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## **Inculcating the Ideal of the Soldier: Training and Leadership in Switzerland**

The Swiss Case

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Research Project „The Image of the Democratic Soldier: Tensions Between the Organisation of Armed Forces and the Principles of Democracy in European Comparison“

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## I. The Training of Soldiers

Switzerland clings to its traditional militia system but supplements the militia with professional army members, in particular for training purposes. While the delineation between the state and private civic actors is blurred to a certain extent in the militia system so as to underline the citizens' position in and for the state, the fact that military training signifies acting on behalf of the state is stressed by the professionalisation in this realm. The latter does not entail that only military staff is in charge of training. In higher cadre training, there is as well civilian staff employed (e.g. military sociologists, political scientists and historians), but all of the instructors are employed by the state.

The basic principles and purposes, which are imparted in the military training in general, are identical for all members of the armed forces, no matter whether they belong to the militia or the professional branch.

According to the military Service Regulations (*Dienstregelment DR 04*), chapter 4 (33), the aim of the military education is to enable all members of the Swiss Armed Forces to fulfil their mission during war time and in other situations of crisis, even under the risk of life. Therefore the military training and education shall strengthen

- discipline, but also the ability to act self-reliantly: discipline and self-reliance have to complement one another in the military mission;
- the ability to integration and cooperation in the unit;
- endurance.

The military education shall thereby procure the following values and attitudes:

- comradeship;
- confidence in the leadership;
- acting for the purpose of the unit

### **Training of the Militia**

Conscription starts with enrolment of all able-bodied men at the age of 18 in Switzerland. Women may volunteer. The Swiss militia calls its recruits to service then at the age of 20. The training start of the conscripts may be postponed in order to finish high school, but due to a reform enacted in 2005, it is no longer possible to postpone it so as to finish university. Conscripts have the right to apply for civilian instead of military service. The choice of that option has to be substantiated morally, which is scrutinised and decided by a committee. Young men who are found eligible for military service but attest their physical or mental inability to serve the military must pay an additional 3% of income tax, and they must serve in an institution of civil protection like the Fire Department, or a medical help institution.

## Recruit School

Recruits have to absolve 260 days of service: three days for recruitment, a 124-145 days cycle of training (depending on the service branch) to be spent in a training camp of recruit school and 6 to 7 courses for recapitulation of training, each of which lasts for 19 days for soldiers. Alternative to doing the recapitulation courses, the so called “single term conscripts” (*Durchdiener*) absolve their whole service at one time within 300 consecutive days. The Grenadiers, an elite infantry unit, are an exception in that they have to spend 25 weeks in camp training. A further exception are the members of Switzerland's new Special Forces unit AAD 10<sup>1</sup>, which is an elite all-volunteer professional unit. Their training lasts for 18 months.

The key elements of the recruit school are meant to impart practical military skills; non-military contents like civic education range secondary. Only basic facts in security policy and the fundamental principles of the Law of Armed Conflict are part of the general education of all recruits (see Amadeus 2008: 2-5).<sup>2</sup>

Recruit School is divided in three phases of education: The first part is the basic training (*Allgemeine Grundausbildung*); it lasts for seven weeks. Here the recruits are trained in basic military skills. They learn for example how to use their weapon or how to protect themselves and their comrades in a case of emergency. Furthermore the recruits learn specific military manners, e.g. how and when they have to wear uniform and how to salute correctly.

The second phase is devoted to the recruit's military specialisation as a soldier (*Funktionsgrundausbildung*) and lasts for six weeks. This training is conveyed in the same training facility as the basic training. Here the recruit learns to operate the systems of his/her branch of service, for example a gunner is trained on his/her cannon and those in the medical service learn how to rescue and medicate wounded soldiers. After these two instruction phases, all recruits who do not absolve (non-commissioned) officers' training are promoted to soldiers (see Führungsstab der Armee: 33).

The third instruction phase, the unit training (*Verbandsausbildung*), takes another five to eight weeks. In this training module the soldiers are trained in units up to the level of a battalion/division. The course is usually held outside the barracks on a manoeuvre training area. In their unit training the soldiers practice what they have been taught theoretically in the first two phases of their recruit school. Endurance tests with marches, field exercises and bivouacs are components of the unit training.

Whereas contracted and professional military personnel exclusively lead the first two phases of training, militia cadres lead the units in the third stage of the recruit school. At the end of the training, the commander of the training unit conducts an inspection on the

1 AAD 10 = Armee Aufklärungs Detachement 10 / Armed Forces Recon Detachment 10.

2 All contents of the curriculum for the recruit school are classified in a taxonomy from 1 to 6, which signifies the ranking of importance: 1 signifying the bare knowledge of facts, dates and name, 6 signifying the capacity to evaluate a situation on the basis of own criteria. Those contents of civic education which are part of the recruits' training, are classified to fall into category 1.

soldiers' skills and knowledge. The final week of unit training is dedicated to demobilisation: The soldiers clean and return the equipment.<sup>3</sup>

In some positions of the Swiss Armed Forces the recruits can acquire certificates during their recruit school time, that are also accepted in civil economy, for example a certificate for the profession of a medic or a blacksmith (Führungsstab der Armee: 33).

At the end of the three instruction phases, the young people are released as members of a militia unit with which they will stay for the duration of military obligation, i.e. until the age of 30 (or longer, if the military service is not yet completed), performing three weeks (four weeks for cadres) of training every year (*Wiederholungskurse*). These recapitulation trainings are led by militia cadres.

Militia members can postpone their annual training weeks within certain time spans. Generally, however, men and volunteering women interrupt their regular work during these weeks to absolve their military service. They are paid 80% of their regular salary by the state during training weeks if their employer does not pay the full salary during service. If that is the case, the 80% amount is paid to the employer as compensation for the lost workforce. A law protects the soldiers from being fired while in military service.

Currently, militia members are not obliged to participate in politically decided missions out of the country. The latest reform attempts ("Development Step 2008/2011"/ *Entwicklungsschritt 2008/2011*), which are still under controversial discussion in Switzerland, aim at a larger inclusion also of the militia system in Swiss out-of-area activities. Changes in the legislation on the military (*MG/Militärgesetz*) were designed to make that possible. However, the public hearing process that all legislation acts undergo in Switzerland (*Vernehmlassungsverfahren*) mobilised so much opposition against the governmental plans that the initiative was frozen. Regarding the training and employment of Swiss soldiers, the proposed revision of the law foresaw that militia members may also be sent abroad for training purposes and during their regular repetition courses, and with an extended duration of six instead of the currently three weeks (four weeks for cadres). Furthermore it was planned to make an employment possible of the "single term conscripts" (*Durchdiener*) out of Swiss territory. Because of the wide criticism, which the legal amendment proposal evoked, the Federal Council is called to develop suggestions for revision.

### **Higher Cadre Education for Members of the Militia**

For reaching the rank of a non-commissioned officer or a higher rank in the militia one has to absolve more days of service voluntarily, for example 430 days to become a non-commissioned officer. These cadre ranks may be filled on a volunteer basis; however, soldiers may also be commanded to absolve the cadre career. Subaltern officers are obliged till the age of 36, for staff officers and higher ranks, obligation ends with the

3 For more details see:  
[www.vtg.admin.ch/internet/vtg/de/home/militaerdienst/rekrut/rs/schulablauf.html](http://www.vtg.admin.ch/internet/vtg/de/home/militaerdienst/rekrut/rs/schulablauf.html) (last access:  
25.7.2008).

age of 50. The resulting available military manpower is split into different age-groups for different purposes in the militia.

Until 2004, officers in the Swiss Armed Forces were traditionally selected from the pool of non-commissioned officers upon their recapitulation courses. A first lieutenant or captain who desired to become a career officer had to attend an officer candidate school, which was (and – despite other changes – has remained to be) open to both, the militia officers who have a civilian job beside and the prospective employed officers. It entails a five months cycle of intensive training in small-unit and platoon-sized unit tactics. The next requirement was and still is the successful absolving of a one-year course at the military division of the Federal Institute of Technology in Zurich (*Eidgenössische Technische Hochschule - ETH*).

The traditional system ensured that all officers had gone through the phase of a non-commissioned soldier. Altogether, it took two years to become an officer in this system. In 2004 the officer training was altered as a concession to the Swiss economy, which was increasingly unhappy about having personnel away for so long, and about being forced to bear the extra-budgetary costs of the country's military structure (see Ecoffey 2000; Haltiner 2002: 56). In the new system, introduced with the reform package "Armed Forces XXI" in 2004, many future officers are selected during their initial training already (after the first seven weeks of basic training) and sent to officer training immediately after that. For one, this procedure reduces the time to train an officer. Secondly, since many young men have no employments yet at the time they enter the obligatory military instructions, the conflict of interest with employers is avoided largely. The traditional militia career strand exists still, but the new option is favoured during today's training of recruits.

Altogether there are roughly 15.000 officers in the Swiss Armed Forces, and 700 of them are career officers.

### **Higher Cadre Training for Professionals**

Aspirants for a career as non-commissioned officers (NCO) have to attain a two-years-training at the Armed Forces Professional NCO School (BUSA), where they gain the ability to teach and lead successfully in recruit and cadre schools. Non-commissioned officers who already have a certain experience can go to Advanced Training Courses (ATC/ZAL), to take on new functions afterwards.

For becoming a careers officers, the aspirant has to either absolve the bachelor programme "Armed Forces Officers' Program/Public Affairs", which lasts for three years. Or, if the aspirant already has a civil university degree, he/she may attend a one-year-diploma course. Both programmes are run at the ETH Zurich. Officers with a fixed-term temporary contracts can become career officers by absolving one year of Military School twice.

After their obligatory general training programme, all career officers can attend additional courses (*Zusatzausbildungslehrgang*) to qualify for higher leading positions.<sup>4</sup>

In addition, the Higher Cadre Education for Professionals offers training units for career military pilots and for specialist officers, which are trained according to requirements particular to these special profiles.

The professionals usually serve in the Central Staff, in training and in international peacekeeping missions after having passed their training successfully.

### **Example: B.A. Armed Forces Officers' Program/Public Affairs at the ETH**

The Swiss Federal Institute of Technology in Zurich (ETH) offers a bachelor degree for career officers, called Armed Forces Officers' Program (*Studiengang Berufsoffizier*). The program takes six semesters and finishes with an international accepted university degree in public affairs and the qualification for being a career officer in Switzerland. During five semesters of theory the students are taught in general academic subjects as well as in military science. The general subjects include courses in law, leadership, economics, contemporary history, sociology, psychology and research methods like statistics. In the military subjects the students attend courses in strategic studies, military pedagogies and psychology, military history, military technology, military sociology and military economics. Civil teaching staff, e.g. regular professors who also teach in civil degree courses at the ETH Zurich, conduct a great part of the education in this B.A. programme.

The sixth semester is dedicated to an internship, which has to be absolved at the military Academy (*Militärakademie*). The internship consists of language courses (military English and a second national language) and participation in special military education like tactical command or military didactics.

The central purpose of all these exercises and courses is to enable the students to fulfil their leadership tasks in a convincing way and to become a capable trainer and educator within the system of the Swiss Armed Forces.

Admission to the B.A. program requires a general school qualification for university enrolment; regarding the particular military requirements, applicants have to

- hold at least the rank of a lieutenant (with practical service already absolved);
- have successfully passed the assessment centre for career officers;
- have successfully passed the sports test, and
- be employed by the Swiss Armed Forces.<sup>5</sup>

4 [www.vtg.admin.ch/internet/vtg/de/home/schweizerarmee/organisation/hkaneu/milak/berufliche.html](http://www.vtg.admin.ch/internet/vtg/de/home/schweizerarmee/organisation/hkaneu/milak/berufliche.html) (last access: 29.7.2008).

5 For more details see: [www.berufsoffizier.ethz.ch](http://www.berufsoffizier.ethz.ch) (last access: 28.7.2008).

## **Institutions of Training**

The Swiss Armed Forces maintains eight training units:

- Training Unit Infantry (*Infanterielehrverband*)
- Air Force Training Unit 31 (*Lehrverband Flieger 31*)
- Air-Defence Training Unit 33 (*Lehrverband Fliegerabwehr 33*)
- Central School (*Lehrverband Zentralschule*)
- Logistics Training Unit (*Lehrverband Logistik*)
- Military Engineering and Rescue Training Unit (*Lehrverband Genie und Rettung*)
- Training Unit Tanks and Artillery (*Lehrverband Panzer und Artillerie*)
- Command Support Training Unit (*Lehrverband Führungsunterstützung*)

Each training unit maintains a basic training camp (*Rekrutenschule*), a unit training camp and facilities for cadre education, in which the future personnel for the corresponding unit or brigade is trained. The only exception is the Central School. It does not belong to one of the specialist branches “land forces” or “air force”, but is responsible for the inter-branch training of future officers. Every prospective lieutenant has to absolve one course of the central officer’s training (*Zentraler Offizierslehrgang*) at the Central School beside his/her expert training.

To assure a high level of military leadership qualification above the rank of first lieutenant, the Swiss Armed Forces maintain the Armed Forces College AFC (*Hoehere Kaderausbildung der Armee HKA*), which is responsible for several professionally run schools such as one for non-commissioned officers (*Berufsunteroffiziersschule der Armee*), the military Academy (*Militärakademie*), which runs next to the B.A. Armed Forces Officers’ Program, also programs for company and battalion commanders, a number of staff courses, and the General Staff and Command College (*Generalstabschule*). The latter is an elite training institution whose graduates may be inducted into the General Staff Corps. 30 new trainees are selected per year for this purpose, but not all of them absolve the demanding training. Being a General Staff Officer is a condition to occupy higher military functions in Switzerland, like becoming G3 (Chief of a Brigade’s Operations) or J2 (Chief of Military Intelligence).

## **The Spectrum of Training**

There is no special emphasis on non-military training contents, e.g. civic education, for militia soldiers in the basic training periods in Switzerland. Since the militia model is grounded in the idea of an active citizenship, the citizens’ civic value and education background is taken for a self-evident foundation of the militia:

“Our militia is the politically controlled armed force of a constitutional state with a rich democratic tradition. (...) Military education is grounded in the societal foundation of values and attitudes.“ (Annen/Steiger/Zwygart 2004)

However, Colonel Elmer, educator in the Air Force Training Unit 31, stated in the small survey conducted for our project<sup>6</sup> that it is not assured anymore that recruits are grounded in societal values and attitudes that are useful for the military agenda. Many young aspirants would be reclusive and self-centred, for example due to habits like playing computer games excessively, and neglecting sports in teams and clubs over it.

In spite of such observations, there is as yet no detailed agenda for the inclusion of more non-military contents and values into the education of the soldiers that draws on an elaborated image for the ideal soldier (like the concept of *Innere Führung* is in the German Armed Forces). Only some key values and abilities are mentioned.

In Higher Cadre Education, the non-military components get more important. This can be seen for example on a increasing number of lessons dedicated to civic education (Wenger 2008) and the wide range of non-military contents in the careers officers' education as described above in the example of the B.A. Armed Forces Officers' Program. For example at the Armed Forces College AFC, where some of the higher cadre education takes place, an annual series of lectures flanks the general training. The so called “Open Campus Luzern” offers monthly lectures, which are held by civil and by military experts, on topics related to peace building, conflict management, security policies and military history. The lectures are open to everybody (also civilians) and subject to voluntary participation for the soldiers.

Especially in Higher Cadre Education, there is a strong emphasis on leadership qualities and soft skills that are usually demanded in the private economy sector. Components of the higher cadre education according to the official self-presentation of the Swiss Armed Forces are<sup>7</sup>:

- leadership (personnel management in usual and in crisis situations);
- management (leadership and staff technique);
- methods of training and education;
- applied military science;
- security policy and international relations;

6 We are most thankful to Urs Wenger of the Swiss Military Academy at ETH Zurich for his assistance in getting access to documents and conducting the small survey among military instructors for this report which is cited here. Since the Swiss Armed Forces do not have an elaborated catalogue of the status and principles of (civic) education, our colleague Urs Wenger conducted a survey for us among the eight training units, asking about the significance of civic education in the curriculum and about crucial values in the soldiers' training. Six out of the eight existing units returned the questionnaire.

7 See: [www.vtg.admin.ch/internet/vtg/de/home/militaerdienst/ausbildung.html](http://www.vtg.admin.ch/internet/vtg/de/home/militaerdienst/ausbildung.html) (last access: 28.7.2008).

- interoperability;
- mission planning and mission control;
- languages (national languages, Military English);
- fitness and sports.

In the survey conducted for us, almost all the units gave a range of values, which are part of their education. Yet they mostly dropped keywords without further explanation. For example the Air Defence Training Unit 33 named the following skills and values as being important for their training and self-concept:

- effectiveness
- efficiency
- team spirit
- leadership
- communication
- development

The Central School, which is only active in the training of officers and not in the militia training, lists the following catalogue of core values:

- responsibility
- self-reliance
- loyalty
- acting in an exemplary way
- consistency
- discipline
- honesty
- accuracy

This style in which the virtues of the Armed Forces are referred to is very characteristic for the Swiss case: Keywords are listed, almost as if self-evident; but the meaning of these keywords remain rather unclear. We can be hopefully ascertain their practical interpretation during the field trip in October 2008. On the whole, it strikes as remarkable that side-by-side with traditional values like honesty and discipline, also such principles are mentioned which appear to originate in business philosophies, e.g. team spirit in leadership.

## II. Leadership Concept

The aspired style of leadership is coined as “leading with values” in the Swiss case. The concept resembles the German programme of *Innere Führung* in that it stresses the importance of a responsible self-leadership which requires internalised values for orientation. The Swiss concept “leadership with values” is, however, to a lesser degree systematized to shape a coherent programme or teaching agenda for the military leadership culture. Nor is it a comparably binding set of norms as it is the case with the German service regulation “*Innere Führung*”, but holds a weaker formal status: “Leadership with values” has been incorporated in the Swiss Staff Officer training as being one theory of leadership, be it a prominent and up-to-date theory which is – according to the small survey run for our report – promoted in training across the different branches of service.

### Contents and Goals of Leadership

The ten values at issue here are codified in the 2004 central Service Regulations (DR 04) for the Swiss Armed Forces. According to the Service Regulations the following values are the significant orientation marks for a “humane leadership” (*menschenorientierte Führung*):

1. human dignity (*Menschenwürde*)
2. trust (*Vertrauen*)
3. self-responsibility (*Eigenverantwortung*)
4. initiative (*Initiative/Eigeninitiative im Sinn der Aufgabe*)
5. integrity (*Integrität*)
6. comradeship (*Kameradschaft*)
7. multidimensional loyalty (*mehrdimensionale Loyalität*)
8. personal courage (*persönlicher Mut*)
9. doing one’s duty (*Pflichterfüllung*)
10. unselfishness (*Selbstlosigkeit*)

Although this very listing without frills seems to express a rather firm basic confidence according to which the practical meaning of the army’s core values are self-evident, their actual ambivalence has revealed itself in a number of scandals. Several cases of their negative taking effect in the military motivated the development of didactical materials for value inculcation. While the core values are not explained any further in the Service Regulations themselves, the need is hence (meanwhile) seen of making them demonstrable for leadership practice.

Against the trend in neighbouring Austria and Germany, value education in the military had been completely abolished in Switzerland in 1995 (see Steigert 2004: 102) but it was reintroduced with the 2004 Service Regulations (*DR 04, Dienstreglement*) in response to a growing number of cases of inappropriate behaviour in the Armed Forces. The respective deviances (for concrete examples see below under III.) were thus not just taken into perspective as meaning individual failures but were analyzed as signifying problematic off-courses of originally functional military principles. The following quote is taken from an article on the necessity of leading with values by Hubert Annen who co-developed the leadership theory:

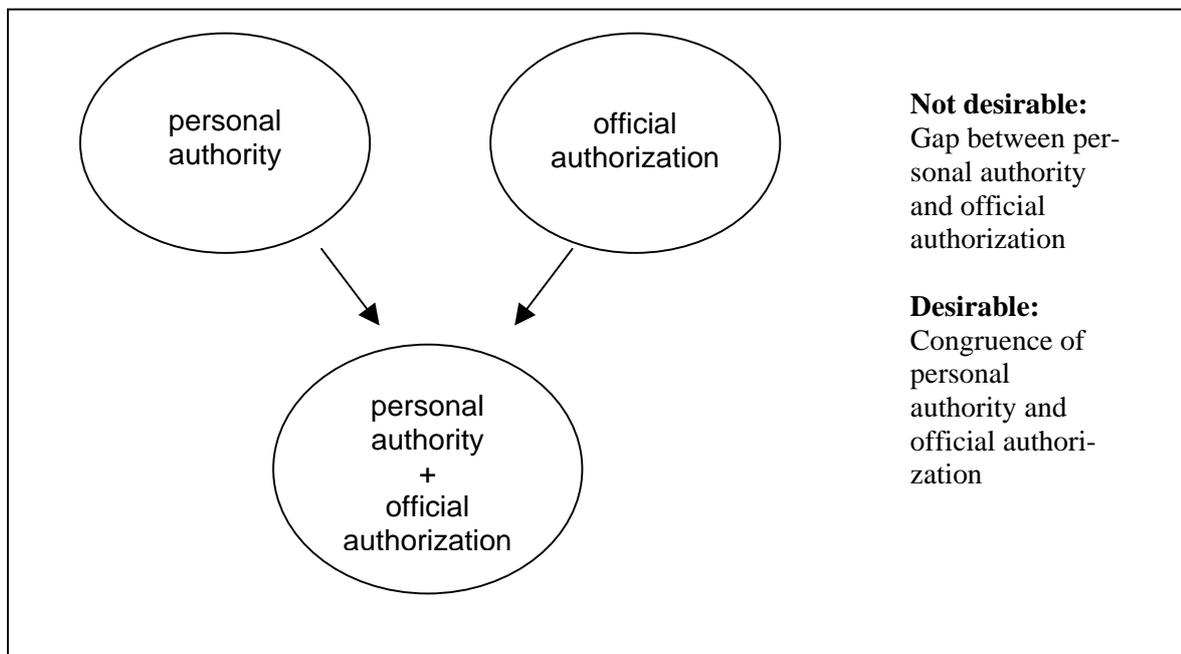
“Clearly defined hierarchical relations are, for instance, together with the included meaning of *authority and obedience* an essential prerequisite for fulfilling the orders in action. The (by rank) granted authority can, however, degenerate into power demonstrations (...). Similar things can be said about *group cohesion* which is so important in action. Team solidarity is the source of personal security and confidence; and yet, group thinking is as well the source of dubious disciplinary measures against outsiders (...) *Rituals* are a further characteristic element of military life. In their positive application, they support morale and esprit de corps (...). In their negative application, they lose connection to the relevant affairs, and problematic behaviour gains the upper hand, such as tests of courage, excessive consumption of alcohol, or rituals of initiation which may in their course even hurt the integrity or the human dignity of others. (...) Surely, misbehaviour must be punished. Yet on top of that one needs to realise that the specific conditions [of military life] are in principle fertile soil for such ways of acting.”

(Annen 2007: 22)

On the basis of these considerations, a working group was created in 2005 in order to develop teaching modules in leadership with values for Higher Cadre Education at the Armed Forces College and the Military Academy.<sup>8</sup> The aim was to confront course participants with possible practical situations which they should learn to solve with the help of a value-informed leadership that puts the care for the subordinated soldiers into the centre of the leader’s attention and of his/her self-management.

As a norm of leadership this had already been brought forward before, and also in the training of lower cadres. Descriptions of what it entails had, however, remained rather schematic and in the abstract, e.g.:

8 The newly developed teaching modules draw on modeled cases. We do not yet have the latter material at our disposal for analysis but we expect to observe teaching with their help in the planned fieldwork at the Zurich Military Academy in October 2008.



(FUM Handbook Modul 7, 2004: 20)

Or, another example:

“Leadership always means leading people. Leadership requires a well-developed sense for people with their possibilities and limitations. (...) Humane leadership is a principle, not a ‘leadership style’. It embraces all that relates to leadership. Being a leader means to be a human being, to respect other human beings, and to reach a goal together with them. Subordinates want to have leaders who demonstrate their own being human.”

(FUM Handbook Module 6, 2004:17)

From military leaders, this model demands personal integrity and credibility. On the level of inculcation it requires a climate of trust, self-reflection and identification. This means educational goals which reach markedly beyond the functional level of service in the armed forces and embrace as well the quality of social relations.

### Methods of Inculcation

Exemplary performance and leadership by good example is the generic term for how leadership with values is sought to be inculcated best in the Swiss Armed Forces. The following quotes are taken from an influential book which is widely used by instructors:

“The aims of the military education are not reached if one knows the crucial values by heart or holds a didactically coherent lesson on the issue of education. The soldier becomes mainly trained by the way in which the leader

- lives the values of the military education, and
- gives the soldier the opportunity to bear responsibility.

*Training by way of example* is the easiest and at the same time most demanding method: Easy for the subordinates, demanding for the trainers! The military leader must live the values of the military education if they shall not just be hollow words. (...)

The military leader, however, can only be an example when s/he has experienced the values her-/himself, when they have been explained to her/him, when s/he understands them and is able to apply them in the sense of the mission in a concrete situation. (...) Military education starts with the military cadre!”  
(Steiger 2004: 111)

Consequently, the main task for leadership training is to enable the coming military leaders to reflect upon their roles as examples, to behave accordingly, to recognize those situations which matter for giving an example to subordinates, and to live up to the ideals of the Swiss Armed Forces.

In the education of young officers, teaching with model cases was introduced in 2006 to foster “a more intensive integration of the values” (Mueller/Rothen 2005: 3) and to make the leadership education sustainable:

“In order to sensitize the future officers, different critical situations are discussed and analyzed in the focus of the responsibility as a leader. The aim of this training is not to offer final solutions to the participants but to open their horizon and form a base of understanding.”  
(ibid.)

It becomes clear from these educational syllabi, that mature and empathetic characters are the ideal: The own personality shall be regarded the main resource for a good leadership (ibid.: 179) that takes positive effect on the military culture. The notion of a far-reaching responsibility of military leaders is as well reflected in the way in which the military values relate to the values of wider society:

“The cadres and soldiers [of our militia] must exemplify and live the spirit and the values of Switzerland. (...) The defense of values, mainly of freedom, democracy, and constitutional statehood is too serious an issue to be entrusted to a soldateska without inner hold, i.e. without order, morals and ethics.”  
(Zwygart 2004: 120)

This emphasis is underlined in statements about the increased international visibility of Swiss soldiers. Since the role of the Swiss Armed Forces has been redefined after the

end of the Cold War – albeit not drastically – with the country’s joining of the NATO Partnership for Peace in 1995 and the United Nations in 2002, Swiss soldiers have been deployed in missions abroad on a regular base. Yet the limited range of possible missions for the Swiss Armed Forces make it most important to keep a civilized profile in soldiering: Participation in “peace enforcement” missions is not allowed at all, but Switzerland limits itself to joining operations of a humanitarian character or else peace support missions. For the engaged experts in the discussion of leadership qualities, this means that even higher demands are placed on the Swiss soldiers in representing their country and her values:

“The Armed Forces being an instrument which must be deployable at home and abroad, ‘one needs soldiers who understand themselves as citizens of the world and remain human beings even in conflict situations’ [citing two officers who are involved in the training of Swiss soldiers]. To meet these demands, the necessary qualification would, according to these two officers, entail intuition, creativity and psychological abilities, profiles which are as yet seldom heard from military circles.”

(Fahmy/Rigendinger 2005: 41 f.)

Notorious aspects that could easily slip off into undesirable direction like making a cult out of physical toughness, or of the drill with weapons, are clearly avoided. It is rather soft skills like the judging ability, empathetic behaviour, moral impeccability and personal credibility that are normatively declared to be most relevant as sources of prestige and pride in this leadership concept; which does, of course, not mean that this emphasis is equally shared on troop level.

### III. Norms of Conflict Settlement, Lawfulness and Argument

In terms of the limits to the ideal of soldiering in Switzerland, it is informative to look at the reasons why the current concept of a desirable “leadership with values” was developed and introduced into cadre training: Real cases of recorded misconduct were collected and analyzed systematically in order to help their future prevention. In the words of the then Head of the Armed Forces, Commander Christophe Keckeis, the chosen procedure is a fine example for the functioning of the Swiss Armed Forces as a learning organisation (2004: 11).

#### **Limits of the Ideal**

There were several scandals recorded from training situations in the media that rang the alarm bells in the Swiss military academies. Among the most prominent cases were continued sexual harassment of recruits by other recruits in an infantry training camp in Chur, and rehearsals of the torturing of prisoners of war in officer training in Colombier (see Fahmy/Rigendinger 2005: 35-39).

Beside such instances of the humiliation of subordinates, the task force which was called into being to design measures for improvement found the following problems to be most crucial:

- “inappropriate training methods
- ‘creative’ means of education
- power demonstrations
- inappropriate choice of words or instruction style
- group dynamics
- rituals
- instructor’s passivity”
- (Annen 2007: 22)

It is hence foremost the trainers’ misbehaviour and their neglect of the recruits’ supervision which surfaced in the scandals collection while misbehaviour in military action played no role. As a catalyst background to the emergence of brute rituals and cases of sexual harassment, if not abuse, two main factors are named (see Fahmy/Rigendinger 2005: 39f. and Steiger 2004: 112 ff.):

- (1) Recruits would be bored and not see any meaning of their military training because the (still) main task of their training – becoming prepared for defense of the country – appears unreal; service would thus be boring and create frustrations.
- (2) (Self-)Discipline would have lost prestige in contemporary society. The Swiss Armed Forces being a rather immediate mirror of society due to the citizen-in-arms recruitment system would suffer a lot from the value change in favour of hedonism, egoism and individualism. In the words of Rudolf Steiger from Zurich Military Academy, this very shift is not even described aptly with the term “value change”. In fact there would be a tremendous loss in crucial values in civilian society; and the Swiss military training would indeed have to again change the young people’s values (2004: 114).

### **Institutions of Conflict Settlement: Military Justice in Switzerland**

To settle their internal cases of misbehaviour and conflict, the Swiss Armed Forces have their own institutions for jurisdiction and disciplinary sanctions.

The organisation of the military tribunal system parallels the civilian legal system, and it is very much in keeping with the Swiss militia principle of subsidiary organisation: The Armed Forces Attorney General is head of the military tribunal system, but fulfils – in addition to his procedural duties – primarily administrative duties (supervision of procedures, basic and advanced training for members of the military tribunal system, etc.)

but may also be called upon for appeals. Eight military tribunals of first instance, three military courts of appeal and – at the same level as the Swiss Federal Supreme Court – the Military Supreme Court observe the legal cases that are handed down.

All the courts are headed by a president, who is normally a colonel in the military tribunal system. The military attorneys (prosecutors) hold the rank of lieutenant colonel or major, the examining magistrates are majors, captains or specialist officers and the clerks of court are normally specialised officers.

The tasks of the Military Justice system are

- to conduct legal proceedings in response to criminal offences committed by members of the armed forces while on duty and by members of the Border Guard and the uniformed staff of military organisations in the exercise of their professions
- to conduct proceedings against persons who have committed offences against military secrecy
- to prosecute and sit in judgement on persons who have violated the Law of Armed Conflict
- to advise and train commanding officers in matters of military discipline

([www.vbs.admin.ch/internet/vbs/de/home/departement/organisation/oa011.html](http://www.vbs.admin.ch/internet/vbs/de/home/departement/organisation/oa011.html))

Within the institutional structure, the office of the Armed Forces Attorney General exercises procedural rights that are granted to him (see *ibid.*), i.e. he/she has to

- ensure that the military tribunal system fulfils its statutory duties;
- create the general conditions for a high degree of consistency in practices and jurisdiction in the military tribunals;
- supervise the military tribunal system while preserving the independence of the military tribunals;
- ensure that military legal proceedings are conducted properly and in accordance with the law;
- carry out administrative and organisational duties for the military tribunal system.

### **Code of Lawfulness, Rights and Duties in the Swiss Armed Forces**

The Service Regulations of the Swiss Army (*Dienstreglement*) is the central document which informs also about the principles of training, leadership, and service. Also, it names the rights and duties of the members in the armed forces, and it informs about their foundations. Following chapters on the tasks of the military, on leadership, hierarchical structure, and training, chapter 8 of the Service Regulations informs about the rights and

duties of the soldiers. Chapter 9 contains the basic principles of the Military Penal Code ([www.admin.ch/ch/d/sr/510\\_107\\_0/index.html](http://www.admin.ch/ch/d/sr/510_107_0/index.html)).

Respect of the Swiss Constitution is regarded the most fundamental duty of soldiers, as well as the cooperation with the other members of the armed forces, and the will to accept risks and dangers if necessary for service. Furthermore human dignity is to be respected (see Chapter 8, Art. 77). These core obligations are confirmed with the oath:

“I swear

- to serve the Swiss Confederation with all my strength;
- to defend bravely the law and the liberty of the Swiss people;
- to fulfil my duties even at the risk of my life;
- to remain loyal to my own troops and stick together in comradeship;
- to keep to the rules of the Law of Armed Conflict.”

The prominent status which the Law of Armed Conflict (brief: LOAC) enjoys throughout the relevant guidelines seems exceptional in comparison. In article 78 of the Service Regulations, compliance with the Law is rooted and the content is explained in detail.

Article 79 names the duties of the superiors: they should guide and are responsible for the well-being of their subordinates. They are not allowed to give any orders, that might violate human dignity. Article 80 states, that all orders of superiors must be observed and carried out carefully, except the order asks something that would violate the LOAC or other law. If such an order is nevertheless carried out, the subordinate will also be called to account.

The Military Penal Code applies in principle to all persons who are on compulsory military service or performing military duties when not on military service, as well as to certain other groups of people. In times of peace, the Code serves as the basis for dealing with criminal offences committed by the mentioned military servants. However, if the state and its armed forces are under serious threat, the material and personal scope of the Code can be extended. Thus, for example, employees of businesses that are important for national supply may become subject to the provisions of the Military Penal Code. In addition, a wider range of acts become criminal offences under conditions of active military service and in times of war. The existing potential penalties are increased also.

Since the scope of application of the Military Penal Code is otherwise limited to the armed forces, to the Border Guard and their organisations and to the members of the national security services, the list of prosecutable offences does not include typical civilian crimes, such as criminal deeds against family members, violation of official or professional duties, offences of debt collection and bankruptcy frauds. If a member of the armed forces or of the Border Guard commits a crime of this type during his term of service, he or she will remain subject to the Civilian Penal Code and has to face the jurisdiction of civilian courts

([www.vbs.admin.ch/internet/vbs/de/home/themen/oa004/oa001.html](http://www.vbs.admin.ch/internet/vbs/de/home/themen/oa004/oa001.html)).

## Disciplinary Failure vs. Criminal Offence

*Disciplinary Failures* are distinguished from criminal offences, and the two kinds of default are dealt with in different ways. The following behaviour is classified as disciplinary failure:

- to act against service duties or to disturb the normal course of service;
- to make a public nuisance;
- to violate basic rules of decency.

Equals of disciplinary failures are

- minor cases of criminal offences which should be punished with disciplinary sanctions according to the first book of the Military Penal Code;
- minor violations of the Road Traffic Regulations;
- violations against the Narcotics Law (see Military Penal Code, article 180).

Every member of military organisations is obliged to inform the superior immediately about an observed disciplinary failure. Whoever is caught committing a disciplinary failure can be stopped by any person higher in rank, or any controlling military institution to check his/her personal data and to put on record the circumstances of the disciplinary failure (Military Penal Code, article 202, [www.vbs.admin.ch/internet/vbs/de/home/documentation/diszplrecht.html](http://www.vbs.admin.ch/internet/vbs/de/home/documentation/diszplrecht.html)). A disciplinary proceeding is usually carried out by the commanding officer. Who else is allowed to impose disciplinary sanctions in exceptional situations is anchored in article 95 of the military judicature (*Militärstrafrechtspflege*; see also Disciplinary Sanction Code, page 75). Disciplinary failure during service will be punished with disciplinary sanctions. These are supposed to be carried out faster and be less bureaucratic than proceedings due to criminal offences. The troop officers have to inform their superiors about disciplinary failures which occur within their unit. He or she keeps a Controlling Penal Record (*Strafkontroll-Register*) of all failures and penalties. These will be eliminated from the record after five years, together with all documents regarding the sanctions as well (Military Penal Code, article 205).

Appealing against a disciplinary sanction (*Disziplinargerichtsbeschwerde*) is usually allowed within three to ten days, as long as the proceeding is not delayed by this. The defendant may hand in either a recorded statement or a written comment on the accusation (Military Penal Code, article 200). With an amendment to the Disciplinary Sanction Code dating from March 2004, the Disciplinary Sanction Law has been anchored in the Military Penal Code and the catalogue of possible disciplinary sanctions has been updated. The sanctions embrace:

- 5-10 days of detention (formerly up to 20 days);

- monetary fine of up to 1,000.- Francs (newly introduced in 2004); the fine can be paid at once or within a two months period to the canton of residence, and it is replaced with arrest if it is not paid;
- 3-15 days curfew (newly introduced in 2004): one is not locked up in the arrest cell but has to stay within the barrack area of accommodation without occupation and must not visit the cafeteria or other places;
- reprimand;
- the omission of any sanction in case of a minor default.

*Military Criminal Procedures* on the other hand are carried out by the competent military courts. They are organised on cantonal level, meaning that a court is responsible for dealing with offences which have been committed within military units belonging to that canton, irrespective of where the actual offence took place. The multilingual character of Switzerland is the reason for this. If, as an exceptional matter, a member of the armed forces is performing service in a canton that does not speak his language, the Armed Forces Attorney General may refer the case to a military court in a different canton where the defendant's language is spoken.

If someone is suspect of having committed an offence that cannot be dealt with on the level of disciplinary proceedings, a preliminary investigation has to be ordered. The aim is to clarify whether a criminal offence has taken place or not. All possibly relevant circumstances of the incident must be investigated. If a preliminary investigation is not possible, a preliminary gathering of evidence will be ordered. This is normally required in cases when evidence must be obtained or more evidence is required, in particular where the perpetrator is unknown or the facts of the case are unclear or confused; when there is uncertainty as to whether a criminal offence should be dealt with by disciplinary proceedings or by military legal proceedings. In cases of homicide, serious injury to military personnel or civilians as well as serious damage to property, a preliminary gathering of evidence must be ordered even if there is no indication that a criminal offence has been committed. Military criminal proceedings are initiated upon orders of the battalion commander or course commander in charge, and by the Armed Forces Attorney General himself in case of violations of international law, or of offences committed by members of the military while not on duty. Should a commanding officer refuse to initiate proceedings where they are required in the opinion of the military examining magistrate, then the Armed Forces Attorney General may likewise issue the order to conduct an investigation instead of the commanding officer.

In military criminal proceedings, a lawyer for the defence is permitted during the preliminary investigation, and is mandatory in the main court proceedings. The lawyer is appointed by the court. He or she is not part of the military tribunal system but any lawyer with authorisation to practise in Switzerland may take such a case. One special feature of the Swiss military procedural law is that the appointed defence agent for the accused comes free of charge for him/her, irrespective of the sentence and of whether the

accused has the means to pay his legal costs or not. The possible punishments are detention, monetary fines, demotion within the military rank and decoration system, and exclusion from military institutions.

Any case can be taken to a Military Court of Appeal after the sentence. The highest authority is the Military Supreme Court. It may refer successful appeals back to the lower courts for a new judgement to be made. In addition, it is possible to appeal against detention orders before the president of the relevant military tribunal or against official acts of the examining magistrate before the Armed Forces Attorney General.

## Conclusions

Due to the recruitment system of the militia, the Swiss case is marked by a traditional trust into an almost organic integration of the armed forces into civilian society and the democratic order. As Switzerland represents moreover one of the old democracies in Europe where the political system has not experienced any fundamental disruptions since its introduction, the basic confidence in the functioning of the way in which the armed forces are maintained is confirmed, and traditionalism is very strong in all matters pertaining to this field (see Haltiner 2002).

There is hence no particular emphasis on the civic or value education of the militia soldiers because they are supposed to be citizens of a well-consolidated democracy anyhow. In this respect, the most particular extra which is added to the citizens' education in the military is the instruction in Humanitarian Law and the Law of Armed Conflict. This is stressed to an extent which seems extraordinary in international comparison: the obligation to respect these rules is even part of the oath. On the whole, the very cautiousness, not to maintain armed forces in which abuse or glorification of power is cultivated is very characteristic.

In spite of this altogether plausible and well-probed concept, the post-Cold War changes in Swiss defence politics (see First Country Case Report for the project), and a more general value change in Swiss society have started to question the quasi-organic relation between civilian society and the armed forces: participation in international peace-keeping requires more and other skills than the traditional defence of the country. Moreover, many people do not take the latter for a realistic scenario any more. The militia training appears thus meaningless and creates frustration among recruits. In addition, the core values which are demanded in the military are no longer as well the self-evident core values of Swiss civilian society so that the Swiss Armed Forces creed of being rooted in the tradition and values of society meets limits. A societal value shift has for instance been noted over the last 15 years from the valuation of hierarchical organisations towards team work, from obedience to participation, from efficiency to creativity, or from discipline to self-reliability (Steiger/Zwygart 1994: 25).

The conclusion that has been drawn from these developments is that military training has to take on more and other leadership qualities than in the past: The approach to foster

“leadership with values” aims as well at a re-inculcation of traditional values which matter functionally for the military organisation; and at a redefinition of military leadership in such a way that the increased demand of inter-operability, team skills, and empathy is taken into account. The fact that this approach finds approval all across the eight training units of the Swiss Armed Forces shows that such a reorientation is held for urgent by the responsible trainers. Nevertheless it has as yet not gained the status of an obligatory part in the educational program for the training and service of Swiss soldiers.

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