

THE NATURE OF CIVILIAN AND DEMOCRATIC CONTROL OVER THE ARMED FORCES

Wojciech ZABOROWSKI*

* Center of Preparations for Foreign Missions, Kielce
e-mail: zabor123@poczta.onet.pl

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Abstract:

The present text addresses the relationship between democratically and legally elected state authorities and the armed forces, which are one of instruments of governance at the state level. Through the analysis of the concepts of “apoliticism”, “subjectivity” and “objectivity” of the military in relation to state institutions, the author concludes the institutional dimension of the civilian democratic control over the armed forces, then enriching it with a non-institutional context. This allows to finally capture the essence and functional characteristics of the multidimensional phenomena, namely the civilian, democratic control over the armed forces in today's state.

Keywords:

civilian and democratic control over the armed forces, supremacy over the armed forces, apoliticism of the military, subjectivity of the armed forces, objectivity of the armed forces

INTRODUCTION

Civilian and democratic control over the armed forces as well as the principle of tripartition of power, respect for human and citizens' rights and, in the end, the rule of law linking all of the above, is one of the fundamental canons characterizing a modern democratic state. For modern citizens of democratic states, including Poland, the aforementioned principles are natural values, which are commonly encountered in everyday life. Nevertheless, a thorough analysis is worth conducting on what the civilian democratic control over the military consists in, what its nature is and what premises must occur in order to make it exist.

The abovementioned rule of law implies that this law - generally understood as a system of standards and rules of conduct established by government authorities having



the appropriate legitimacy and the authority, and applied by those authorities - has the supreme position in a political system. The law is meant to determine, among others, the relationship between citizens and the authorities. On the one hand, it is to set the range of competences and procedures for the authorities, namely the ruling parties, and on the other hand guarantee citizens - the ruled ones - the scope of rights and freedoms, but also privileges and responsibilities. Bodies and institutions may act only to the extent specified by law, and citizens can do everything that the law does not prohibit¹. Furthermore, any decisions and actions related to the state policy, that is its national interest, must be taken within the limits of the law and under it.

Similarly as the other institutions and state bodies, soldiers are subject to the law as well, even in two ways. On the one hand, as "citizens in uniforms", who are entitled to certain civil privileges and have a number of civil duties, where the terms "civil" means both "civic" (in English the word "a civil" above all is "a citizen") and "civilian" as "non-military"². And on the other hand, as members of a specific social and professional group - the armed forces, with their structure, competence, tasks and potential. The institution of the military is also under the law, and due to its multi-faceted characteristics, its activity in a democratic state is subject to special control on whether it runs according to this law and within the framework set out by it³.

One should not fail to mention the principle that leaving aside exceptions arising out of the international law, a state (understood here as an organization wielding sovereignty over a given territory and its inhabitants) has a monopoly to turn to violence in the framework of its governance system. This violence (using instruments of direct coercion, including the military potential, in pursuit of the exercise of governmental authority, for instance for the protection of its territory and citizens) is legal if applied by a legitimate authority, in accordance with and within the limits of the legal system⁴. Apart from this legitimate state authority, no one is at liberty to use violence in its territory. Moreover, the armed forces themselves have no right to use violence without a clear order or authorization of legal state authorities, and when realizing the function of violence they cannot exceed the limits of the law.

1. "SUBJECTIVITY" AND "OBJECTIVITY" OF THE MILITARY IN A STATE

The armed forces as well as state administration do not have direct social power to act. Military and administrative positions are not filled by universal suffrage but by nomination, hence people holding them do not have such a mandate of trust or legiti-

¹ Cf.: J. Zakrzewska, *Państwo prawa a nowa konstytucja*, [in:] G. Skąpska [ed.], *Prawo w zmieniającym się społeczeństwie*, Toruń 1992, p. 325-334 and next.

² Cf.: J. Zalewski, *Wojsko Polskie w przemianach ustrojowych 1989-2001*, Warszawa 2002, p. 248-249. See also: H. Rusek, *Innere Führung (Dowodzenie Wewnętrzne) jako koncepcja toku służby w Bundeswehrze wspierająca jej transformację do nowych warunków*, Warsaw 1994.

³ Cf.: H. Mikołajczyk-Bezák, *Wybrane zagadnienia ustroju Polski. Siły Zbrojne w Rzeczypospolitej Polskiej*, Warsaw 2000, p. 121 and pp. 130; L. Konarski, J. Świniarski, *Przemiany myślenia w wojsku*, Warsaw 1997, p. 95.

⁴ Cf.: P. Winczorek, *Wstęp do nauki o państwie*, Warsaw 1998, pp. 66-67; R. Dahl, *Democracy and its critics*, London 1989, pp. 297. See also: F. Ryszka, *Polityka i wojsko*, Warsaw 1975, p. 83-85.



macy like e.g. members of Parliament. In contrast to positions filled by election, members of the armed forces are not directly responsible to the electorate or the authorities that had appointed them to those positions. Therefore, in a democratic state, the armed forces cannot be an independent political entity fighting for supremacy equally with bodies elected. Thus, the 'subjectivity' and the empowerment of the armed forces in a state are reduced essentially to the limits delegated to them by the civilian authorities, shaping political and legal systems of a state on the grounds of a social mandate⁵.

The armed forces formally constituting only a subject of state policy remain one of state instruments used to achieve statewide or nationwide goals. Military theorists also emphasize the primacy of politics over the interests of the armed forces. Carl Clausewitz wrote: *a war of any community - entire nations, and especially the civilized peoples - always appears in a given political situation and is caused only by political motives. It is, therefore, a political act. [...] A war is not only a political act, but also a real instrument of politics, a continuation of political relations, carrying them by other means*⁶. Later, other researchers confirmed this thesis, for example, Liddell Hart, the English theorist of war, who claimed that *nations do not wage war for war, but to accomplish tasks posed by the policy. The aim of a war is only a means for the achievement of a state goal. It follows that the aim of a war must be subjected to a political goal*⁷, or General Andre Boufre, the representative of the French military thought⁸.

The above corresponds to the statements by the German analysts: Hans Adolf Jacobson and Lenart Souchon, that this primacy of politics over the military appears in any form of statehood, even in totalitarian ones, and the decisive difference in relation to democracy is the subordination of the armed forces to politics having democratic legitimacy and being under the parliamentary control⁹. Thus, the state's needs and intentions manifested in the politics pursued influence the structure of the armed forces, their size and tasks. To put it as a whole, firstly, a state forms a political course of action¹⁰ based on its objectives and available resources, and then on the grounds it appropriately reforms or organizes the military¹¹.

⁵ Cf.: M. Bajor-Stachańczyk, *O realizowaniu cywilnej kontroli nad armią i zwierzchnictwa nad siłami zbrojnymi w Polsce*, *Zeszyty Prawnicze*, No. 3(7), Warsaw 2005, p. 11.

⁶ C. Clausewitz, *O wojnie*, Lublin 1995, p. 21-23.

⁷ B. H. Liddell Hart, *Strategia. Działania pośrednie*, Warsaw 1959, p. 409.

⁸ A. Boufre, *Wstęp do strategii. Strategia odstraszania*, Warsaw 1968, p. 110.

⁹ H. A. Jacobsen, L. Souchon, *W służbie pokoju. Bundeswehra 1955 – 1993*, Warsaw 1993, p. 78.

¹⁰ As for determining the concepts of "politics", "strategy" and 'doctrine' see: C. Rutkowski, *Bezpieczeństwo. Obronność: Strategie-Doktryny-Koncepcje*, "Zeszyty Naukowe Akademii Obrony Narodowej" 1995, No. 1, p. 8-41. Professor Stanisław Koziej also precisely discussed in his publications the relationships between these concepts in the context of national security. See: S. Koziej, *Bezpieczeństwo: istota, podstawowe kategorie i historyczna ewolucja*, "Bezpieczeństwo Narodowe", No. 18, Warsaw 2011, pp. 19-39; S. Koziej, *Między piekłem a rajem. Szare bezpieczeństwo na progu XXI wieku*, Toruń 2008 and next.

¹¹ Cf.: B. Balcerowicz, *Uniwersalne problemy strategii obronnej państwa średniej wielkości oraz ich odniesienia do obronności Polski*, Warsaw 1996, p. 113; Z. Trejnis, *Rola Sił Zbrojnych w demokratycznym państwie*, [in:] *Edukacja obywatelska i działalność informacyjna w wojsku wobec perspektyw*



2. "APOLITICAL NATURE" OF THE MILITARY

The issue of the said "objectivity" of the armed forces in a state is closely connected with the problem of "apolitical nature" of the armed forces. Apoliticalism of the military is founded not so much on not getting soldiers involved in the activities of the parties or political organizations (the so-called "non-partisanship"), which is prohibited by law in most democratic states¹², but on the total exclusion of the armed forces from the participation in political debates and disputes. The military, as the state executive instrument, as is administration and other services, should remain a specialist organization, politically neutral, subordinated to bodies and persons exercising legal power in a state, and implementing tasks imposed by it. Generally speaking, this is what apolitical nature of the military consists in, as an institution that is not likely to easily create and pursue its political objectives, and having only executive powers granted.

This does not contradict the idea of a soldier – a citizen in a uniform, who can fulfill himself / herself (under certain conditions) as a politically active citizen, when off-duty, in a sort of "private way". Moreover, from the perspective of civilian democratic control over the armed forces, the awareness of existence, understanding and voluntary participation of members of the armed forces in democratic processes and socio-political mechanisms strengthens their integration into their own country and its democratic political system - which is one of important aspects of the effectiveness of this audit. Possibly broad and multi-dimensional integration of the armed forces into the society, which they have to *de facto* serve, and the soldiers' knowledge, understanding and respecting of the principles of the democratic legal and political system in a state - which they have to defend - are key factors for the real functioning of institutions of civilian democratic control over the army. When discussing the role of the military in a state, Kazimierz Madej notes that *the armed forces ought to be the factor consolidating the society diversified in many ways, and keep close relationship with it, for the benefit of citizens' interest and state defense*¹³. In addition, soldiers' expert knowledge is essential for proper control over the army and the creation of national security and, in some cases, their opinion is indeed crucial, however, it can be verbalized through appropriately organized channels.

Generally, in official statements soldiers have no right to: publish their political views and affiliation, make their own political decisions, engage in political activities and

integracji z NATO. Materiały z seminarium, Warsaw 1997, p. 54; B. Balcerowicz, *Obronność państwa średniego*, Warsaw 1996, p. 127.

¹² The exception here is the Federal Republic of Germany, where, according to the concept of *Innere Führung* soldiers to some extent take active part in the political life of the state, but follow democratic rules.

¹³ K. Madej, *Armia w demokratycznym społeczeństwie*, "Wojsko i Wychowanie" 1995, No. 1, p. 6. Cf.: J. Tischner, *Każdy ma swoje Westerplatte*, [in:] J. Zajdzik [ed.], *Siły Zbrojne III Rzeczypospolitej. Myśli i rozważania*, Warsaw 1994, p. 382.



campaigns or allow any in their subordinate units, and besides, contact and influence civilian superiors in a way other than the official and legally sanctioned one¹⁴.

Finally, from the formal point of view - the armed forces, as a politically neutral nationwide and statewide institution, uphold the entire nation, regardless of its world-views and political choices, as well as defend a national territory, regardless of an authority in this territory if only it has been legally and democratically elected. The armed forces must therefore submit to each, legally and democratically chosen government, notwithstanding the ideology professed by it as a representation of the people - the sovereign body¹⁵.

3. CIVILIAN AND DEMOCRATIC CONTROL OVER THE MILITARY IN INSTITUTIONAL TERMS

In order to capture the full essence of civilian democratic control over the military, the concept of “control” should be more accurately specified as a type of interaction characterizing the relationships between the power of a state and the subordinated armed forces. From the point of view of political sciences, “control” is a form of influence or power based on the asymmetric relationship between a controller (a state) and a controlled body (the armed forces). It involves both the acquisition of information about the activities and actions of the controlled body and its modification in the direction desired by a controller¹⁶. Jerzy Kunikowski states that “control” is a purposeful, organized action of a superior towards subordinates, including:

- fact-finding, including the methods of operation and their results;
- comparison of the actual state with the existing designations, in order to identify possible non-compliances between them;
- detection of the causes of non-compliances;
- identification of ways to avoid inconsistencies and make progress in a controlled range¹⁷.

Here it is worth to mention the significant Janusz Onyszkiewicz’s statement, cited after by Zenon Trejnis that the word “control” is derived from English, where it has a far broader meaning. Namely, in English and also French, “control” means simply managing (in which also strictly control functions are included). Onyszkiewicz gave a “control”

¹⁴ More: T. Sokołowski [ed.], *Apolityczność i apartyjność. Podstawy prawne udziału żołnierzy w życiu publicznym*, Toruń 1996.

¹⁵ See: W. Bereś, K. Burnetko, *Janusz Onyszkiewicz. Ze szczytów do NATO*, Warsaw 1999, p. 203-204. Cf.: P. Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z 1997 r.*, Warsaw 2000, p. 42.

¹⁶ A. Antoszewski, R. Herbut, *Leksykon politologii*, Wrocław 1996, p. 172.

¹⁷ J. Kunikowski, R. Rosa, L. Wyszczelski, *Armia w systemie demokratycznym*, Warsaw 2001, p. 108.



tower at the airport as an example, where operators not only know what is happening in the air, but they give pilots specific instructions and orders¹⁸.

Due to such an extensive range of meaning it is difficult to provide a single universal definition of this institution, the more that in various *countries it operates through different rules*. *Richard Kohn generally states that: civilian control [over the armed forces - W. Z.] lies with civilian politicians and is enforced through civilian government authorities*¹⁹. Taking into account the criteria of control, both civilian and democratic, it can be said that “civilness” of this control is an inherent feature of “democracy”. There can be no other democratic control over the military apart from civilian. On the other hand, as demonstrated by the experiences of authoritarian and totalitarian states, civilian control does not mean that it is democratic.

This corresponds to the analysis by Morris Janowitz, who distinguishes four models of the interaction: the armed forces - civilian power, only one of which is considered democratic. The aristocratic and totalitarian ones also assume the existence of civilian power, but as their names suggest these are not models based on democratic principles, as well as the option of a garrison state where the military politically dominates in the country²⁰.

Thus, from the institutional point of view, civilian and democratic control over the military means that the armed forces (as an institution accomplishing assigned tasks related to a state as a whole and being funded from a state budget²¹) are indirectly responsible to the nation, which they are to serve to. Furthermore, they are directly under the authority and control of representatives selected by the people through legitimate and universally recognized suffrages and directly liable to them²². In turn, these authorities bear responsibility to the nation for decisions taken, including the implementation of defense policy, as well as for the security of a country and its citizens, and consequently also for the armed forces’ state, condition and operation. When analyzing the subordination of the armed forces in the context of tripartition of power, the military usually directly reports to the executive power, which, for its help and within the limits of the applicable law, realizes policy approved by the legislature having ap-

¹⁸ J. Onyszkiewicz, *Zachodni model kontroli nad siłami zbrojnymi*, [in:] *Dylematy demokratycznej kontroli nad armią*, praca zbiorowa, Warsaw 1995, p. 14. Cf.: Z. Trejnis, *Siły zbrojne w państwie demokratycznym i autorytarnym*, Warsaw 1997, p. 215.

¹⁹ R. H. Kohn, *Poza kontrolą. Kryzys w relacjach między wojskiem a władzą cywilną*, “Biuletyn Polityczny” 1995, No. 1(4), p. 28.

²⁰ M. Janowitz, *Military conflict*, London 1975, p. 57-60.

²¹ Waldemar Wołpiuk formulates this as a principle of easement of the armed forces within carrying out tasks which they are assigned to in a state See: J. W. Wołpiuk, *Siły zbrojne w regulacjach Konstytucji RP*, Warsaw 1998, p. 12.

²² For more: J. Mordowko, *Kontrola cywilna Sił Zbrojnych RP przez Prezydenta RP, Radę Ministrów i Ministra Obrony Narodowej w świetle przepisów konstytucyjnych i ustaw*, “Biuletyn. Ekspertyzy i Opinie Prawne” 1993, No. 2(8); W. Konarski, *Jak ukształtować treść nowej konstytucji, aby zapewnić bezpieczeństwo narodu i państwa*, [in:] A. Łopatka [ed. by], *Ku konstytucji stabilizującej Polskę*, Warsaw 1994, p. 53; J. W. Wołpiuk, op. cit., p. 38-39.



appropriate instruments to control the executive power, including the armed forces²³. The law in force in a given country ought to comprehensively define the extent of subordination and responsibility of members of the armed forces against civilian legal authorities and the nation. The law should also determine the model of relations and procedures between elements of a military structure and relevant public authorities, including control mechanisms, as well as a structure, size and competences of the armed forces in a country²⁴.

When considering the theoretical foundations of civilian and democratic control over the armed forces, Samuel Huntington's analytical observations should be recalled here. In terms of civil - military relations in a state (not only democratic), Huntington sees two main "types" of civilian control.

The first one is "subjective civilian control" assuming that the best way to limit the political influence of the military is to maximize the power of civilians. However, the diversity of civilian groups aspiring to come to power in a state and exercise control over the armed forces and a political struggle between them finally results in a twofold situation. Or the strongest civilian group wins, maximizes its political control over the armed forces and make them politically dependent so as to minimize military political influences. Or in the face of a political struggle between civilian groups, the armed forces enter the fights trying to gain power or achieve their own political interests. In both cases, this results in the politicization of the military and its real participation in politics, including the takeover of power, as well as the improper influence of civilians on strictly military issues. The military and civilian spheres overlap, which reflects negatively on the security and stability of a state political system.

The second type – "objective civilian control" – sees the reduction of political commitment of the armed forces in the maximization of military professionalism. The objective control assumes that the level of military professionalism and expert knowledge is the lowest possible for the military power. Exceeding this limit by civilians and interference in purely military affairs on the one hand may disrupt "objectivity" of control and cause entanglement of the military in political disputes, and on the other hand it might negatively impact the effectiveness and "professionalism" of exploiting the potential of the armed forces. The military can become an instrument of pressure in the hands of the political group, which has made this intervention. Therefore, objective control requires a single, specific and politically neutral allocation of military and civilian competences, which will also clearly and unequivocally separate the influences of soldiers and civilian politicians, and above all, will determine the responsibility for decisions and actions²⁵.

²³ Cf.: R. Stępień, *Współczesna armia*, [in:] J. Kunikowski [ed.], *Armia w społeczeństwie i systemie demokratycznym. Materiały z ogólnopolskiej konferencji i sympozjum naukowego, listopad 97 – czerwiec 98*, Warsaw 1999, pp. 9; Z. Trejnis, *Siłły zbrojne* op. cit., p. 93.

²⁴ Cf.: E. Radwan, *Cywilne kierownictwo i demokratyczna kontrola nad armią*, [in:] J. Kunikowski [ed.], *Armia w społeczeństwie* op. cit., p. 84-85.

²⁵ S. Huntington, *The soldier and the state. The Theory and Politics of Civil-Military Relations*, London 1957, p. 80-85.



When it comes to establishing clear criteria and sharing responsibilities it corresponds to William Odom's statement, quoted by Agnieszka Gogolewska, that: *the real problem is not "civilian control". Civilians have created dictatorships, as have soldiers. The task is to lead to a situation in which the military will be politically responsible to the electorate for both their successes and failures*²⁶.

However, when analyzing the practical experiences on the issue of civilian control, Huntington and other researchers conclude that "objective control" remains an ideal model, which to a greater or lesser extent has been implemented in different countries with different political systems²⁷. When distinguishing the abovementioned four types of relationships the military – the politics, Morris Janowitz also states that the democratic model, unlike the others, does not occur in history but is rather a political rule, and only a few countries have achieved its elements²⁸. Samuel Finer even argues that the very existence of the armed forces as a state institution causes that a certain degree of commitment of the military in state politics is inevitable²⁹.

Democratic states are relatively close to this "objectivity", since the law sets this limit of competences, the principle of tripartition of power prevents the domination of the military by one center of power or a political group, and the armed forces formally remain politically neutral. However, even there, military and political spheres overlap and the armed forces to some extent play a political role in a state. Charlie Rose notes that *in theory there should be a clear separation line between the political and military affairs, but in practice, this line is often blurred, and as is to be expected, these two worlds often affect each other. A source of tension here can be a grey area of responsibilities, especially during crises and conflicts, when political and military objectives related to rules of engagement are likely to be different*³⁰.

This approach to the case corresponds to the opinion expressed by Jerzy Więclaw. When analyzing the American model of supervision over the armed forces, he states that today the problem of soldiers who openly question the principle of civilian and democratic authority over the armed forces does not exist. However, because political decisions affect the situation of soldiers, they subconsciously seek to influence them. The crux of the problem of civilian authority over the military boils down to finding the right balance of military officials' impact on decisions of civil authorities not only in matters of war or military policy, but also in issues of foreign policy, security or economic and social policy of a state³¹.

²⁶ A. Gogolewska, *Demokratyczny model kontroli nad armią*, "Studia Polityczne" 1996, No. 6, p. 74-75, [quoted after:] M. Wichłacz, *Demokratyczna kontrola nad armią – standard, proces, cel normatywny*, [in:] T. Kołodziejczyk, D. S. Kozerański, J. Maciejewski [ed.], *Oficerowie grup dyspozycyjnych. Socjologiczna analiza procesu bezpieczeństwa narodowego*, Wrocław 2008, p. 194.

²⁷ S. Huntington, op. cit., p. 85.

²⁸ M. Janowitz, *Military* op. cit., p. 57.

²⁹ S. E. Finer, *The Man on Horseback. The Role of the Military in Politics*, Harmondsworth 1975, p. 4.

³⁰ Ch. Rose, *Demokratyczna kontrola nad armią*, „Wojsko i Wychowanie” 1995, No. 3, p. 69.

³¹ J. Więclaw, *Cywilny nadzór nad siłami zbrojnymi i obronnością w Stanach Zjednoczonych*, „Wojsko i Wychowanie” 1996, No. 3, p. 77.



This observation is borne out by Jerzy Kunikowski's view. According to him, civilian control means the subordination of the armed forces to democratically elected state authorities. The authorities take all political decisions concerning state defense, whereas responsibility for training soldiers with responsibility for combat readiness rests with the commanding staff³².

While Zenon Trejnis believes that the principle of civilian control means that civilian power always has a casting voice and sets the "rules of the game" in all matters relating to defense and security. It is also civilian superiors who determine to what extent and in which cases military officials should be consulted and when the situation requires sharing responsibility with them. In the end, according to him, civilian politicians ought to decide where the border between civilian and military authorities lies³³. This definition rightly highlights the absolute supremacy of state civilian democratic authorities over the armed forces, however, it seems that the ratio of proper military professionalism and the real place of the armed forces in a country is not maintained. Firstly, this definition dilutes the responsibility of people in uniforms for their actions, because - according to it - in general they do not decide but only implement decisions of civil authorities. And secondly - it too much stresses civilian competences in the military field, which may lead to the discussed above certain "subjective" control over the armed forces and losing its political neutrality.

Moreover, when analyzing the operation of civilian supremacy in the United States, Morris Janowitz notices that it works smoothly, because the soldiers know that their political superiors respect, are willing and able to take advantage of their expertise³⁴. While Janusz Onyszkiewicz states that civilian control generally means that *politicians set targets and the military present suggestions of their implementation. Probably alternative variants. Then the politicians choose from among the options*³⁵.

Waldemar Wołpiuk expands institutional assumptions of civilian and democratic control over the military and, besides the regulations establishing the civilian leadership of the armed forces, he mentions:

- regulations allowing for the supervision of legislative authorities over defense policy and spending in the field of defense;
- political practice enabling transparency of state defense policy, that is keeping it accessible for the public;
- activities of non-governmental structures evaluating publicly security policy of a state³⁶.

³² J. Kunikowski, R. Rosa, L. Wyszczelski, op. cit., p. 128.

³³ Z. Trejnis, *Sily zbrojne* op. cit., p. 142 and pp. 219. Cf.: R. H. Kohn, op. cit., p. 28-48.

³⁴ M. Janowitz, *The Professional Soldier. A social and political portrait*, Nowy Jork 1964, p. 367.

³⁵ W. Bereś i K. Burnetko, op. cit., p. 203-204.

³⁶ J. W. Wołpiuk, op. cit., p. 79. Cf.: Z. Trejnis, *Sily zbrojne* op. cit., p. 223 and next.



In the end, Henryka Mikołajczyk-Bezak's opinion is worthy quoting as well, since she even more precisely discusses the institutional side of civilian control over the functioning of the armed forces in a democratic state. According to her, it consists in the fact that:

- the highest state authorities determine the main principles of foreign and defense policies of a state, a military doctrine, the amount of budgetary expenditure for military purposes, and decide on military alliances;
- the armed forces are subordinated to central authorities of state power, state leaders control operation of the highest military commanders;
- state authority bodies have the right to directly interference and have the ability to make changes in the organizational structure of the military and personnel hierarchy, determine the size, expansion and modernization of the armed forces, as well as the pace and level of arms;
- state authorities supervise activities and functioning of the military and defense industry through the parliament, committees of representative bodies, legislative regulations, courts, safety committees, public opinion. A constitution and a legal order determine the limits of control³⁷.

4. CONTROL OVER THE MILITARY IN NON-INSTITUTIONAL TERMS

Monika Wichłacz rightly states that the analysis of the phenomenon of civilian and democratic control over the armed forces should not be viewed as static, as it is often done in institutional terms³⁸. Civilian and democratic control over the military is an institution based not only on written laws, but it follows (as well as the law does) from certain customary and cultural rules, norms and traditions regarding the relations between the armed forces and authorities in a country³⁹. What is more, these rules and standards are not constant values but change dynamically under the influence of many factors. Andrew Cottey, Timothy Edmunds and Anthony Foster assume that civil - military relations should be recognized in a way that covers all aspects of the interaction between the armed forces (understood as a political, social and economic institution) and the society (analyzed in state, political, social or ethnic terms), of which they are part⁴⁰. Marina Caparini identifies the control of the army as: *a direct reflection of the democratic quality of mentality, norms, structures and processes in a state system*⁴¹.

³⁷ H. Mikołajczyk-Bezak, op. cit., p. 131.

³⁸ M. Wichłacz, op. cit., p. 197.

³⁹ More on the historical development of the concept of civilian and democratic control over the military in: W. Zaborowski, *O rozwoju cywilnej, demokratycznej kontroli nad siłami zbrojnymi*, "Przegląd Historyczno-Wojskowy" 2005, No. 1(206).

⁴⁰ A. Cottey, T. Edmunds, A. Foster, *Democratic Control of the Armed Forces in Central and Eastern Europe: A Framework for Understanding Civil-Military Relations*, TCMR 1.1, September 1999, [after:] M. Wichłacz, op. cit., p. 194.

⁴¹ M. Caparini, *Civil Society and Democratic Oversight of the Security Sector*, DCAF Working Paper Series No. 132, Geneva 2004, p. 1.



Furthermore, Jerzy Więclaw states that the scope and model of civilian oversight of the armed forces cannot be fully decreed. In a democratic state it must be a combination of processes, structures and individual approaches developed over many years of historical evolution⁴².

When analyzing the shape of the institution of civilian and democratic control over the military, the following factors must be considered: the historical experiences of a country or nation, including the ethos of the military, the political, economic and social level and stability of both the armed forces and society, democratization – understood here as knowledge and approval of using democratic principles and rules within a given community, as well as cultural factors concerning, among others, the role of the military in society. Also a current situation inside and outside a state, especially in terms of security, has a substantial impact. The social and political perception of the armed forces as well as durability and quality of control over them are subject to change accordingly to changes in the environment in the context of those factors.

Thus, it might be truthful to perceive civilian democratic control over the armed forces as a continuous process, during which, in the framework of a democratic legal system, the clash of opinions, influences and interests takes place, on the one hand - of the armed forces, on the other - civil authorities, the public, the media and other entities of the political game. According to Richard Kohn: the best way of understanding of civilian control, its existence measure and assessment of effectiveness is to consider the ratio of the impact of military officers and civilian officials on state decisions about a war, internal security, external defense and military policy⁴³. On the other hand, Claude Welch believes that: the nature and extent of civilian control reflects the variable balance of power of civilian political institutions on the one side, and the political power of military institutions on the other⁴⁴.

Taking account of those opinions, the most comprehensive, with regard to both institutional and non-institutional aspects, analysis of the essence of civilian and democratic control over the armed forces is suggested by Monika Wichłacz, who constructs three-dimensionality of such control:

- “vertical control” carried out by a parliament and government; the key here is the organization of control within the constitutional and legal provisions relating to the relationship of power, fulfilled functions, issues of mutual balance and scrutiny of responsibility mechanisms;
- “horizontal control” referring to other methods of control beyond the vertical one; it concerns the role of civilian society, the media, non-governmental organizations in regard to military matters, as well as the extent to which issues of democratic control over the army are perceived in society;

⁴² J. Więclaw, op. cit., p. 77. Cf. J. W. Wołpiuk, op. cit., p. 73.

⁴³ R. H. Kohn, *How Democracies Control the Military*, “Journal of Democracy” 1997, vol. 8, No. 4, p. 143.

⁴⁴ C. E. Welch, *Civilian Control of the Military*, Albany 1976, p. 1.



- “democratic self-control” related to internalization of social values, including democratic ones, in the mind of a military professional, that is, to what extent these internal security measures are present in the armed forces and how they develop soldiers’ democratic orientation⁴⁵; issues of understanding and implementation of the above-discussed principles of ‘apoliticism’ and “objectivity” of the army would fall here as well.

5. THE “SUPREMACY” OVER THE ARMED FORCES

Finally, it should be mentioned that civilian control over the military is also connected with the concept of “supremacy”. A “superior” means an immediate supervisor, other managers or leaders of an employee or a group of people. In terms of civilian control over the military in a democratic state, “a superior” usually refers to a head of state that exercises either honor (as the British queen and the President of Germany) or real command and control (as president of the United States and the president of France) powers over the whole armed forces. The real position of a head of state as “a head of the armed forces” depends on political and legal systems in a given state, and their formation takes quite a long time and is based on various factors. That is why, in developing countries or those undergoing political transformation, a permanent and difficult political dispute on the range of competence of a head of state as the head of the armed forces frequently appear. Zenon Trejnis notes that this concept of “a superior” also contains a certain quantifier of a position of a head of state towards the armed forces and places it high over the armed forces. In his opinion, it may also be read as a symbolic confirmation of the principle of supremacy of civilian authority over the military⁴⁶.

CONCLUSIONS

Shaping the relations between democratically and legally elected state authorities and the ‘state’ armed forces subordinated to them remains the function and the nature of civilian and democratic control over the military as well. Firstly, it aims to eliminate or minimize the risk that the military will get directly involved in a current political struggle, or will even rise up against the democratic order and authorities representing it, and secondly - not to paralyze the functional efficiency of the armed forces or weaken their operational readiness. This can be achieved by the creation of relevant legal norms and political customs, which would possibly clearly and transparently regulate the rules of subordination of armed forces members to state authorities, and would establish the borders of the extent to which civilian authorities, politicians, the media or the public could interfere in purely military matters.

Creating such a legal framework, and consequently, the clash of civilian and military interests as well as other issues of a political system must be accompanied by a broad

⁴⁵ M. Wichłacz, op. cit., pp. 195-196, [after:] H. Born, M. Caparini, K. H. Haltiner, *Models of Democratic Control of the Armed Forces. A Multi-country Study Comparing “Good Practices” of Democratic Control*, DCAF Working Paper Series No. 47, Geneva 2002.

⁴⁶ Z. Trejnis, *Rola* op. cit., p. 24.



discussion of different environments, both military and civilian, that often - particularly in countries undergoing transformation – takes the form of a sharp dispute, or even physical involvement of the armed forces⁴⁷.

In Poland, the discussion on the principles of subordination of the armed forces to state authorities went along with systemic changes in the last decade of the twentieth century. The critical point was undoubtedly the so-called “Drawski Dinner”, when on 30 September 1994 during exercises in the Drawsko Pomorskie military training ground, at the request of President Lech Wałęsa the chief generals voted for or against the dismissal of civilian Minister of Defense - Piotr Kołodziejczyk. In turn, the breakthrough points were the adoption of the Act of the Minister of National Defense Office⁴⁸ of 14 December 1995 and the Constitution of the Republic of Poland of 2 April 1997. It has been more than two decades since civilian and democratic control over the armed forces was constituted in Poland. During that period the development of legal norms was accompanied by the increase of knowledge and awareness in this regard, as well as the development of good practices and customs, both civilian and military. Currently, the legal system and associated good practices and customs enable real and effective exercise of civil and democratic control over the military in Poland, and occasional disagreements do not undermine the general scheme or sense of its existence.

However, in addition to the improvement of these legal norms, customs and good practices, which ultimately determine the quality and efficiency of civilian and democratic control over the armed forces, the most important current task is to raise soldiers', politicians' and officials' dealing with matters of defense awareness about the sense and nature of this institution, and include these issues in the process of training of the military and civilian personnel.

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⁴⁷ Apart from the Polish experiences in this issue, it is worth getting acquainted with the dilemmas and the complicated process of implementation of civilian and democratic control over the armed forces in other European post-communist countries. See: B. Vankovska [ed.], *Legal Framing of Democratic Control of Armed Forces and the Security Sector: Norms and Reality/ies*, Belgrad 2001.

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BIOGRAPHICAL NOTE

Wojciech ZABOROWSKI, M.A., a graduate of the Faculty of Journalism and Political Sciences and the National Security Studies at the Warsaw University, as well as the Officers' School and postgraduate studies 'Crisis management in the state security system' at the Military Academy of Land Forces. The holder of Socrates-Erasmus scholarship at the Faculty of Social Sciences at the University of Tampere, Finland. The author of publications on, among others, CIMIC, Afghanistan and civilian and democratic control over the armed forces.

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