



The use of force must go beyond the mere exercise of violence.

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Valeurs de l'Armée de Terre

One cannot deal with ethics and defence without questioning the conditions of the use of force which armies are in possession of until its paroxysm with the state of war. In order to avoid any misunderstanding, it is also necessary to define clearly what is meant by force, which must be distinguished from violence.

It is this distinction that will make it possible to identify the ethical principles on which the use of force by armies must be based.

Violence

Violence is not only in the physical realm, although it is the most visible and generally the most frequent form of violence. Violence can also be psychological, psychic and cover many other forms. It is often the result of passion, anger, fear or weakness, which can lead to a loss of self-control. It can also be the result of a well-considered decision, both of which can lead to unacceptable excesses. Under these conditions, the risk of wanting to impose one's law, knowingly or unknowingly, in order to do harm, is real. In most cases, the perpetrator of violence has nothing to fear from the victim, who is at his or her mercy.

Violence, which is a deregulated force, is not only exercised against others but can also be applied against oneself, particularly through acts of self-aggression.

In fact, violence always has a negative connotation. It is thus often opposed to a controlled, legitimate and measured use of force. Violence can be an abuse of force but also a use of weakness.

Force can be abused, but also weakness can be used.

The word force can designate a mechanical power over things, but also a power of the

will or a moral virtue often associated with courage.

Possessing the virtue of strength means overcoming human weakness and sometimes fear. Man, by his nature, is inclined to fear danger, misfortune and suffering. Strength accompanies courage, which is the virtue par excellence of "heroes ". The latter will draw beyond their limits for the good of others or to bear witness to truth or justice. The virtue of strength is often linked to the notion of sacrifice. In all cases, its exercise implies a surpassing of oneself.

The opposite of strength is weakness. Strength is therefore considered to be a quality.

Force can be visible in order to avoid being used: this is the hallmark of deterrence, which must nevertheless remain credible and be limited to the right level.

It must always be strictly limited to its purpose, otherwise it can turn into violence. It must be legal whenever possible. "Take away the law, and then what distinguishes the state from a big gang of robbers?" (St. Augustine, The City of God, IV, 4).

Notions often intertwined

However, once this effort to clarify the two notions has been attempted, it should be recognized that their boundaries are sometimes very porous.

"Where there is bad violence, good violence must be opposed if the virtue of force is not enough to overcome it" (Louis SALLERON). There could therefore be a just use of violence as well as force?

Indeed, in some cases, non-violence can be the mask of cowardice, weakness and refusal to face up to the ordeal. Non-violence established as a dogma can lead to the submission of those who practice it without limits. Genuine renunciation, it is akin to an abdication in the face of the law of the most determined and thus to the questioning of all real freedom. In this respect, let us remember the slogan advocated by certain German pacifists: "Lieber rot als tot" (rather red than dead) ...

On the other hand, history shows on many occasions that a sequence of violence sometimes generates freedom. For example, during the Second World War, Japanese citizens were subjected to two nuclear bombings that caused considerable civilian casualties and deaths. The Japanese citizens, for example, suffered two nuclear bombs during the Second World War, which caused considerable civilian casualties and very serious damage, but which accelerated the end of that war and led to the establishment of democracies, with more rights and freedoms in the end.

Moreover, legality is not always sufficient to justify the use of force. Thus, a dictatorial regime can develop the right to its benefit and act in accordance with the legal framework of the moment.

This is the well-known debate between legality and legitimacy .

Indeed, it is possible to consider violence legitimate, particularly in resistance to aggression or in revolt against oppression.

But there are essential differences

Force without justice can turn into violence. But justice without force can become inoperative. This being the case, linking force to law seems insufficient if we refer to Saint Thomas of Aquinas who argues that "the virtue of force has the function of maintaining the human will in the line of moral good". We therefore go beyond the sole register of law to also address the register of morals, that of values. It should be noted in this regard that we are talking about moral force and not moral violence.

Unlike violence, force should be usable only when one is forced to exercise it.

In a way, by controlling one's instincts, force participates in "the humanity of man".

Indispensable framework measures for the use of force

Self-defence for restraint stipulates that force is authorized when it is used in self-defence or to prevent a serious act, when it is used immediately, at the scene of the aggression, and in a proportionate manner.

Those responsible for exercising institutional force, such as the police or gendarmerie, must abide by these guiding principles.

In the same vein, and throughout history, many "enlightened minds" have sought to identify the criteria required to conduct a "police investigation". In the same vein, and throughout history, many "enlightened minds" have sought to identify the criteria required to conduct a "just war", whether it be the causes of war (jus ad bellum), behaviour during conflicts (jus in bello), or the cessation of hostilities (jus post bellum).

They can be summarized as follows:

- **Authority must be legitimate; war is** not a private matter and only the holder of public authority has the right to enter into war;
- **The cause must be just** (self-defence): the term "justified" or "legitimate" should be preferred. The damage inflicted by the aggressor on the Nation must be serious and lasting;
- The **intention must be right** (to promote peace and security), a criterion which is often only verifiable after the fact;
- **Force must be the last resort:** war being an evil, it should only be resorted to when there is no other solution or when all other means have failed;
- **A reasonable expectation of success must be considered:** the use of force is likely to improve the situation and not to bring about worse evils;
- The **proportionality of the means** used must limit their use to what is strictly necessary;
- **Discrimination** between combatants and non-combatants must be observed.

In France, it is the President of the Republic, head of the armed forces, who decides on the use of forces: this decision must be approved by parliament within four months of the launching of an operation. This is the basis for the legitimacy of the authority to use military force in accordance with the first of the criteria developed above. There is also a concern on the part of political leaders to rely as far as possible on an international mandate in order to strengthen the legitimate aspect of an intervention.

The use of force is associated with the notion of **authority; in France, this** authority is delegated by the President of the Republic on behalf of the French people. The formula for taking command of a military formation reminds us of this: "By the President of the Republic, you will henceforth recognize for your leader..., you will obey him in everything he commands you, for the good of the service, the observance of laws, the respect of regulations and the success of the arms of France". This formula takes up several of the criteria mentioned.

The military has the exorbitant power to exert force, to give death while accepting the risk of receiving it. They do so in the name of the country they serve to fulfil the mission entrusted to them, while having to respect the GENEVA Conventions and the laws in force. In this way, they can use force beyond the framework of self-defence, because war is no longer an ordinary situation. That is the real military specificity.

This does not, however, prevent any military person from having to answer for his or her actions in the execution of his or her mission.

Moreover, increasingly precise rules of engagement govern the use of military force in order to limit any deviation.

By way of conclusion

In the end, force is used in the name of a cause that is beyond us, in the name of morality, order or human dignity, all of which can evolve at the same pace as societies. Nevertheless, its exercise remains the acknowledgement of a failure, that of not having been able to solve a problem by other means.

War is always an evil, even if it is sometimes necessary. In this respect, it cannot be described as just, but rather as legitimate. It must be framed by rules, principles and values, sometimes even if it means taking additional risks.

Otherwise, there would be a great risk of losing not only the legitimacy of its action but also its share of humanity.

One of the first challenges for every human being is to learn to control the violence he or she contains and to use force only when compelled to do so.

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