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CHAPTER 1

INTRODUCTION

Abstract: This chapter is devoted to an introduction to the process of the militarisation of behaviours. It is a mass process of social control employed by the state (and less often by non-state entities) where civilians are subjected to a treatment like that designed for soldiers. When this process is utilised, it leads sections of a society to be subdued to the will of the state officials. It can be a robust power-gaining mechanism used at the expense of the citizens. To build a framework to discuss this process, Ireland and Poland, the two states which are a part of the enquiry are introduced and initially compared. That is done to create a context for an analysis of the historical development of the twentieth-century criminal law in Poland and Ireland in the following two chapters. These two states, at first sight, might not have too much in common especially since both chose somewhat different paths to achieve the militarisation of behaviours. However, both Poland and Ireland promote individualism, self-determinism, and individual agency and it is easier to introduce the militarisation of behaviours in countries supporting these values.

Keywords: Militarisation; Emergency Legislation; History; Soviet Colonisation; British Colonisation; Decrees.

INTRODUCTION

Power has many facets. It can be exercised when trying to influence others. That way, social control can be attained by various means, for example, through the process of the militarisation of behaviours. *The militarisation of behaviours* is a process utilised by the state when its citizens are treated by that state in a manner resembling the way the army relates to its soldiers. In other words, the militarisation of behaviours is employed to subdue a society or a part of it (or a group in the case of organisations). It is done similarly to the military regulating, restraining, and governing its soldiers. Consequently, the militarisation of behaviours is a (mass) process of social control¹ where the state exercises its powers over the population. This process consists of parallel forms (tools) of social control and is responsible for blurring the boundaries between a dichotomous divide between civilian and military life. The militarisation of behaviours, as a concept, acts as an overarching structure for several social theories. A

¹ Pieter Spierenburg (2004) provides a comprehensive literature review in the subject of social control. As part of that review, he discussed Joseph Slabey Rouček's view on social control which boils down to "attempts to influence others" (Rouček 1947 quoted in Spierenburg 2004:5). Spierenburg sees social control as a near universal key to understanding violence, conflict, and everything to do with social norms (how these are formed and accepted).

special emphasis is paid to Ireland and Poland since these two countries exemplify how the process was employed. As a result, this book creates a framework for the socio-legal and historical study of tools of social control.

The research which this book is based on showed that several concepts are interlinked and can form the basis for an interesting examination. The initial enquiry into the historical development through the prism of legal textbooks led me to note the existence of the process of the militarisation of behaviours, which became noticeable on a closer examination of the role and evolution of decrees in the Polish People's Republic (PPR). Then, I studied the historical development of the Polish and Irish criminal justice system (and criminal law) along with the influence of the process of the militarisation of behaviours on that development. As a result, this book is showcasing two historical accounts of states utilising the process of the militarisation of behaviours. History is important as it offers a lesson about past mistakes. Only if we decide to attune ourselves to these, we might be in a better position to make learned decisions in the future.

Some states and their officials might find social control processes as an attractive option to subdue their citizens. Therefore, I wanted to present the centrality of the militarisation of behaviours as a social process via relevant and known theories. This book also illustrates the historical development of the state's tools of social control embedded in Polish and Irish legislation. It brings clarity and creates a context as to how some of the contemporary social theories are used. An extra layer of the rationale was added to explain why some states might want to employ tools of social control, like, bureaucracy (and the bureaucratic structure); propaganda, professionalisation; soft and hard law; military language and culture; surveillance and securitisation; militarisation of the public sphere; and the normalisation of all the above leading to the implementation of the militarisation of behaviours. In addition, I contextualised social drill within Polish and Irish twentieth-century history. Besides, I questioned the role of military and political leadership in Communist Poland and reconstructed an imperfect historical overview of the military role and influence (including military leadership) in some European societies. I uncovered how weak political leadership can lead to the militarisation of behaviours, and how the militarisation of behaviours is responsible for instilling military language and values into the public sphere.

In this book, I tried to illustrate the existence and prominence of the concept of the *state as a parent*. Specifically, I highlighted here, how the state created conditions in which it could fulfil

the parental role of child upbringing, and how it could incorporate some of its ideology into the school system. As the state created conditions (by preoccupying the remainder of the adult population) in which only that state was left to supervise children (for example, in Poland in the early days of the 1940s and 1950s and Ireland immediately after 1922). Then, there was no accountability of the state officials² before parents, and the state could, without restriction, indoctrinate future generations of young citizens.

While writing this book, I tried to move away from the beaten track of thinking about war and the development of legal systems, by shifting attention towards unappreciated covert social processes (like the militarisation of behaviours) which can shape and be shaped by legal development. I also drawn some attention to the role of the state and other entities in these processes. The subtlety of the process means that people subdued to it are having difficulty recognising it. It is employed in a phased manner, i.e., step by step. Any process that is employed in such a manner makes it harder to notice. The same goes for those people who might oppose the process, they might have difficulty recognising that it is not used anymore. An example of that is the well-known fantasy writer Stanisław Lem. It took Lem several years to realise that the enemy that he was fighting for decades was not there anymore (See: Chapter Six).

Furthermore, I am focusing more on the usefulness of the concept of the militarisation of behaviours and some elements of the military organisation of society (described by Andrzejewski (1998) one of the first monographs on the relationship between the military organisation and social structure, and the sociology of military organisation). I devoted more attention to the historical elements of the influence of the military on states and their structures. By doing that, I am trying to show how the military force which was originally intended to conquer, expand, and protect that already assumed territory became a force which started to be used inwardly, towards its citizens to make them more obedient within the state's boundaries. And how that allowed for military influence to enter the public sphere with the continuous support of the state, which became over time used also by other non-state actors.

Poland and Ireland

Before we move on to further sections of this book, it will be beneficial to consider some basic information in relation to Poland and Ireland. Poland occupies eastern parts of the European

² Also referred to as "the controllers ... [that being] persons and groups who act upon other persons and groups" (Spierenburg 2004:9).

Union, whereas Ireland is on the other, western side, of the European Union. Ireland and Poland share several commonalities. Both are European countries. More so, their culture and tradition were influenced by the Roman-Catholic culture. Both have a long history of foreign domination (Clancy et al. 1992, p. vii). Poland was in the Soviet sphere of influence between 1943 and 1990³, whereas Ireland remained directly under British influence until 1922. In both countries, to a certain point in time, existed a keen sense of national identity to which Catholicism has made a significant contribution. The Catholic Church is equally a repository of some of the state and national identities of both Ireland and Poland (O'Dowd 1992:39).

Ireland and Poland have a similar system of governance. Both have a President as a head of state that has mostly representational duties⁴, however, in both states, they can veto legislation or challenge its constitutionality (by referring it to the Supreme Court in Ireland or the Constitutional Tribunal in Poland). Civil law remains the main source of law in Poland, whereas, Ireland is a common law legal jurisdiction. Coincidentally, in 1997 both states enacted important criminal legislation. Ireland passed the Criminal Law Act 1997⁵, the Bail Act 1997, and the Non-Fatal Offences against the Person Act 1997⁶; and Poland introduced the Criminal Code 1997, Criminal Procedure Code 1997, and Executive Criminal Code 1997.

Colonial History and Experience

These two states offer a somewhat different path of how the militarisation of behaviours was used. In Poland, the state was a driver of the implementation of the militarisation of behaviours. That same state was under the influence of the Soviet Union which was imposing its rule in the satellite states that the Soviets considered as being in their sphere of influence. Whereas, in Ireland, the state cooperated with the Catholic Church to fully subdue its citizens.

While comparing these two states from the historical perspective two separate labels arise. The first one is that Ireland is a post-colonial state, and the second one is that Poland is a post-soviet state (a former Soviet satellite state). The two sat in opposing spheres of influence. The former is influenced by the state labelled as representing the First World (the Western Bloc

³ Before that, between 1772 (since the First Polish Partition) until 1918, a part of the Polish territory remained under the Russian rule.

⁴ The office of President of Ireland replaced the Governor-General of the Irish Free State in 1937.

⁵ It repealed the outdated legislation like the Garroters Act 1863 and the Whipping Act 1862 (McDermott 2007).

⁶ It codified self-defence and introduced harassment as a criminal offence (McDermott 2007).

representing democratic countries), and the latter one as being subject to the state described as the Second World (the Communist Bloc representing Soviet socialism)⁷.

Poland, Post-Colonialism, and Post-Soviet Penal Influence

Throughout the eighteenth, nineteenth, and twentieth centuries, Poland was a subject of different forms of domination where its sovereignty was either non-existent or substantially limited (Mayblin, Piekut, and Valentine 2016). After WWII, most Polish people became attuned to the all-too-well-known combination of words like: ‘the people's democracy’ or ‘the socialistic democracy’ (Zieliński 2003) which supposedly described a level of freedom in the Polish People’s Republic (an official name of Communist Poland). Those phrases which sound like oxymorons were repeated mostly by the government-steered mass media.

Gidyński (1974) talks about the ‘limited sovereignty’ and the ‘limited right of self-determination’ of the socialist states (including PPR) which was devised by the Soviet columnist Sergey Kovalev in defence of an armed invasion of Czechoslovakia on the 20th of August 1968. That doctrine was called the Brezhnev Doctrine after Leonid Brezhnev (the General Secretary of the Central Committee of the USSR from 1964 to 1982). It offered a justification for any possible past and future intervention in the form of an invasion based on belonging to the communist sphere of influence. Similarly, the USSR claimed that it could impose its legislation (especially criminal law) on any state that decided to incorporate communism as its main ideology (Kładoczny 2004). It was a way to introduce an unknown set of international law rules against basic principles of international law in a form of *Socialist international law* (Gidyński 1974).

The implementation of the militarisation of behaviours was carried out in the PPR via means of criminal law legislation (namely, decrees). Decrees were pseudo-legislative dispositions enacted with a violation of the existing law (separately in the 1940s and 1980s). The 1940s and 1980s decrees issued by the PPR were responsible for the introduction of the militarisation of behaviours. These decrees were devised with the overwhelming help of and were controlled by the Secret Security of the USSR (known officially as the People's Commissariat for Internal

⁷ T. W. Rolleston noted originally in 1917 when both Poland and Ireland were still under the influence of foreign powers that “the peoples of these two countries were suffering the same kind of oppression, the same injustice, the same denial of the right of every man [sic!] to live and prosper in his own land on equal terms with his fellow-citizens in every other part of the realm” (Rolleston 2016:1).

Affairs or more broadly the NKVD). Thus, the militarisation of behaviours as a sophisticated tool of social control incorporated into the Polish legislation was of a foreign origin.

From the perspective of the state's officials, decrees were useful tools used to control the Polish population. Decrees rested on the simplicity and harshness of war-time legislation. Most of these were issued during peacetime; nonetheless, decrees were responsible for the creation of war-like conditions and treatment of the Polish people. An implementation of the militarisation of behaviours meant that the nation and its citizens never fully transitioned out of the war, and the militarisation of their daily lives continued in the form of the militarisation of behaviours. Then, the only clear transition which occurred was from a more obvious use of soft law towards hard law. That was a result of the 1940s and 1950s transition from counterrevolutionary to anti-state crimes, and from a non-binding law to binding law. Also, of importance was that the Soviets made a successful attempt to take over Polish territory by implementing a pseudo-government consisting of Polish people to control the state. Kładoczny (2004) reminds us that it was done via the 1927 Criminal Code of Soviet Russia, and Art. 57 of that code allowed for the protection and support of any newly developed Soviet state outside of Soviet Russia.

As part of the study of the development of Polish criminal law in the post-war era, I identified three separate periods associated with the state's role in the upbringing and educating of its citizens. These are: (1) the militant parent period (from 1943/4 up to 1956), (2) the father figure period (from 1956 up to 1976), and (3) the parental failure/disillusionment period (from 1976 up to 1989). The changes between these periods signal social transformations which affected the decision-making processes of the state officials. Then, the state institutions and leaders were attuned to the military *modi operandi*. That attitude allowed a gradual introduction of the process of the militarisation of behaviours (a treatment of citizens by their state in a manner resembling a treatment of soldiers by the army) on a mass scale, with different intensities depending on the social situation during the periods outlined above.

Poland in the Context of Post-Colonialism

Mayblin et al. (2016) are of the view that in discussing Eastern European states, it is more adequate to relate to Soviet imperialism rather than colonialism. It is not a game of words, but a more suitable appropriation in relation to the actual processes. Obviously, both colonialism and imperialism (as terminology) do overlap. Nonetheless, there are some distinctive features differentiating the two. What is important to the context of this research, in the last few years a substantial number of Polish academics started to realise that the post-colonial theory might

be somewhat relevant in the settings of the Polish People's Republic. The two main aspects of that theory which are the most discussed can be labelled as 'comparative empires' and 'theoretical insights' (ibid.:62). The former perspective views the Polish situation in the context of being colonised by Soviet Russia, and as such the biggest problem is "the question of whether the ambition of world socialism 'counts' as colonialism, and the local articulations of the relationship" (ibid.:62). That on its own and with an addition of few other minor problems, makes the usage of the concept somewhat problematic. On that note, one of the biggest issues one might have is the common generalisation and subsumption of the European continent into one unified whole. In order to broaden the post-colonialism overview of Poland, Mayblin et al. (ibid.:63) propose a triple relation paradigm (they also relate to it as 'three axes' which operate in parallel) where Poland is being viewed from three distinct perspectives, namely, in relation to (1) Russia; (2) 'the West' (as 'an alternative ideological hegemon') and the discourse around western superiority, and to (3) Eastern and Third World 'Others'.

Ireland, Post-Colonial Remnants, and Social Change

Ireland since the Partition in 1922 struggled with its post-colonial past. Similarly to the Second Polish Republic (1918-1939), Ireland retained initially the legislative inheritance from the United Kingdom (Kilcommmins et al. 2004). The Troubles (1968-1998) are also an example of the remnants of that colonial past. This conflict increased the level of armed crime on the Island of Ireland and resulted in inflated prison rates. Between the 1920s and 2009, the number of prisoners to those coercively confined in Ireland changed substantially (from the proportion of one to forty to around half of the whole population remanded in custody) (O'Sullivan and O'Donnell 2012). Even prior to the Troubles, Irish society was divided along sectarian lines both geographically and mentally (Hourigan et al. 2017). Whereas, nowadays, the Catholic Church, and other traditional sources of authority, lost their sway on the Irish population, especially concerning the control of education and sexual morality. As a result, the Fifth Amendment of the Constitution Act 1972⁸ was introduced on the 5th of January 1973 which removed from the Constitution any reference to the special position of the Catholic Church and the recognition of other named religious denominations (Bacik 2004).

Globalisation and social changes brought about during the 'Celtic Tiger' perpetuate the erosion of traditional forms of social control based on morality and theology. However, the Irish legal system is referencing itself in relation to the UK legislation. Considering that, in version 13 of

⁸ The Irish Constitution can be amended only as a result of the nationwide referendum.

the Classified List of Legislation in Force in Ireland, the Law Reform Commission, in the context of the emergency legislation, notes that any legislation that has not yet been rescinded, ceased, or expired should be revoked as a matter of good practice (Law Reform Commission 2016). O'Mahony (2007a) accentuates a positive input made by the Irish judges who are tempering the political agenda using the vagueness of the constitutional provisions (especially regarding special and emergency powers). Judges, in his view, are opposing ever more repressive measures introduced by the politicians and which undercut civil liberties. At the same time, O'Mahony notes that Ireland lacks an effective control mechanism within the criminal justice system against false admissions and miscarriages of justice.

Individualistic vs. Collectivist Societies

The additional layer of information which might assist in discussing Ireland and Poland is that these two countries support individualism, self-determinism, and individual agency. In other words, individuals are praised or blamed for their actions. Individual people are not going to be blamed for advancing their life. Consideration is given not to harm others, their community, and society. It is in contrast with countries that promote cooperation as a primary mode of existence where community and society take precedence over an individual. In these societies, for example, in China, individuals must consider society first over their personal needs and that ideology is instilled throughout the educational process. That difference in priorities might seem subtle but it has a wide-ranging consequence since it is harder to persuade people to subdue themselves to the state's will in societies where an individual is empowered to be their own agent of change. As a result, it is so much harder to effectively introduce tools of social control in places where culture promote individualism.

Considering the content of this book, I sought to describe: (1) how the process of the militarisation of behaviours was discovered; (2) some historical military influences leading towards the process of the militarisation of behaviours; (3) how over five decades of twentieth-century legislation was used in Communist Poland to employ the process of the militarisation of behaviours; (4) the impact of the (emergency) legislation on the introduction of the militarisation of behaviours in the Republic of Ireland; (5) elements consisting of the process itself; and (6) some other examples of the implementation of that process in several contemporary states.

Chapters two and three provide a detailed discussion on the instruments which were used to introduce the militarisation of behaviours respectively in Poland and Ireland. It is vital to dive

deep into these discussions to see how profound the process is and how vigorously it was employed in these two states. Both states imposed the militarisation of behaviours using somewhat different social and legal instruments. As a result, both chapters present historical contexts and explain why some legislative changes took place and consider the reasons behind these. To be able to discuss the explanatory and practical elements of the process of the militarisation of behaviours, first, we need to consider the normative systems that were used to establish that process. The value of these two accounts placed together in one book lies in the fact that the readers have an opportunity to consider various pathways which might lead to an imposition of the militarisation of behaviours. The presentation of these geographical and historical conditions is important to be able to appreciate the centrality of the process and its potential application in other geo-political situations. These two chapters also act as a reminder of how complex the legal landscape can be and how many options can become available to the state officials looking to introduce a social change irrespective of their motivation. In both cases, the criminal law which in principle should be used to promote and dispense justice was treated by the state officials as an instrument of social control employed to subdue citizens. In creating a monopoly of power, these two states sanctioned some level of violence and coercion towards their citizens and created barriers to freedom. Political power can be displayed in many forms and the argument can be made that these actions of the state officials fulfilled the characteristics associated with crimes of the powerful. By presenting a historical context to these occurrences, I tried to provide examples of what happens when crime and control go askew, for example, when the state is employing internment (in conditions of the emergency laws in Ireland or martial law in Poland). At the same time, I attempted to challenge the role of the political leadership and other sources of authority to achieve these state goals and highlight the gender dimension to the implementation of the militarisation of behaviours.

Chapter four is probably the most theory-packed one. It offers exhaustive discussions on, and critiques of, the concepts of militarism, militarisation, demilitarisation, securitisation, and moral panics. I considered these in the context of the relevant historical traces of the military and the blurring of the civil-military divide. The importance of that chapter rests on the fact that it is a near impossible task to accurately assess how the military permeated the civil sphere of life without considering the subtleties of how that happened both from a practical and theoretical point of view. The militarisation of behaviours usually occurs over extended periods of time, and as such, it can be difficult to observe due to its subtlety. This is why it is important to observe and note changes happening in that sphere of life which relate to that process.

Chapter five is devoted entirely to the elements of the process of the militarisation of behaviours. The militarisation of behaviours is a broad social control measure which can create social harm and hinder processes associated with social justice. In this chapter, I demonstrated how complex and multi-layered it is. Not all of its elements need to be employed for the behaviours of people to be militarised. Only some of these elements (namely, the legal system including emergency legislation, legal professionals, bureaucracy, and surveillance) are connected with the state's system of crime and control. Overall, this chapter exhibits ways in which some of these social instruments were employed and offers insights into these problems.

Finally, in chapter six I combined historical and contemporary information which readers might find relevant in establishing the early signs of the militarisation of behaviours. Knowing how harmful this process is to people subdued to it, I consider some contemporary examples of the militarisation of behaviours. Besides, I included future-orientated recommendations to do with the process itself. Without questioning power and the status quo we are unable to ravage the structures of domination responsible for the normalisation of the process of the militarisation of behaviours. It is also important to consider and critique these social instruments to question power, domination, and the status quo.

CONCLUSIONS

One of the ideas behind this book is to produce probable scenarios where some of the historically embedded influences occurred. It is done in that way rather than describing authoritatively that some of these processes occur in a specified manner. In other words, the provided examples of military influences occurred but not necessarily influenced everyone and every society at the same time. When making theoretical assumptions and when discussing the 'grand theories' (Mills 1967), some authors have a propensity to conclude that their theories are equally applicable to all circumstances. Here, I tried to employ an analysis that is historically informed (Czekaj 2007; O'Donnell and O'Sullivan 2020; Holyst 2022). History is not fully linear as some want to assume. The described examples are provided to make the argument stronger and the historical military influences more credible and compelling. Any inconsistencies in the text are my own fault. When it comes to considering our mistakes and biases, we are also reminded by Adey et al. (2016) that every researcher is a militarised subject and their writing might be influenced by that fact.

A wide range of social institutions can influence groups of people (Spierenburg 2004). Considering that, here, I focused primarily on how states and state officials try to influence

behaviours. I hope that this book will function as a great reminder of how we, as citizens, should hold those in charge accountable. Due to the scope of this monograph, I focused primarily on the state activity in that space. There are, however, some early indicators that the process of the militarisation of behaviours is being used contemporarily by non-state actors. I aspired that this book would increase awareness around the issues of militarism, securitisation, and militarisation occurring within the public sphere; and that it will increase people's alertness to the process of the militarisation of behaviours.

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