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BEING HUMAN AND BEING ARMED

A Reassessment of Duty and Commitment in the Military

Introduction

The military has always occupied an important position in history, not merely because of their role in enforcing the will of nations but also in terms of their role in the internal dynamics of nation states. This role has become increasingly important as nations become stricter in defining their interests and show an increasing propensity to resort to military force in pursuing those interests. This has not only made the military important in the foreign policy of states but has also given it a voice, albeit clandestinely, in issues of state even in countries that have a long tradition of military subordination to civil government. But over and above these, the advent of the United Nations and the amorphous concept 'the international community' has expanded the role of the military beyond the narrow confines of nations. This is because increasingly, the armed forces of sovereign states are being required to intervene in the affairs of other states in order to enforce the will of the 'international community' or some powerful sections of it. Thus the military assume a role beyond the narrow confines of the interest of their individual states and becomes, more or less, a tool for international peacemaking.

The increasing role of the military and its monopoly over the instruments of violence places on it an enormous responsibility. Such responsibility ranges from ensuring that individual soldiers do not abuse their powers and that the power of the military is subject to civil control to ensuring that political office holders do not arbitrarily exploit the powers of the military towards ends that are injurious to civil society. Fulfilling these responsibilities require going beyond the traditional military concept of blind obedience that is often touted as the hallmark of civil-military

relations to a new concept of the military as a rational and disciplined organ of state. It confers on the soldier the role of a rational agent and strips him of the time-honoured excuse of “obeying orders” from a constituted authority. It is this new concept of soldiering that defines a soldier’s duty and should legitimately structure a soldier’s training whether or not such training leads to a commission. It should also guide the behaviour of soldiers whether or not the particular mission is in the service of its client state.

A Soldier’s Duty

Although the responsibility of the military has expanded over the years, the orientation of military personnel and their overall role-perception has not changed from when they were solely required to enforce the interests of individual states. “The professional officer corps remains the instrument of the state in insuring the obedience of enlisted personnel”¹ and the notion of duty, honour and country continues to permeate the military mind as the hallmark of military excellence. Officers and men are made to understand that their primary allegiance is to their country and that this allegiance can best be served within a hierarchical military with its traditional culture of obedience and group loyalty. Even on international assignments where camaraderie and professional culture should obtain, national interests remain paramount as troops maintain traditional cleavages that originated from the international political arena. Thus despite internationalization, the military remains parochial in attitude and partisan in its loyalties.

The public face of a soldier’s training often consists of drills and mock skirmishes geared towards physical and mental preparedness. But underlying this façade is a much more serious training concerning duties and responsibilities of which the fitness training is meant to support. Such training consists of duties to self, comrades, state and humanity. Of these, the ultimate duty is to the self and this consists not only acquiring those skill that will enhance the survival capacity of the soldier but also the duty to seek discharge if and when the soldier has doubts concerning his

physical and psychological capacity to be part of an effective fighting force. Fulfilling this obligation entails fulfilling his duty to his comrades, since in most cases “a soldier’s physical survival and vulnerability to psychological attrition, as well as the successful accomplishment of the unit’s mission, depends to a large measure upon the extent to which cooperative and mutually supportive interpersonal relationships prevail in the small unit.”ⁱⁱⁱ Soldiering is therefore not an individualistic enterprise, a lesson that is persistently drilled into every soldier who passes through boot-camp.

An important aspect of a soldier’s duty to his comrades involves obedience to operational orders. Indeed as has been suggested, “the term duty is understood as obedience.”ⁱⁱⁱ Obedience in the military is important because it informs the predictability of a soldier’s conduct both in and out of combat. It is such predictability that informs military planning and strategy and defines an effective military. But a soldier’s obligation to his comrades is not merely a matter of survival, for as Janowitz observes, “a major aspect of military honour comprises a sense of brotherhood and intense group loyalty . . . the sense of fraternity in the military is more than instrumental, it is an end in and of itself and for this reason it becomes suspect of the outsider”^{iv} Thus a soldier’s duty to his comrades is pursued as an end in itself even though in pursuing it several other instrumental ends are served. This group loyalty, camaraderie, bonding, brotherhood or cohesion are universal concepts among soldiers and is sometimes extended to soldiers of a different sovereign power even in times of conflict.

The soldier’s duty to self and to comrades is defined within the context of his duty to the state. In fulfilling its obligations to the state, the military helps to preserve the ideals that are sacred to the state and its people and by extension, to human culture and civilization. The role of the soldier thus goes beyond the mere enforcement of its client’s political will to that of protecting group culture and civilization thereby ensuring cultural diversity. Thus, even though the soldier is controlled by political elites

with social and cultural persuasions that are derived from a particular generation, its responsibilities extend beyond such restrictions to generations that have already gone and those that are yet unborn. It extends beyond present political entities to past political entities and political entities of the future. Thus a soldier of the present is soldering both for the past and for the future.

But over and above these duties a soldier also has a duty to his humanity. This duty, which is not so readily emphasised in the analysis of soldiering, transcends particular military formations and extends beyond state and national boundaries. The classical military tradition of chivalry which urges soldiers to defend the weak and the innocent and act against evil and injustice in all its forms is an instance of this duty. Again the duties and responsibilities of soldiers towards civilians and vanquished combatants, as articulated in the third Geneva Convention on the conduct of war is also an instance of this duty. It is a duty that separates soldiers from the instruments of violence which they control and recognises them as sentient and rational beings that are capable of moral decisions. It is this duty that is invoked when a soldier crosses the line and is accused of war crimes and other crimes against humanity.

Although these cardinal duties jointly define professionalism in the military and although they are often used to distinguish a professional soldier from its praetorian counterpart, they do not all have equal standing within military traditions. Conventionally, “an officer’s ultimate commanding loyalty at all time is to his country and not to his service or his superior.”^v This is because, “society (or the government) looks to the armed services for professional judgement about defence and security and in that sense it is the client. Conversely, most states subscribe to the principle that armed services are state institutions and as such are subservient to society and the government. In this case, rather than being the client, the government is the master.”^{vi} Again, according to Huntington, “the military man consequently tends to assume that the

nation state is the ultimate form of political organization.”^{vii} Although these suggest that duty to the state is the primary obligation of the soldier and thus overrides duty to self, comrades and to humanity, the reality is a little more sobering.

The Moral Sanctions of Duty

Although duty to country is given this pride of place, it is not always easy to determine what constitutes such duty and how such duty might be served. This difficulty is made more apparent in the case of Captain Lawrence P. Rockwell. Rockwell, a 36-year-old military counter-intelligence officer with the US Army's 10th Mountain Division, was deployed to Port-au-Prince, Haiti on Sept. 19, 1994 a part of the peacekeeping force under a UN Security Council mandate. Rockwell's duties in the human intelligence section of the Joint Intelligence Centre made him aware of gross human rights violations such as abductions, beatings, rapes, robberies and murder committed against the Haitian people by the Macoute military and paramilitary death squads. After several attempts to get his superiors to investigate and end such human rights violations, especially those reportedly occurring in the five prisons or confinement areas in and around Port-au-Prince, Rockwell took it upon himself to investigate the reports. On the 30th of September, 1994 he went, without authorisation, to inspect the conditions at the National Penitentiary, a holdings centre which was later described by International Police Monitors as “the worst prison we have ever seen.” For this, Rockwell was court martial and later dismissed from the United States military on grounds of unilateralism.

The argument of the defence at his trial was that Rockwood's humanitarian obligation in the situation was overriding. This is more so because the authorization by the UN Security Council Resolutions for intervention in Haiti was not to “restore democracy” (it had never been done before nor has it been done since then). Rather, it was based on moral authority occasioned by the need to stem a humanitarian crisis and wonton abuse of civil rights that was prevalent under the military regime.

Thus when Rockwell sought to intervene to remedy a humanitarian crisis, he was not only fulfilling a stated UN objective but also fulfilling his duty as a professional to humanity. He was in fact being faithful to the military code of chivalry to defend the defenceless and protect the innocent. He was also faithful to the Pauline principle that “evil is not to be done that good may come out of it.”^{viii} Also, Rockwell humanitarian intervention followed a precedent set by Capt. Hugh Thompson who, as a US helicopter pilot in during the My Lai massacre ordered his gunner to fire upon US troops who were murdering innocent Vietnamese civilians. But can one argue that Rockwell humanitarian intervention was in fulfilment of his duty to country?

Although there is disagreement among scholars as to whether states could be moral agents, there is no doubt that individuals and groups variously evaluate the behaviours of states and its agents in moral terms. For instance, the behaviour of soldiers or a group of soldiers does not only reflect upon the military but also on the country and could diminish its moral authority to be indignant at the behaviour of rogue states. Thus whether or not states are indeed moral agents, there is no doubt that popular perception considers states to be moral agents. It follows from this that, just as it is the duty of every citizen to act in such a way as to avoid tarnishing the image of his/her country, it is also the duty of soldiers to act in such a way as to prevent the tarnishing of that image. For instance, the maltreatment of allied WWII POWs by the Japanese military during the building of the Thailand - Burma railway, as well as the incidence of ‘military comfort women’ did not only reflect on the Japanese military but on the state as well. Thus it could be argued that a soldier’s duty to country extends beyond “the willingness to sacrifice and endure discipline for the welfare of the community”^{ix} to soldiering the moral standing of the country. This is because a country must be worthy before it demands the ultimate sacrifice of its citizens. Thus one could argue that Rockwell’s action, though disruptive of military discipline was in fulfilment of his duty to country.

The verdict in Rockwell's case as the Dreyfus affair before it is an indication that in reality duty to country is subordinate to duty to comrades which is defined by obedience. Although "the law now establishes a clear division of responsibilities, requiring the state to instruct its soldiery in the law and custom of war and the soldier to disobey manifestly illegal orders"^x the tradition in the military is such that "any abridgement of the formalized 'chain of command,' any rejection of order or authority, any attempt to evade or to be derelict in one's military duty, any disorders or neglect to the prejudice of good order or discipline, or any conduct to such a nature to bring discredit upon the armed forces constitute crimes against performance."^{xi} Thus when a soldier is confronted with "a choice between his own conscience on the one hand, ... the professional virtue of obedience, upon the other. ... Except in the most extreme instances it is reasonable to expect that he will adhere to the professional ethic and obey. Only rarely will the military man be justified in following the dictates of private conscience against the dual demand of military obedience."^{xii} Thus even when a soldier judges that duty to the state is better served by disobedience or otherwise acting unilaterally against command position (which in such cases constitute duty to comrades) the soldier would readily choose duty to comrades. The reason for this is that it is the military and not individuals within the military who determine what better serves duty to country. The need to maintain a corporate character of the military and its relevance both as a means of livelihood and a source of power makes it necessary to enforce compliance with group dictates.

The disparity between soldier's duty to country and humanity *vis a vis* his duty to self and comrades is explainable in terms of Kant's distinction between perfect and imperfect duties. Whereas duty to self and comrades could be regarded as perfect duties and therefore admit of no exceptions in the interest of inclination; is a duty with correlative right; is fully specific and ought always to be satisfied, duty to the profession and, to an extent, country could be regarded as imperfect, thereby admitting exceptions; individual determination on how the duty is to be fulfilled and

only ought sometimes to be satisfied. Thus whereas there are guidelines on how duty to self and comrades are to be performed, and there are penalties for the dereliction of such duties, the guidelines for duty to country and humanity are not so readily apparent. What this means is that whenever there is a conflict of duties, it is duty to humanity and (to a lesser extent) country that may likely be sacrificed.

Soldiering as a Duty

There is no doubt that expanding the role of the military beyond the narrow confines of state interest demands a realignment of loyalties which will enable soldiers to perform their duty to comrades without neglecting their duty to country and humanity. But there is also no doubt that putting a multiplicity of duties on equal standing may lead to a conflict of duties which may, in turn, force the soldier to choose between duties. Choosing between duties may likely lead to a dilemma which in current military tradition is often resolved in favour of 'duty to comrades.' But we can escape the horns of this dilemma by redefining a soldier's duty to comrades as concomitant with duty to the profession, which extends beyond the present to past and future bearers of arms. Duty to comrades, by this understanding, rises beyond what is expedient in the view of present military thinking and extends to what ought to be at all times, thereby affording individual soldiers the capacity for moral decisions. The problem with this as with any other arrangement that allows private conscience in military decisions is that it affects military discipline and the capacity of a military formation to respond to situations as a unit.

Since camaraderie, bonding, brotherhood and cohesion are defining attributes of the military perhaps duty to humanity could be better served by making it the overriding duty of the military and thereby removing the need for private conscience. But there are practical difficulties with this suggestion. First it may be difficult to convince taxpayers to fund a military that owes them no ultimate duty. Secondly, it may introduce to the military, a level of independence that may ultimately affect civil-

military relations. Thirdly, the military may not see the need for the new emphasis since it already sees itself as performing its duty to humanity within the ambits of its duty to country. The first difficulty could perhaps be addressed if taxpayers are made aware that over and above the rights and interest of states, “it is the rights and interests of persons that are of fundamental importance from the moral point of view and it is to this consideration that the justification for the principle of international relations should appeal.”^{xiii} Nowhere else is this more apparent than in the UN charter which opens with the declaration, “We the people of the united nations...” This opening is significant because even though membership of the UN is restricted to sovereign states, the guiding principle of the UN emphasises humanity over and above the sovereign entities that they belong. It shows that “the universal rights of citizens are planetary, whereas the corresponding ‘universal’ rights of states are, instead, national, statist and restricted.”^{xiv} Thus ‘duty to humanity’ rather than that subvert the interest of taxpayers in a particular country actually promote such interests on a global scale.

The fear that duty to humanity may promote such independence that could subvert civil-military relations is unfounded because even within the current arrangement “the soldier cannot surrender to the civilian his right to make ultimate moral judgment. He cannot deny himself as a moral individual.”^{xv} Thus even when we say that the ultimate duty of the soldier is to country, such duty does not preclude morality since to do so would be to surrender a defining human character and abdicate an essential human responsibility. Indeed, “there are certain basic values which should govern human conduct; principles that are universally acceptable to all men whether there be French or Vietnamese: justice; charity, in the sense of love of one’s neighbour; consideration for the rights of others; respect for human dignity;”^{xvi} these are values that the military could neither shun nor trample upon in the course of its duties. The military will therefore be no more independent than it is at present, neither will it give vent to praetorian tendencies if such tendencies are not part of its tradition. Again the idea that the military may not recognise this

duty as different from the one they have been performing is mere conjecture which can easily be remedied through a process of education, if ever it arises.

Conclusion

The idea that duty to humanity should direct human action is not only limited to the military but could be generalised to every human being. It is not an accident that the UN originated out of the need to guarantee the rights of individuals. It is also not an accident that article VII of the UN Charter elects only humanitarian considerations as the legitimate reason for foreign intervention in the internal affairs of member states. Again, it is not an accident that crimes against humanity are held to be international crimes that are prosecutable outside the statutes of particular states. Instead, all of these suggest that one cannot neglect ones duty to humanity on account of an overriding duty to a state and one ought not to place duty to self and to comrades over and above duty to humanity. Thus, a soldier's duty to humanity supersedes every other duty and is ultimately supported by the soldier's duty to country and to comrades.

ENDNOTES

ⁱ Huntington, S. P., The Soldier and the State: The theory and Politics of Civil-Military Relations. NY: Vintage Books, 1957, p. 74.

ⁱⁱ Gal, Reuven, A Portrait of the Israeli Soldier. New York: Greenwood Press, 1986, p. 235

ⁱⁱⁱ Axinn, Sidney, A Moral Military. Philadelphia: Temple University Press, 1989, p. 6

^{iv} Moritz Janowitz, The Professional Soldier. Quoted in Sam C. Sarkesian, Beyond the Battlefield: The new Military Professionalism. New York: Pergamon Press, 1981, p 8.

^v Sorley III, Lewis S., 'Duty, Honour and Country: Practice and Percept' in Malham M. Wakin (ed) War, Morality and the Military. Boulder, Colorado: Westview Press, 1986, p. 142.

^{vi} Martin, Edmonds, Armed Services and Society. Leichester: Leichester University Press, 1988 p. 39

^{vii} Huntington, op.cit. p 65.

^{viii} Donagan, A. The Morality of Morality. Chicago University Press, 1977 p. 115

^{ix} The Officer's Guide. Harrisburg: Military Service Publishing, 1956, p. 253

^x Greenspan, Morris. The Modern Law of Land Warfare. Berkeley: Univ. of California Press 1959, p. 495

^{xi} Bryant, Clifton D., Khaki-Collar Crime: Deviant Behaviour in the Military Context. NY: The Free Press, 1979, p.13.

^{xii} Huntington, Samuel P., The Soldier and the State: The theory and Politics of Civil-Military Relations. NY: Vintage Books, 195, p.78.

^{xiii} Beitz, C.R., Political Theory and International Relations. Princeton, Nj: Princeton Univ. Press, 1999, p.55

^{xiv} Bonanate, Luigi, Ethics and International Politics (trans. John Irving) Cambridge: Polity Press 1995, p. 9

^{xv} Huntington , op.cit.

^{xvi} Stanley, G. F. G. "Obedience to Whom? To What?" in Edger Denton III (ed), Limits of Loyalty. Waterloo: Wilfrid Laurier University Press, 1980, p.20