L'éthique militaire européenne a-t-elle un sens ?

On peut penser que cette notion est prématurée. L'Europe n'est pas un État, elle n'a pas d'armée commune, et de fait elle ne pourrait pas faire la guerre de la même façon qu'un État qui serait maître de son outil de défense. Les États membres de l'Union Européenne ont, seuls, des forces armées, qui donc peuvent être engagées parfois sous mandat ONU, dans le cadre de l'OTAN, de l'UE... Pourtant, une éthique militaire « européenne », aurait vocation à n'être ni une éthique militaire Omnisienne, ni une éthique Otanienne. Pour l'Europe cette éthique militaire commune ne saurait pas non plus se réduire à un bouquet européen de codes de conduites nationaux. Quel sens et quelle forme lui accorder ? C'est là l'objectif de notre projet.
Towards A European Code of Conduct for Military and Peace-keeping Forces

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“Europe” is not itself a state, so much as a state of mind. There is, strictly speaking, no “European army,” only a limited military cooperation between states, and that fact alone confronts us with the problem of political unity. Jean Monnet, the great architect of European Unity, observed that there is "no Europe without culture." European defense, in this view, should be formulated in the crucible of this European culture, and even more, Europe must not represent a myth, but a shared political ideal.

Not only has Europe no common army, it could not in fact act unilaterally to “declare war” in the same manner in which, for example, a one of its member-states (or any member state of the United Nations) might claim the right to wage a war of self-defense. The member-states of the European Union, of course, individually have armed forces, which sometimes may be brought into a coalition military operation either under UN mandate, or as part of NATO. Strictly speaking, however, a uniquely "European" code of military ethics would not really be applicable either to a UN, or to a NATO military coalition. Neither could such a joint “European” code of military ethics be reduced to the several national codes of conduct that apply to the military forces of the European Union’s member states. Hence, what meaning and what form could be given to such a concept?
I. Background of our Project

Chronic crises in the present have revealed the deep scars and divisions in our social fabric that previous generations either failed to perceive, or refused to acknowledge. These divisions are reflected in the rise of extremism, religious fundamentalism, and a re-emergence of extreme forms of nationalism and narrow patriotism in some countries. These rifts have worked to increase distrust among nations, even among allies, and will almost certainly serve to provoke resort to armed violence in the near term future.

Europe is not exempt from these relentless divisions and resentments. The European Union itself grew out of a great hope for a common and peaceful future, nurtured by the harsh lessons inherited from a violent and war-torn past. Unfortunately at present, that vision of a united and peaceful Europe is challenged, ridiculed and widely denounced. Economically, Europe’s great and ambitious experiment in financial union, the Euro, has not enjoyed the success anticipated for it, and the European central bank is increasingly challenged by its range of policy choices. Politically, critics currently argue that economic stagnation and persistent financial crises themselves constitute the inevitable result of that ambitious experiment. Was it ever truly realistic (they argue) to expect mutual understanding and agreement on so large a range of complex economic and political issues?

What kind of Europe are we really talking about? Our primary focus, of course, the European Union and its member states, including countries outside the so-called “Euro-zone” (Britain, Denmark and Sweden, in particular), inasmuch as they participate more widely in “Europe” politically, economically and militarily. In other words we speak of Europe's common
cultural, historical and social, religious and political heritage, as well as of its geography. Sometimes, however, we will expand the scope of our study even further to NATO, including some of its members outside of geographical Europe but encompassed within the Western tradition (e.g., Canada and the United States). Finally, we sometimes also intend to include Russia and its neighboring Slavic states, also contained within the continent of Europe, which likewise share, to some extent, a common culture and which (despite Russia’s current policy shift towards Asia) were often allies of the several countries of western Europe (e.g., of France during WW I, prior to 1917).

Is there perhaps a common future for our armed forces, involving a new European political awareness, and perhaps also a common awareness of what we often term “the profession of arms?” And, would this new awareness simply signal the unwanted resurgence of militarism, or might it lead us instead to wholly reconceive of the military itself within our respective societies? In particular, how are we to envisage a common security and defense policy (one, for example, that might finally lead authentically to a common European defense, as provided for in the Lisbon Treaty of 2007) unless we are also willing to embrace a common code of military ethics, grounded in our common values and cultures in Europe, and requisite for its proper defense?

II. Why Focus on “Military Ethics”?

Many communities of common practice are engaged, at the present time and in many regions of the world, in developing a professional "ethos" whose moral requirements are directly related to the specific kind of duties performed in that individual community. The advent of
modern technological weapons and the increasing occurrence of “irregular” warfare imposes a real need for precisely such reflection among EU military forces concerning the ethics of their common profession.

Modern Europe was initially unready for the new and profound challenges that such novel developments in warfare presented. It was only after 1945 and the subsequent birth of the United Nations, that the desire for peace and common security grew into a genuine continental union. The context of the Cold War later helped to forge a common military culture among the majority of European countries, while the formation of NATO proved to be the cornerstone of these new military relationships. From that point forward into the present century, these new European military alliances, coupled with the moral values embodied in the Charter of the United Nations (as well as in the military practices of the United States as Europe’s principal supporting ally), governed our understanding of military ethics.

Contemporary conflicts have prompted the need for a distinct approach to military ethics within Europe. Indeed, between 1991 and 2010, the European Union has continuously faced a new military and security reality (including terrorism, asymmetric warfare, ethnic cleansing, and the proliferation of new military threats, such as cyber attacks and biochemical weapons) within which a common code for European coalition armies has slowly but steadily become ever more necessary. This code would function not only to establish a strategic defense policy that would be stable, realistic and practical, but also to guide and protect individual soldiers themselves, as professionals, as they attempt to confront these new types of post-Cold War conflicts.

The code of military ethics for Europe should be both ethical, and also "political-strategic," in order to enable European militaries to fulfill their duties properly, while fully
understanding the underlying meaning of what they do, as they seek to "win the hearts and minds" in the midst complex ethnic and asymmetric conflicts. There are not simply two options, i.e., choosing between a purely professional ethos, and an ethics that would guarantee peace of mind at a price of accepting defeat. Ethics instead now lies at the heart of the fighting effectiveness. In the long run, victory in the new kinds of contemporary warfare cannot be achieved without ethics.

A genuine European code, and a common conceptions of European military ethics, would hark back to the common core values of the European Enlightenment and its medieval heritage, particularly with regard to the dignity and respect accorded to the autonomy and self-determination of each individual, coupled with acknowledgement of his basic human rights. For, as Robert Schuman, another great architect of European Unity, also remarked: "Europe, before being a military alliance or an economic entity must be a cultural community in the highest sense of the term."2 Indeed, Europe has much to draw on amidst its rich historical and cultural roots, from which to develop a military ethics and a code of professional practice that would be uniquely its own, and that would ensure each person a stakes in the security and defense of its civilization.

III. Common Grounds for European Security and Defense of the EU

There can be no Europe without defense, or nor can there be only a “defense” of Europe alone. Indeed, within a globalized world of united continents, only by playing a wider global role can the European Union realistically expect to fill gaps in its own regional defense. Especially in the midst of the current climate of doubt about the very relevance of the European project,
appropriately, the amount that the European Council agreed to spend on defense in December 2013 was hailed as a major event for European security and defense policy.3

The weight of the many internal and strategic socio-economic policies of its individual member-states, however, often proves to be an obstacle to a stable and feasible policy of pan-European defense. The sphere of NATO, moreover (seen largely as subservient to the United States), sometimes serves as an obstacle to developing greater self-reliance and self-determination for a genuinely European conception of common defense. Yet even if the resulting current policies seem pro-NATO, while the European population itself seems mired in "débéllicisée," still the formulation of European military ethics should be attempted by and for Europeans. Such an enterprise might in fact help to bring about a stronger European defense posture, grounded in a uniquely European identity, without jeopardizing NATO.

From another perspective, however, a common European professional military code should not consist merely of an unwieldy amalgamation of the previous national policies or codes of European armies. Instead, it should reflect the common foreign policy that unites these countries, thereby representing a fresh approach to our common and unique cultural ethos. The resulting code, this European code of military ethics, will also be obliged to address some of the current anomalies of rules of engagement (ROE) and new military technologies (such as robotics) which are crucial to future European defense policy, and where the ambitions and interests of pan-European defense sometimes differ from the approaches developed within the Atlantic Alliance.

In Europe, but even in the Atlantic Alliance armies outside Europe (e.g., in the USA and Canada), the codes or types of discipline and the vision of military ethics may evolve from one
army to another, despite an apparent common culture. For example, Britain focuses on the character and moral integrity of its individual soldiers, while Germany promotes a social conception of citizen-soldier as the underlying principle of military ethics. These codes of conduct come in various formats, ranging from a small plastic card carried by the war-fighter in his pocket, to the promulgation of international law through regulations, guidelines and, very often, embedded within the oaths of commission individually taken by soldiers, either when they are hired or at the conclusion of their military training. The use of a simple reminder card does not rule out the alternative option, of education and orientation toward a body of laws and regulations, defining the rights and duties of the military. All these documents and approaches toward education have much in common with one another, while putting more or less emphasis (depending on the culture and history of each country) on certain specifics, such as:

- respect for the military’s overriding security and defense mission
- pursuit of victory at all costs and / or refusal to accept defeat
- service to country, the state, the nation or the people
- physical and moral courage
- the willingness to sacrifice one’s life in public service
- the meaning of honor
- a sense of discipline and respect for leaders
- camaraderie and team spirit
- professionalism and exemplary behavior
- political and religious neutrality
- the duty of confidentiality
- respect for tradition
- honesty, selflessness, honesty, and discretion.

These similarities are normal to the extent that the job itself is essentially the same in all countries of the world, and that national military service is similarly referenced to international law, and to the various Conventions and Treaties that have been signed and ratified by the vast majority of states concerning the use of military force, and the conduct of combatants. To provide further evidence for this common ground of military and professional ethics, we engaged
in an examination and comparison of the cases of military ethics and of “the Soldier’s Creed” as found in several Western or Eurasian armies. We examined with special interest three of these covenants which remain benchmarks for European defense: the British Army, the German army, the French army, and compared these also with the Creeds of the American and Russian armies.

**III.1. Great Britain (U.K.).**

The British Army, at Sandhurst, has their personnel study different principles of war, while insisting on two pillars of law and morality: *jus in bellum* (justice of war) and *jus in bello* (justice and ethics in war). The army in Britain otherwise adheres largely to the Aristotelian tradition, and the officer is expected to personify appropriate military and moral virtues, with the aide of NCOs (Non Commissioned Officers), for soldiers in the rank and file, so that nothing is left to pure abstraction. All this preliminary work on the status of the officer finally culminates in the Victorian and loyalist military tradition. The British Army has published a collection, "Army Operational Doctrine," which sets forth all the core values to be applied by the English soldier: including loyalty and duty; respect for others and respect for humanity; integrity, discipline, determination and courage; patriotism, sacrifice, and finally, ingenuity, intelligence and humor (the last of which seem to unique to the military culture and the British spirit). All this comes with the professionalism that is ultimately part of the military spirit in Great Britain (England was one of the first countries in Europe to have a professional army) and has been proven in various conflicts, from Ypres to the Falklands.

We note that the role of the soldier is not hidden under some strip of wood or cover, unacknowledged or unjustified: the role is to wage war and seek victory, within the framework of a strong professional military ethic of humanism and duty. Each of the distinct military services has its own reference document: e.g., "Values and Standards" for the Army (2008) and
Navy (2007), and "Ethos, core values and standards" for the Air Force (2008). But the most original and relevant of these is a complete chapter on ethical foundations found within each service’s manual of operations, linking the morality of military operations very clearly with military efficiency. Finally, it is worth noting the importance of "covenant" (moral agreement) between the nation and its armed forces, with the recognition that, within the terms of this covenant, military personnel individually often give more than they receive.

III.2. Canada.

As for Canada, we can not help but recognize an exceptional degree of excellence in the careful and detailed ethical reflection undertaken by the military forces of this country. Their professional code of military ethics, which applies to all employees who perform military operations (outside of domestic law enforcement within Canada itself) is dedicated to fostering precise and detailed compliance with the principles and requirements of the international law of armed conflict. Disobedience of the Law of Armed Conflict is a crime. It is even stated in the last article the Canadian military code that each soldier is required both to report breaches of the law, and to take appropriate measures to halt or prevent them.

The Canadian Army has, in addition, published a comprehensive booklet entitled "Use Wisely." Encompassing the Soldier's Code, the pamphlet devotes special attention to the moral responsibility of leaders, stating: "it is the responsibility of leaders to equip young officers and soldiers with basic moral principles. Zero tolerance should not be confused with zero accidents. Do not confuse error, always possible in the "fog of war," with willful misconduct. The commander may delegate authority in a mission, but never his responsibility." This discussion also defines the ethos of the army, in terms of a grouping of values. Values that guide moral behavior, for example, constitute what we are willing or unwilling to do when “nobody is
looking.” Each unit is required to appoint an ethics coordinator and establish a plan of overall operations based on the assessment of risk of moral error or deliberate wrong-doing. Finally a portion of this booklet is devoted to respect for the dignity of all people, which leads to respect for oneself.

III.3. Germany.

In the German army, freedom of action and individual responsibility remain primarily legal and political concepts, but also include the moral conception of what the Bundeswehr itself terms “Innere Führung.” The key element of this conception of “inward leadership” is that of the "citizen in uniform." This "citizen soldier" is at once a free person, a morally responsible citizen, and a willing volunteer, committed to military service. The requirements and principles of this conceptions applies to all military personnel. The principles of innere Führung are an essential component of military service. On the one hand, commanders and supervisors are expected to set an example by leading their subordinates according to standards and principles which reflect the social and political circumstances surrounding the undertaking of the military mission. Yet at all time the military also needs to uphold values and benchmarks that provide guidelines and moral support in the midst of the most difficult and complex missions (especially during conflict prevention and crisis management). All military personnel should know that their common core values serve to protect the dignity, rights and freedom of all. It falls to them to defend these values, embedded in the German Constitution, by military means if necessary.

German military personnel also have experience in the nonviolent control of conflict in a democratic state. This experience provides them valuable support and guidance during military actions abroad that also involve their mediation between conflicting parties during peacekeeping missions. In order to fulfill these tasks successfully, the German soldier must have both solid
moral convictions, and a great power of persuasion. This ideal of military service using the least force possible forms a central part of the Army’s booklet. Of course, in keeping with the goal of civilian political control over the military, the text also cautions against raising concerns apart from preparing the warrior to fight. Throughout this training and education manual, however, there is clearly a desire to prepare the soldier cases involving ethical dilemmas and the exercise of moral judgment, and thus prepare him to fulfill his duty.

Preparing military personnel for their eventual involvement in peace operations is the principal responsibility of the Center for Civic and Moral Education (Zentrum für Innere Führung im Koblenz) of the German Federal Forces. Their instructors teach military and civilian members of the various units and commands five essential criteria pertaining to "decision-making in the midst of an ethical dilemma," including:

- Verification of the legality of orders received
- Consideration of the potential effects on public opinion of the actions being contemplated
- Examination of the veracity of the information received
- Respect for the "Golden Rule" (the ethics of reciprocity)
- Consideration of the categorical imperative (a central conception of Kantian morality)

The "code entered on a pocket card" does not exist in the German Federal forces. The regulation of military conduct is instead the subject of a law, the "law on the status of soldiers." In the first portion of this law, we find the “duties and rights of soldiers.” Behavior in overseas operations is, in addition, regularly subject to specific rules of engagement written for each theater. These rules mainly specify:

- Primacy of the military Mission
- Principles for the use of military force: the principle of proportionality, the principle of compliance, the principle of necessity (illegal means of warfare excluded), principle of discrimination
- Soldiering skills: e.g., giving orders; prohibiting entry; stopping, searching, and
disarming local citizens; prohibiting the leaking of information; monitoring people and vehicles; confiscating, commandeering or destroying weapons and ordinance, in order to defend against aggression

- The rules of self-defense and assistance in emergencies.

### III.4. The Netherlands.

In the Netherlands, military codes of conduct were introduced at the joint-service level in 1997, with some significant service differentiations. For the Navy, the code of ethics is more of an internal regulation, while the army’s Military Police have formalized their code in an official concept paper. Of greatest interest for our purposes, those of the Army and the Air Force indicate quite explicitly that the soldier must respect the law of armed conflict. Strangely, this requirement disappears in the joint-services unified code of 2007, which instead emphasizes professionalism, responsibility, teamwork, integrity and respect for others.

Since 1996-97, special attention has been given to the teaching of ethics and integrity. This is very likely a result of the tragic consequences of the military’s performance in Srebrenica, where a small battalion of Dutch peace-keepers under U.N. command abandoned their defense of the city under threat of attack from Serbian ethnic militia forces, who then slaughtered over 7,000 Muslim men of the city.

### III.5. Russian Federation.

The case of the ethos of the soldier of the Russian Federation is interesting and worthy of study, at very least because Russia, when all is said and done, remains culturally close to Europe. In its current version (Act of 28 March 1998), the text of the Russian soldier’s oath reads as follows: "I (followed by first and last name) make the solemn to be loyal to my country, the Russian Federation. I respect the sacred Constitution of the Russian Federation, and swear this oath to conform to the rigorous requirements of military regulations, and to obey the orders of the
commanders and chiefs. I swear to perform my military duty with dignity, and to vigorously defend the freedom, independence and the Constitutionality of Russia and its people."

For many centuries, the Czars, governments, and various political regimes seceded one another in Russia and, in parallel, the text of the military’s oath was the subject of many changes. The same overall emphasis is found in virtually all its versions, however: namely, that the oath has been and remains a solemn promise of loyalty and sacrificial service to the Homeland. It is understood that the military oath shall commit those who swear it to defend the interests of Russia, even at the price of their own lives. In the current text of that oath, however, the aspect of "sacrifice for the Fatherland" is not so strongly emphasized.

**III.6. France.**

The professional code of the French soldier is without a specific reference to good ethical conduct. Instead, it obligates the soldier to "fulfill his mission with the will to win, and to win, if necessary, at the risk of his life." Various recent military interventions by French armed forces, including in Afghanistan, and in wars of counter-terrorism and counterinsurgency in African nations, have demonstrated this resolve of French military forces.

All of these tasks invoke the idea of a soldier as a "member of a united and fraternal team." This code promotes loyalty, fortitude, devotion to national and democratic values, and strong discipline, because the French military "obeys orders in compliance with laws and international conventions." Additionally, the code proclaims that as "master of his strength, he respects the adversary" which indicates that the code embodies a moral emphasis on according respect to others. Finally, this French code promotes the image of a professional soldier, maintaining "capabilities" which "demonstrate leadership" which is "attentive to others" and works "for cohesion and dynamism of his unit," serving his country while being "proud of its commitment," and finally, acting with "honor, duty and loyalty." These are clearly moral virtues.
One finds here the legacy of the Enlightenment and of the French secular footprint, setting forth
the image of a military which is "open to the world and society, and which respects differences,"
and which "speaks with reserve so as not to undermine the neutrality of military personnel."

Although the soldier must obey his superiors, he cannot perform acts that are "contrary to
international conventions or that are crimes or offenses, in particular against the security and
integrity of the state." The responsibility of the subordinate in such matters, however, does not
remove the obligation of superior officers to ensure that their orders are legal and moral. Finally
the governing principles regarding the use of force also emphasize success, efficiency and the
necessity to win by all means consistent with the Law of Armed Conflict. This requires that the
French soldier adhere above all to the principle of controlled force: "This controlled force is
based on professional excellence, enlightened firmly by appropriate training."

The French military code of conduct also appears to encourage a certain reciprocity: a
chief, for example, also has duties to his subordinates. These responsibilities to subordinates are
highlighted in the document, "Exercise of Command in the Army" (September 2003), according
to which the foundations of leadership rest in the requirements (and in the example set by the
leader) of competence, decisiveness, humanity, justice and trust.

Finally, an earlier document, "The Foundations and Principles of Military Service in the
Army" (1999), offers a guide for reflection and action, and serves as well as a reference for
ethics. It reads:

The soldier is a citizen in the service of his country. His duties and rights are first and
foremost those of the citizen and servant of the state. The stringent requirements of duty
lie, moreover, in the fact that they are exercised by him in the name of the Nation from
which he derives his legitimacy and responsibility, both directly and indirectly, to inflict
destruction and death at the risk of his own life, in compliance with the laws of the
Republic, as well as, at all times and in all places, in compliance with international law
regarding the pursuit of war. Specifically, the use of military force adheres to a principle
of efficiency, in whose behalf all means and all energies must contribute to military
success ..... which may bring the soldier into conflict with the principle of respect for
human life. This apparent contradiction must be transcended through the notion of 
*controlled force*, a use of military force that relies on professional excellence, and is 
firmly enlightened by appropriate training.

The complexity but also the nobility of the military profession, is summarized in these 
sentences. The acquisition, through training and education, of an enlightened civil and military 
consciousness, is absolutely essential.

**III.7. Spain.**

Spain provides good examples of both codes of conduct and military ethics. Indeed, a 
revised code of ethics in national life in 1978 provides a true collection of rules of conduct for 
military or civil defense. It dictates a marked respect for national symbols, especially when an 
oath of office is taken before the flag, and insists on respect for authority and human dignity. 
Gender equality applies without distinction between the various categories of military jobs to a 
degree equaled in few other European countries. Finally, ethics in military operations demands 
the progressive use of force in accordance with the rules of engagement for the specific missions 
in which the soldiers are involved, all in accordance with both the international conventions 
ratified by Spain, and with the principles of international humanitarian law. The essential mission 
of the soldier is to defend Spain and its interests, even at the cost of his life (deemed an essential 
duty). Broad principles of ethics and military professionalism include: strict accountability of 
officials; objectivity, impartiality and integrity; neutrality and transparency; confidentiality, 
dedication, and exemplary accessibility; efficiency and hardiness; honesty, respect and care for 
the environment and culture.
III.8. Portugal.

In Portugal, there are regulations of military conduct that cover situations similar to those listed in the code of conduct for the French military. The *Military Regulation of 2009* has the force of law for all members of Portugal’s armed forces. All military personnel and the national police force take an oath after their initial training (after 5 weeks for the soldiers; at the end of their first full year for officer cadets), regardless of rank or type of weapons carried. The text of this oath dates back to the political regime of the 1930s, and has never been subject to change: "I swear, as a Portuguese citizen, and as a soldier in the serving Armed Forces, to perform military duties, and to protect the Constitution and the laws of the Republic. I swear to defend my homeland, and always be ready to fight for freedom and independence, even at the risk of my own life."


The U.S. Army redefined its policy on military ethics following the terrorist attacks of September 11, 2001. In 2003, it developed a genuine "credo," termed the "Soldier's Creed," in which the American soldier swears faithfully to fulfill his mission, first and foremost, to serve the American people and the "American way of life," never surrendering, on the assumption that the individual soldier is both a strong warrior and a member of a team in which defeat is unacceptable. It is a text inherited from a strong warrior climate already instilled in the "Rifleman’s Creed" of the U.S. Marine Corps.\(^4\) The new Army policy originated with the "Army Training and Doctrine Command" (TRADOC), which also developed the "Warrior Ethos," in which every soldier (no matter what his or her specific assignment) is primarily regarded as a warrior. This is a strongly hawkish ethos, inspired by a powerful code, both pragmatic and intangible, that brings to mind the warrior ethic of the Roman Legion during its imperial phase.
These features of the American ethos stand in opposition to all that is happening in Europe, and underscore the already-paradoxical and strong cultural differences between the two Anglo-Saxon countries (USA and UK), as well as between America and Europe. The aspirations of professionalism and efficiency seem to outweigh ethical concerns for moral restraint and order. One might raise legitimate concerns about the impact of such an indoctrination on the young recruit: if victory is the only measure of things (a victory that also ensures the systematic destruction of the enemy), what limits does the "warrior" admit to his actions? Moreover, the values essentially represented are either professional (related to competence), or else relate to the internal dynamics of the group (the team).

Does the American doctrine of exceptionalism play a role in shaping the ethos of the war-fighter? The American way of war appears to exalt individual personal and professional competence and the "absolutism" of victory, without any corresponding notion of proportionality in action (much as does the oath of the Russian soldier). One ought not to draw the hasty conclusion that the American military does not attach importance to ethical, philosophical and moral issues. If the ethos of the American warrior is defined as total commitment to achieving victory through implementing the values of loyalty, sense of duty, honor, respect, integrity and courage, this inspires confidence that respect for the law of armed conflict is also a major theme.

III.10. Comparing and Contrasting these varied Approaches to Military Ethics

The French, German and British texts adopt a moderate tone, insisting to a greater extent on instilling respect for others, than to emphasizing unconditional victory in combat. Innere Führung is the text that goes furthest in this direction, in a sense, as one might conclude that it almost ignores the context of armed conflict. None of the aforementioned texts directly calls for the destruction of the enemy, or emphasizes killing the enemy, to the degree that such emphasis is
found in the American "Soldier’s Creed," (as well as in the corresponding documents and doctrine of the U.S. Navy and Marine Corps). It may also prove surprising to notice the individualism that underlies the various American texts. When one reads these texts immediately after the French code, for example, the difference is obvious. Who, for example, serves as judge of adherence to the rules that are set? In the code of conduct of the French soldier, the rule is external to the subject, and it is up to the soldier (or legionnaire) to comply. In the American creed, by contrast, the soldier must first be a "warrior," the best ever. Indeed, the very term "creed" etymologically means "I believe," an individual act, personified, while a code is something independent of, and external to the individual person.

A British general officer who served with the US-led coalition in Iraq, General Aylwin-Foster, caused a scandal in the United States with the publication in a U.S. Army periodical of an analysis he had made of how, in the Iraqi theater, American soldiers appeared to fight. He openly blamed the ineffectiveness of the American military in that ongoing conflict on an exaggerated warrior vision of soldiering. The American army was, he said, "genetically programmed" for massive offensive operations (what he termed "going kinetic"). Citing specifically the Soldier's Creed, he argued that this text does indeed consider only one form of interaction with the enemy: namely, his destruction! He regretted that the emphasis was so strongly placed on avoiding military defeat, as alternative conceptions of effectiveness and victory "would open the field to other options, more politically relevant." He also noted what he termed the "insularity" of the American military, ingrained in its collective behavior, which was a source of tensions and misunderstandings (alongside the obvious strengths) among members of the military coalitions in both of these theaters of asymmetric warfare.

Ultimately, and sometimes surprisingly, are the competing visions of war exhibited in these various documents: an absolutist vision that can be found in the United States, and a more
elliptical, nuanced vision largely shared by European armies. Where the British, German, and French codes are very fussy about maintaining control of violence, one does not find a trace of this concern in any of American texts considered.

IV. A Proposal for European Code of Military Ethics and Professionalism

Our proposed code would be the first stone laid by European soldiers toward a credible and stable European army, a horizon that is still far away. In the short term, our effort aims to strengthen the human interoperability of military forces deployed under the European Union. It is therefore important to ask what, or which, are the underlying principles to which contemporary European soldiers can commit.

But while this code must be ethical, it must also remain unfixed, in order to allow freedom of conscience, as well as a role for free will in human action (the "ethical compass" spoken of in regard to combat, for example). Yet the basic outlines of the theory must be sufficiently clear to define action, and not interfere with the individual’s initiative and action in context. Finally, this proposed code must be expected, and allowed, to evolve in response to failures or feedback. Accordingly, we propose the following ten Articles, or basic tenets of our common military profession and its ethic:

Article 1: True to his country and to the defense of European Identity, the soldier serves with loyalty and honor, respecting both cultural differences and the desire to retain national independence.

Article 2: Attached to the history and culture of this continent, the European soldier lives in accordance with European democratic values and traditions to which he himself is committed.
Article 3: As a Professional, able to take the initiative, the soldier must maintain his physical and intellectual capacity to adapt to any circumstance.

Article 4: Trusting in discipline and integrity, the soldier obeys orders, and respects the laws, customs of war, and international conventions. He fights while striving to minimize the consequences of the use of his weapons, with a view to sparing the people.

Article 5: With dignity, the European soldier respects the military and political hierarchy; he shall act always to safeguard national interests and the security of the people of Europe.

Article 6: Member of a group of fraternal solidarity and struggle, and proud of his commitment, the soldier acts with dedication, humor, and candor, and works ceaselessly to strengthen cohesion, esprit de corps, and the dynamism of his unit.

Article 7: Aware that he may be required to take the life of his adversary, he seeks to fulfill his mission to the end, sometimes at the risk of his own life and that of his comrades, superiors and subordinates, with the will to win or evade defeat.

Article 8: With Victory and future peace as his objectives in the long term, the European soldier, recognizing that it may be required to take the life of his opponents, controls his power and respects adversaries or enemies without ideological discrimination.

Article 9: The European soldier protects the poorest, and strives to promote justice and dignity; and by his example and his modesty, he does his best to offer a noble image of the military profession and its unity.

Article 10: Fully a citizen, the European soldier is a key player in the city to which he belongs fully and in which he must also act as a resident citizen for the common good.
V. Conclusion

Today it seems that the survival of Europe lies in its unification. But we argue that the attempts that point in this direction are not sufficient to safeguard a Europe in crisis. Our unification must be expressed in culture, identity, ethics and morals. Through these, Europe must find the common underlying sources that unite its people. We, the contributors to this project, believe this to be happening today with the idea of European defense, based squarely on ethics and on the "ethos" of common soldiers. This military unification should not be the sole means of unification, or merely a sharing of capabilities. Instead, we need to rediscover the existing common culture in Europe which is sufficient to generate a code of ethics that allows us to make concrete decisions. Indeed, our work has shown that only a common ethic will allow us to overcome our respective differences of interests, and undertake authentic decisions that will endure and give reality to the EU’s common security and defense policy and direction.

Our work has allowed us to see that this code could be grounded equally in the Greco-Roman and Judeo-Christian heritage, as well as in the humanist legacy of the Enlightenment. The objectives of this work go far beyond just defense, and focus on nothing less than the question of the future of Europe. Although ambitious and visionary, a fresh, original approach to our common military ethics allows us, on one hand, to give concrete meaning to the EU’s common security and defense in the short term. Yet it also, on the other hand, addresses the aspirations of an authentic pan-European defense as we attempt to prepare for the future of our continent, maintaining democracy under the rule of law, while safeguarding the common good and the heritage of European culture. Our common code of professional ethics should allow the forces engaged under the banner of the European Union to intervene with similar rules of engagement,
and to give a greater role to European diplomatic institutions. More importantly, through this effort we rediscover what it is that unites European countries historically, and apply these findings in other areas of our common life. The bedrock of common European cultural and historical values is itself the foundation for any future building of Europe.

NOTES
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4For the text and significance of this creed, see: http://www.usmcpress.com/heritage/marine_corps_rifleman's_creed.htm.