



THE UNIQUE NATURE OF MILITARY SERVICE

In recent years there has been a shift in assumptions and attitudes underpinning the way military service is viewed. Those in government who shape policy are increasingly attracted to the idea that the soldier (sailor or airman) is adequately provided for by salary and allowances that compensate for his service both while it is being given and after it has ceased. Military service can be mistakenly seen as comparable to other forms of service that involve risk and danger, and therefore no longer viewed as unique.

The unique nature of military service is rooted in the nature of society itself. Most democratic societies recognize the central place of the individual as the primary unit of sovereignty. Sovereign individuals are vested with inalienable human rights, recognized in the Universal Declaration of Human Rights as, among others, life, liberty and the security of the person (Article 3). Australia is a signatory of the Declaration, adopted by the General Assembly of the UN in 1948

Implicit in Article 3, there is also a right to defence of self and of others from attack, and this right inevitably gives rise to an obligation to do so if it is the State which is under threat or attack.

The inter-relationship of rights and responsibilities borne both by the State and the individual, is complex, and based on the principle of the social contract. The State may not alienate the rights of the individual without his assent. The individual, while preserving the integrity of his or her rights, may assent to the State's demand for surrender of some of them for the common good, but in all circumstances save one, the State is obliged to uphold and defend the individual's rights.

In volunteering for military service, the individual accepts the surrender of his basic rights under Article 3 and places his life, liberty and security of person in the hands of the State. This surrender is not unconditional, though *in extremis*, it is absolute. The State, for its part, accepts the obligation to preserve, as far as is consistent with the achievement of the military mission, the physical and spiritual wellbeing of such individuals who place themselves at its disposal. This obligation extends beyond the period of service itself, to the physical and psychological consequences of that service.

Even when the State demands surrender of these rights by imposing a compulsion for service, the terms of the social contract imply that such compulsion is done only within the democratic framework and is therefore with the assent of the individual, who at all times is party to it.

In no other calling, occupation or profession has the State the power to accept or demand the surrender of these rights. Military service in this fundamental respect is unique, and the obligation this places on the State is inescapable, as it is enduring.

A service person's calling is unique.