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ARMY SECRETARIAT

ARMY POLICY AND RESOURCES COMMITTEE

THE EXTENT TO WHICH THE ARMY
HAS A RIGHT TO BE DIFFERENT

(A Note by the Secretary)

1. APRC is invited to debate the attached prior to subsequent direction from ECAB.
2. ACGS, as Chairman of APRC, has asked me to say that:
 - a. At this stage The Extent to which the Army has a Right to be Different is a Discussion Paper, and as such is only distributed to core members.
 - b. Core members should, nevertheless, distribute it to those Additional Members who may be accompanying them (such as their command secretaries).
 - c. Whilst ACGS appreciates that core members will wish to consider this paper within their commands/TLBs, he would be grateful if the paper is not reproduced widely - both because it is only at the discussion stage and because the subject matter is essentially one for ECAB.



THE ARMY POLICY AND RESOURCES COMMITTEE

THE EXTENT TO WHICH THE ARMY
HAS A RIGHT TO BE DIFFERENT

(A Discussion Paper by COS HQ AG)

BACKGROUND

1. The period since 'Options for Change' has involved all three Services in an extensive re-evaluation both of what they do and how they do it. One conclusion reached in the Army's 'Development Agenda 1995' was that there was a need: "to determine the extent to which the Army has a right to be different in terms of tradition, culture and ethos, developing a policy which both the Army and Society will readily understand and accept".

2. A true understanding in society of the intrinsic demands of soldiering is rapidly diminishing now that the number of people who served during World War II and National Service are dwindling. Because of this, the Army is perhaps becoming increasingly isolated from other professions and occupations, and from the society it serves and of which it should be a part. Also, there are now more societal pressures on officers and soldiers as individuals that conflict with, or at least potentially affect, the way of life the Army has, hitherto, adopted in order to maintain its operational effectiveness. As there has been no obvious need in the past, the Army's relationship with the society which it serves has not been studied, explained or publicised in Britain as fully as in some other nations.

3. The British military culture has evolved gradually over the past two hundred years in an unselfconscious way, as a powerful factor in sustaining military operations and the post-National Service, volunteer, professional Army of the past thirty years has conducted its operations to the satisfaction of the public and successive governments. Of all public institutions, 'the Military' have been and probably still are held in the highest esteem. However, some recent legal and social developments within society have brought into question some of the values hitherto associated with the traditions of public service, upon which the military culture has been based. It is appropriate therefore to re-examine this culture to assess how it differs from that of other professions and occupations and where it should continue to do so.

AIM

4. The aim of this paper is to examine the requirements of Army service and trends in society at large to determine the extent to which the Army has a right to be different from the rest of society in maintaining its ethos, traditions and culture, in order to develop policies which will be understood and supported both inside and outside the Army.

THE ARMY'S PURPOSE, ROLES AND TASKS

UPHOLDING SOVEREIGNTY

5. The Army is authorised by the Crown in Parliament, by means of statute and under the Royal Prerogative, to uphold British sovereignty, by force of arms if necessary. The administration of the Loyal Oath to all members of the Armed Forces and the Queen's commission granted to officers binds individuals in personal fidelity to the Head of State and duly constituted authorities. This collective and individual commitment requires of each person a measure of the qualities and characteristics implicit in the concept of 'service'. In return for this statutory commitment, the Army relies upon there being a reciprocal trusting and trustee, or fiduciary, relationship; in other words, society and Parliament also have significant moral, legal and practical obligations to the Army and its members and the Army therefore has a *right* to expect them to be met.

ROLES AND TASKS

6. The fundamental and perhaps the only difference of significance, between military service and other legitimate professions and occupations is that servicemen and women must be prepared, at any time and in the service of others rather than themselves, to participate in protracted and sometimes wholesale destruction and violence, to kill and to be killed for benign and politically justifiable purposes. This is, by definition, an *unchanging* characteristic of warfare and the profession of arms. Other professions, such as the police and fire services, also face death and injury, often more frequently than do members of the Army, but not on the same potential scale, or with the same inherent levels of lethal danger; none face the potentially devastating experience of deliberately taking life as a normal part of their roles. It is easy in the myopia of a prolonged period of peace and low intensity operations to lose sight of this ultimate reality. This explicit and unique requirement is and should continue to be the foundation for any difference between the Army's way of life and that of any other occupation.

7. The Army's part in the 3 overlapping Defence Roles and its operational tasks are explained well enough elsewhere. It is sufficient in this paper to state that all the Army's tasks actually or potentially involve the use of collective force. It follows that the Army must be capable of delivering the fighting power needed to succeed in circumstances across the complete spectrum of conflict.

FIGHTING POWER AND THE MORAL COMPONENT

8. British Military Doctrine describes 'the Hierarchy of Fighting Power' as the 'effective integration of [3] components':

- a. The conceptual component - policy and planning, command, and intellectual leadership at all levels.
- b. The physical component - the physical configuration and combination of weapons, manpower, and logistical elements, as the means of delivery of fighting power, from the smallest sub-units to the largest formations, 'hard wired' or 'modular'.

- c. **The moral component** - the adherence to the laws of wars, the treatment of people as people (not merely a 'manpower resource'); military discipline, effective leadership and high morale.

Of these, it is the moral component that is of concern in the context of this paper. It is this element, to which all officers and soldiers must necessarily subscribe, that provides the ethical as well as the legal basis for what they individually do and how they do it. Thus the intellectual arguments to explain the demands of delivering fighting power upon the Army and its members, and any differences in the Army's way of life this necessitates, must be guided by these doctrinal and ethical precepts.

9. When ministers order the implementation of a military task, and therefore sanction the use of military force, the Armed Services then have a legal *duty* to use whatever fighting power is *necessary* to achieve the required goals. However, the government invariably imposes restrictions, by means of policy instructions and doctrine, on the use of military force, implemented in 'rules of engagement'.

10. The consequent need to reconcile on the one hand a legal duty to use military force and on the other a similar legal duty to use restraint, provides a further, militarily ambivalent and paradoxical dimension to the demands of military service, especially in the complex circumstances of land operations. These inhibitions to freedom of action and the resultant moral and legal dilemmas imposed on every officer and soldier usually constitute added personal danger, and demand a level of collective and individual professionalism, self-discipline, trust and often self-sacrifice beyond that required of any other public servants or private individuals. It is considerations such as these that are at the heart of the 'moral component' of the doctrine of fighting power and which, with the commitment each individual makes to service and the acceptance of risk, form the basis of a *need* for the Army to be 'different'.

11. **Deductions.** Servicemen and women at all levels must fully comprehend the risks, ultimately leading to the taking of life and giving their own lives, and the ethical obligations that military service imposes on them personally if they are to be expected to accept them. These risks and the legal and moral dilemmas faced by them when delivering the fighting power required of the Army, within political constraints, constitute the basis for the Army's *need* to be different from other organisations. Intellectual arguments to validate any particular differences between the Army's nature, composition and way of life and those of other occupations must be founded upon its *duty* to be prepared at all times for armed military conflict. Civilians with authority over the Armed Services, and the society the latter serve, need reminding of the collective and individual exigencies of military service so that they may more readily accept their reciprocal obligations to the Army; the Army has a *right* to expect their support in maintaining those differences necessary for the successful achievement of its fundamental roles and tasks.

THE DEMANDS OF COLLECTIVE SERVICE ON OPERATIONS

12. Collective service is a timeless, central and definitive characteristic of an army; soldiers and officers must operate together *as one* in order to attain military objectives. For them to be effective in the face of terror, injury and death, individuals must subordinate their instinctive feelings and reactions to the collective needs and will of 'the group'. The resultant collective, or fighting, spirit demands from individuals total trust and faith both in one another and in those set in authority over them, and instant, instinctive obedience in battle. Time and again, in both the

distant and most recent past, it has been the collective spirit, incarnated as high morale, of units and formations that have led to military success both in battle, which generally demands a relatively brief period of intense effort, and over the morale sapping periods of protracted operations or wars. The converse is also true - evidence abounds of where military failure has been attributable to the moral disintegration, or loss of morale, of sometimes just one component of a military force. By definition, therefore, collective service presupposes that individuals are bonded by a common belief and set of moral standards.

13. Fundamental to generating and sustaining this collective spirit is the personal honour and integrity of individuals. Whatever the size of group - from fire team to regiment or brigade to corps - its cohesion *depends* upon the collective and individual faith of individuals in one another that stem from mutual trust and respect. For example, an infantry company trusts in its individual sentries for its very survival, and one soldier must trust another to provide covering fire, come what may, as he crosses open ground. This faith and trust can only be sustained if the personal honour and integrity - the moral character - of individuals is above reproach. The fighting spirit and moral integration of groups at all levels within the Army is the essence of the military ethos of collective service, and therefore of the Army itself.

14. The ability of individuals to meet such demands cannot be assumed. Much depends upon their upbringing and education prior to joining the Army, which vary between individuals at any one time and over time. Many will not have a sufficiently developed understanding of the concepts of individual integrity and collective spirit on joining. Therefore the Army's own education and training must inculcate in individuals the personal standards of honour, integrity and behaviour it requires, as well as training them in professional military skills. Both are of equal importance to achieving military success.

15. Because the Army must be ready to be called upon at little or no notice to do its duty, this process cannot be postponed until an operation is imminent. Developing collective spirit, which must by definition be deeply rooted, takes time; the disintegration of morale can occur at any time, in peace as well as war, and can be instantaneous and, in war, catastrophic. Collective spirit must be a normal part of everyday military life in peace as well as in preparation for and during operations.

16. It follows that the acceptance of greater responsibility by individuals within the military hierarchy carries with it a duty on them to set an example in their standards of behaviour as well as professional competence. The maintenance of morale within groups depends as much if not more upon the faith and trust of subordinates in their superiors as it does on their reliance on and trust of their peers. Thus education and training must continue throughout every individual's military career.

17. Deductions. Collective fighting spirit is fundamental to military success, is the essence of military ethos, is founded upon the principles of personal honour and integrity, and relies upon the trust that is fostered between individuals and their peers and superiors by those personal characteristics. Because it takes time to develop and the necessary personal attributes cannot ever be assumed, education and training are required within the Army throughout individuals' military careers, in peace as well as during military operations and preparations for them.

ETHOS AND THE ARMY

18. 'Ethos' is a term with a very precise meaning, but its wide use in inappropriate contexts has undermined its specificity. As a concept it is a thing of the mind. 'Military ethos', therefore, is a form of philosophy - a timeless ideal underlying the essential necessities of the military profession, to which all members of the Army must therefore aspire and towards which they must strive, but which may not ever wholly be achieved. Ethos is not interchangeable with 'culture'; culture properly is in the realm of behaviour and facts, i.e. more the result of what people actually do - good, bad and indifferent, functionally and morally - than to what they aspire.

19. Surrounding circumstances may change but the essence of military collective service and spirit, the Army's ethos, should remain constant. Consequently it must be articulated and universally understood, within and without the Army, if the Army's need to be different, and right to expect that difference to be upheld, is to be accepted.

20. In order to explain it, the Army's ethos must first be defined. A definition can be derived from the origins and consequences of the Army's authority to use military force:

a. The Army's duty to the Crown and Parliament carries with it an implicit timelessness and both a collective and an individual commitment of service to those institutions and to the society of which it and they are a part.

b. The special nature of the Army's roles and tasks lead primarily, in this context, to the selfless acceptance of extreme personal risk by individuals in the service of others.

c. The moral component of fighting power and the demands of collective service require a measure of personal honour and integrity in all servicemen and women in order to sustain that cohesive collective fighting spirit which is at the core of effective fighting power.

The Army's ethos can thus be defined as:

The timeless, collective and cohesive spirit, propagated by the personal qualities of self-sacrifice, honour and integrity, that enables the Army to fulfill its duty by means of fighting power.

INTERNAL REALITIES

MILITARY CONTRACT

21. The Army's requirement, and right, to minimise the possible disintegration of collective spirit must subordinate to some degree the individual rights of officers and soldiers. This imperative is central to the nature of voluntary service in the British Army and to the 'military contract' of duty into which all members of the Army enter when they enlist or are commissioned. In practical terms, the Army must then, as part of its side of the 'contract', enable officers and soldiers to fulfill their side by providing sufficient military education and training for them to understand and be able to comply with their obligations.

22. Nonetheless, there will always be individuals who fail to meet or maintain the required standards or whose beliefs do not allow them to accept the need for collective moral and professional standards, thereby jeopardising the integrity of their group and imperiling other members of it. It is for them that administrative procedures, discipline and Military Law exist, providing a deterrent and a means of correction, punishment or, ultimately, either administrative or disciplinary discharge. It is Military Law, however, which uniquely within British justice legalizes non-specific offences such as 'conduct to the prejudice of good order and military discipline', that empowers the Army to *enforce* the 'military contract' for all individuals and which therefore inhibits the latter's personal rights and freedoms.

INTERNAL DISCIPLINE AND MILITARY LAW

23. The Army's *right* to be 'different' is neither absolute nor founded in Law, but rather is indirectly based upon its *statutory* duty to use armed force when so required, the functional imperatives of which give it a *need* to be different and a right to expect that difference to be upheld, as argued earlier in this paper. The Army's means of maintaining that difference, and its relative autonomy and impartiality, is Military Law, enacted by Parliament and implemented by the military discipline system. Therefore Military Law is at the very heart of the Army's capability to fulfill its duty.

24. Thus it is the necessary sanctions of imposed discipline, legally implemented within Military Law and therefore unique to the Armed Services, that *enforce* when necessary the required levels of self-discipline, obedience, conformity and standards of conduct, and give the Army legal rights and powers far beyond those of most employers.

25. Although there is considerable latitude within Military Law for the interpretation of what actions do or do not constitute a breach of discipline and when sanctions should be applied, the choice is in the hands of the military authorities. Variations are applied at all levels by those given delegated disciplinary authority and from time to time guidance is provided, a 'disciplinary code of practice', in various documents such as 'Routine Orders'.

26. Outside the Services, standards are not regulated in the same way or to the same degree and are therefore subject to relatively unfettered evolution. Indeed, more recent social changes outside the Army, such as in the areas of equal opportunities and health and safety, have themselves been enshrined in national and international law, which has accelerated the process of evolution.

27. It is unsurprising, therefore, because of the fundamental requirements of the Army's ethos, driven by the *imperative* of collective service, that when the pace of social change within society at large accelerates, there is a tendency for the differences between the Army's imposed standards and those prevailing outside to widen, thereby becoming more noticeable.

28. More importantly, there is also a risk that external social and legal pressures for change, sometimes prompted by the increased visibility of its differences, will unwittingly be allowed by those who regulate the Army, ie Parliament, to undermine not just peripheral but also the core values of the military ethos. However, because there has been no need hitherto to validate the Army's way of life, evidence of what the level of risk might be and which areas should be protected is scant.

29. Deductions.

- a. A separate, legitimised system of military discipline is *essential* in peace and war in order to underpin the standards of conduct and behaviour required to generate fighting spirit. The subordination of some individual rights and freedoms to the common military good is an *inevitable* consequence of this imperative and is part of the 'military contract' that all officers and soldiers *voluntarily* accept on commissioning or enlistment. It is therefore essential that individuals *fully* understand this commitment beforehand; sufficient education and training must be provided by the Army during their service to ensure that they are able to conform to it, and they comprehend *and accept* the increasing responsibilities in this respect that accompany higher rank *before* it is granted.
- b. To assess which changes threaten the Army's essential core values, the recently begun process of routinely gathering internal statistics within the Army should be expanded.
- c. Regular and formal guidance should be provided to those dispensing summary military justice in order to ensure more equity of summary dealing across the Army and to ensure that a more dynamic process of reviewing and adjusting the disciplinary code can safely be instituted.

EXTERNAL PRESSURES (TRENDS IN SOCIETY)

INDIVIDUAL FREEDOM

30. The necessity to subjugate some personal rights, for example equality of individuals and freedom of speech, to the restraints of military discipline *during* operations is generally well understood and accepted both inside and outside the Army. However, the need to do so in peacetime so that the necessary conditioning may take place is perhaps less widely acknowledged, to some extent internally but especially externally. Also, it is perhaps overlooked that most of the time when members of the Services are not on operational duty, the latitude allowed by the disciplinary code is considerable and, whatever the perception may be, few restrictions are, in reality, imposed. This should be an explicit norm and more widely advertised internally and externally.

31. The extent of internal non-conformance is clearly influenced by external differences and pressures, and grows as those differences and pressures increase. This could be argued to be unimportant as the controls exist to enforce compliance, but such a viewpoint ignores the sensitivity of collective spirit to the disruptive influence that individuals can have on the morale of the remainder.

32. Deductions.

- a. The Army can vary the extent to which subordination of personal rights takes place under Military Law by adjustments to the complementary military code of conduct, and most of the time very few restrictions are imposed. This fact is rarely acknowledged, and should be emphasised, both when 'selling' the Army and when seeking to convince the public of the necessity for the differences that must be retained.

- b. Statistics regarding the level of dissent within the Army should be used not only as a guide for adjusting the disciplinary code, but can also provide an early indication of areas of widening difference between it and the rest of society that may require assessment.

LIBERALISATION

33. Of particular concern to the Services is the underlying general trend in society away from an altruistic and 'selfless' approach to life, which are entirely in accordance with the principles and ethics of public - and individual - service, to a less self-disciplined, free-for-all, ultra-democratic, 'selfish' culture. There is no sign of this underlying trend abating. For example:

- a. The existence or otherwise of marriage as an institution is irrelevant to military service, but the broad trend in society away from it and the ethical and moral values it represents impact upon the readiness with which individuals inside and outside the Army accept elements within the 'military contract'.

- b. The widespread cultural trend towards litigation, in conjunction with a military justice system that was not designed to cater for such processes, and the disparagement of authority that can result, also undermine the militarily essential concept of individuals trusting one another and subordinates relying upon their superiors.

- c. The external influence of international bodies, especially in the area of 'Human Rights', that do not necessarily follow the same ethos or respect the different cultures of national organisations, is of great concern. National governments, where international agreements exist, are powerless to resist particular international legal decisions without wholly renouncing their subordination to the body concerned.

34. Such trends do not in themselves, with the possible exception of the influence of international courts, directly threaten the Army's ethos and culture as long as the differences the Army must maintain are recognised internally and externally as necessary and legitimate. The military contract, military discipline and the internal provision of sufficient education and training should be adequate remedies. Indeed, carefully adjusting the balance between these remedies allows flexibility in deciding how different the Army should remain at any particular time, especially in peacetime. In this respect, the greater danger to the Army lies in resisting *any* change, for it would be self-destructive in a variety of ways if the ethical culture of the Army were to become, or to be perceived as becoming, that of a 'closed' and elitist cult.

35. **Deductions.**

- a. The greater the differences between the Army's culture and that of the rest of society, the harder it will be to justify them both internally and externally. Adjusting the content of and balance between the 'military contract', the disciplinary code and the internal education and training provided are a means of counteracting the symptoms but are not a cure.

- b. There is a greater danger to the Army from appearing to resist all change and being perceived to be a closed cult. Therefore as much change as is possible without placing the Army's ethos at risk must be accepted and it will be better to institute those

changes roughly in parallel with society and in a careful and measured way, rather than waiting until they are imposed, perhaps at little or no notice by the ruling of an international court of law.

c. The resources and level of effort allotted to validating differences and then convincing the public of their necessity must be proportionate to the extent of the differences the Army wishes to retain.

HOW DIFFERENT?

36. The Adjutant General's Discipline and Standards Paper of 1993 drew the attention of all ranks to 'broad examples' of behaviour that "undermine teamwork, cohesion and trust within the Army". It is encouraging that recent 'market tests', as yet statistically unsubstantiated, indicate that 'the silent majority' of the population approve of the Army's present stance in a number of controversial areas, for example on drug testing and not admitting homosexuals into the Armed Forces. However, 'public opinion' is fickle and attitudes can change (or be changed) quite quickly. To discuss every such area in detail would require a paper apiece, and this *will* be needed before decisions are taken on how to proceed in specific instances. A brief discussion of some present and possible future contentious areas follows with the aim of identifying any underlying principles that might provide a guide to setting present and future policy.

37. **Adultery.** There are no statistics to indicate whether or not adultery is increasing. In principle it is still widely 'frowned upon' but probably more because of the anti-social effect it has on the 'victims', usually at least demoralising, than for any ethical or moral reasons. In the relatively close-knit setting of a military community, where one individual can have the power of life and death over others, the tensions created can be devastating to the morale and cohesion of the group. The, by definition, 'selfish' nature of adulterous relationships, the betrayal of trust and the lack of self-discipline they usually entail, irrespective of any issue of military rank, are directly contrary to the Army's ethos. On this basis, irrespective of any moral judgements, and because of the potentially powerful influence of sexual relationships, there is no doubt that adultery should continue to be repudiated by the Army.

38. **Alcohol and Drug Abuse.** Amongst today's younger generations, taking so-called 'soft' drugs is widely thought of as no worse than drinking alcohol and less harmful than smoking cigarettes. This was not a widespread viewpoint hitherto, which implies that when the current generations reach positions of authority in society, civil law *may* change. The Army has already, pragmatically, elected to adopt a more lenient approach to known previous soft drug users during recruit selection. However, it is firm in its resolve to discharge any individuals found to be using drugs during their service. In contrast, being under the influence of alcohol, although dealt with strictly, does not necessarily, or usually, result in a discharge. Yet both 'offences' can be argued to have similarly debilitating effects on individuals whilst they are 'under the influence' and neither would in most other occupations automatically result in the loss of the individual's job. The Army's attitude could therefore be perceived, and is by some, to be at best inequitable and at worst illogical, anachronistic and unfair. In this instance, however, the Army is largely following the approach adopted by the rest of society, albeit imposing a greater degree of sanction on the drug user than most - but not all - other employers. Furthermore, there are many practical difficulties in regulating the use of the many types of drugs and in their varying effects, some of which cannot be detected until too late, on individuals on who the lives of others may depend. The Army is also, as is society, being pragmatic; it would, for example, be impractical to ban the

drinking of any alcohol in all circumstances. Thus the Army's current policies will remain appropriate whilst they largely mirror attitudes in society and continue to be closely aligned to those of other organisations with comparable responsibilities. However, not least because of the possibility that civil law will be revised, this is an area where the Army may in due course encounter pressure for change. It should have a rationale ready for such an eventuality.

39. Dishonesty. Dishonesty as a concept continues to be thought of as wrong but the boundaries between what is or is not considered to be dishonest have changed. People of all historical periods have aligned morality, of which honesty is a part, to what they can 'get away with', especially in the relationship between private individuals and institutional authorities. Inevitably prevailing attitudes in this respect outside the Army affect perceptions within it. Conversely, the concept of 'honour amongst thieves' still holds good; it is not 'the done thing' for an individual to be dishonest or disloyal within his or her own group, whatever the culture of that group. In this respect, the Army faces a paradox; as an organisation it is clearly perceived to be an institutional authority, but it needs and demands levels of loyalty akin to those of a family group in order to fulfill its tasks. However, most people *know* intellectually and instinctively when they are 'getting away with' something and it is therefore a matter only of *education* to explain why dishonesty and untrustworthiness is disruptive to the collective spirit of the military group and where the boundaries lie between right and wrong. Therefore the Army's present attitude need not be questioned now or in the foreseeable future.

40. The Employment of Women. 30 years ago it would have been inconceivable to most people that women would be employed as widely in the Services as they now are and the arguments for and against are well rehearsed. However, the question of whether women should be permitted in 'front line' units remains, although the prospect is less antipothetical than it was not long ago. There are obvious physiological barriers where outright physical strength is a predominant requirement, but no more so, broadly, than in the rest of society. Of greater importance, however, is the essential requirement for every member of a fighting unit in battle to be able to undertake any of the roles within that group. On occasions their very survival will depend upon this, and physical strength is often a routine rather than an exceptional necessity. There are few if any other occupations where this is so. Additionally, for whatever reason, there continues to be an innately greater human horror associated with injury and death to women than to men, especially in the eyes of men. The effects this can have on collective spirit and morale could affect the survival of the group and make the difference between military success and failure. Practical options for the wider employment of women are being studied comprehensively at present, but on the basis of this paper's extremely cursory debate, the Army would probably be justified, in principle at least, to continue with its present policy of excluding women from front line service.

41. Deductions.

a. To support any position the Army takes on the extent to which it needs to be different from the rest of society, a means is required of assessing the attitudes of society as a whole rather than listening only to vocal minorities, and of widely publicising the results. This may necessitate the commissioning of polling organisations on a regular basis and employing professional 'communicators'. There is also a need to continue - and to expand - the present internal surveys of attitudes in order to identify trends so as to be able to adjust the content of the Army's education and training programmes accordingly. Such surveys should seek to obtain statistically valid evidence at various career stages and

levels of responsibility, from before recruit and officer cadet training through to retirement.

b. With regard to the extent of the difference that is sustainable, this will vary with and over time, but is not as directly aligned with perceived trends in society as might be imagined. In most people there is an innate understanding of what is and is not right or wrong, good or bad, reasonable or unreasonable, and physically possible or impossible. It is only the outer boundaries that are blurred by changing attitudes. The basic principles of loyalty, honour and cohesion within social groups are instinctive and natural, regardless of the culture of the group. If there is a *genuine* shift of *majority* opinion, or human instincts, that shift can, on present evidence, safely be mirrored within the Army. Furthermore, it *should* be so reflected, for if the change *is* genuine and widely supported it will probably not affect collective spirit and cohesion. The definition of acceptable boundaries becomes a matter of education and training, in which more investment will be required. The 'acid test' of whether a change undermines the military ethos, and therefore fighting power, holds good, and the definition of that ethos is critical to making such judgements. The difficulty again lies in the assessment of what is and is not a genuine shift of majority opinion.

c. As in most of the areas discussed in this paper, differences will be easier to sustain if they are founded on sound and well understood principles and solid, widely publicised evidence.

POLICY INITIATIVES

CODE OF CONDUCT

42. Because of the requirement that individuals must comply with the standards of conduct and behaviour implicit within the Army's ethos, the need for them to be explicit in the 'military contract', and because these standards may differ in varying degrees from those that prevail within society as a whole, there is a need to specify what they are in a 'Code of Conduct'. Furthermore, the additional demands made of individuals as they progress up through the rank structure of the Army must also be explained so that there can be no doubt in their minds about what is expected of them at any stage of their careers. Their acceptance of these responsibilities along with higher rank is part of the 'military contract', which should be reaffirmed on promotion.

43. Such codes of conduct are now quite normal amongst both uniformed and civilian organisations in Britain and many other countries. The Army is unusual in not having one. Care must be taken, however, to ensure that the new code is not, and does not become, over-prescriptive in its own right and is not perceived to be any more than an authoritative guide, similar in concept to the British Highway Code, that describes in practical terms what is meant by the *spirit* behind military discipline and Military Law; it will not be possible to cover every possible circumstance or eventuality, but should rather seek to explain principles and illustrate them with selected examples. Military Law and the existing system of disciplinary codes must remain the sole source of military legal authority.

INTERNAL AND EXTERNAL AWARENESS AND EDUCATION

44. The need to promote a greater awareness and understanding of the requirements of Army service, both *internally* amongst all ranks, especially the newer generations, and *externally* within society as a whole, has been clearly established in this paper. So also has the lack of readily available statistical evidence against which to test, challenge or accept anecdotal opinions.

45. Internally, the lack of a true understanding of the personal and collective requirements of military service is born out by the early findings from the Continuous Attitude Survey and the tacit feeling identified during researches for this paper that a higher proportion of today's young officers and soldiers than hitherto do not want to be substantially different from society for more than a handful of years in their working life; the latter implies that they are unaware of how little difference there is, in reality, when they are not on operations, which is again a matter of education. Some such education and training has always been included in basic, developmental and leadership courses, but prior levels of awareness and understanding have been assumed that are no longer prevalent. A dynamic review process of the content of such courses now needs to be instituted with a view, first of all, to establishing what the requirement is and how it should be implemented, and secondly of keeping the programme up-to-date.

46. An integrated suite of definitive and modern reference documents in a readable and readily understandable form is needed, upon which to base the required education and training. They should explain the Army's ethos, the 'military contract' and the Code of Conduct, and be developed in a logical manner to ensure they fully complement one another. They must be kept under regular review so as to ensure they remain up-to-date. The suite could contain both a doctrine publication to cover the ethics, traditions and culture of British military service, and personal 'handbooks' for issue to all officers and soldiers.

47. These documents should also be suitable for and open to discussion in public. By this means the risk of the Army being perceived to be a 'cult' will be reduced, and the resulting debates will be of help in judging the reaction of the public to the Army's way of life.

48. As has been stated, there is a dearth of statistical evidence to support or refute proposals for change, or for any other purpose. A study should be carried out into the full scope of internal and external information needed by the Army for this and other purposes, and how it should be gathered, so that a fully integrated policy can be established. There is a danger, however, that separate activities in this area by each of the Services would be counter-productive. Tri-Service coordination is therefore required.

THE LAW

49. As stated earlier in this paper, Military Law lies at the very heart of the Army's capability to fulfill its duty and the need for further study into particular areas of concern has been highlighted. Some work has already been undertaken because of recent international rulings and the current parliamentary Quinquennial Review of the Armed Forces Bill. Potential pressures for future change, which are likely to be amplified by the presence, now, of some 70% of the Army in the UK, include:

- a. The environmental lobby seeking to restrict training.
- b. Lawyers and 'justice' groups wishing to dismantle military law.
- c. 'Human rights' groups wanting to assert individual human rights and fundamental freedoms that might conflict with the imperative of collective service.

50. At present the Army does not have an overall policy in these areas and there are many dangers in only reacting to proposed changes as the need arises. For example, taken individually each change will be harder to resist as it may be seen, on its own, as relatively insignificant. A piecemeal approach will foster a perception that military discipline is unfair, which in turn will undermine that system both within the Army and in the eyes of the public. Each such legal battle lost will enhance the notion that a clever 'brief' can outwit the authorities, undermining military discipline and collective spirit. Only if the Army has a clear policy, supported by reliable evidence, will it be able to justify and defend those *essential* differences from the society it serves that it *must* retain.

THE PROCESS OF REVIEW

51. In recent years the Army has made considerable advances in reviewing the way in which it conducts its business, largely driven by the need to redefine its roles and reorganise itself since the end of the 'Cold War', the 'Options for Change' study and the adoption of budgetary responsibilities as a result of the Government's 'New Management Strategy' initiatives. Nevertheless, these processes have of necessity been largely inward looking and the Army must now take more account of existing and potential outside pressures.

52. Some high level review processes already exist, such as the Parliamentary Quinquennial Review (QQR) of the Armed Forces Bill. Internally, the Director General of Doctrine and Development is responsible for developing doctrine for the present and future, and recent papers such as the 'Development Agenda', which is an iterative document, chart a process of review across all areas of the Army into the next Century. This form of central focus for routine review work is essential, but is already in place, and each fresh study also identifies areas for further attention.

53. As has been described, the inherent flexibility of the administration of military discipline is controlled by means of the disciplinary code; adjustments are made as needs arise, more often than not to raise the profile of an area of indiscipline rather than to ease restrictions where they are perhaps being applied with unnecessary severity. A more formal, regular and open (internally within the Army and externally) process of review is required. Furthermore, as a matter of policy, the disciplinary code should be based upon the principle of inflicting the *minimum* of restrictions on the freedom of individuals and their families, consistent with safeguarding the collective nature of the Army's culture.

CONCLUSIONS

54. The Army has no *absolute* 'right to be different' from the society it serves, but is granted that right by the Crown in Parliament, in that it is given relative autonomy to impose Military Law, implemented through the military discipline system. More importantly, it *needs* to be different to some extent in order to fulfill its statutory duty by the use of fighting power.

55. There is a strong moral obligation on parliament and society to uphold the essential differences the Army *needs* to retain in order to promote and sustain the collective fighting spirit that enables it to carry out successfully the roles and tasks it is given. Indeed, the Army has a *right* to expect that support because of its statutory duty to use fighting power and the unique collective and individual demands this places upon servicemen and women.

56. Fighting spirit, incarnated as high morale, is a critical factor in generating the fighting power needed for military success. Conversely, loss of morale is often the primary cause of military failure. The cohesiveness of military groups, which leads to collective fighting spirit, *depends* upon the subjugation of personal freedom to the needs of the group and places unique demands upon individuals, up to and including the sacrifice of life. Only a selfless culture based on integrity and trust can foster the qualities needed to survive and succeed in these circumstances.

57. The military ethos, which underpins the Army's culture and the moral component of fighting power, may engender different standards of behaviour from those that prevail in society at large; it be defined as:

That timeless, collective and cohesive spirit, propagated by the personal qualities of self-sacrifice, honour and integrity, that enables the Army to fulfill its duty by means of fighting power.

58. Servicemen and women voluntarily accept a 'military contract' on joining the Army which requires them to conform to the standards of conduct that follow from the definition of military ethos and, where necessary, to subordinate their individual rights and freedoms to the requirements of military service. In return the Army, and therefore Parliament and society, has a duty of care to them. Because it cannot be assumed that individuals will understand what is required of them, the Army must provide sufficient education and training both initially and throughout an individual's military career. A 'Code of Conduct' is required to explain what is expected of individuals (and their families) and there should be a process whereby individuals acknowledge their increased responsibility, both in personal standards of behaviour and to their subordinates and superiors, on being given higher rank.

59. The requirements of military service, and therefore the 'military contract', are enforceable under Military Law, and implemented through the military discipline system. Although standards of conduct should preferably be instilled by a process of education and followed as a matter of self-discipline, the unique and terrifying nature of combat necessitates the underpinning of the 'Code of Conduct' by Military Law. Latitude exists in how that system is administered by means of adjusting the disciplinary code, but there is no routine, regular process of review. Changes at present are usually to counter increased indiscipline rather than to relax the administration of military justice. It should be the norm in peacetime that restrictions to individual rights are set and kept at the minimum possible level consistent with the operational requirements of military service.

60. An integrated suite of modern, readily understandable documents is required to explain the Army's ethos, culture, the 'military contract' and the resultant 'Code of Conduct'. It should consist of at least an authoritative, source doctrine pamphlet, and handbooks for issue to every

officer and soldier. They should be regularly reviewed and be a primary reference for all character training and leadership related courses.

61. The increasing trends in society towards selfishness and litigation for personal gain are in direct conflict with the principles espoused in the military ethos. However the basic human instincts of fidelity and loyalty to groups and an innate sense of what is fundamentally right and wrong are unlikely to change significantly in the foreseeable future, and differences between the Army's culture and that of society at large will tend to affect peripheral rather than core values. It is therefore a matter of education and training, backed up by military discipline to redefine the blurred boundaries of these differences and to refocus instinctive loyalties towards the 'military family'.
62. The standards and views of the 'silent majority' within society may not have changed as much as the more vocal minority, supported by an increasingly predatorial press, would wish or say. Therefore the extent of the difference between the Army and society at large need be of less concern, *at present*, than may generally be perceived. However, a study is required to examine each potentially contentious area and a system for assessing external public opinion should be put in place to monitor trends in attitudes and values. The Continuous Attitude Survey within the Army should be continued and, if necessary, expanded.
63. There is a dearth of valid statistics to support or repudiate judgements made in this area. An extensive programme of research is therefore needed to develop a better understanding of the relationship between the Army and society and to recommend what statistics are required, and how they should be gathered, to support assessments of trends in society and public opinion about the Army. There is a risk that separate initiatives in gathering such information and statistics by the three Services may conflict. Tri-Service coordination is therefore required.
64. Not accepting some change risks the Army being seen as a closed 'cult' and will increase its vulnerability to the external imposition of measures that might undermine its core values. As much change should be accepted as possible without placing the military ethos at risk. Indeed, there may be a greater risk from not going far enough than from going a little too far whilst the Army has the capability to control the effects of so doing by a combination of the 'military contract, education, training and careful adjustments to the disciplinary code.
65. With the now rapidly diminishing levels of personal experience of the demands of military service amongst the general public, the trends in society away from values that underpin the military ethos, and the public's greater exposure to the less attractive side-effects of a much larger part of the Army than hitherto being based in the UK, there is a general and urgent need for the Army to be more deliberately open about its internal processes, standards and culture in order to avoid public misperceptions. A study is required into how best this can be accomplished.
66. There are several common themes to a number of these conclusions. Foremost amongst them are the urgent need to gather evidence and statistics, the requirement for a more extensive and dynamic internal education and training system and the need for more open and 'proactive' processes in order to promote greater external awareness of the Army's needs and culture.

RECOMMENDATIONS

67. The Committee is invited to debate the paper's conclusions and the following recommendations:

- a. The definition of 'military ethos' offered in this paper, as shown in Paragraph 57, should be adopted officially.
- b. A programme of research should be initiated to analyse and provide a better understanding of the relationship between the Army and the rest of society with a view to informing judgements on the extent to which the Army can safely retain the differences in ethos and culture it at present believes are necessary to sustain its ability to generate fighting power. The report should also recommend means of routinely gathering evidence of majority public opinion about the Army and ways in which the Army can, to best effect, keep the public informed about its own needs and way of life. There is probably a requirement to coordinate activity in this area between the three Services.
- c. Studies should be initiated now into all potentially contentious areas in which the Army may come under pressure for change so that there is time to gather evidence and to adopt a more 'proactive' approach than just defending an existing position in isolation.
- d. The Continuous Attitude Survey should be expanded in order to provide evidence and an understanding of opinions within the Army at every level, from pre-recruit training onwards, about the differences between the Army's way of life and that of society at large.
- e. A 'Code of Conduct' should be drawn up to articulate the standards of behaviour expected of all officers and soldiers, both within and outside the military environment. This should describe the terms of the 'Military Contract', to which individuals voluntarily agree on joining the Army, and which should be 'renewed' each time they are promoted.
- f. The ethical and moral requirements of military service, the 'Code of Conduct' and the 'Military Contract' should be fully explained in a new, integrated, readily understandable and regularly updated suite of documents consisting of at least a source doctrine pamphlet, and handbooks for issue to every individual. The handbooks should be open to discussion in public.
- g. An integrated, innovative and dynamic programme of education and training in military ethics and the Code of Conduct should be designed, and applied progressively throughout the Army on all initial, career and leadership courses. It should be reviewed regularly and should be adjustable both to suit the particular needs of individuals and to take account of the prevailing attitudes in society at large.
- h. The military justice system should be re-examined with a view to instituting a more frequent process of review and a more dynamic and deliberately open approach to adjusting the disciplinary code. This process should, as far as possible, take account of varying attitudes and values outside the Army. In principle, the restrictions imposed on the individual rights and freedoms of servicemen and women (and their families) when they are not on operations should be minimised as far as is consistent with sustaining the moral component of fighting power and the conditioning required prior to operations.