peacekeeping and counterinsurgency operations were the most frequent deployments of the British Army throughout most of the 20<sup>th</sup> Century. In such deployments troops were used to quell civil unrests, disturbances and insurrections under the conditions of normal law. This compelled the Army to import from common law the practice of the minimum use of force, which is in complete opposition to the basic principle of conventional warfighting. This aspect together with the recognised importance of cooperating with civilian partners and to look for a political solution may characterise the British Army’s approach to counterinsurgency and MOOTW, and also demonstrate the convergence of the professional identity of the British soldier towards the more civilianised image of the police (or at any rate ‘armed constabulary’).

This tendency to civilianise the military profession, though different in intensity, is a common experience of soldiers in both Germany and the UK. In a similar vein, a resistance or opposition to this civilianising tendency has developed in both the British Army and the *Bundeswehr*. The British Army, despite its frequent engagement in counter-insurgency and MOOTW, has always attempted to prevent soldiers from embracing a constabulary professional identity. So for the current British Army it is combat that is emphasised as being the Army’s ‘primary purpose; its raison d’être’.<sup>24</sup> As for the *Bundeswehr*, the combat oriented

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<sup>23</sup> *White Paper 1994*, § 712.

<sup>24</sup> *Army Doctrine Publication: Operations*, §0804.

professional identity has grown in importance simultaneously with the mission creep from post-conflict reconstruction towards a war against insurgents in Afghanistan.

It is conceivable to interpret the conflict between the humanitarian/constabulary and the martial professional identity of soldiers in Huntingtonian terms, as a clash between the societal and the functional imperative respectively. However, this thesis has argued that the bipolar, even Manichean, classification of societal and functional does not adequately reflect the reality of defence policy. With regard to professional identity, the martial/combat-oriented identity, besides being preserved and cultivated by the conservative elements among the officer corps and in the ranks, is a functional consequence of the exposure of soldiers to intensive combat situations. As a case in point, it was the deterioration of the security environment in Northern Afghanistan in the late 2000s which led to the official acknowledgement of the combat-oriented identity of German soldiers.

Yet, it is important that this martial identity may be functional only if the tactical-level combat is considered in isolation. Since the mission tends to be determined by the liberal cosmopolitan ethics, it is the humanitarian/constabulary approach which may better suit the strategic requirements. The adverse effect of warfighting identity was, for example, revealed in Helmand in 2006. The British contingents in Helmand carried out operational and tactical plans which followed the principles of manoeuvrist operational doctrine and did succeed in engaging the Taliban in numerous set piece battles. However, these actions were incompatible with the overall ISAF strategy and inconsequential with regard to the objectives of the counterinsurgency effort.<sup>25</sup>

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In a similar way as in this last point about the professional identity, the issue of the functional effectiveness of a military organisation established on societal imperatives permeates the entire thesis. Huntington's theory postulates an antagonistic relationship between the requirements of military security (the functional imperative), and the desires of liberal society (the societal imperative). A similar perspective was expressed, for example, by General Edward Cummings, a fictional character from Norman Mailer's novel *The Naked and the Death*. According to General Cummings, the liberal-minded American citizen-soldiers were 'the worst individual fighting soldiers of any big power':

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<sup>25</sup> King, "Understanding the Helmand Campaign," 311-32; see also Catignani, "Getting COIN," 513-39.

They're comparatively wealthy, they're spoiled, and as Americans they share most of them the peculiar manifestation of our democracy. They have an exaggerated idea of the rights due themselves as individuals and no idea at all of the rights due others. It's the reverse of the peasant, and I'll tell you right now, it's the peasant who makes the soldier.<sup>26</sup>

To the fascist-minded general, the only way to increase the combat efficiency of American soldiers was to 'break them down':

Break them down. Every time an enlisted man sees an officer get an extra privilege, it breaks him down a little more...

The army functions best when you're frightened of the man above you, and contemptuous of your subordinates.<sup>27</sup>

Robert Graves – English poet and novelist, who fought in the trenches of the First World War – reported in his memoirs the following view on ideological motivation:

Patriotism, in the trenches, was too remote a sentiment, and at once rejected as fit only for civilians, or prisoners. A new arrival who talked patriotism would soon be told to cut it out. As 'Blighty', a geographical concept, Great Britain was a quiet, easy place for getting back to out of the present foreign misery; but as a nation it included not only trench-soldiers themselves and those who had gone home wounded, but the staff... base units, home service units and all civilians down to the detested grades of journalists, profiteers, 'starred' men exempted from enlistment, conscientious objectors, and members of the Government. The trench-soldier, with this carefully graded caste-system of honour, never considered that the Germans opposite might have built up exactly the same system themselves. He thought of Germany as a nation in arms, a unified nation inspired with the same sort of patriotism that he himself despised.<sup>28</sup>

However persuasive these illustrations may be, it has been asserted in the sociological literature that the promotion of ideological values into the military is rather inconsequential for combat efficiency.<sup>29</sup> In any case, the issue of combat efficiency is beyond the remit of this thesis. This research comes to a conclusion which General Cummings would label as 'a liberal historian's attitude'. The case studies examined in this thesis demonstrate that a meaningful adaptation of the military capacities to the principles possessed and held dear by

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<sup>26</sup> Norman Mailer, *The Naked and the Dead* (London: Henderson & Spalding, 1949), 175.

<sup>27</sup> *Ibid.*, 175-76.

<sup>28</sup> Graves, *Goodbye to All That*, 157.

<sup>29</sup> E.g. the research of Shills and Janowitz on the cohesion and motivation in the *Wehrmacht* demonstrates that ideological indoctrination was of little significance for the combat efficiency of German soldiers during the Second World War. Edward A. Shills and Morris Janowitz, "Cohesion and Disintegration in the Wehrmacht in World War II," *Public Opinion Quarterly*, 12, no. 2 (1948); cf. Charles C Moskos, "The Military," *Annual Review of Sociology*, 2(1976): 62-63; Charles C Moskos, "The American Combat Soldier in Vietnam," *Journal of Social Issues*, 31, no. 4 (1975): 25-37; Jacques van Doorn, "Ideology and the Military," in *On Military Ideology*, ed. Morris Janowitz and Jacques van Doorn (Rotterdam: Rotterdam University Press, 1971), xviii.

the domestic society that spawns the military can be, more often than not, desirable also from the perspective of security strategy. As Lawrence Freedman and B. K. Greener-Barcham recently suggested and this research has confirmed, the liberal justification of the Western contemporary interventions requires liberal values also to be adopted into the practices of Western militaries.<sup>30</sup> The individual ethical commitment and the capability to act less as a warrior and more like a humanitarian worker might be a significant advantage in these operations. In addition, close normative identification of the armed forces with society (the concepts of nation in arms and citizen-soldier) had a positive effect on the overall war effort of the UK in the Second World War and on the credibility of the West German strategy of deterrence during the Cold War.

In this sense, the field of strategic studies may benefit from far more centrally including societal-military relations in its considerations, alongside or even partly in place of more 'traditional' issues, concerns and focus. After all, to contemplate military strategy with no regard to domestic societal preferences makes such thinking an irrelevant pursuit. Since the foreign and security policy directions are formulated in democratic political processes, domestic societal imperatives which specify what institutions and practices are legitimate, and hence appropriate to use, should and indeed must be included into the strategic equation. This is not to say that societal preferences would never get into conflict with genuine strategic necessities. Yet the overriding of societal imperatives should never be something done lightly; and in liberal societies as they now progress deep into the 21<sup>st</sup> Century, overriding societal imperatives should perhaps never be done at all.

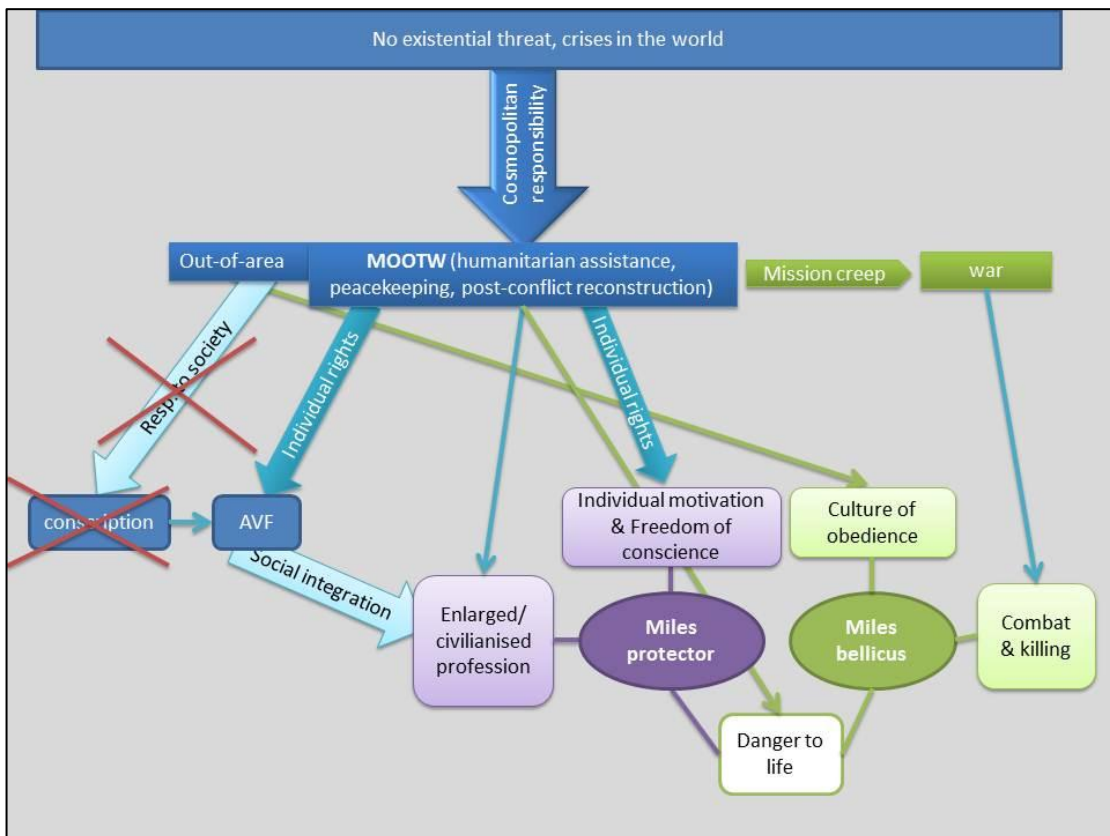
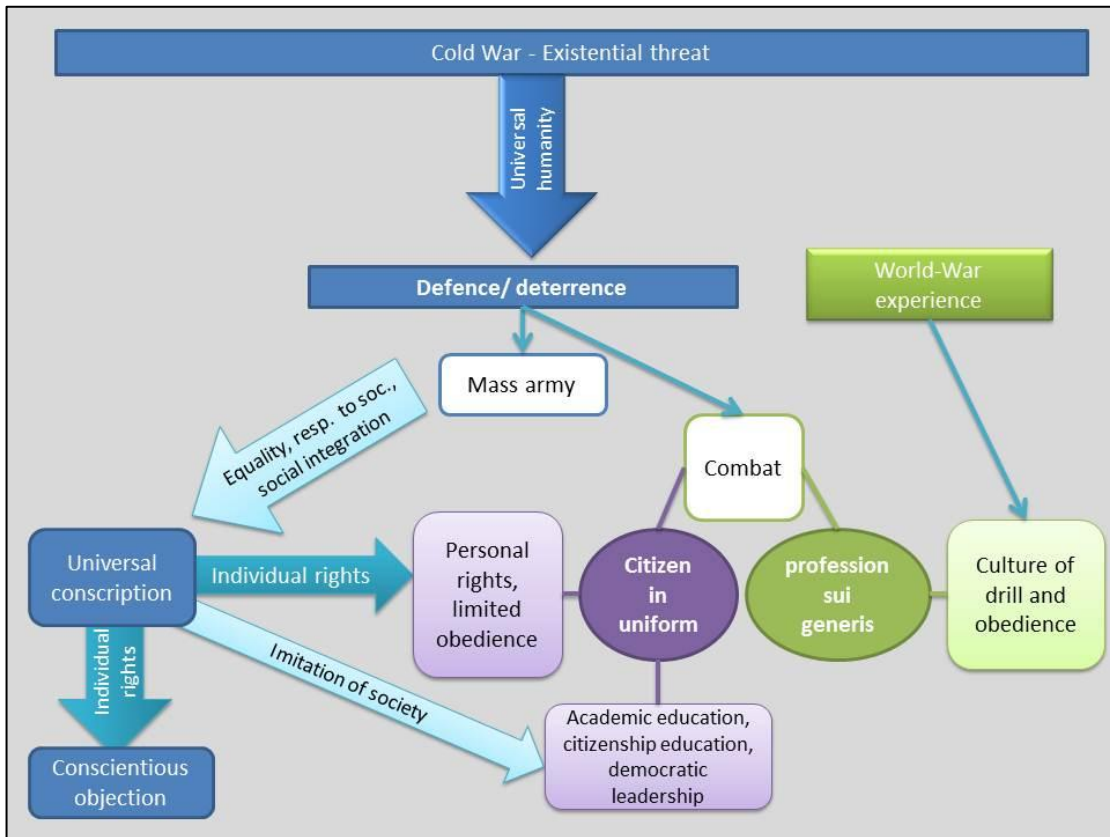
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<sup>30</sup> See Freedman, *The Transformation of Strategic Affairs*, 67-81; Greener-Barcham, "Liberalism, Liberal States and Military Forces."

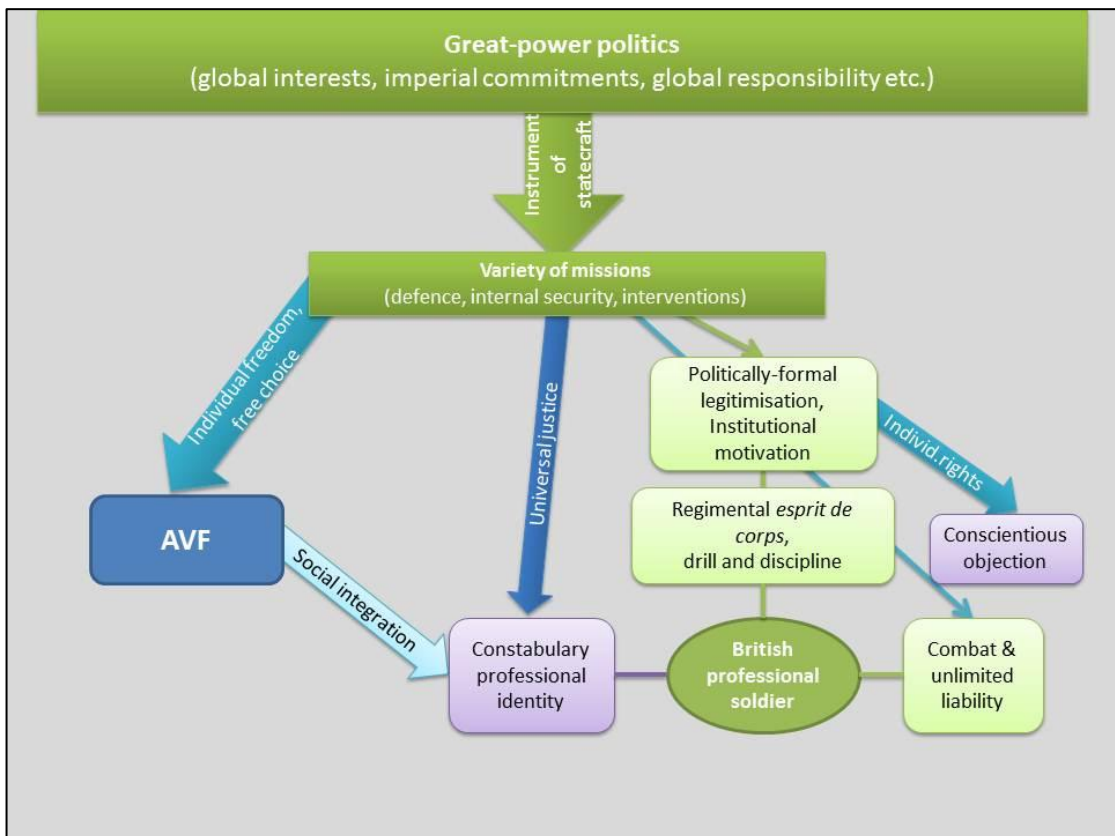
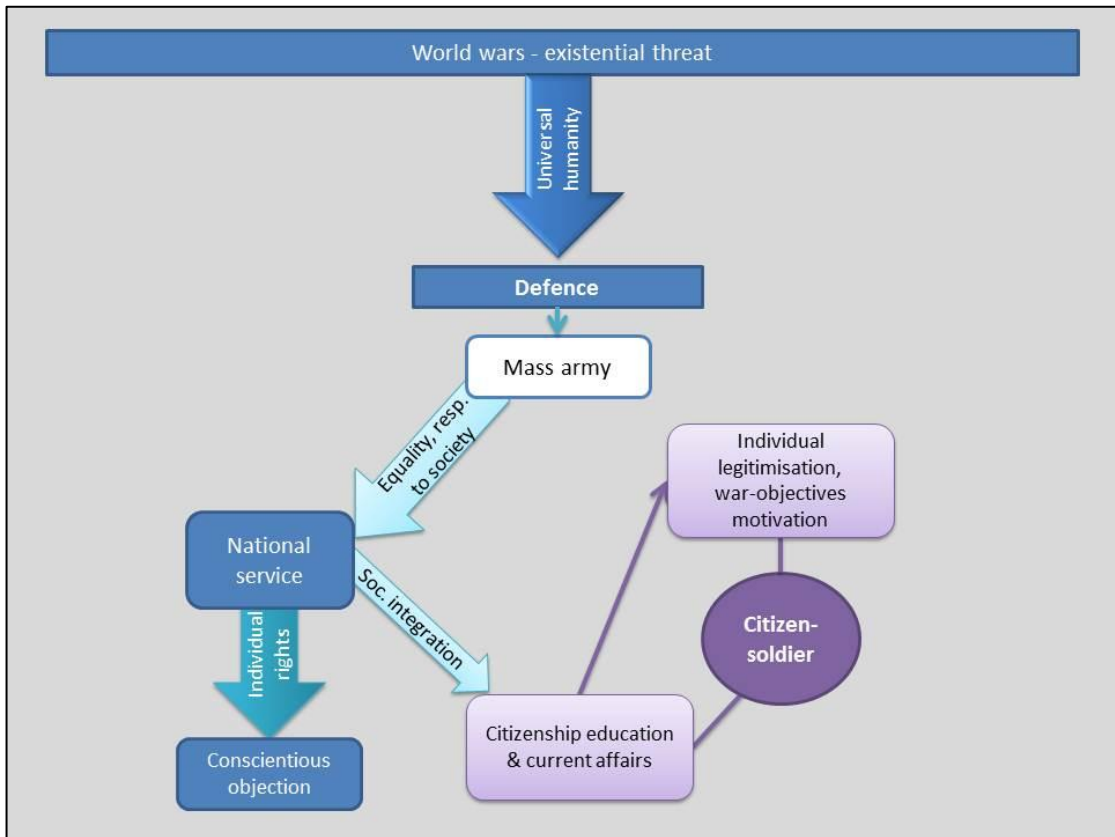
## **Appendix**

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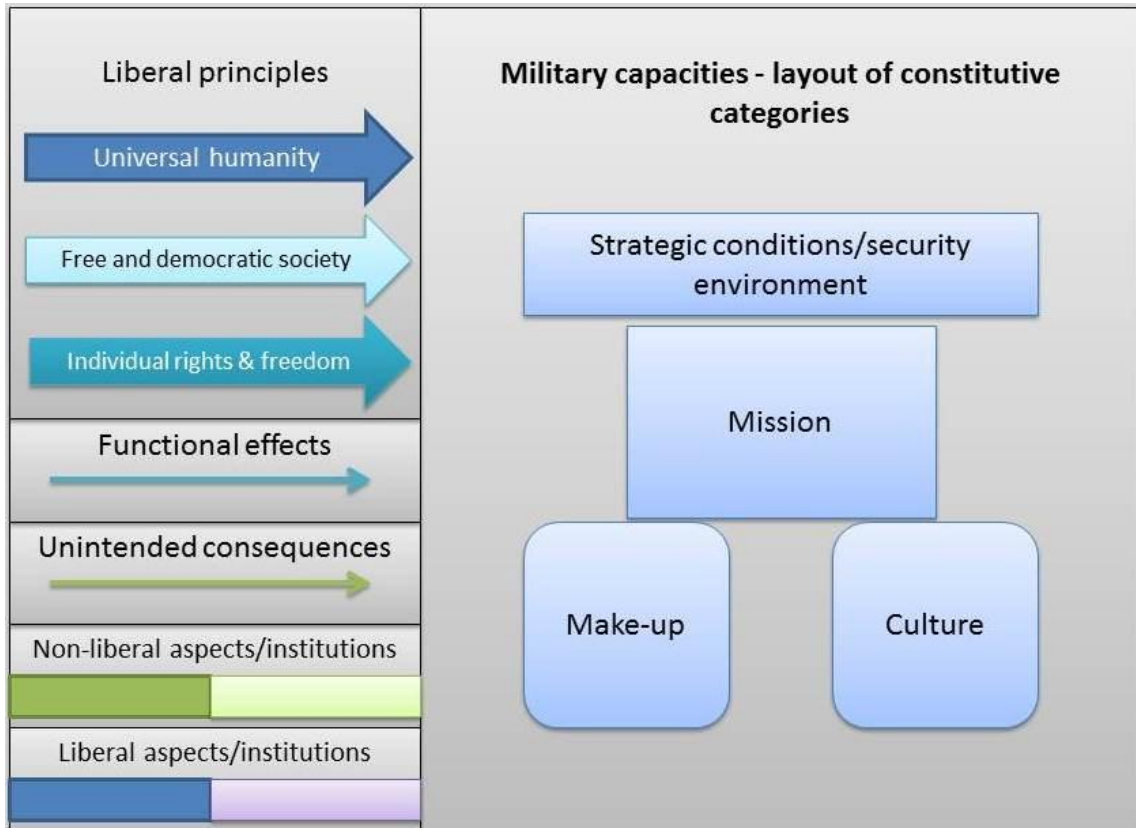
# Military Capacities of Germany



# Military Capacities of the United Kingdom



# Key





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