

ARENA Working Papers
WP 02/10

**Towards a Normalisation of German Security and Defence Policy:
German Participation in International Military Operations**

Marianne Takle

ARENA

Introduction

Chancellor Schröder introduced a new approach to foreign policy in a speech to the German Parliament on 11 October 2001. He argued that Germany's new international responsibilities demanded the use of the military outside its territory. This was exactly one month after the terrorist attacks in New York City. The foreign policy initiative, however, was not presented exclusively as a German obligation to support the United States as contained in Article 5 of the NATO Treaty. [\[1\]](#) Not only did the Chancellor refer to solidarity within the alliance, but he also stressed that this new military responsibility was important for Germany's international position in the future. [\[2\]](#)

Since the 1990s, Germany's policy on international military operations has changed significantly. During the Gulf War ten years ago, the intensity of the debate about the armed forces' role in international military operations revealed a reluctance by Germany to consider participation. It was argued that the country should only use *Bundeswehr* for self defence because of its history of civil-military relations. [\[3\]](#) By 1999, Germany participated in NATO's Kosovo operation: it was the first time since the Second World War that the armed forces had taken part in so-called peacemaking activities. This event appears to have confirmed Germany's desire to become, henceforth, an active partner in NATO as has its military presence in Macedonia since August 2001 and its recent support for the U.S. war in Afghanistan.

The shift in German policy on international military participation throughout the 1990s to the present day can be explained in several ways. For instance, it has been suggested that it is the result of governmental change. The coalition of the Green Party and the Social Democratic Party, which earlier had been the driving force in organising protests, came into power in 1998. These parties were responsible for adopting NATO's common policy during the Kosovo operation, ensuring a German presence in Macedonia, and later in supporting the U.S. war in Afghanistan. Another interpretation of this shift could be to emphasise the impact of generational change both in the German public and among its politicians. Opinion polls suggest this by showing that the young are more willing than the older generation to exert a military presence outside Germany. [\[4\]](#)

A third explanation is that Germans have gradually changed their attitudes after Reunification and after the country became a formal sovereign state in 1990. Reunified Germany is seen as an important European power, which cannot abdicate responsibility for world peace and stability to other countries. [5] Consequently, policy changes are to be understood as a desire by Germany not only to act as a central European power, but also to follow its national interests. [6] One such interest, which has been affirmed by the Chancellor since 11 September, is to be closely allied to the U.S. [7] Finally, Germany's foreign policy shifts may be explained as a result of Germany's relationship with NATO and responsibilities within the E.U. This must be seen in light of the change of NATO's *raison d'être* and the E.U.'s new ambitions. NATO has moved during the 1990s from being an alliance for the defence of its own member states' territories to one pursuing more international operations outside its territory. [8] Similarly, by the end of the decade, the European Union has intensified its plans to strengthen common European defence co-operation by placing more emphasis on mobile forces for use in international operations. [9] NATO's and the E.U.'s new security tasks are based on a logic of security that differs from traditional notions based on the defence of nation state territories. This implies that the members must be prepared to use military means outside their territories. Therefore, the shift in Germany's international policy may be seen as an issue of being a faithful partner to NATO and within the E.U.

These explanations may all be accurate, but they ignore one factor: the opinion of the German population. Attitudes to military involvement are based on a diffuse and changeable perception of threat. Each international operation requires a new process of legitimisation, where the policymakers give reasons for why it is necessary to use military means. The legitimisation process is especially complex in Germany compared with other western states. Approval for military activities outside German territory requires the support of the majority within Parliament. This decision-making process has led to many debates in the public sphere.

Schröder's speech on 11 October has been seen as important by politicians within the Government because of it appears to present evidence of Germany's new self-perception, especially with regard to foreign policy initiatives and activities. [10] One wonders how 'new self-perception' is understood by the Chancellor and Government? Military participation in Macedonia and Afghanistan has already provoked many debates, demonstrating how strongly German military activity remains an issue. How was it possible for the Chancellor to introduce this new foreign policy approach after 11 September? I believe this can be understood in the context of the changes which have occurred over the course of the 1990s in the German debate about participation in international military operations. The debate's arguments establish a framework for what is perceived as legitimate for the military, and the way the debate has been framed can explain why it was possible for Germany to change its foreign and defence policy.

The aim of this paper is to explore the ways in which the German policy on participation in international military operations since 1990 has been legitimised. I would stress that the structure of the German debate, and the arguments used in the debate, can explain how Germany changed its foreign and defence policy. This can explain how it was possible for the Chancellor to introduce this new foreign policy approach after 11 September. The investigation concentrates on documents from the political parties, official declarations from

the Government, and decisions made in Parliament and by the German Constitutional Court. [11] I reconstruct the types of justification that have been used in this debate, and discuss the arguments used for and against military involvement outside German and NATO territory. The central issue is how participation and non-participation is justified in the German public debate. Upon what principles is the understanding of German participation in international military operations based? How have the changes in justification been manifested from the 1990s to the present? The arguments demonstrate the framework for understanding of German participation in international military operations. By focusing on these debates, I offer additional insights into the four explanations of the changes in German foreign policy.

In the next section, I discuss the three logics of justification which have been used to distinguish the main issues in the debate. In the third section, I discuss the specific arguments used in the German public debate, which I break down into three phases.

Three Kinds of Arguments

The German discussion about participation in international military operations is a domestic debate about foreign- and security-policy issues. During the Cold War in the divided Germany, the military structure of the Federal Republic was solely oriented towards the defence of sovereign territory. The issue of German participation in international operations was not raised. When the question of participation in international operations has been raised in the post-Cold War period, it suggests a new understanding of the use of the military for a reunified Germany. Here, I question the kinds of arguments that are used by the German politicians in the public debate about military activity in international operations.

I distinguish between the arguments' main issues, and examine the modes of social action and interaction on which they are based. Although it is quite obvious that not all use of language is rational, the main analysis in this investigation concentrates on rational argumentation. I evaluate the internal logic of the arguments used in this debate in three ways. All three refer to different forms of justification for an individual actor: *a logic of consequences, a logic of appropriateness and a logic of moral justification*. [12] The criteria I use in the empirical investigation of this justification are the extent to which the arguments refer to *utility, values or rights*. [13]

The logic of *consequences* is based on the notion of instrumental rationality. An action is motivated by preferences and the anticipation of consequences. The problem becomes whether the best means among the alternatives are selected in order to realise given preferences. This approach treats the interests and preferences of actors as essentially fixed during the process of interaction. The actors participate on the basis of their given interests and try to realise their preferences through strategic behaviour. [14] This can be understood as a legitimating through outcome, which is a means–end type of rationality that emphasises those outcomes that best reflect the actors' preferences. The goal is to ensure that a set of

given interests is converted into an outcome that best represents the initial interests. [15] In the arguments, *utility* refers to German national interests and an effort to find efficient solutions to concrete problems. [16] German policymakers seek to legitimise their policies by achieving an output that could be seen as an efficient solution to what they understand as given German interests.

The outcome-based approach to legitimisation can be distinguished from a logic of *appropriateness*. [17] The logic of appropriateness refers to rule-guided behaviour, which can be understood as a contextual rationality. Following the logic of appropriateness the rationality of an action is measured according to how well it fits the norm. It is a question of identity and of maintaining consistence between behaviour and a conception of self in a social role. [18] This can be understood as a legitimating through values, which is based on a value-oriented notion of rationality. In this way, human motivation is shaped by norms and values in a community, and these inform and drive human conduct. In the study of the German arguments, *Values* refer to what is important to Germans as a group or as a community, and their perception of themselves as a community. Arguments question what is appropriate given a particular group's conception of itself and what it represents.

The logic of *justification* is based on a communicative notion of rationality. This approach to legitimacy highlights one particular way of justification, which is based on the public employment of reason. [19] The actors must justify their actions with reasons in order to reach legitimate agreements. Rationality means the ability to adopt a reflective attitude, to redeem presuppositions of knowledge, to learn, to alter behaviour, and to change preferences when faced with better arguments. [20] Following a communicative notion of rationality, the reasons that justify an action might refer to consequences or to rules of appropriateness, but these are not necessarily perceived as legitimate. This approach to legitimating presented here is derived from the concept of the Habermas discourse, which is built on his theory of communicative act. [21] Habermas makes an explicit distinction between moral, ethical, and practical discourses. [22] These three kinds of discourses are complementary. [23] He emphasises that this is a way to make the discourse concept operational. [24] In each discourse, it is a matter of justifying choices among alternative available courses of action. [25] In small social settings, it may be possible to justify standpoints by referring to common identities or/and common notions of interests. But in larger social settings, one meets different types of interests and multiple cultural identities. This approach to legitimacy is particularly important in the justification of policies which have cross-cultural consequences, like the question of participation in international military operations. *Rights* presupposes mutual respect. It is a legal concept which is universal and does not refer to Germany as a nation-state. The argument refers to a set of principles that can be recognised as just by all parties, irrespective of their particular interests, or cultural

identity. [26]

Each argument can be seen as an ideal type that rarely occurs purely in real life. If the actions in the social world can almost always be seen as a combination of the three logics, then the question must be the extent to which one logic of action can account for observable practices and which logic dominates a given situation. [27] An empirical analysis like this will always find mixed forms of rationality, where the argument refers to utility, cultural values, and universal rights. But the analytical tools make it possible to distinguish between the main lines of the argument and to examine the logical structure and modes of social action and interaction on which each argument is based. [28] In this paper, I organise the types of argument and discuss which gives the best understanding of an empirical situation. An understanding of what kind of rationale the argument is based on can be a point of departure in interpreting the changes that have taken place during the 1990s in the German legitimisation of participation in international military operations. As mentioned above, I begin by demonstrating how the framework of this debate can explain why it was possible for Germany to change its foreign and defence policy. Changes in the arguments used in the debate lead to changes in the framework for what is seen as legitimate in Germany. I supplement the discourse analysis with a description of changes in the German defence structure.

I question whether German participation in international military operations is justified by reference to a logic of consequences, a logic of appropriateness, or a logic of moral justification. What kind of political argument, within the German public sphere, legitimises the use of military means? These international military operations do not accord with the traditional argument of the military existing to defend national territory, which is built on such absolute tenets as the inviolability of national territory, each for all and all for each, etc. The national consensus about defence of its territory is based on the concept of German national unity. Following this, defence and security policy questions are removed from the sphere of German public debate.

By contrast, the reasons given for employing the military in an international operation might differ in each particular situation. The question of German military involvement in such operations must be seen in relation to the broader changes in the international system, which challenges the privileged status of the state and the very basis upon which the security policy has been built. [29] Although the state still monopolises violence, the new, diffuse and changeable perception of threat challenges the traditional perception of security as a national interest policy. This understanding of security is based on such a 'threat perception' where the main task of government is to defend human rights, secure peace, and prevent the

possible escalation and spread of conflict and war. In the international system, there is a greater acceptance both of international military operations, thus breaking with the non-intervention principle, and of the new developments in international law especially with regard to human rights. [30] The use of the military in international operations is justified according to diffuse and changeable 'threat perceptions', which are understood differently among Germans. [31] There have been diverging opinions since the 1990s about German participation in international military operations. The questions, *if* military means are to be used, *at what* point should they be employed and *how* the operation should be carried out, have been debated in the political milieu and in the public sphere.

The German Debate

The German debate about the employment of military means outside NATO's territory may be divided in three phases. The first phase covers the period from German Reunification in 1990 until 1999. During this period, Germany was reluctant to participate in international military operations. The other phase ranges from the Kosovo operation in 1999 to the changes in the German defence structure in 2000–2001. This was the first time military forces took part in military operations outside German territory since the Second World War. As the third phase is current, I present this as an assumption: at this time, the Government has justified a foreign policy initiative by referring to a controversial perception of Germany's international role and presenting this as a new national self-understanding. [32] The controversial nature of this new role, and self-understanding, was apparent in the debate over German participation in Macedonia and in the military participation in the U.S. war in Afghanistan.

The First Phase: A New Foreign Policy Role

The Gulf War provoked debate about the German armed forces' participation in a foreign operation in January 1991, only three months after Reunification. The question of participation in international operations was central to laying the foundations for foreign and security policies in the newly reunified and sovereign Germany. It was also central in the debate about Germany's new role in European and world politics. The arguments followed a traditional pattern of left–right politics.

One position in the debate, which was dominated by the Social Democrats and the Greens, referred to the country's historical misdeeds and argued that Germany should continue West Germany's tradition of reluctance in foreign policy. Fundamental to this argument was that the past must not be forgotten, even though formal restrictions had been abolished and Germany had become a formal sovereign state. It was argued that Germany must be reserved in its policies for moral reasons: because of the legacy of National Socialism, the country has a special obligation to be a peaceful state. [33] The argument revolves around a

general resistance to the idea of Germany using any military force at all as well as a clear moral judgement about German history: because the country committed such serious crimes it must always be restricted.

The argument refers to specific German historical experiences and the country's resulting perception of itself. This argument was also based on a principle of pacifism, which was not exclusive to Germany. However, Germany was seen as especially obliged to act according to the universal pacifistic ideal. The argument influenced German self-understanding and, as a more general principle of pacifism, won broad support in Germany.

The Christian Democrats dominated the opposing position in the debate. They argued for German participation in both peacekeeping and the more offensive peacemaking operations. They argued that Germany should change its military policy in a way that it would correspond to the country's new size. Moreover, they claimed that Western Germany's tradition of reluctance in foreign policy, especially with regard to use of the military, was not consistent with the new international strength of a reunified Germany. This line of argument, they feared, could lead to Germany's abdication of responsibility for European security to other states. [\[34\]](#) Instead, Germany must use power, they maintained, and if necessary send its armed forces into military operations, organised by international institutions of which it is a member.

The Christian Democrats based their argument on an understanding of Germany as being a large, central state in Europe which is obliged to ensure European security. In that respect, this national self-perception is based on a combination of a value-based and interest-based rationalities. It was not possible to establish a consensus either about this kind of self-perception or about the argument for national interests inside the country. Although these interests were generally defined as taking co-responsibility in the larger European and Trans-Atlantic community, one cannot overlook the fact that any discussion about German national interests or related themes was taboo at beginning of the 1990s. [\[35\]](#)

Two positions in the debate referred to different kinds of self-perception. While the first position was based on a moral assessment of the collective historical legacy, the 'we-feeling' in the second was based on a perception of size and strength and its attendant responsibility for European security. In the first position, the 'we-feeling' was combined with a universal norm of pacifism and, in the second position, the self-perception was combined with a national interests' approach to politics.

Some aspects of the differences in the debate's two positions can also be seen in the constitutional debate, in which two paragraphs of the Constitution contradicted each other.

One was the relatively restrictive paragraph 87a, which stipulates that German armed forces can only be used for purposes explicitly defined by the Constitution. That is, for self-defence. By contrast, the more openly formulated paragraph 24 gives Germany the option of joining a collective security system.

According to a decision made by the Constitutional Court in July 1994, paragraph 87a had to yield to paragraph 24. [\[36\]](#) The Court argued that Germany could participate in military operations within the framework of a collective security system; for instance, as a member of NATO, W.E.U., or the U.N. By this decision, the Court chose to support an active German integration into common international structures rather than a passive reluctance to participate in international politics. The argument for a German commitment to pacifism and neutrality did not seem to be compelling enough for the Court. It also ruled that every time the armed forces were used support from the majority in the German Parliament was required. [\[37\]](#) With this ruling an important precedent was set in that political discussion was required before any military operation was permitted. The Constitutional Court decision helped to calm the debate.

It would appear the arguments used in the debate correspond to the concrete actions undertaken by the German central government. Already, before the Constitutional Court's decision, the framework for the Defence Department expanded the *Bundeswehr's* tasks to include crisis-management. [\[38\]](#) The Gulf War was the last operation with explicit German non-participation. The other operations in which Germany took part during the 1990s were Cambodia, Somalia, Bosnia, and Kosovo. The U.N. operation in Cambodia represented the first time a German troop contingent participated since WWII. This consisted of a field hospital. Participation in Somalia, in air control of the Adriatic, and in the inspection of the no-fly zone over Bosnia were all approved by the Court after the operations had been carried out and the decision made by the Court. [\[39\]](#) The German contribution to the U.N. peacekeeping operation in Bosnia IFOR, and later SFOR, consisted of providing specific peacekeeping forces. Because these kinds of operations did not require the use of the military in an ongoing military conflict, but rather the use of forces to provide stability after a peace agreement was signed, they were easier to justify to the German public.

The Second Phase: German Participation in the Kosovo Operation

The Kosovo operation represents the first time German armed forces took an active role in a peacemaking operation since the Second World War. The operation not only saw war return to European territory, but it also was the first war in Europe not legally sanctioned by institutions of international law. Kosovo was different from the previous international operation in Bosnia, as well as the U.S.-lead police operation in Iraq, because these were

authorised by the U.N.

The central argument used to defend German participation in NATO's Kosovo operation was based on a need to protect human rights and a moral responsibility to prevent ethnic cleansing. However, this argument does not concur with that of a special German identity. The same argument was used by NATO itself and by the other NATO member states. The defence of German national interests as part of the country's integration into international institutions was an aspect of the Kosovo debate, but it was seen as self-evident and less explicitly expressed than in earlier debates.

The argument to protect human rights in Kosovo won broad support, both among German politicians and in the opinion polls. Protests against this operation, therefore, were weaker than in earlier military operations. As suggested above, there are several explanations for this change in public opinion and in the policy of participation in international military operations. Some explanations may include changes in government, generation, and Germany's international position. These explanations, however, all overlook the fundamental change in the type of operation and the shift in the debate that justified military activities outside Germany.

These explanations also overlook the fact that the normative justification for participation was given a new conceptual framework. I would stress that the structure of the German debate, and the arguments used in the debate, can explain how Germany changed its foreign and defence policy. The moral argument about responsibility for human rights made many of the earlier political arguments less compelling. This was evident on the first day of NATO's bombing on 24 March 1999. The German Parliament had no intention of changing its planned agenda to discuss the bombing. The leader of the PDS party in Parliament raised the issue. He argued that for the first time since the Second World War, Germany was taking part in military operations. Although Parliament supported the action, he argued for a new parliamentary debate. Those politicians who responded, merely discussed the matter and then rejected the challenge by claiming these were unique circumstances. [\[40\]](#) They referred to the human rights' argument. The PDS party's argument belonged to yesterday's debate. It failed to win support. [\[41\]](#)

The debate on the Kosovo operation was not a conflict between power and interest on one side, and pacifism and morality on the other. It was not a debate about a new German identity after Reunification, which earlier debates had been. The discussion about the Kosovo operation was not simply about German participation. It was a more fundamental debate. It took the form of a collision between the two basic principles of international relations: it was about a set of norms that arise from the principle of popular sovereignty, on

the one hand, and of human rights, on the other. The first norm refers to state autonomy and the principle of non-intervention, and is based on the right of a nation to self-determination. The second refers to individual human rights and does not respect borders and collective groups if human rights are violated within a collective. [\[42\]](#)

Kosovo demonstrates that there has been a change in the development of international law. The argument about human rights is no longer simply a moral issue. These rights have been legally codified and increasingly have been integrated into international law and the constitutions of modern states. [\[43\]](#) Habermas has argued even further by suggesting that, through the Kosovo operation, international law gave birth to the concept of 'world citizen'. [\[44\]](#) His argument anticipated a global order of law which was implied in the existing corpus of international law. [\[45\]](#)

Habermas has claimed the German Foreign Minister and the Defence Minister exaggerated the human rights' argument to some degree because, without this agenda, they feared the Kosovo operation could be reduced to an ordinary, or even dirty, war. [\[46\]](#) This reasoning can be taken further. An ordinary war would be based on an argument that refers to interests and utility. The human rights' argument, however, could rise above traditional international interest-based politics. Those who argue that the operation was undertaken to secure and expand NATO's sphere of influence in the Balkans would be correct. The Kosovo operation can be understood as seeking to achieve two goals: the preservation of human rights and the extension of strategic policies in the Balkans, as the U.S. Secretary of State suggested when she discussed the operation. [\[47\]](#) By contrast, the German Foreign Minister and the Defence Minister did not use any other than the human rights' argument.

The reorganisation of the German defence structure was initiated in May 1999. It was directly related to popular approval for and acceptance of Germany's successful active participation in Kosovo. The arguments supporting participation have provided a new framework for interpreting the range of legitimate activities for the German armed forces. The new *raison d'être* of *Bundeswehr* is based on two different concepts of security: the traditional defence of territory and participation in international operations. Much effort was made to ensure this would be acceptable to the German public.

Restructuring of the defence structure began in June 2000. [\[48\]](#) This was based on investigations by and documentation from the military as well as on a report by a commission comprised of representatives from different German political and cultural élites. [\[49\]](#) The Commission's arguments were crucial in convincing politicians and the public about the need to restructure the defence structure. It suggested that the *Bundeswehr* required a fundamental restructuring and should be better prepared for crisis management. Although these tasks were seen as possible for the future, the main goal of the *Bundeswehr* was still to be the defence of German territory and its allies in NATO. [\[50\]](#)

After Kosovo – A Third Phase?

How can we understand Germany's justification for military participation in Macedonia and its support of the U.S. war in Afghanistan in light of the framework established during the Kosovo operation? To what extent has the debate altered views on what is legitimate for the German military? In which ways can we understand this as a new phase? I assume that a distinction can be made between, before, and after the events of 11 September 2001, but that the major changes occurred when Germany participated in the Kosovo operation.

There was no consensus about German participation in international military operations after Kosovo. NATO's operation in Macedonia in August 2001 was not interpreted as defence of human rights. The question of sending military forces to Macedonia provoked an energetic debate in Germany. To a certain extent, the main lines of the argument followed those found in the debate before the Kosovo operation, which sought to define German foreign and security policy. Those who argued against participation wanted Germany to remain a reluctant power, while those who argued in favour of it saw the country as an important European power. Certain new elements emerged in the debate about Macedonia, however, that had not been apparent in the debate before the Kosovo operation. All the political parties, except the PDS who argued against German participation, were divided on the question. [51] This was especially obvious for the Social Democrats and the Green Party, who lead the Government. The Christian Democrats' support for German participation was dependent on certain requirements: they would support German participation if *Bundeswehr* received more financial resources. This cannot be interpreted as a change in position, but rather as a strengthening of their old position with reference to a combination of interests and values.

The Christian Democrats also introduced a new argument into the debate. Central members of the political party supported a change to the decision made by the Constitutional Court in 1994. They wanted to withdraw the necessary majority in the Parliament that predicated the use of military means outside Germany. They argued that any possible reservation by Parliament would diminish Germany's ability to act. Instead, such a decision should be made by the executive, and not the legislative, institution. With this argument, the Christian Democrats wanted to withdraw the institutional arrangement which regulates this process and, therefore, makes the decision more democratic. The other position in the debate was sceptical of this suggestion. They referred to a German understanding of Germany history as being the principal reason for having this institutional arrangement. [52]

The fact that the main lines in these arguments follow the same ones used in the debate

before the Kosovo operation shows that the discussion about German participation in international military operations has not been resolved. Indeed, the debate about Macedonia reveals how divided German self-perception remains. It may be claimed that the community is not ready yet for this kind of political role. Although the majority in Parliament supported participation, the Government was not supported by its own political parties, thus relying on the parliamentary opposition. [53]

Chancellor Schröder argued in his speech in Parliament on 11 October 2001 that the terrorist attacks in New York City have altered Germany's perception of itself as expressed in matters of foreign policy. The Chancellor sees Germany's new perception of itself as a result of its international position after the Cold War. The argument claims that Reunification and the granting of formal sovereignty gave the country a new responsibility for stability and peace in the world. He argued that ten years ago everyone expected Germany would only participate in military operations by securing infrastructure and providing financial support. This has changed. After 11 September, according to Schröder, Germany is obliged to participate with military means in order to secure stability in the world. [54] With this, Schröder used the same kind of argument as that used by the conservative political party before the Kosovo operation. He referred to Germany's perception of itself as a large European state, which cannot hand over the responsibility for security and stability in the world to other states. But there is no broad agreement about it in Germany. When Schröder introduced the concept of a new German self-perception, he drew a parallel between the Kosovo operation and today's situation without seeing the differences in the nature of the operations and kinds of arguments used to justify German participation.

One wonders if German participation in Kosovo, and the shift in framework for justifying this, made it possible for Schröder to alter the nature of the arguments. With the Kosovo operation, the first step was taken and led to a change in foreign policy. It also led to fundamental changes in the German military structure and in the understanding of the role of *Bundeswehr*. The Chancellor emphasised that the main changes in foreign policy were not only a result of the terrorist attacks. He justified the changes by referring to changes over the last three years since Kosovo. [55] With this, he overlooked the fact that the legitimisation of the Kosovo operation was not about a changing German international role, but it was about the defence of human rights.

The situation was not as simple as the Chancellor argued. German self-perception in relation to the use of military means outside Germany territory is still a contested issue. Opinion polls showed about 50% of those questioned believe German support of the U.S. war should not imply military involvement. [56] The U.S. war in Afghanistan is not

understood in terms of defending human rights. It is interpreted as *Bündnisfall*, following article 5 in the NATO treaty. [57] As such, this does not necessarily imply the use of military means, which, in any event, requires a majority decision in Parliament. [58]

For the Government, the answer seemed clear: Germany would give military support to the U.S. It was thus crucial to justify this decision to the German public, while gaining the necessary majority in Parliament. Since German military support of the U.S. war in Afghanistan was defined as a 'war situation', the question was not open to free debate. The information meetings, held by the Chancellor and Government, provide evidence of a curtailing of open discussion, as they were closed to members of the PDS who would not give their support. When voting was required in Parliament, however, the PDS was invited to these information meetings. [59]

On November 7, the Government made a proposal to support to the U.S. war in Afghanistan with the armed forces. [60] This proposal was presented to Parliament on November 13. Three days later, on November 16, the majority in Parliament decided to support the proposal, [61] even though the CDU, FDP, PDS, and four members of the Green Party voted against it. The Christian Democrats and the Liberal Party did not vote against the use of military means but, rather, against the question of confidence which the Chancellor had joined to the proposal. He had demanded a vote of confidence because central parts of the Social Democratic and the Green factions in Parliament opposed military action. The Chancellor needed support from the government coalition in Parliament. With such an important German foreign policy decision, he could not rely on support from the opposition.

During the nine days between the proposal being made in Government and the decision made by Parliament, there were many debates in Germany. There were contradictory arguments in the debate and, to a certain extent, they followed the same patterns seen before the Kosovo debate. The central issues were stability, self-defence, and fidelity to the alliance. But since political pressure was stronger this time than in the earlier debates, the argument was firmly linked to a question of German national interests. The Chancellor has tried to persuade his detractors in the Social Democratic and in the Green Party. Since terrorism threatens the whole world, he has referred to *Bündnisfall*, as contained in article 5 of the NATO treaty, which implies responsibility. [62]

The thread which links the Kosovo operation, the military presence in Macedonia, and the support for the U.S. war in Afghanistan is a policy of close partnership with the U.S. Following this, the changes in German policy can be understood as a desire to follow national interests. It can also be interpreted as a wish to be a faithful partner in the alliance. Nevertheless, it is still debated whether Germany's role in the alliance and as a close partner with the U.S. should necessarily lead to military involvement outside Germany's and NATO's territory. When the Chancellor emphasised the new German self-perception as

underlining foreign policy, he tried to define the situation and overcome contradictory views in Germany.

Conclusion

The changes in the German foreign policy on participation in international military operations can be divided in three phases. The first phase covered the period from the German Reunification in 1990 until 1999. The second phase covered the Kosovo operation in 1999 and the changes in the German defence structure in 2000–2001. The third phase started with the German participation in Macedonia and the introduction of a new German foreign policy presented by the German government.

One can find different logics of rationality in the three phases. One can also find different combinations of the logics. In the first phase, the issue of Germany's self-perception as a reunified country was central to the argument. The two main positions in the debate referred to German identity, but they emphasised different sides of that identity. While one self-perception was combined with an argument for a universal norm of pacifism, the other kind was combined with an argument that referred to German interests and the responsibilities to which these gave rise.

The Kosovo operation changed the main lines in the discussion. The next phase was not a conflict between different views on German identity, interests or pacifism, as in earlier debates. It was a conflict between two normative principles: human rights and popular sovereignty. The German justification for participation in the Kosovo operation was based on the human rights' argument. This justification made the arguments used earlier about the problem of military activities on foreign soil less relevant. The argument about German self-perception was negligible, while the issue of utility was fundamental even though it was not central to the debate.

Because of a qualitative shift in the arguments and in the debate, it would be simplistic to describe the change in public opinion and in the policy of participation in international military operations as the result of change in government and/or change in generation and/or change in the reunified Germany's international position. Although those factors might help to explain changes in opinion, they overlook the fact that the normative justification for participation has given a new framework for understanding. The moral argument about responsibility for human rights made many of the arguments that referred to values and interests less relevant. This made a qualitative shift in the character of the debate.

When Chancellor Schröder introduced the ideas of Germany's new self-perception and heightened foreign policy obligations after 11 September 2001, he attempted to find the

seeds of change in the earlier Kosovo debate. His references to Germany's perception of itself as an important European power since Reunification combined with national interest concerns were similar to those made by the Christian Democratic party before the Kosovo operation. However, by suggesting that Germany has evolved gradually to become increasingly prepared to use military means outside its own territory, Schröder overlooked a crucial argument in that earlier debate: the defence of human rights. Failing to identify the human rights' issue as the fundamental reason for the changes made to German international and military policies after Kosovo in 1999 would not be so problematic were it not for the fact that the Chancellor has thrown additional variables into the equation: notions of an evolving German self-perception and the protection of national interests. This combination of arguments may well be volatile.

Notes

[1] On 4 October 2001, NATO's council decided to support the U.S. according to article 5 in the NATO treaty.

[2] Berlin, Deutscher Bundestag 11.10.2001. Regierungserklärung von Bundeskanzler Schröder zur aktuellen Lage nach Beginn der Operation gegen den internationalen Terrorismus in Afghanistan.

[3] One cannot overlook the fact that Germany, during the Gulf war in 1991, was not yet a formal sovereign state. Although the 2+4 agreement on German unification was signed, it was not ratified by the Soviet Union until 15 March 1991. The large Soviet presence in Germany also influenced foreign policy right up until the last Russian soldier left Germany on 31 August 1994.

[4] Several opinion polls document different views between the generations on German participation in international military operations. See for example German attitudes towards NATO's operation in Kosovo. Forschungsgruppe Wahlen, February 1999, Survey – West and East, questions provided by Dieter Roth.

[5] Schwarz, Hans-Peter, *Die Zentralmacht Europas. Deutschlands Rückkehr auf die Weltbühne* (Berlin: Siedler Verlag, 1994).

[6] Hansen, Annika, S., 1999. »That Great Power Thing - Germany Comes of Age in Peace Support Operations« *FFI Rapport - 99/02321* Oslo: Forsvarets Forskningsinstitutt, 1999.

[7] Berlin, Deutscher Bundestag 11.10.2001. Regierungserklärung von Bundeskanzler Schröder. *Op.Cit.*

[8] This was confirmed by the Strategic Concept from April 1999 and by the Kosovo-operation that same Spring. The Alliance's Strategic Concept was approved by the heads of state and government participating in the meeting of the North Atlantic Council in Washington DC, 23 and 24 April 1999. The changes can also be seen in NATO's investments, exercises and official declarations during the 1990s. Yost, David, S., 1998. *NATO Transformed: The Alliance's New Roles in International Security*. Washington, DC: United States Institute of Peace Press.

[9] Helsinki European Council, Presidency Conclusions, II. Common European Policy on Security and Defence. December 10-11, 1999.

[10] The most important sections of the speech are presented on the Government's web side under the heading «Neues Selbstverständnis Deutscher Außenpolitik»
<http://www.bundesregierung.de/frameset/index.jsp>

[11] The study is also based on interviews conducted with researchers by Stiftung Wissenschaft und Politik in Ebenhausen, Deutsche Gesellschaft für Auswärtige Politik in Berlin, Konrad Adenauer Stiftung in Berlin and Friedrich Ebert Stiftung in Berlin.

[12] A logic of consequences and a logic of appropriateness, see March, J.G. & J.P.Olsen, 1989. *Rediscovering Institutions*. New York: Free Press. Eriksen, Erik Oddvar, «Towards a Logic of Justification,» in Morten Egeberg & Per Lægveid eds. *Organizing Political Institutions. Essays for Johan P. Olsen* (Oslo: Universitetsforlaget, 1999) pp. 215-244. Eriksen, Erik Oddvar & Jarle Weigård, *Kommunikativ handling og deliberativt demokrati* (Bergen: Fagbokforlaget, 1999).

[13] Fossum, 2000. *Op.Cit.*

[14] Risse, Thomas, 2000. «Let's Argue!: Communicative Action on World Politics,» *International Organization*, Vol. 54, No. 1, pp. 1-39.

[15] Fossum, John Erik, «Constitution-making in the European Union,» pp. 111-141 in Eriksen, Erik Oddvar & John Erik Fossum, eds. *Democracy in the European Union. Integration through Deliberation?* London: Routledge, 2000.

[16] Sjørusen, Helene & Karen E. Smith, 2001. «Justifying EU Foreign Policy: The Logics Underpinning EU Enlargement.» *ARENA Working Paper* No 1.

[17] March & Olsen, 1989. *Op.Cit.*

[18] March & Olsen, 1989. *Op.Cit.*

[19] Eriksen, 1999. *Op.Cit.*

[20] Eriksen, 1999. *Op.Cit.*

[21] The central issue in this analysis is, as Habermas emphasises, the need to go beyond the sterile dichotomy between abstract universalism and a self-contradictory relativism. Habermas, Jürgen, 1995 (1991). *Justification and Application. Remarks on Discourse Ethics* Oxford: Polity Press.

[22] His discourse analysis is based on a dichotomy, also used by Kant, between discourse and intuition. Kress, Angelika, 2000. «Repräsentation – Partizipation – Diskurs. Zur demokratietheoretischen Begründung verfahrensgesteuerter Diskurse, » pp. 97-237 in Nennen, Hein-Ulrich, ed., 2000. *Diskurs – Begriff und Realisierung*. Würzburg: Königshausen & Neumann. This can be understood as being contrary to Foucault's discourse concept Foucault, Michel, 1999 (1971). *Diskursens orden*. Oslo: Spartacus

[23] Alexy emphasises that between these three kinds of practical discourses there exists a relation of supplementation and of permeation. Alexy, Robert, 1993. «Legal Argumentation as Rational Discourse,» in *Revista Internazionale di Filosofia del Diritto* No. 79 /165-178). But as Habermas argues this is not a kind of meta-discourse on which we could fall back to justify the choice between the different forms of argumentation. Habermas, 1995 (1991). *op.cit.*

[24] Habermas, Jürgen, 1997 (1992). *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt am Main: Suhrkamp.

[25] Habermas, 1995 (1991). *Op. Cit.*

[26] For the application of these discourses see Sjursen & Smith, 2001. *Op.Cit.*

[27] Risse, 2000. *Op.Cit.*

[28] Fossum, 2000. *Op.Cit.* Sjursen & Smith, 2001. *Op.Cit.*

[29] Sjursen, Helene, 2001. «New Forms of Security Policy in Europe.» *ARENA Working Paper No. 4*.

[30] Habermas, Jürgen, 1999. «Bestialität und Humanität. Ein Krieg an der Grenze zwischen Recht und Moral,» *Die Zeit*, Nr. 18, April 29. Apel, Karl-Otto, 2000. *On the Relationship between Ethics, International Law and Politico-Military Strategy in Our Time: A Philosophical Retrospective on the Kosovo Conflict*. Manuscript of a speech held at the European University Institute, Florence, 2000.

[31] Beck, Ulrich, 1992. «Der Feindlose Staat. Militär und Demokratie nach dem Kalten Krieg,» *Die Zeit* No 44, October 23.

[32] Berlin, Deutscher Bundestag 11.10.2001. Regierungserklärung von Bundeskanzler Schröder *Op. Cit.* See the Government's web site under the heading «Neues Selbstverständnis Deutscher Außenpolitik» <http://www.bundesregierung.de/frameset/index.jsp>.

[33] «Aussen-, Friedens- und Sicherheitspolitik,» Beschlüsse des SPD-Parteitagess Mai 28-31, 1991. «Perspektiven einer neuen Aussen- und sicherheitspolitik,» Beschlüsse des SPD Parteitagess i Wiesbaden November 16-19, 1993. «Reformen für Deutschland,» Das Parteiprogramm der SPD. SPD Parteivorstand. Not dated, but published before the election on 16 October 1994.

[34] CDU documentation no. 17 from 15 May 1991. «Freiheit in Verantwortung. Grundsatzprogramm der Christlich Demokratischen Union Deutschlands,» Beschluss des CDU Parteitagess. Hamburg 20-23 February 1994. 'Aussenpolitik' CDU document, not dated.

[35] Ash, Timothy Garton, 1993. *In Europe's Name. Germany and the Divided Continent* London: Vintage.

[36] Urteil des Bundesverfassungsgericht zum Einsatz der Bundeswehr im Rahmen von Systemen kollektiver Sicherheit vom 12. Juli 1994.

[37] Urteil des Bundesverfassungsgericht vom 12. Juli 1994. *Op.Cit.*

[38] The framework for this change was laid in the Defence Department document: 'Weissbuch zur Sicherheit der Bundesrepublik Deutschland und zur Lage und Zukunft der Bundeswehr.' Bundesministerium der Verteidigung 5 April 1994. See also Bredow, Wilfried von, 1995. *Die Zukunft der Bundeswehr. Gesellschaft und Streitkräfte im Wandel* Opladen: Leske + Budrich.

[39] On an extraordinary meeting in the German Parliament on 22 July 1994, 424 of the 488 representatives voted for the actions after they were carried out. *Europa-Archiv*, Folge 15/1994 D 427.

[40] The debate was shown in German television ARD. 24 March 1999.

[41] See also PDS, «Beschlüsse, Dokumente, Debatten-Berichte, Reden, Wahlergebnisse». Münsteraner Parteitag vom 7. bis 9. April 2000.

[42] Eriksen, Erik Oddvar, *Post-National Democracy*. Manuscript. Arena, University of Oslo, 2000.

[43] Eriksen, Erik Oddvar, 1999. *Aftenposten*, September 14.

[44] Habermas, 1999. *Op.Cit.*

[45] Apel, 2000. *Op.Cit.*

[46] Habermas, 1999. *Op.Cit.*

[47] An interview with the U.S. Secretary of State Madeleine Albright in *Der Spiegel*, No. 30/1999,

[48] «Die Bundeswehr Sicherheit ins 21. Jahrhundert. Eckpfeiler für eine Erneuerung von Grund auf.» Bundesministerium der Verteidigung, 2000.

[49] «Die Bundeswehr Sicherheit ins 21. Jahrhundert. Eckpfeiler für eine Erneuerung von Grund auf.» Bundesministerium der Verteidigung, 2000. Kommission «Gemeinsame Sicherheit und Zukunft der Bundeswehr,» Bundesministerium für Verteidigung, 23 Mai 2000.

[50] Kommission «Gemeinsame Sicherheit und Zukunft der Bundeswehr,» Bundesministerium für Verteidigung, 23 Mai 2000.

[51] For the split in the political parties see *Frankfurter Allgemeine Zeitung* 30. August 2001.

[52] *Der Spiegel* 34/2000 pp. 22-24

[53] The decision was made on 29 August 2001.

[54] Berlin, Deutscher Bundestag 11.10.2001. Regierungserklärung von Bundeskanzler Schröder. *Op.Cit.*

[55] Interview in *Die Zeit* 43/2001 «Eine neue Form der Selbstverteidigung.»

[56] *Der Spiegel* 43/2001

[57] The German Parliament made a decision on article 5 in the NATO treaty on 19 September 2001.

[58] This was decided by the Constitutional Court: Urteil des Bundesverfassungsgericht vom 12. Juli 1994. *Op.Cit.* See also on the website of the German ministry of foreign affairs: <http://www.bundesregierung.de/frameset/index.jsp>.

[59] The PDS was invited to the meeting 6 November 2001 because of the vote in Parliament the following week.

[60] Antrag der Bundesregierung auf Einsatz bewaffneter deutscher Streitkräfte vom 7. November 2001. Einsatz bewaffneter deutscher Streitkräfte bei der Unterstützung der gemeinsamen Reaktion auf terroristische Angriffe gegen die USA auf Grundlage des Art. 51 der Satzung der Vereinten Nationen und des Art. 5 des Nordatlantikvertrags sowie der Resolutionen 1368 (2001) und 1373 (2001) des Sicherheitsrats der Vereinten Nationen. Systems gegenseitiger kollektiver Sicherheit im Sinne des Art. 24 Abs. 2 Grundgesetz.

[\[61\]](#) Parliament decided with 336 out of the 662 votes (of 666 parliamentarians). 326 parliamentarians voted against.

[\[62\]](#) Der Spiegel 46/2001. Statement von Bundeskanzler Schröder zur Bereitstellung militärischer Kräfte am 6. November 2001.