



Understanding Canadian Civil-Military Relations: Two Essential Authors

by Peter Kasurak

Philippe Lagassé, *Accountability for National Defence: Ministerial Responsibility, Military Command and Parliamentary Oversight, IRPP Study No. 4* (Montreal: Institute for Research on Public Policy, 2010).

Christopher Ankersen, *The Politics of Civil-Military Cooperation: Canada in Bosnia, Kosovo and Afghanistan* (London: Palgrave Macmillan, 2014).

Canada's civil-military relations revolve around two main questions: what are the Canadian Armed Forces *for*, and how should they be governed? The first question – the essential purpose of the CAF – has been contested since the withdrawal of British Imperial forces in 1872. During the twentieth century, the issue again came to the fore early in the government of Pierre Trudeau through his 1969 Defence Policy Statement, which attempted to define a domestic role for the armed forces and de-emphasized NATO. Military recalcitrance in implementing the government's policy resulted in the infamous Management Review Group, which merged Canadian Forces Headquarters with the Department of National Defence and led to two decades of distemper. The CAF has also been perpetually dissatisfied with the general public's view that the primary job of the Canadian military is peacekeeping. No little amount of ink has been spilt and testimony given to underline the idea that the job of the military should be war.

The second question – governance – has been marked by attempts to assert that Parliament is (or should be) in charge of the CAF, that the chief of the defence staff has a constitutional

status equal, or near-equal, to that of the minister, that the military has “rightful authority” for doctrine and personnel policy derived from custom and tradition rather than law, and that the chief of the defence staff has at least some powers independent of ministers. Much of the debate around governance has centred on the allegation that the CAF has been subject to illegitimate “rule by the civil service.” General Rick Hillier famously complained about civilian “field marshal wannabes” during his tenure as CDS.

The link between the two questions is obvious: if the military and civil society disagree on its role and character, then the government, as principal, will use stricter means of enforcing its agent to do its will. This includes creating offsetting power centres in the bureaucracy and policing by the civil service.

Two very different works are key to understanding this problem. The first, by Christopher Ankersen, lays out a new set of principles and a rationale for the CAF that could end the warriors vs. peacekeepers impasse. The second, by Philippe Lagassé, provides a comprehensive and definitive outline of the constitutional and legal authorities that form the governance structure of the CAF. Taken together, they could move the discussion of civil-military relations to a more useful level.

Christopher Ankersen's *The Politics of Civil-Military Cooperation: Canada in Bosnia, Kosovo and Afghanistan* is one of the most important books on Canadian civil-military relations published in the last decade. However, its UK publication, its forbidding purchase price of \$109, and its presence in only eight libraries in Canada has meant that it has gained little or no attention on this side of the Atlantic.

Ankersen focuses on “civil-military cooperation,” or the relationship between military forces, national governments and civil populations in areas where military forces are deployed,

supported or employed. Its scope would therefore appear to be limited to peacekeeping, peace support, stabilization operations and “small wars.” In fact, the scope of the book extends far beyond operations and centres on the core elements of civil-military relations: the armed forces, the population and the state.

The author explains that he selected Canada as a case study, not only because of personal familiarity (he was an infantry officer for 12 years in the Canadian Army), but also because of Canada’s extensive involvement in international security operations, and because Canada is representative of middle and small powers. His ideas regarding the state and evolution of civil-military relations should therefore be considered relevant to other smaller liberal democratic states.

Ankersen sets out his analysis in the framework of the Clausewitzian trinity of the people, the commander and the army, and the government. The people engage war through their passion, the military employs its professional skills, creativity and talent to manage war risks, and the government selects the aim. These three forces are in balance and in dynamic adjustment and therefore require constant attention. In the case of the armed forces, it is essential that they maintain their legitimacy in the eyes of both the people and the government. This is especially so as the military is increasingly non-representative of the population at large, while it consumes a considerable proportion of state resources. Ankersen comments that “without political legitimacy, the armed forces within a democratic system would be fish without water, unable to concentrate on their assigned tasks.”

In the case of Canada, legitimacy of the armed forces centres on the “myth” of peacekeeping. Ankersen demonstrates how deeply held the image of the Canadian soldier as a peacekeeper is by the population at large and by political elites. He rejects the efforts of Douglas Bland, Sean Maloney, Jack Granatstein and other military historians who have attempted to re-educate the Canadian public that Canada is actually a warlike nation that requires a combat capable military. He finds this to be “neither sensible nor helpful.”

The military, in opposition to civil society, has gravitated toward the model of soldier as “warrior.” This then creates an obstacle to efforts to maintain legitimacy. Analyzing major Canadian Army doctrinal documents following the 1997 Somalia Inquiry, Ankersen shows how the Army first tried to reconnect to the public’s values, but began to retreat after the Kosovo mission established a larger place for warfighting. The Afghanistan mission resulted in the Army abandoning values-based goals and arguing for legitimacy exclusively on the basis of warfighting capability.

The government, meanwhile, is caught between the other poles of the trinity: the military and the public. Members of the government elite, such as Lloyd Axworthy, the minister of Foreign Affairs from 1996 to 2000, put human security at the centre of Canadian foreign policy, but there were few resources available to back up policy. Moreover, there were obvious disconnects between operations, such as the 1999 bombing campaign in Serbia and the stated concerns of government policy. The later Harper government

was caught on the other side of the policy divide when Chief of the Defence Staff Rick Hillier speechified about how “our job is to kill people” and that Canada’s job was to “take out” “detestable murderers and scumbags.” Prime Minister Stephen Harper piled on in a speech of his own where he condemned those who would “cut and run” from Afghanistan. Public opinion retribution was swift, and the government returned to messaging more consistent with the peacekeeping myth. Ankersen finds the Canadian government condemned to “delicious ambiguity.”

Ankersen’s solution is a realignment of what Huntington called the functional and social imperatives of the military: that is, bring the qualities of the military necessary to provide security and those required to maintain social and political legitimacy into consistency with each other. As he puts it, “if the function of the military is defined by the government and society in such a way as to demand that humanitarian or peacekeeping tasks are performed, we can begin to see a merging of the imperatives.” He believes this is possible because the warrior ethos of the Canadian Armed Forces “has eroded enough through years of neglect and lack of practice, to be ripe for redefinition.” Ankersen suggests that if the highest calling of the CAF is “duty with honour” as stated in the title of the capstone profession of arms manual, honour can only be bestowed if soldiers act to

reflect the values and beliefs of fellow Canadians. Canadians expect their military to go beyond discipline and martial competence to embrace such qualities as compassion and humanitarianism. Canadian heroism is sacrifice for the sake of these values. The move towards concordance of values would provide a new basis for a Canadian military ethos.

The *Politics of Civil-Military Cooperation* is about far more than the management of low intensity operations. It is a fresh analysis of Canadian civil-military relations overall, and offers a path to improve how the government, society, and the armed forces work together.

Philippe Lagassé’s *Accountability for National Defence* is better known, and has become the go-to resource on defence governance for scholars, but it deserves a wider audience, especially among practitioners. Lagassé puts National Defence squarely within the context of Canada as a constitutional monarchy with a Westminster system of government, and goes on to describe how each component – politicians, the military, the departmental public service, and the wider federal government, including central agencies – functions.

Critical to understanding who is responsible for what is that defence is the prerogative of the Crown. Lagassé explains that the 1867 drafters of the *Constitution Act* continued the British practice of leaving the Crown’s prerogative powers of war and peace and the disposition of military forces intact. The Command-in-Chief of military forces was vested in the Queen. What is important to recognize is that, within the Westminster system of government, the convention of ministerial responsibility vests the Crown’s powers in the defence minister, who is “individually responsible and accountable for the state of the armed forces and Canada’s

“if the function of the military is defined by the government and society in such a way as to demand that humanitarian or peacekeeping tasks are performed, we can begin to see a merging of the imperatives.”

defence affairs.” Lagassé calls this “the bedrock of responsible government” and defends the placing of clear accountability for defence with the defence minister and the prime minister against theories of Parliamentary responsibility that claim a wider role for Parliament would be “more democratic.” He regards any division of powers and responsibility as not only contrary to the Canadian system of government, but prone to irresponsibility as parties may blame failures on others.

Lagassé points out that Parliament has no independent authority over the armed forces, no power to declare war or peace, and no role in directing defence policy. While Parliament passes the Defence budget, only the government can table a money bill in the Commons and Parliament cannot use legislation to alter it. Nevertheless, Parliament does perform vital functions related to Defence governance. Only a Cabinet that maintains the confidence of the Commons can remain in power; therefore, the House chooses the ministers that exercise Crown powers. Parliament passes and amends the *National Defence Act* and other national security laws, can debate defence policy questions, and can pass non-binding resolutions to influence defence decisions. If the government has invoked the *Emergencies Act*, Parliament can terminate the state of emergency after seven days. Finally, the Opposition maintains surveillance on government decisions and raises warnings if there are errors of commission or omission, as well as proposing alternative policies to the voting public.

The trend towards the government tabling deployment votes is discussed at some length. Lagassé notes that this is not a legal requirement, but that it appears “an appealing reform” to many who see an opportunity to mend the “democratic deficit” in the federal government. However, he rejects this as transferring too much to Parliament, diluting the responsibility of the minister and Cabinet and allowing a government to evade responsibility if things go badly. It could also lessen the Opposition’s ability to scrutinize military operations and to criticize the government since they, after all, had had a opportunity to vote on a mission. The case of the co-option of the Liberal Party by Stephen Harper over the extension of the Afghanistan mission is given as an example.

Likewise, Lagassé is not a fan of increasing the military’s scope of answerability to Parliament. In the American division of powers model, the military can discuss the advice it has given the government and state its own views on matters of policy. In the Westminster system, only ministers can make policy, and public servants, including the military, are limited to providing Parliament with facts and with explanations. Lagassé again acknowledges that although the idea of the military being fully answerable to Parliament seems “appealing,” it is contrary to the principles of responsible government. Moreover, it undercuts ensuring that the military serves ministers. Overall, Lagassé is a strong defender of responsible government and the status quo regarding Parliament’s role in defence governance.

Accountability for National Defence closely examines the legal governance structure at the top of the Defence pyramid: the minister, the CDS and the deputy minister. It dismisses the contention by some that accountability is “shared” by the minister and the CDS, and demonstrates that no matter regarding national defence is beyond or outside the minister’s authority. It notes

that under the *National Defence Act*, the appointment of a CDS is discretionary. The CDS is responsible for providing military advice to the minister, prime minister and Cabinet, who are all expected to listen and respect the CDS’s views, whether they are followed or not.

The CDS is further constrained by the fact that the Canadian Armed Forces do not have any financial control over Defence funds. Parliament votes money to the Department of National Defence, and it is the responsibility of the deputy minister to ensure that it is spent according to government direction and financial regulations. In addition, although the CDS is responsible for the control and administration of the armed forces, the *National Defence Act* allocates the responsibility for regulations to the governor-in-council – that is, Cabinet. The CDS must therefore follow civilian direction regarding the internal administration of the CAF. Lagassé points out that the governor-in-council could directly administer the armed services if there were no CDS, thus guaranteeing that Cabinet will never be beholden to a single military official.

Deputy ministers have occupied a particularly problematic space in Canadian civil-military relations. Several have been charged with interfering in military matters beyond their legitimate powers and expertise. A few deputies have not been shy about pointing the finger the other way and complaining that the military has lacked the competence to manage a strategic headquarters or efficiently run a high-tech organization. Lagassé provides a thumbnail history of how government-military relations evolved during the post Second World War period and why, due to military unresponsiveness to policy direction and inability to manage efficiently, the role of the civil service and the responsibility of the deputy minister grew. As long as there is a Department of National Defence, there must be a deputy minister who, under the *Interpretations Act*, is the alter ego of the minister. The deputy minister is not only responsible for ensuring that the department implements government direction in Defence, but also all the horizontal policies and initiatives that cut across government. The deputy is the Defence delegate to central agencies and other departments on behalf of the CAF. Rather than illegitimate “control by the civil service,” Lagassé makes it plain that the governance structure of Defence provides a large role for the deputy minister and supporting civilian managers.

Ankersen and Lagassé are as different as it is possible to be in their writings on Canadian civil-military relations. Ankersen takes a philosophical and theoretical approach to probe the nature of the military profession in Canada. Lagassé uses structural and legal analysis to define who is accountable for what in Canada’s defence system. Nevertheless, both of them address central issues that have roiled Canadian civil-military relations for the past fifty years or more. Both should be on a professional reading list.

Peter Kasurak has published two books on the Canadian Army: “*A National Force*”, which explored the Army’s development as an institution from 1950 to 2000, and more recently, “*Canada’s Mechanized Infantry: The Evolution of a Combat Arm, 1920–2012*.” Peter teaches from time to time in the department of Continuing Education at the Royal Military College of Canada.

