

2012/2/3 Abstract: From oath to pledge of loyalty

Juristical, sociological and ethical reflections of high relevance to the present

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When Austria decided to re-establish armed forces by declaring permanent neutrality in 1955, this happened under the premise of general compulsory military service and of an order of state standing in deliberate equidistance to all religions and denominations. This new self-confidence and national self-assurance was expressed, among other things, in the swearing-in wording. The contents of this swearing-in wording, as it was created in 1955, is an outcome of the social and political experiences made in the five turbulent decades before that. Certainly the final consolidation of the Second Republic of Austria by means of the State Treaty of 1955 was influenced superficially by the ten years of occupation for a while, but more thoroughly it lived in the shadow of the Third Reich, which had been supposed to last thousand years, and lasted seven years in Austria after all. Six of those seven years had been years of war, and before them lay a failed First Republic and the Corporative State. Those few officers lucky enough to have been in the service of the army continuously from the last years of the Monarchy until the end of the Second World War (and afterwards maybe in the newly established Second Austrian Armed Forces), experienced these turning points outwardly alone in their changing uniforms. Thus, within a period of only one generation, the pledges of loyalty changed as rapidly as the uniforms. Against a backdrop of such an eventful history, the decision for a swearing-in ceremony instead of an oath, which has scarcely changed since the establishment of the Austrian Armed Forces in 1955, is more than just a traditional action. It not only expresses the new democratic national philosophy and its ideological neutrality, but also the national political desire for a new beginning. Thus, the swearing-in wording represents the outstanding expressing of the national identity of the new Austrian Nation with its defence system. With her decision against an oath and for a pledge of loyalty was and still is in a long traditional history. Oaths are records of final validity. Already during the pre-Christian era the oath was an instrument for protesting honesty. The cannon law has laid down that an oath can only be sworn if it is determined by truth, consideration, and justice, as god is appealed as a witness of its truth. For this reason, only a nation based on religious foundations, where human order takes its origin from divine order, can demand an oath. The present pledge of loyalty, on the other hand, expresses virtues such as loyalty and obedience, and here the term loyalty stands for the quality of a relationship which must never be understood unilaterally. Neither the conscription act, which puts missions abroad last, nor the neutrality act, nor the wording of the pledge of loyalty has been adapted to the latest developments.

