



DEFENCE FORCE WELFARE ASSOCIATION

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## The Unique Nature of Military Service.

### Introduction

1. This paper is intended to help clarify and strengthen an understanding of the elements of military service which render it unique as an activity (or vocation) within a democratic society such as Australia. It should be seen as an exploratory discussion rather than a definitive and complete examination of the question.

### Background

2. In recent years there has been a tendency among those responsible for administration of public finances to question some long – held assumptions about the way those who render military service should be compensated. This questioning not only relates to the just reward due for the serviceman’s labours, but also to the restitution owed to him and his dependents if he becomes disabled due to disease, injury or death suffered in the course of his service. There is being heard more frequently a notion that the serviceman’s salary and conditions contain an element of “danger money” which represents substantial compensation ”in advance” for any disability incurred while serving and that this reduces the obligation to provide compensation after the event. It should be the Association’s position, in my view, that the questions of pay and conditions and compensation for disability should be kept strictly separate, as matters of policy. Pay and conditions are directed not only towards just recompense for services rendered, but also to attraction to service of high quality volunteers. They may vary from time to time to suit changing circumstances. Compensation for disability is a matter of justice alone, and reflects recognition of the essential nature of military service. Allied to the notion of “compensation in advance” is a growing perception that military service can fairly compared to a number of other callings in our society that involve those engaged in them an element of exposure to danger. Police and Emergency services are most often cited in this context.
3. In examining military service as a unique calling we should understand that exposure to danger and the courage to face it are of themselves not unique features of military service. In arguing our case, we do not maintain that the serviceman has a higher requirement to show courage, nor a greater willingness to make sacrifices – even of his life – than others who serve the society and protect it from danger.



We claim only for the serviceman a distinction from all other callings, in that he, and he alone, is under a compulsion to face danger and make sacrifices – even of his life – once either he has committed himself to serve, or has been compelled to serve by the State.

## **Rights and Obligations.**

4. The spirit of the times places great emphasis on the concept of Human Rights and their close ally, Civil Rights. The concept is usually taken to apply to the rights of an individual citizen in relation to other citizens or to the State. The Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10<sup>th</sup> December 1948, in Article 3, declares baldly that “Everyone has the right to life, liberty and security of the person.” The first paragraph of the Preamble describes the rights that should be recognized as being “equal and inalienable.” Australia has acceded to the declaration. These Human Rights are equivalent to those “inalienable” and God-given rights set out in the American Declaration of Independence – Life Liberty and the Pursuit of Happiness. Australia, and indeed all modern liberal democracies pay at least lip service to these rights, and none would argue with their spirit. Our discussion will take these three undisputed rights as its starting point. It will be based firmly on the proposition that these are rights possessed by each and every citizen as an individual.
  
5. The origin of these rights lies in the recognition of the individual citizen as the unit of autonomy in a liberal democratic society. Social structures are composed of individuals freely associating, or freely assenting to imposed association, for the common good. The most basic and most strongly coherent of social structures is the family; others are both more complex and less coherent as they progress through communities, municipalities, states or provinces, up to the nation state itself. In the community of nations, each state possesses a sovereign right to manage its own affairs in relation to other states. This sovereignty is exercised on behalf of, and in the name of, “the people”. Within the state sovereignty rests with the individual, who possesses his basic rights, and his vote, as an individual. He is governed, and takes his place in the social structure by his own consent. This is true even in cases where he disagrees with the actions of state to which he belongs, or with the outcome of a particular election in which he cast his vote. Recognition of the right of the majority of individual citizens to determine the colour of the government of the state is an inescapable consequence of acceptance of the democratic state itself.



6. It is obvious that the position of the individual in a democratic system is not sustainable unless there is general assent to the system by the population as a whole. There must be in all matters essential to the peace and good order of the state, a body of shared values. It is these shared values that underpin acceptance of rights and obligations by both individuals and the State.
7. Though not usually identified as a “human right” in social discourse, the right of an individual to defend himself from attack – physical or moral – is almost universally acknowledged and is enshrined in law in all democratic societies. Though primarily related to the individual himself, this right extends to his right to assist in the defence of others; family, community, fellow citizens and the state itself.
8. The right to assist in the defence of family, community and nation does not of itself create an obligation to do so, though shared values may well act to induce in an individual a sense of obligation. His act in offering himself to assist in the defence of others is, nonetheless, a free act of the will. For its part the state may impose on the individual an obligation to assist in the defence of the nation as a whole, but it is able to do so only with the assent of the governed, through the mechanism of shared values. In this way even compulsory military service, in which the basic human rights of those called to service appear to be appropriated, are, and in fact voluntarily surrendered.
9. Practically all modern states maintain standing forces to discharge the responsibility entrusted to them by their citizens, of protecting their people from threats of coercion by use of military force. Usually these standing forces’ role is to support the policy objectives of the state, principally in the area of foreign relations. To maintain force levels they usually rely on citizens’ voluntary service. But the highest purpose of military forces is to maintain the capability of meeting an enemy on the battlefield and winning.
10. The State has been entrusted by its citizens with the obligation to protect them. If it is to discharge this obligation, it therefore has a right to expect, even to demand, that the people will provide the means do so, in the form both of treasure and manpower. The right to self-defence thus inevitably imposes a general obligation to render military service.



## The Individual and the State

11. The relationship between the individual and the State in a democratic society is a very complex one. It rests on the somewhat imprecise concept of shared values, and manifests itself in a not very clearly defined network of mutual rights and obligations, and the expectations they create. The mechanism by which the relationship is moderated has been termed the “social contract”. Under the social contract the individual citizen accepts that he or she must contribute to maintaining the means of defence. He expects that the state will organize, administer and regulate the defence forces, and that it will set limits by way of laws and regulations on the manner in which the forces may be employed.
12. Those who offer themselves for military service accept that they place themselves under the authority of the State to the degree necessary to achieve the State’s military objectives. Though the authority of the state may be bound and moderated by policies, customs and usages, even by laws, all understand and accept that at bottom the relationship is one of obedience. For all practical purposes the authority of the state over the individual as exercised by military superiors on its behalf, is limitless. The obedience required by the exigencies of military service is total.
13. The State for its part accepts as an obligation that the individuals under its authority who render service are sustained in bodily health and are entitled to be treated at all times with fairness and justice. This is not to say that in extreme circumstance extreme demands will not be made; but in all circumstances the social contract requires that the highest possible value will be placed by the State on the safety, welfare and life of each individual. It also requires that in recognition of the service rendered, the State will assume, as an obligation, responsibility for the dependents of those who have lost their lives in its service, and responsibility for the care of, and compensation for, those who have suffered disability as a result of their service.

## Unique Service

14. It is precisely here that the unique nature of military service lies. In ordinary times military service is freely rendered by volunteers. In extreme circumstances the social contract may be invoked by the State by compulsion. In either case, however, once the individual has entered military service, the relationship of obedience is established. This relationship **necessarily** requires the surrender of the individual’s “inalienable” right to liberty, and alienates his right to life and security of the person, by placing responsibility for their preservation in the hands of others.



Not every person who renders military service encounters the enemy on the battlefield, but every person who enters military service must accept that he is expected to do so, if ordered, and is trained to do so.

15. A consequence of military service is that individual autonomy, the fundamental repository of sovereignty in a democracy, is surrendered to the common good. Freedom of choice as to the individual's own destiny, which lies at the heart of all civil liberties, is negated. In their place is the truth that he may be, by the decision of others against which there is no appeal, placed in extreme peril of his life, and lose that life, if that were the outcome of the decision.
16. In no other activity or vocation within a democratic state does the relationship of obedience to the authority of the State in the face of danger to life or bodily damage exist. Emergency services have an obligation **not** to accept extreme risks to their safety, lest they become consumers of the very service they are attempting to provide. Members of the Police Service are entitled to defend themselves from violent offenders, but are under no compulsion to endanger their lives or safety by the orders of a superior. The fact that many of them do, and display courage to the point of heroism in doing so, should not obscure the fact that they may not be compelled, nor be punished for failure, to incur serious danger.
17. Very different is the lot of the sailor, soldier or airman. No matter what the danger, his clear duty is to the military mission, and to play his part in its achievement, he must obey. The most abject coward, most terror-stricken faintheart, has no alternative but to expose himself to life-threatening danger, if so ordered. He may no longer invoke Civil or Human Rights to review his position as an autonomous unit of Society. Should he attempt to do so, and arrive at a decision that opposes that of his superiors, he commits an offence punishable by law. His offence is Dereliction of Duty, at the least. When the soldier is engaged on the battlefield there is nowhere to go, morally or physically. The danger must be faced, and the consequences accepted, whatever they may be.

*His calling is unique.*