

GERMANY'S CHANGING DISCOURSE ON OUT-OF-AREA MISSIONS

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Abstract: The thesis analyzes the German foreign policy discourse through three cases studies: the Gulf War, Kosovo and Libya. The aim is to see if and how the discourse has changed since the reunification of the country. It will be shown through the method of the discourse analysis that the Germany no longer fits in the ideal type of the Civilian power model developed by Hann W. Maull, but the politicians in the Bundestag still frame their discourse in the framework of the model.

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1.) Introduction

Germany is one of the most important countries in Europe due to its central location, the size of the population and economic power. After Germany lost the Second World War, the country split into two halves: West Germany and East Germany. The two halves of the country developed quite separately in the Cold War. The Eastern part became part of the Socialist bloc and built out a socialist regime, while the Western part followed a different developmental path and got integrated into the Western world through institutions such as the Steel and Coal Community in 1951 (later European Community from 1958, European Union from 1993) and North Atlantic Treaty Organization in 1955. This institutional integration was the result of the fact that Western powers realized that they needed a more autonomous Germany which was embedded in the European institutions. This involved the possibility of rearmament of the country.

The reunification in the 1990 of the country caught by surprise both the Germans and the rest of the world. It created a new situation, for which Germany was yet not prepared at that time. The reunification raised questions about what kind of role Germany would play in Europe and in the world: Would the foreign policy of Germany change after the reunification in comparison to the foreign policy of West Germany? Would it be based more on national interest? There were many reservations towards Germany, but as it turned out, changes started to evolve slowly in the German foreign policy.

After the reunification, many constraints inherited from West Germany continued to have effect on the foreign policy of the country. One such constraint was the fact that by that time of the reunification the country was part of many international and European organizations. That is the reason why Peter J. Katzenstein called Germany as a “tamed power”, which implied that Germany would be unlikely to conduct such an aggressive politics as it did in the past. ¹ According Katzenstein, the international institutions create a normative surrounding which have a socialization effect on the countries.² In the case of Germany, the European integration has such an impact.³

After the reunification, the expectation towards the country grew significantly, but at the same Germany showed reluctance to fulfill a real leader role or to participate in missions in out of the area of the NATO. This reluctance in more policy fields puzzled many scholars from the very beginning. A debate started to evolve on the question of continuity and change and later on the question of what kind of role Germany can have in the world order. In the academic literature, many labels have been used in order to describe Germany and its reluctance such as “reluctant hegemon”⁴, “semi-hegemonic power”⁵, “regional hegemon with normative power”⁶. All of these labels imply that Germany is a significant country as far as its capabilities are concerned but it does not behave in a way that it could be expected.

¹ Peter J Katzenstein „United Germany in an Integrating Europe” in: Tamed Power, Germany in Europe, edited by Peter J Katzenstein (Ithaca and London, Cornell University Press, 1997), 1-48

² Ibid., 3

³ Ibid., 3-4

⁴ Simon Bulmer, William E. Paterson” Germany as the EU's reluctant hegemon? Of economic strength and political constraints” *Journal of European Public Policy*, Vol. 20 Issue 10, (August 2013): 1387-1405

⁵ Anne-Marie Le Gloannec “.Germany's Power and the Weakening of States in a Globalised World: Deconstructing a Paradox” *German Politics*, Vol. 10 Issue 1, (Apr 2001): 117-18

⁶ Beverly Crawford “The Normative Power of a Normal State: Power and Revolutionary Vision in Germany's Post-Wall Foreign Policy” *German Politics & Society*.Vol. 28 Issue 2, (June 2010): 165-184

This paper focuses Germany and its view on out-of-area missions, missions outside the territory of the NATO. After the reunification, the pressure grew on Germany to participate in out-of-area missions of NATO and the UN. In the beginning, the main obstacle before the participation was the Basic Law which prohibited any involvement in such missions. Later the obstacle diminished and Germany started to participate in out-of-area mission in the framework of the UN, NATO and later the European Union, although its support for these missions was not straight-forward.

The starting point of the paper is the civilian power concept by Hanns W. Maull.⁷ The first article in which Maull introduces his concept was published in the Foreign Affairs in 1991. In the article he argued that Japan and Germany could be seen as a new type of actor, the civilian power. As he pointed out, the international system is going through significant changes and the growing interdependency requires the states to adapt to the new surrounding and develop new strategies.⁸ Due to historical reasons and their embeddedness in different institutional frameworks, Japan and Germany are the best examples of how a civilian power should look like.⁹ A civilian power is willing to cooperate and even transfer its sovereignty to transnational organization, it prefers peaceful solutions in comparison to military means. Later the meaning of civilian power extended to even the use of force, in cases when fundamental values and principles are at stake.¹⁰ In this interpretation, the fact that Germany participated in the Kosovo conflict was in accordance with the criteria of the civilian power concept. The concept gained a constructivist interpretation by distinguishing between the ideal type of civilian

⁷ Hanns W. Maull "Germany and Japan: the New Civilian Powers" Foreign Affairs, Vol. 69 Issue 5, (Winter 90/91): 91-106

⁸ Ibid., 100

⁹ Ibid, 101

¹⁰ Hanns W. Maull "Germany and the Use of Force: still a 'civilian power'?" Survival: Global Politics and Strategy Volume 42, Issue 2, (Summer 2000): 56-80

power and the civilian power as a role concept which can change by the interplay of external and internal factors. According to Maull, based on recent developments, Germany seems to grow away from the ideal type of civilian power.¹¹

The aim of the paper is to answer the question, if this change, about which Maull talks in his lecture, is manifested in the foreign policy discourse of Germany and if it does, how it occurs exactly. In order to find answer to this question, I will analyze the main discourse in the discussions of the Bundestag. It will be argued that as far as the discourse is considered Germany would no longer fit it in the ideal type of civilian power. It can be seen that the elements of the civilian power concept as a framework of the discussions remained, but they have gone through significant changes over the time.

The rest of the introduction will continue with the description of the methodology in detail and the historical background of the Germany participation in out-of-area missions. In the next chapter I will introduce the basic tenets of role theory as the theoretical foundation of the civilian power concept and then the concept itself through the work of different authors. The third chapter will set up the framework of the discourse analysis, which followed by the empirical research in the fourth chapter. In the conclusion I will contrast the result of the discourse analysis with the elements of the civilian power concepts.

1.1.) Methodology

In order to find out how the foreign policy discourse has changed over the time, discourse analysis will be used. With the discourse analysis, it is possible show how

¹¹ Hanns W. Maull Abschiedsvorlesung "Zivilmacht": Karriere eines Begriffes May 3. 2013, p 18, Accessed May 27. 2014 https://www.uni-trier.de/fileadmin/fb3/POL/Mitarbeiter/Maull_Hanns_W/Abschiedsvorlesung_Rev.pdf

certain discourses are constructed, what kind of structures can be found behind the narratives. Roxanne Kynn Doty shows in her study, that discourse analysis is not suitable to answer “why-question” but only it can give answer to the so-called “how-questions”.¹² It shows how certain actions become possible through the use of language based on presupposition, predication and subject positioning.¹³ Presupposition highlights the structures of the discourse, the underlying assumptions in the texts.¹⁴ Predication is a way of productivity that highlight how different kind of things are described in the text.¹⁵ Subject positioning refers to how they construct different subjects and objects.¹⁶ As Jennifer Milliken points out, the discourse can be analyzed according to three lines: signification, productivity and “play of practice”.¹⁷ Signification is similar to the Doty’s concept of presupposition.¹⁸ The language has a certain kind of productivity, which means, by language it is possible to define and position the actors, create common sense knowledge and describe situations in a way that justifies a certain decision.¹⁹ Milliken uses the expression of “play of practice” to techniques for example deconstruction.²⁰ This paper will use mostly the first two methods: signification and showing the productivity of the language.

As Lene Hansen points out, from post-structural lenses, identity has discursive, political and social aspects and these elements cannot be separated.²¹ When politician

¹² Roxanne Lynn Doty “Foreign Policy as Social Construction: A Post-Positivist Analysis of U.S. Counterinsurgency Policy in the Philippines” *International Studies Quarterly*, Vol. 37, No. 3 (Sep., 1993), 297-320

¹³ Ibid., p. 305-307

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Jennifer Milliken “The Study of Discourse in International Relations: A Critique of Research and Methods” *European Journal of International Relations* vol. 5 no. 2 (June 1999): 225-254

¹⁸ Ibid., 231

¹⁹ Ibid., 236

²⁰ Ibid., 242-243

²¹ Lene Hansen “Security as Practice: Discourse Analysis and the Bosnian War” (New York: Routledge, 2006), 16

talk about foreign policy, they construct a world, a certain interpretation of world which encompasses the identity of the state as well as the interpretation of material factors. From ontological aspect, the discourse the precondition of an identity, because identity is constructed through discourse.²² In this view, foreign policy can be considered as a discourse, in which the identity is represented.²³ Thus analyzing German foreign policy discourse can give us a hint how the German identity looks like and what its major foundations are.

In the research, German parliamentary debates will be analyzed with a concentration on the time period before and after the decision on the out-of-area missions. Due to the fact that the main inquiry is how certain changes in identity of the country is represented in the foreign policy discourse, the focus will be on the main discourse, which is mostly represented by the government, but not necessarily. The discourse will be analyzed along three lines: legitimacy of the military mission, view on the use of force and the construction of responsibility (these terms will be detailed in the framework section).

Three cases will be examined in the research: the Gulf War, Kosovo and Libya. The main reason for choosing these cases is twofold. On one hand, all of these conflict can be described as a “crisis” situations to which the countries reacted. On the other hand, the three cases happened in different time periods which can help to find out changes in the discourse. The Gulf War (1990-1991) was right after the reunification, Kosovo (1999) ten years later and Libya (2011) twenty-one years later from the reunification.

The research is in many ways limited. Firstly, it only analyzes the elite discourse and neglect discourses coming from vertical relations. Secondly, it concentrates only on

²² Ibid.

²³ Ibid

the main discourse. The reason for concentrating only on the main discourse is that the aim of research is to find out how the self-representation of the state changes over time and how certain decisions are made possible through the discourse. In order to capture these changes, it is better to concentrate on the main discourse. Thirdly, the method cannot capture causal relations. It cannot tell why Germany decides to participate in one out-of-area mission and not in another one. Fourthly, the analysis does not look at the parliamentary debates of every out-of-area mission, but only the three cases of the Gulf War, Kosovo and Libya. In this respect it cannot capture more subtle changes in the discourse.

The importance of the research is that enables us to see how the foreign policy discourse of Germany has changed over the time. Germany is one of the most significant countries in Europe and as far as exports is considered Germany is the number one in the European Union²⁴ with the hugest economic surplus among them.²⁵ Considering its economic strength (which could mean a basis for military strength), it is important to know what kind of view the political elite has on the out-of-area missions and how it can change. It has significance both in the respect of international organization such as the United Nations or the NATO, but also for the European Union, because all of the institutions have military or humanitarian missions.

²⁴ "Goods and services-exports 2013" Eurostat statistics , accessed June 2. 2014
<http://epp.eurostat.ec.europa.eu/tgm/graph.do?tab=graph&plugin=1&pcode=tec00110&language=en&toolbox=data>

²⁵ Newsrelease Eurostat statistics, 41/2014 18. March 2014, p. 5, accessed June 2. 2014
http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/6-18032014-AP/EN/6-18032014-AP-EN.PDF

1.2.) The background of the out-of-area missions

The membership of the NATO meant a significant change for West Germany because it made possible for the country to rearm and to create the Bundeswehr, the new German armed forces. The aim was to establish an army that would neither develop into “state in a state” nor would be used for achieving particular political interests such as it happened in the past.²⁶ In order to achieve this goal, they sought to make a bond between the military and society based on the principle of “innere Führung” which means in a broader sense a mixture of civic education and respect of basic norms.²⁷ This was complemented by conscription and by the fact the same laws were applied to the soldiers as to any other citizens.²⁸ The Bundeswehr could only be used for defense of the country and the territory of the NATO and only by the consent of the Bundestag, the German parliament. Accordingly, the deployment of German troops in an out-of-area mission was seen to be excluded from the scope of legal actions.

The first challenge was the Gulf War in 1990, when Saddam Hussein, the Iraqi dictator invaded Kuwait. At this time, the Basic Law was interpreted in a way that it forbade any kind of mission outside the territory of the NATO. According to this interpretation, the newly reunified Germany did not participate in the intervention with soldiers, but supported the coalition against Iraq with significant financial contribution, which was often labelled as checkbook diplomacy. In addition to that, it sent also units of the Bundeswehr to Turkey. The expectations of other countries, NATO allies towards Germany grew significantly and it became questionable that the financial contribution of Germany would be enough support even later in the future. After the Gulf War, the

²⁶ Jens O. Koltermann “Citizen in Uniform: Democratic Germany and the Changing Bundeswehr” Parameters Summer 2012 p. 109 Accessed May 30. 2014

<http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/2012summer/koltermann.pdf>

²⁷Ibid., 110

²⁸ Ibid., 110

Kohl government decided that Germany should be involved at least at small-scale non-military missions which were still in accordance with the dominant interpretation of the Basic Law. Using this loophole in the Basic Law, Germany was able to participate in the intervention in Cambodia with sanitary soldiers (1991), in the enforcement of no-fly zone over Bosnia and Herzegovina (1993-1996) and Somalia after a humanitarian catastrophe (1993-1994).²⁹ In legal sense, the real change came in 1994, when this constitutional question was brought before the Federal Constitutional Court, which made a land-mark decision about the deplorability of the Bundeswehr in out-of-area missions. According to judgment of the Constitutional Court, Germany can send troops to outside of the territory of the NATO under certain conditions. Such condition was UN mandate, the multilateral organization of the mission and the approval of the mission by the Bundestag.³⁰ This decision made possible the participation in the Bosnian war, where the massacre of Srebrenica convinced the German politicians about the mission. Kosovo posed also a huge challenge to the SPD/ Green government under Gerhard Schröder. The main problem was with the planned airstrike was that there was no UN mandate for that mission. The German parliament eventually decided to participate in the air strikes organized by the NATO. The next challenge was the “war on terror” lead by the US after the terror attack on the World Trade Center. After the military intervention in the Afghanistan, the UN Security Council approved the International Security Assistance Force (ISAF) in order to help the reconstruction of the country. Germany decided to participate in that mission, and German soldiers have

²⁹ „Abgeschlossene Einsätze der Bundeswehr weltweit“ Bundeswehr webpage Accessed May 30. 2014
http://www.einsatz.bundeswehr.de/portal/a/einsatzbw/lut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKU1PjUzLzixJlqIDcxKT21ODkj7-4ODUPKpFaUpWqX5DtqAgAlmw5tA!!/

³⁰ “Nun siegt mal schön” Der Spiegel July 18. 1994 29./1994 Accessed May 30. 2014
<http://www.spiegel.de/spiegel/print/d-13691348.html>

been there since that time.³¹ According to the decision of Bundestag, German soldiers will stay there until the end of the 2014, when the ISAF mission will reach its end.³² Germany is planning to participate in the training mission organized in Afghanistan even after the 2014.³³ The continuation of the war on terror was the Iraq war in 2003, in which the SPD/ Green party government decided not to be involved. As it was expressed by Chancellor Schröder, with Iraq war “a wrong decision was made”.³⁴ A similarly controversial decision was the abstention of Germany in the UN Security Council on the question Libyan mission in 2011. On the other hand, there are more and more missions in which Germany takes part with various size of troops such as in the Central African Republic, South Sudan or Kongo. In addition to the missions organized in the framework of NATO, UN framework, Germany also takes part in missions organized by the European Union, such as the European Training Mission in Mali or the Operation Atlanta against pirates in Somalia.³⁵ In the present two tendencies could be observed as far as Germany’s attitude towards out-of-area missions are considered. On one side, Germany does not automatically participate in every mission just because others do. A clear example is that Germany as non-permanent member of the UN Security Council abstained in the vote on Libya in 2011.

³¹ „Überblick: ISAF – International Security Assistance Force” Berlin, 28.02.2014 Accessed May 30. 2014 http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKUUVL3UzLzixNSSqIS93MziYqCK1Dy9zOLENL3S1KTUoqSczOTseBBfyDbUREAzg1F5g!!/

³² „Bundeswehr: Kabinett verlängert Einsätze in Afghanistan und Mali” Spiegel Online. 05. May 2014, Accessed 30. May 2014 <http://www.spiegel.de/politik/deutschland/kabinett-verlaengert-einsaetze-in-afghanistan-und-mali-a-951660.html>

³³ Matthias Gebauer „After ISAF: Germany Commits Troops for Post-2014 Mission” April 19, 2013 Spiegel Online Accessed May 30. 2014 <http://www.spiegel.de/international/germany/berlin-says-it-will-keep-up-to-800-soldiers-in-afghanistan-after-2014-a-895371.html>

³⁴ „Beginn des Irak-Krieges” Speech of Gerhard Schröder March 30. 2003 Accessed May 30. 2014 <http://gerhard-schroeder.de/2003/03/20/beginn-irak-krieg/>

³⁵ „Die aktuelle Lage in den Einsatzgebieten der Bundeswehr” Bundeswehr webpage Berlin, 28.05.2014 Accessed May 30. 2014 http://www.bundeswehr.de/portal/a/bwde/!ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP3I5EyrpHK9pPKUUVL3UzLzixNSSqIS93MziYqCK1Dy9qtKinMT0VP2CbEdFAEe1mt0!/

On the other side in a lot of missions in which it does participate are relatively low-scale.

The changes in the international relations, the new security challenges and the out-of-area mission raised question about the effectiveness of the compulsory conscription. The government decision to suspend the compulsory military service entered into force in 2011.³⁶ On one hand the motivation behind the decision was to reduce the number of soldiers in the Bundeswehr and create a modern, professional army that is more suitable to the out-of-area missions, than it was with conscription.³⁷ On the other hand, the cost and its effect on the economy was often criticized.³⁸

As far as the military development is considered, Germany has gone through a long development since the Second World War, while facing many changes and challenges in the international relations. The reunification of Germany created a new situation which increased the expectations of other states (NATO members) towards Germany. German had to adapt to this changes, but at the same time it had to reinterpret some of the principles and traditions inherited from the West Germany.

The debate on out-of-area missions split the political parties in the Bundestag in the very beginning, but during the time most of the major political parties - the Christian Democratic Union (CDU) and Christian Social Union (CSU), Social Democratic Party in German (SPD), Free Democratic Party (FDP) and the Alliance 90/ the Greens - slowly accepted the deployment of the Bundeswehr in out-of-area mission organized

³⁶ „Aussetzung der allgemeinen Wehrpflicht beschlossen“ Deutscher Bundestag Accessed June 02. 2014 http://www.bundestag.de/dokumente/textarchiv/2011/33831649_kw12_de_wehrdienst/204958

³⁷ „The World from Berlin: 'End of an Era' as Germany Suspends Conscription“ Spiegel Online January 04, 2011 Accessed June 1. 2014 <http://www.spiegel.de/international/germany/the-world-from-berlin-end-of-an-era-as-germany-suspends-conscription-a-737668.html>

³⁸ Thomas Ludwig „Wehrpflicht kostet Wirtschaftswachstum“ Der Tagesspiegel August 12, 2008 Accessed June 1. 2014 <http://www.tagesspiegel.de/politik/deutschland/volkswirtschaft-wehrpflicht-kostet-wirtschaftswachstum/1298858.html>

in a multilateral framework. The only political party in the Bundestag that did not support the out-of-area missions was the Party of Democratic Socialism (PDS), the successor party of the socialist party in East Germany which later became the Linke after merging with another socialist group from the Western part of the country.

2.) Theoretical foundations

The aim of this chapter is to introduce the role theory and its basic elements. The question is vital because the civilian power concept belongs to the role theory according to Hanns Maull. In order to get a clear picture what the civilian power is, it is important to know, what theoretical foundations it has. Role theory is originally a foreign policy theory, which is mostly compared to constructivism. Maull and Kirste posit role theory in general and his concept in particular related to constructivism creating a certain kind of synthesis between the two.³⁹ Constructivism is a social theory, which is connected to the name of Alexander Wendt.⁴⁰ According to the constructivist view, meanings play an important role in the world, which are constructed through interactions.⁴¹ This has the consequence –as Wendt points out- that interests or identities do not exist a priori, but they are constructed through interactions as well.⁴² Wendt also distinguished between “ego” and “alter”, the ego can only establish itself through the alter, which implies that identities are relational.⁴³ As Wendt argues, institution of the system, structures are based upon these intersubjective meanings, which can later constraint the agents as well. This means that agents and structures mutually affect and form each other.⁴⁴

³⁹ Knust Kirste and Hanns W. Maull “Zivilmacht und Rollentheorie” Zeitschrift für Internationale Beziehungen, Vol. 3., No 2. December 1996): 283-312

⁴⁰ Alexander Wendt „Anarchy is what States Make of it: The Social Construction of Power Politics” *International Organization*, Vol. 46, No. 2. (Spring, 1992):391-425 <http://ic.ucsc.edu/~rlipsch/Pol272/Wendt.Anarch.pdf>
Accessed 02.06.2014

⁴¹ Ibid.,

⁴² Ibid.,

⁴³ Ibid., 404-405

⁴⁴ Ibid., 411

Role theory was introduced by Holsti in the foreign policy analysis.⁴⁵ The focus of the role theory is how roles of states are constituted. According the model of Holsti applied to the foreign policy, the role performance of an actor, its behavior depends on the role-conception of the actor.⁴⁶ The role- conception is influenced not just by perception of internal factors such as interest, resources, public opinion, but also by the Alter's expectations on the actor.⁴⁷ The role conception of the politicians and the Alter's role prescription define the role or status of the state.⁴⁸ According to Holsti, it is possible that a state has more roles.⁴⁹ There are many similarities between the role theory and constructivism. Both of them deals with the question the relation between Ego and Alter. Both of them are on the view that Ego and Alter affect each other. The difference is that the role theory seem to concentrate more on the actor than the system level.

2.1.) Germany as a civilian power

The reunified Germany got into the interest of the scholars very quickly and debates started to evolve about the possible roles of the country. The debate centered on the question of change and continuity in the beginning. One theory that provided an interesting approach at that time was the civilian power concept developed by Hanns W. Maull. The idea of Germany as a civilian power first occurred in the article "Germany and Japan: The New Civilian Powers" published in the Foreign Affairs in 1990.⁵⁰ As Maull admitted in one of his lectures, the idea to describe Germany and Japan as civilian power was inspired by the François Duchêne's notion of the civilian power

⁴⁵K. J. Holsti "National Role Conceptions in the Study of Foreign Policy" *International Studies Quarterly*, Vol. 14, No. 3 (Sep., 1970): 233-309 , Accessed 02. June 2014

<http://maihold.org/mediapool/113/1132142/data/Holsti.pdf>

⁴⁶ Ibid., 245

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.,

⁵⁰ Hanns W. Maull "Germany and Japan" 99

Europe.⁵¹ The starting point of Maull's concept is the observation that international relations is under significant changes due to the technical and economic development and the growing interdependence. Consequently the traditional methods of power politics will be no longer effective in the foreign policy.⁵² According to Maull, new type of power – the civilian power- is evolving and Germany and Japan can be seen as “prototypes” of these changes.⁵³ A civilian power is a state that prefers peaceful, non-military solutions to military solutions in conflicts as well as it follows liberal norms and values and it is more willing to engage in cooperation with other states and participate in supranational organization.⁵⁴ Germany and Japan was able to develop into a civilian power or at least close to this stage, because of their history.⁵⁵ As Maull argues, after the Second World War, both of them got integrated into the US-led western hemisphere. On one side it constrained their power, but on the other they could enjoy the security provided by the US. Not having to deal with military issues, they focused more on economic issues and developed their ability to handle interdependence in a more efficient way. ⁵⁶

In articles written later, Maull developed the concept further which in this way became role theory.⁵⁷ Maull and Kirste distinguished between *civilian power*- as a state, *civilian role conception*- a goal of a state and *civilian power as an instrument*- as a method of foreign policy. The civilian power is more an ideal type while the civilian power role conception describes the “value orientation” which the state—in this given case

⁵¹ Hanns W Maull, „Zivilmacht“: Karriere eines Begriffs“, 4

⁵² Maull „Germany and Japan“ 92

⁵³ Ibid

⁵⁴ Ibid., 92-93

⁵⁵ Ibid., 93-97

⁵⁶ Ibid., 98-99

⁵⁷ Knust Kirste and Hanns W. Maull “Zivilmacht und Rollentheorie“ *Zeitschrift für Internationale Beziehungen*, December 1996, Vol. 3., No 2. p. 283-312

Germany- is aiming to follow and the civilian power as a strategy means that the state tries to achieve its aims through the means of a civilian power.⁵⁸

In this form, the civilian power as a role conception can be considered to be constructivist theory, because it is based on external and internal factors. Following the work of Holsti on role theory, Maull and Harnisch distinguished between the “ego part” and the “alter part” of the Self suggesting that change can happen if one of the elements changes as well for example if the outer expectations (the alter part) towards a state changes that might trigger change in the state’s self-conception (ego part).⁵⁹ The definition of the civilian power became more detailed. In addition to the preference for cooperation, integration and peaceful solutions, a civilian power should be active in forming and civilizing the international system, although it does not mean that it should fulfill any leading role in the international system.⁶⁰

The civilian power could be applied in more foreign policy fields. As well as the out-of-area missions considered, a big challenge to the civilian power concept came with the Kosovo conflict in 1999. Although even before there were interventions in which Germany did participate such as Somalia, Bosnia, but they all were easily justified by the criteria of the civilian power. Those interventions were authorized by UN Security Council, and were organized in a multilateral frame. In the case of Somalia, Germany took part only with unarmed forces. By the Bosnian intervention, all the legal concerns were dispelled by the decision of the Constitutional Court. In the case of Kosovo, Russia was reluctant to give consent to the intervention in the Security Council, so there was no UN mandate for the mission. According to Maull, the participation of

⁵⁸ Ibid., 297

⁵⁹ Ibid., 289

⁶⁰ Ibid., 301-303

Germany in the mission cannot be interpreted as a significant deviation from the civilian power role concept.⁶¹ The lack of UN mandate clearly posed an obstacle, but the humanitarian purpose of Germany was obvious in this case.⁶² In relation to Germany's participation in the Kosovo intervention, Maull emphasized that the conception of civilian power role does not imply the complete rejection of use of force, a civilian power can and should act when the fundamental norms and values are in danger without losing its civilian power character.⁶³ This view was shared by other authors as well such as Adrian Hyde- Price⁶⁴ Thomas Risse⁶⁵ and Sebastian Harnisch.⁶⁶ According to Hyde- Price, the German reaction to the Kosovo crisis indicates a real change in the foreign policy.⁶⁷ The prerequisite for this change – as he points out – was the new generation of political leaders that were not bound by the past anymore.⁶⁸ His final conclusion is that Germany remained a civilian power as well as the basic criteria are concerned, but could be better defined as a “‘normal’ civilian power”, because the use of force was not anymore excluded from the foreign policy options.⁶⁹ Thomas Risse following the work of Maull defines civilian power as a state that aims at multilateralism, peaceful solution and democratization of the international relations and analyzes three foreign policy fields according to these aspects in his study: the Germany Europe policy - “Europapolitik”, the military missions of the Bundeswehr and the transatlantic relations.⁷⁰ His overall conclusion is that there are not so many changes on these

⁶¹ Hanns Maull, “Germany and the use of force”,

⁶² Ibid.,

⁶³ Ibid.,

⁶⁴ Adrian Hyde-Price “: Still a Civilian Power?” *German Politics*, Vol. 10 Issue 1 (April 2001): 19-34

⁶⁵ Thomas Risse “Kontinuität durch Wandel: Eine “neue” deutsche Außenpolitik?” *Aus Politik und Zeitgeschichte* (B 11/2004): 24-31 Accessed May 27. 2014 <http://www.bpb.de/shop/zeitschriften/apuz/28453/deutsche-aussenpolitik>

⁶⁶ Sebastian Harnisch “Change and continuity in post-unification German foreign policy” *German Politics* Volume 10, Issue 1, (2001): 35-60

⁶⁷ Hyde-Price, “Germany and the Kosovo War”, 24-25.

⁶⁸ Ibid., 24

⁶⁹ Ibid., 31-32

⁷⁰ Risse, „Kontinuität durch Wandel”, 26-30.

fields.⁷¹ As far as military missions are considered, both the Kosovo and Afghanistan cases prove that Germany remained a civilian power, but the international system changed to which Germany had to adapt.⁷² According to Harnisch, the Kosovo case could be seen as a departure from the civilian power at first glance, but what really happened is that the civilian power conception changed and incorporated the use of force as well.⁷³ This can be called it as a “modified continuity”, which is the result of the fact that both the ego and alter part changed.⁷⁴

In the one of this lectures on civilian power concept, Maull argues that there are changes in the foreign policy of Germany and many acts and decisions of Germany would hardly fit into the civilian power concept, such as the abstention of Germany in the UN Security Council on the intervention in Libya, the reluctant support of intervention in Mali or the way how Germany handled the question of financial supports in the Euro-crisis.⁷⁵

The civilian power concept implies an ideal state model, to which it is possible to analyze the foreign policy of state and a role-conception which depends on the perception of external and internal factors. These two types of usage can have very different implication. The first one is an ideal type of state with fixed characteristics, the second one is able to change under certain circumstances. The question that could be raised regarding this duplicity is how is that reconcilable? According to Harnisch, it is possible to reinterpret the civilian power concept, but where the limits of this stretch are exactly?

⁷¹ Ibid., 31

⁷² Ibid., 29

⁷³ Harnisch, „Change and continuity”, 43.

⁷⁴ Ibid., 48, 51-53

⁷⁵ Maull, “„Zivilmacht”: Karriere eines Begriffs”, 18

The next section has the aim to show how certain elements of the civilian power model can change in the foreign policy discourse of Germany. It seems that the main discourse is structured around three elements in all of the three cases: legitimacy, the question of 'use of force' and responsibility. The next section will show through the means of discourse analysis how these elements change and gain new interpretation during the time, which can be the reflection of a change in the identity. These three aspects are related to the civilian power concept in conceptual sense. As Maull argues a civilian power is skeptical towards the use of force and sees it only as a last result solution when its values and norms are endangered, so it means a certain kind of pacifism. A civilian power acts when there is proper legal authorization such as UN mandate and it is willing to shape the international system, which could be interpreted as a sense of responsibility feeling.

3.) The foreign policy discourse of Germany- theoretical framework

3.1) Elements of the discourse

This section has the aim to show the changes of three elements in the foreign policy discourse of Germany: the view on use of force, legitimacy of the mission and the construction of responsibility. The reasons for choosing these aspects is that they characterize the discussions in the Bundestag, but also they can be connected to the civilian power model. As far as the use of force is considered, the analysis aims at showing how the view changed over the time and what kind of interpretations evolved on the possibility of use of force. The second aspect, the question of legality is seen as an important prerequisite for out-of-area missions, because it indicates if the

debated mission is in accordance with the international law and defines the scope of action of Germany in that conflict . In addition to the legal aspect, legitimacy is also constructed by the foreign policy discourse. Legitimacy could be created also through discursive elements throughout the discourse by describing and defining the ‘crime’, the ‘enemy’ and the ‘situation’ in a particular way. Legitimacy can show how certain situations were conceived and how this perception of legitimacy can change in the light of other changes. The third aspect is the construction of responsibility, where the focus is on, how the politicians construct responsibility in their speeches with different argumentation. These three aspects –the view on use of force, legitimacy and responsibility – are quite intertwined categories, so it is often hard to draw a clear line between them.

3.2.) Cases

The Gulf War: The Gulf war broke out in 1990 after Iraq invaded Kuwait. Iraq accused Kuwait for exploiting more oil from their shared territory that it was agreed upon and it decreased the prices which had a negative impact on Kuwait.⁷⁶ The UN Security Council condemned what happened and called for trade boycott in order to convince Saddam Hussein, the Iraqi leader, to withdraw troops from Kuwait. As it turned out that Iraq was not willing to pull back, the UN Security Council issued an ultimatum. This situation was a real challenge for the German government, because Germany was not yet prepared for such an event. Due to the constitutional interpretation Germany did not participate in the mission against Kuwait, but supported the mission with financial contribution. The significance of this case is that it triggered the first parliamentary debate on out-of-area missions.

⁷⁶ „Saddam’s Iraq: Key events; Gulf War 1990-1991; Kuwait invasion August 2.” Accessed May 21. 2014 http://news.bbc.co.uk/2/shared/spl/hi/middle_east/02/iraq_events/html/kuwait_invasion.stm

Kosovo: in legal terms it was one of the most controversial cases. The Yugoslav President, Slobodan Milosevic, conducted nationalist politics hostile to the Albanians in Kosovo and decreased the autonomy of Kosovo, which lead to serious clashed between the Albanians and Serbs. As the conflict escalated, the international community decided to organize an air strike in order to stop the further violence. Despite the lack UN mandate, most of the political parties supported the mission, namely the governing parties of Bündnis 90/ Grünen and SPD and the opposition parties, FDP and CDU/CSU.

Libya: In February 2011, protests started in Libya, which were suppressed by the Gaddafi regime. Due to the violent actions, a resolution was adapted by the UN Security Council on the March 17th. This resolution authorized a no-fly zone over Libya to prevent any air force to fly in this area. This meant technically a military mission, where the use of force was allowed. The government of CDU/CSU and FDP firmly supported the sanction politics of the UN, but it was reluctant towards a possible military intervention. At that time Germany was a non-permanent member of the UN Security Council and to the surprise of many, it decided to abstain in the voting on the no-fly zone. The abstention did not prevent the adaption of the resolution, but raised questions about the motivations of Germany. In the Bundestag there were debates about Libya, but the possibility of an intervention was not seriously taken into account.

4.) The foreign policy discourse- The empirical part

4.1.) The view on use of force

The aim of this section is to show how the view on use of force has changed over the time. As will be demonstrated below on one hand, the complete pacifism, the absolute non- involvement got marginalized in the discourse. On the other hand some element of reluctance still remained present in the main discourse. What changed significantly in the discourse is how the (non-) use of force justified so how the reasoning was structured.

In the Gulf War, it was often emphasized that German soldiers cannot participate in the conflict at all, because of the constitutional situation. It is noteworthy in the debate, that the political parties did not seriously challenge this constitutional interpretation. There were suggestions from some representatives of the CDU/CSU and FDP that it would be time to organize a debate on the question of a constitutional change in order to make the deployment of the Bundeswehr possible outside the territory of the NATO, but the actual participation in the Gulf War was not raised. This could be interpreted in two ways, both of which could have played a role in this debate. The first one assumes that the respect of law –particularly here the respect of the Basic Law - is inherent in the German identity. The second one is connected to the question of responsibility. According to this latter interpretation, Germany did not want to participate in the conflict and use the Basic Law as an excuse.

As far as pacifism is concerned, the parliamentary debates on the Kosovo intervention show interesting developments. On one hand it can be seen that most of the political parties supported the intervention, only the left party, the PDS not. On the other hand,

even in the main discourse represented by the majority of the parties, there were some elements of the discourse that could show some reluctance. One such sign is - as it was in the legitimacy section demonstrated- that Germany and the international community just got into this situation and they have no other choice than to intervene. Another aspect is when the representatives in the Bundestag decided about the participation in a NATO mission, they emphasized that the situation might not come to this stage. As Joseph Fischer puts it in his speech “This agreement would open the way for finding a peaceful and permanent solution without the use of force.”⁷⁷ These elements can imply a certain pacifism in the German identity, because they show that the Germans do not want to go Kosovo and the only purpose of the intervention is the reestablishment of peace. On the other side it undeniably has a more realist interpretation. It can be seen as a way to shift the responsibility from Germany and from the other participating countries. The main audience of the parliamentary debates are the German people, who have to be convinced about the mission.

In the debate about Libya, the position of the governing parties of CDU/CSU and FDP was that Germany should not participate in the enforcement of the no-fly zone. This position was not challenged by the opposition parties seriously only some SPD representatives formed different opinion. This restraint was underlined by a controversial conception on the role of Germany in the conflict in particular and in the world in general. It was argued that Germany does not have to be everywhere and intervene everywhere. As it was pointed out by the foreign minister Guido Westerwelle “We are not in a position to eliminate suppression everywhere in the world”.⁷⁸ At the same time, it was often pointed out that Germany played a leading role as far as the

⁷⁷ Joseph Fischer, DEUTSCHER BUNDESTAG, Election period 13, Session 248, Bonn, Oktober 16. 1998 p. 23141 (All the subsequent quotes from the Bundestag debates are translated by me)

⁷⁸ Guido Westerwelle, DEUTSCHER BUNDESTAG, Election period 17, Session 97. Berlin, 18. March 2011 p 11138

sanction against Libya are concerned.⁷⁹ The government was eager to emphasize that non-participation is not equal with passivity or inaction, it just means that Germany sees different means more effective.⁸⁰ Although there is some controversy in this discourse, the significance of this decision comes from the fact that Germany took a different position from the other alliance countries. This was not the case in the Gulf War, where Germany did not participate, but supported the position of the participating countries or Kosovo, where Germany was among the countries who took part in the intervention.

4.2.) Legitimacy

According to the online Oxford dictionary, legitimacy has two meaning: “conformity to the law and to rules” and “ability to be defended with logic and justification”.⁸¹ But what exactly make people or states oblige laws and justify their actions? This is the question what is often debated among scholars. There is no consensus what sources legitimacy can have. According to James O’Connor, legitimacy is just a word and there is no such thing as concept of legitimacy.⁸² Ian Hurd for example argues in his study on legitimacy and authority, that social control can have three elements: coercion, self-interests and legitimacy.⁸³ In his view, legitimacy is a normative view that is based on the actor’s

⁷⁹ „The government had a pioneering role here in Europe“ Cornelia Pieper, DEUTSCHER BUNDESTAG Election Period 17, Session 101, Berlin, April 6, 2011 p 11568

⁸⁰ Guido Westerwelle, DEUTSCHER BUNDESTAG Election period 17, Session 95, March 16. 2011 p. 10816

⁸¹ Oxford Dictionaries, Oxford University Press Accessed: May 27 2014

<http://www.oxforddictionaries.com/definition/english/legitimacy>

⁸² James O’Connor “The Meaning of “Legitimacy” in World Affairs: Does Law + Ethics + Politics = A Just Pragmatism or Mere Politics?” 2007 SGIR conference presentation, Section 13, Pragmatism in International Relations, Session 2, Panel 2-13: ‘Relativism’ Revisited p. 15-16, Accessed May 27. 2014 <http://www.eisa-net.org/be-bruga/eisa/files/events/turin/oconnor-legitimacy.pdf>

⁸³ Ian Hurd “Legitimacy and Authority in International Politics” *International Organization* Vol. 53, No. 2, (Spring, 1999): 383

perception and not on moral content.⁸⁴ It could be best described as a feeling that the actor has on certain norms, rules or institutions.⁸⁵ It implies that legitimacy has a subjective side contingent upon the perception of the actor. Shane P Mulligan shows how the concept of legitimacy developed during the time and became from a reference to law to a means to even defy the law on the basis of its rightness.⁸⁶ According to him, legitimacy can be seen a connection between “rule(r) and its right”.⁸⁷ In the international system, legitimacy of the world order is based on the collective acceptance of the states.⁸⁸ Mulligan points out that legitimacy is connected to the question of normality, because it shows what is considered to be normal in a community.⁸⁹

The second definition of the dictionary implies that legitimacy is connected justification. Accordingly, some authors ascribe important role to the deliberation and argumentation. Jens Steffek argues on the basis of the works of Weber and Habermas that even in the international relations rational discourse can shape what is legitimacy and what can be seen as a legitimate.⁹⁰ In this interpretation, the legitimacy of a norm is dependent less on the acceptance of that particular norm, but rather on the acceptance on the reasoning behind the norm.⁹¹ According to the post-modern thinking, discourse not just describes things, but it has a performative function as well, so it does count how certain things are formulated and defined, which noun and adjectives are used to describe them. This formulation have impact on what kind of

⁸⁴ Ibid., 381

⁸⁵ Ibid., 381

⁸⁶ Shane P. Mulligan “The Uses of Legitimacy in International Relations” *Millennium - Journal of International Studies* vol. 34 no. 2 (February 2006)357-362

⁸⁷ Ibid., 375

⁸⁸ Ibid., 364

⁸⁹ Ibid., 358

⁹⁰ Jens Steffek “The Legitimation of International Governance: A Discourse Approach” *European Journal of International Relations* vol. 9 no. 2 (June 2003) 271

⁹¹ Ibid., 264

decisions will be made in certain situation. This view is followed by Theo Van Leeuwen, who in his analysis of texts about compulsory education, distinguishes different linguistic methods that have the purpose to legitimize or delegitimize compulsory education.⁹² These methods constitute four main categories: authorization, moral evaluation, rationalization and mythopoesis.⁹³ Authorization means reference to law, custom, a person or institution that has authority; moral evaluation is legitimation invoking norms, moral considerations; rationalization is justification by goals or knowledge and mythopoesis is a way of “story-telling” narrative that can occur in the discourse.⁹⁴ His concept has relevance even in the international relations, because in both cases – in texts about compulsory education and in foreign policy- communication plays an important role.

These authors show that legitimacy is a rather elusive concept, which could be based on different sources. Despite this elusiveness, legitimacy seems to have subjective side, which depends on the perception of the actor and way of argumentation. This section will follow to some extent the concept of Leeuwen in order to show how legitimacy is constructed in the German parliamentary debates on the out-of-area mission through the means of language. It will concentrate on the following aspects of the main discourse particularly: the perception of the legal legitimacy, self and the other(s) and the perception of the situation.

⁹² Theo Van Leeuwen “Legitimation in discourse and communication” DISCOURSE & COMMUNICATION vol. 1 no. 1 (February 2007)91-112

⁹³ Ibid., 92

⁹⁴ Ibid., 92

4.2.1.) The perception of legal legitimacy

Legal legitimacy refers to how the intervention in the conflict was interpreted according to the international law and how this interpretation was viewed by the German politicians. In the concept of Leuween, legal legitimacy could be seen as legitimacy deriving from authority. In the Gulf War, Iraq invaded Kuwait, which is considered to be violation of sovereignty of another country. In the discourse of the CDU/ CSU and FDP government, this was the accepted view and legality of this aspect was not questioned in the debates. The politicians of the governing parties often emphasized that the war started by Saddam Hussein in august 1990, when Iraq invaded Kuwait and not when the coalition against Iraq started their attack after the deadline of the ultimatum. This was often highlighted, because the view was challenged by the opposition part, the PDS.

In comparison to the Gulf War, the interpretation of the international law was much more problematic in the case of Kosovo. According to the international law, the states are only allowed to use force legally when either it is self-defense or it is authorized by the United Nations Security Council. The case of Kosovo would have fallen into the second category, but Russia was reluctant to give consent to it. That is the reason why the legal aspect played a central role in the parliamentary debates of Germany. This was clearly against the decision of the Constitutional Court that required the UN mandate in order to send the Bundeswehr in an out-of-area mission. This interpretation was from three directions criticized by the politicians who supported the intervention: from the scope of the conflict, from the content of international law and from the form of international law. Accordingly the conflict was depicted not as a domestic issue, but an issue that has an impact on the region and on whole Europe as well. As it was expressed by Klaus Kinkel, foreign minister besides other politicians “what in Kosovo

happens, affects whole Europe“.⁹⁵ This element occurred relatively early and was used even later in the discussions to justify the military intervention. The claim that it is not a domestic issue relativize this argument about the international law, because it raises questions about the principle of non-intervention. Another element to weaken the opposing argument referring to international law was that politicians often put norms against the international law. They referred to norms such as peace, stability and human rights and argued that they are more important than the strict interpretation of international law itself. The norms –especially the human rights- ranked higher than the international law in the discourse for example as was expressed by one of the CDU representatives, Wolfgang Schäuble “Given the universality of the human rights can the interpretation of the classic intervention-ban give a free way to dictators to kill his own people and make them flee [...] ?”⁹⁶ The third aspect about international law that was raised in the discussions is the form of the international law. One element of the main discourse was that the functioning of the international law is not an automatic process, but rather based on the states themselves and on their will to enforce it. “International law [...] does not function by itself, it needs clever decisions that help it enforce.”⁹⁷ All of these aspects had the aim to weaken the argumentation about international law, which was considered to be the biggest obstacle in Germany to participate in such a mission. It does not mean that the international law was disregarded in that case by the Germans, exactly the frequency of this issue shows its significance in the German view.

⁹⁵ Bundesminister Dr. Klaus Kinkel (FDP), DEUTSCHER BUNDESTAG, Election period 13, Session 242, Bonn, 19. June 1998 p. 22242

„What in Balkan happens, affect us indirectly” Bundesminister Rudolf Scharping, DEUTSCHER BUNDESTAG, Election period 14, Session 22, Bonn, 25. February 1999 p. 1699

⁹⁶ Dr. Wolfgang Schäuble (CDU/CSU) DEUTSCHER BUNDESTAG, Election period 14, Session 32. Bonn, 15. April 1999 p. 2625

⁹⁷ Dr. Wolfgang Gerhardt (FDP) DEUTSCHER BUNDESTAG, Election period 13, Session 248, Bonn, 16. Oktober 1998 p. 23143

In addition to that it was often emphasized that Kosovo case is exceptional one and it cannot become a precedence.⁹⁸ These two aspects about the conditionality of the international law and the exceptionality of the Kosovo case took a central place in the argumentation, because they helped to bridge the gap between identity and action. It reconciled the previous discourse about the use of force (multilateralism, UN mandate) with the case of Kosovo which was formally not a legal intervention according to the international law.

In the Libyan case, the UN Security Council adopted a resolution on the no-fly zone, which involves the use of military force as well. Germany at that time was a non-permanent member of the UN Security Council and decided to abstain in the voting. Abstention did not prevent the decision-making, but it caught surprise many that Germany opted for that option instead of approving the decision. On the discourse level, the legitimacy of UN Security Council resolution was not questioned in the main discourse, but rather the means of the no-fly zone. Many politicians raised their concerns that no-fly zone is not the most appropriate choice to handle the situation and it would be wiser if they would wait until the sanctions starts to be effective. After the decision, the politician often emphasized that they support the coalition of the countries, but they do not want to be involved in that.

4.2.2) Self and the Other(s)

In the main discourse, an important part of the argumentation was defining who are the subjects in the conflict, so who are the participants exactly in the war. In the Gulf War, it was often expressed that “It is not a war between the US and Iraq, bur a war

⁹⁸ Gernot Erler (SPD) DEUTSCHER BUNDESTAG, Election period 13, Session 248, Bonn, 16. October 1998 p 23156

between a dictator and the world-community.”⁹⁹ It narrows down the enemy to only Saddam Hussein and broaden the alliance to as large as the world. The case of Kosovo was quite similar to the Gulf War in that respect. In the parliamentary debate it was often emphasized that the military intervention is not against the Serbian people but rather against the Milosevic government, the members of which have the real responsibility for the escalation of the conflict. In the discourse, a clear distinction was made between Milosevic government and the European countries, so between “we” and “they”. Milosevic was often depicted as a dictator, a person whose politics are unreliable and does not work in rational way.¹⁰⁰ In opposition to that, the NATO and the European countries are depicted as democratic countries who act on the basis of norms.¹⁰¹ In the discourse Milosevic was also represented as a person, who can decide about peace and war, because he has the main responsibility was has happened in Kosovo and he is the person who can stop the grievances. He is an active character of the discourse, while in contrast to him Germany and the other NATO countries just got into this situation. They are more of passive actors. This view is somewhat contradictory and probably one of the biggest weakness of the main discourse, but the same is observable in the Gulf War, where Saddam Hussein was the main enemy.

This kind of distinction play an important role in the discourse, because it can make an action against the “enemy” legitimate by showing how big the “moral” distance is between the constructed “we” and “they”. As far as the ‘Othering’ is considered, especially in the case of the Gulf War and Kosovo it is quite problematic. As Anthony

⁹⁹ Dr. Dregger (CDU/CSU) Election period 13, Session 3, Bonn, 17. January 1991 p. 49

¹⁰⁰ „...rational unexplainable, ethically not responsible politics of Belgrade based aggressive nationalism...”
Joseph Fischer, DEUTSCHER BUNDESTAG, Election period 13, Session 248 Bonn, 16. October 1998 p 23142

¹⁰¹ „...the protection of peace, freedom and stability – in reality it is the core of the European thoughts
“Chancellor Helmut Kohl, DEUTSCHER BUNDESTAG, Election period 13, Session 241. Bonn, 18. June 1998 p. 22186

Lang points out in his study on the Gulf War, the states are often constructed as responsible actors, instead of the other actors such as dictators, governments and other domestic actors.¹⁰² This is observable in parliamentary discussions both on the Gulf War and Kosovo, where the picture of enemy changed constantly between Saddam Hussein- Iraq, Milosevic- Belgrade. One of the main reasons for this conflation of the actors comes from the international law, which considers states as its primary agents.¹⁰³ In addition to that, Lang argues that state responsibility as direct responsibility of an actor for a certain action can be ascribed to international political structure itself and the ability of powerful actors (for example the US) to define roles of actors.¹⁰⁴ In that respect, Germany is rather a ‘follower’ that accepts the international order than shape it.

4.2.3.) The perception of the situation

Another way to create legitimacy in the discourse is the construction of the situation in a way that make certain actions or decisions necessary. In the discourse of the governing parties (CDU/CSU and FDP) the war occurs as inevitable, for which Saddam Hussein is responsible. “The Iraqi dictator wanted the war.”¹⁰⁵ As the Chancellor Helmut Kohl said before the deadline of the ultimatum “*Saddam Hussein has the key in his hands for war and peace.*”¹⁰⁶ It indicates that it was not the western countries who initiated the war, but Saddam Hussein. According to this discourse, the Western countries are left without choices in this conflict. The only option that remained is to

¹⁰² Anthony F. Lang JR “Responsibility in the International System: Reading US Foreign Policy in the Middle East” *European Journal of International Relations* March 1999 vol. 5 no. 1 p. 67-107

¹⁰³ *Ibid.*, 75

¹⁰⁴ *Ibid.*, 69

¹⁰⁵ “The Iraqi dictator, Saddam Hussein wanted the war.” Solms (FDP) DEUTSCHER BUNDESTAG, Election period 12, Session 6. Bonn, 31. January 1991 p.113

¹⁰⁶ Chancellor Kohl, DEUTSCHER BUNDESTAG, Election period 12, Session 2, Bonn 14. January 1991 p. 23

intervene in the conflict. One of the sentences of the chancellor Kohl expresses this thought “The community of states should not and cannot accept this breach of law”¹⁰⁷ This argumentation implies two things. On one side the states have a moral obligation to make sure that rules of the international law are kept, consequently they cannot let Saddam Hussein to act against these laws. It is not a question of choice for the western countries. On the other side the expression of “Staatengemeinschaft”, community of states was an often used expression. Gemeinschaft implies a solidarity among the states that strengthens the ties among them while creates a distance between the states and Saddam Hussein. Furthermore, it even implies that either a state belongs to this state community or on the side of Saddam Hussein.

The Kosovo case was also depicted in a similar fashion. One argument that was used is that Germany- and the international community- *have to*¹⁰⁸/*are forced*¹⁰⁹ to intervene and there is *no alternative* to military intervention¹¹⁰ and that”... it is about an emergency situation...”¹¹¹ In comparison to the Gulf War and Kosovo, Libya occurs quite differently in the discourse. Libya is a not a place where military intervention would be effective. On one side they emphasized that the planned no-fly zone would not be a solution for the conflict. This was highlighted in the speech of the foreign minister, Guido Westerwelle “The supposedly easy solution of a no-fly zone raises

¹⁰⁷ Chancellor Kohl, DEUTSCHER BUNDESTAG, Election period 12, Session 2, Bonn 14. January 1991 p. 21

¹⁰⁸ “The situation is so serious, that the international community has to react “Wolfgang Gerhardt (FDP) DEUTSCHER BUNDESTAG, Election period 13, Session 248, Bonn, 16. October 1998 p. 23144

¹⁰⁹ „The Alliance was forced to this step in order to stop further serious and systematic violation of human rights in Kosovo and to prevent a humanitarian catastrophe” Vice President Dr. Antje Vollmer, Election period 14, Session 31, Bonn, 26. March 1999 p. 2570

¹¹⁰ „Against part of the violence, against the use of force of Serbian armed forces, help only – this action is unfortunately furthermore without alternative – is the threat with considered military power by the NATO Dr. Christoph Zöpel (SPD), DEUTSCHER BUNDESTAG, 14. Election period, 8. Session. Bonn, 19. November 1998 p.

¹¹¹ “... it is about an emergency situation...” Joseph Fischer, DEUTSCHER BUNDESTAG, Election period 13, Session 248. Bonn, 16. Oktober 1998 p. 23141

more questions and problems than promises to solve”¹¹² On the other side, the speeches depicted Libya as a country which is even more problematic than other countries in the region. ¹¹³ In this way the main discourse implies that the UN resolution would apply the wrong method in the wrong place. All these element had the aim to prepare the decision of abstention in the UN Security Council. Germany often highlighted its commitment to the method of sanctions.

. In addition to that it was often emphasized in the main discourse that Kosovo is an exceptional situation which cannot create a precedence and has no aim to undermine the power of the UN Security Council. This shows a clear commitment to the international law, but also to the existing world order. In the discussions of all the tree cases, the phrase of “Staatengemeinschaft”, community of states was often used to express a kind of solidarity among the states. In the German language, Gemeinschaft refers to closer relation among actors that through some way connected to each other. But what community is this exactly? At first glance the expression seems to imply a more encompassing community that is open to every state, but it is still worth to look at what foundations this community have. In the discussions there are many references to international law and human rights. If the foundation would be international law, that could have quite different implications than with human rights. As Steinberg and Zasloff demonstrate in their study, international law could be interpreted in several way.¹¹⁴ From a realist perspective, realism is about or based on the interests of the powerful

¹¹² Guido Westerwelle, DEUTSCHER BUNDESTAG, Election period 17, Session 95. Berlin. 16. March 2011 p. 10815

¹¹³ Rainer Stinner, DEUTSCHER BUNDESTAG, Election period 17, Session 93. Berlin, 24. February 2011 p. 10482

¹¹⁴ Richard H. Steinberg and Jonathan M. Zasloff “ Power and International Law” The American Journal of International Law, Vol. 100, No. 1 (Jan., 2006), pp. 64-87

states.¹¹⁵ The implication to human rights refers to a more bottom-up point of view which corresponds to the liberalist interpretation.¹¹⁶

4.3.) Responsibility

One element that is typical to the German foreign policy and occurred in all the three case studies in an implicit and explicit form is the responsibility, so the conviction that Germany has to do something in a certain crisis situation. The sources of responsibility –as will be shown below- can have various sources and addressees. Responsibility conceptually has a connection to legitimacy. Legitimacy makes certain actions possible in legal or moral sense and can create a framework for the construction of responsibility. Responsibility can be seen as an important element of the civilian power concept. As Maull points out, a civilian power has to be willing to shape the international order in accordance with its own values, but not as a leader in that system.¹¹⁷ This willingness can create a sense of responsibility. This focus of the analysis is how the notion of responsibility is constructed through the discourse in the German parliamentary debates on out-of-area missions.

In the Gulf War, the construction of responsibility had more intertwining elements in the main discourse. The responsibility meant in that case that despite the constitutional constraints, Germany need to help the countries participating in the mission against Iraq and has to take steps in order to restrict more strictly the exports, through which directly or indirectly weapons and other weapons-usable materials can be go to Iraq from Germany. One element of the responsibility was the solidarity towards the

¹¹⁵ Ibid., 73-76

¹¹⁶ Ibid., 80-82

¹¹⁷ Maull and Kirste, "Zivilmacht und Rollentheorie", 301

Western countries, the second was the German history and the third one was interest. The first element the solidarity of Germany towards the Western countries creates a sense of responsibility. *"We have to prove our solidarity towards the Allies who had been guaranteed the security of the Federal Republic of Germany for 40 years."*¹¹⁸ Due to the help of the Western countries Germany cannot be neutral in the conflict.

This was reinforced by the second element of the references to the German history. On one side, there are historical references to the appeasement politics. This has the aim to make the argumentation in favor of the mission against the Iraq more effective, because it can touch upon a common German understanding. As Hans- Dietrich Genscher, the foreign minister put it *"It belongs to the lessons from our history that compliance to an aggressor requires a higher price in victims and destruction than resistance."*¹¹⁹ This argumentation has the aim to convince the "audience" that appeasing is not solution and even in the past with Hitler it did not work, so now the western countries cannot appease Saddam Hussein either. On the other hand there are references to the World War *"The reference to the guilt in the past cannot dispense from responsibility for the serious case in the present."* Due to historical reasons, Israel was of central concern of the German politicians in the parliamentary debates especially in connection to the direct and indirect exports of weapons to Iraq. According to the main discourse, Germany was responsible for Israel and cannot let the security of the country be endangered by Saddam Hussein. As one of the politicians expressed ironically *"A second Holocaust would happen to the Jewish people and the German people and German government would only look at the Basic Law frowning and without*

¹¹⁸ Dr. Waigel, DEUTSCHER BUNDESTAG, Election period 12, Session 6. Bonn, 31. Januar 1991 p 127

¹¹⁹ Foreign minister Hans-Dietrich Genscher, DEUTSCHER BUNDESTAG, Election period 12, Session 6. Bonn, 31. January 1991 p 137

doing anything." ¹²⁰ The concern about the security of Israel was not unfounded, because Iraq did use Scud missiles against Israel in the Gulf War¹²¹ and generally the Arab-Israeli conflict put a burden on their relations. The assumption of the discourse – which was highlighted in the references to the appeasement politics- was the Saddam Hussein would not stop by invading Kuwait. In the discourse, Israel is shown as a (possible) victim that needs help and an ally that make a good decision by staying out of the coalition against Iraq that would just increase the conflict further. At the same time, the complexity of the Arab-Israeli conflict is not discussed in detail. It is not shown what motivations would drive Iraq to attack Israel. The third element is constituted by the German interests in the argumentation. "We not just fulfil our moral duty, but we act in accordance to our interests" ¹²² National interests are not necessarily selfish constructions of a state -especially not in a democracy, but they can mean a certain kind of responsibility towards the own people.

In the case of Kosovo, the triad of solidarity, history and interests continues, even though in different degree. The meaning of solidarity remains the same, as a responsibility of Germany to act and to prove that it is a reliable partner. ¹²³ In the discussions, the German history –especially the World Wars and the interwar period- seems to be interpreted in two ways: one that connects the historical experiences to responsibility of Germany, and another that sees history as a common European heritage. In the first interpretation, history is used by both the opponents and supporters of intervention. Joseph Fischer used historical example to strengthen his

¹²⁰ Dr. Müller (CDU/CSU) DEUTSCHER BUNDESTAG, Election period 11, Session 222. Bonn, 23. August 1990 p. 17479

¹²¹ "1991: Iraqi Scud missiles hit Israel" 18. January 1991 BBC Accessed 01.06.2014
http://news.bbc.co.uk/onthisday/hi/dates/stories/january/18/newsid_4588000/4588486.stm

¹²² Chancellor Kohl, DEUTSCHER BUNDESTAG, Election period 12, Session 5. Bonn, 30. January 1991 p. 70

¹²³ „It is a bid of partnership ability, of international reliability and of alliance solidarity“ Bundesminister Rudolf Scharping, DEUTSCHER BUNDESTAG, Election period 14, Session 22. Bonn, 25. Februar 1999 p. 1700

argument in favor of intervention: *“Exactly we Germans know, what kind of perishable and self-destructive effect the aggressive, bloody nationalism can have.”*¹²⁴ On the opposite side, history was element of the arguments against the intervention in Kosovo, for example as one representative expressed *“I am ashamed of my country that it conducts war in Kosovo again and drops bombs on Belgrade again”*.¹²⁵ These quotes imply a certain kind of responsibility feeling on the German side. On one side, it is argued the German should intervene in order to compensate what it did in the past. On the other side, the German committed terrible things in the past exactly in Kosovo, so they should not intervene. On parallel to that, another history interpretation is present in the discussions in which the World Wars occur as part of a common European history and occur less to emphasize the German guilt. This is expressed by the speech of Chancellor Schröder „Do we, Europeans, after two terrible World Wars in this century really want to let dictators rage undisturbedly in Europe?”¹²⁶ These two parallel existing history interpretations can point a gradual shift in the German identity. The third aspect, interests of Germany do not play an important role in the discussions, although they are mentioned regarding certain issues such as the stability of the Balkan or question of refugees.

It was also argued that Germany has to participate, because the issue is not just about a simple intervention in the Balkan, but more about the defending the European values such as freedom, stability and the way of life of the Europeans. As it was expressed

¹²⁴ Joseph Fischer, DEUTSCHER BUNDESTAG, Election period 13, Session 242. Bonn, 19. Juni 1998 p. 22429

¹²⁵ Hans-Christian Ströbele (Bündnis 90/ Die Grünen) DEUTSCHER BUNDESTAG, Election period 14, Session 30. Bonn, 25. March 1999 p. 2423

¹²⁶ Chancellor Gerhard Schröder, DEUTSCHER BUNDESTAG, Election period 14, Session 32. Bonn, 15. April 1999 p. 2621

by Gerhard Schröder, the conflict “affects the values and the fundamental orientation of the Europeans and of the European civilization model.” ¹²⁷

In Libya, solidarity with the Western countries and the NATO alliance gain a new and different interpretation in the discourse. It is not anymore used to justify some kind of German participation (either financial support as in the Gulf war or military contribution like in Kosovo), but to highlight that Germany is part of the alliance of the NATO and this alliance is based on the division of labor among the members. As the CDU/CSU representatives highlight, *“Alliance means not that Germany has to participate in everything what the NATO does”*¹²⁸, *“It is a practice in the alliance that not always every states have to participate in the implementation of military measures.”* ¹²⁹ This interpretation of alliance is reflected by the fact that government introduced the initiative of sending AWACS units to Afghanistan so that the participating countries in the alliance could be relieved to some extent and can be in Libya with more force. An interesting development in the discourse compared to Gulf War and Kosovo is that there were only few historical references in the debate and these references were mostly about the interventions in Afghanistan and Iraq and not about the World Wars. Partially this could be attributed to the debate itself, because the politicians did not seriously consider to send troops to Libya. However, it could also mean that Germany is getting over the past to some extent and the history of the World Wars can no longer influence the decision of Germany if it participates in a conflict or not. This has the consequence that even pacifism or reluctance of use of force gets in this context a new

¹²⁷ Gerhard Schröder, DEUTSCHER BUNDESTAG, Wahlperiode 14, Sitzung 32. Bonn, 15. April 1999 p 2620

¹²⁸ Ruprecht Polenz(CDU/CSU), DEUTSCHER BUNDESTAG, Election period 17, Session 97. Berlin, 18. March 2011 p 11145

¹²⁹ Ernst-Reinhard Beck, DEUTSCHER BUNDESTAG, Election period 17, Session 100. Berlin, Freitag, den 25. March 2011 p 11481

interpretation. The source of reluctance comes not from the historical past or constitutional concerns, but rather from choice of the country.

5.) Conclusion - Changes in the German discourse and the civilian power concept

The paper had the aim to analyze the German self-representation through discourse of the parliamentary debates and to find out how the discourse reflects the changes in the role-conception of the country. The paper concentrates on three elements of the discourse: the view on use of force, the legitimacy and responsibility and contrast the discourse on these elements with the civilian power concept firstly used by Maull and later by other authors as well.

According to the civilian power concept, a country should be skeptical towards the use of force and see it as a last resort solution.¹³⁰ Comparing the parliamentary discussions, it can be seen how the interpretation of use of force has changed since the reunification. In all of the three cases, the use of force was represented as an ultima ratio, but the reasoning behind it has changed significantly. In the case of the Gulf War and Kosovo, the argumentation was more pacifist. In the Gulf War, there was a consensus that Germany cannot participate in the conflict and this position was not challenged seriously, while in Kosovo it was emphasized that the force is needed more to threaten than actually apply it. In opposition to these cases, the government used a practical argument in the discussion on Libya, namely that Germany does not consider the no-fly zone as an effective method and Germany does not have to participate in every mission. That kind of argumentation does not fit in the civilian power concept, when human rights are at stake. It has a connection to the fact how the situation in Libya was constructed as a place which they do not understand properly and where

¹³⁰ Maull and Kirste, "Zivilmacht und Rollentheorie", 303

the use of force would not have any significant result or would be even counterproductive. In the light of other arguments, it seems plausible that this perception of the situation was affected by the reluctant position of the government and especially the above mentioned argument show this possibility. This arguments probably reflect the experience of Germany in Afghanistan, where it turned out that one mission is not enough to solve the problem there and the international forces had to stay longer in Afghanistan. Regarding the civilian power concept, legitimacy can be seen as one of its foundations, which encompasses the respect of norm and rules as well as the legality of a possible intervention.¹³¹ As the cases show, the legitimacy of the international law played an important role in the discourse. The only case when Germany acted without proper authorization was Kosovo, where some elements of the international law (form, the hierarchy of norms and scope) were loosened, but the politicians tried the argue that it cannot be a precedence. The main reason for emphasizing this aspect is that it would have a negative impact on how the international law function as well as it would disrupt the existing world order of which Germany is part. All things considered, the legal legitimacy preserved its importance and its meaning remained stable. The other aspects-such as the construction of the situation, othering – depends on to a large extent on the situation itself. Regarding these aspect the interesting thing is not how it changed over the time, but rather how the perception of the legitimacy reflected and adjusted to the change of other meanings.

According to Maull and Kirste, the civilian power should have the will to form the international system and transform it according to its norms and principles.¹³² This can be interpreted from the viewpoint of the civilian power as a kind of responsibility. In this

¹³¹ Maull and Kirste, "Zivilmacht und Rollentheorie", 302

¹³² Ibid., 301

regards, Germany went through an interesting development which entails the change in the notion of responsibility. As above demonstrated through the parliamentary debates, in the case of Germany there are three sources of responsibility: solidarity, history and interests. One of the biggest changes that can be seen in the discourse how solidarity is interpreted over the time. In the Gulf War, solidarity meant a feeling of unity with the other countries participating in the mission. The main source of this solidarity was the gratitude for the help in the Cold War. In the Kosovo conflict, solidarity implied the aim to be a reliable partner. In Libya, solidarity meant being a member of the NATO, and take share of the division of labor but not more than that. In that sense responsibility referred to help the alliance by sending AWACS units to Afghanistan which can make it possible for other countries to take part in the enforcement of the no-fly zone. As far as the interests of Germany are considered, they were not in the center of the debates and mostly referred to regional stability and refugee questions.

On one side, we can see that the picture on German foreign policy discourse has changed a lot during this twenty years to the extent that it could be hardly interpreted by the original civilian power role-conception invented by Hanns W. Maull. On the other side, Germany, -more precisely – the political elite kept many elements from the civilian power concept and try to frame their decisions according to it but the meanings and perceptions of these elements seem to get farther from the original meanings and perceptions.

The discourse analysis is not suitable to answer what caused this shift in the foreign policy discourse and what factors affected exactly the role-conception of the politicians. According to the role theory, the role-conception of the political elite depends on the perception of domestic factors and external expectations. It is likely that the change

happened through the change of one or more of these factors. Here will be sketched three possible reason, based on the assumptions of the role theory, that might have an effect

- 1.) One explanation is connected to the fact that the main audience of the parliamentary debates are the German people, among which the military interventions are not that popular in general. According to a survey made by the Forsa Institute in 2011, most of the German people oppose expanding out-of-area missions any further.¹³³ Germany's biggest and longest participation is Afghanistan, where German soldiers have been served in the framework of the ISAF mission for more than ten years. This mission is viewed in a negative way by the people. According to a survey from 2010, the majority of the people (83%) would not support sending more soldiers to there.¹³⁴ Considering the negative attitude of the German people towards the out-of-area missions, it seems a plausible explanation that German politicians in the Bundestag use the elements of the civilian power framework, because it is more acceptable by the people and their arguments are more justifiable in this way in the domestic politics.
- 2.) The second possible explanation goes back to the basic assumption of the role theory, namely that an actor's self-conception depends on not just domestic issues but also on the expectations of Alter. In this cases, the expectations of others were that Germany should participate in the mission and help its allies.

¹³³ „Bundeswehr - Ausweitung der Auslandseinsätze“ Source: Forsa Institute 2011 , Statista Webpage, Question: „Should the the Bundeswehr missions abroad extended?“
<http://de.statista.com/statistik/daten/studie/188269/umfrage/meinung-zur-ausweitung-der-auslandseinsaetze-der-bundeswehr/> Accessed 03.04.2014 16:20

¹³⁴ „Meinung zur Entsendung zusätzlicher Soldaten nach Afghanistan“ Source: ARD DeutschlandTREND Januar 2010, Statista Webpage, Question: “Should the government send more troops to Afghanistan or not?” Accessed June 2. 2014 <http://de.statista.com/statistik/daten/studie/74741/umfrage/meinung-zur-entsendung-zusaetzlicher-soldaten-nach-afghanistan/>

Accordingly, Germany helped the coalition against Iraq with financial support participated in the Gulf War, participated in the air strike in Kosovo. The Libyan case is different in the sense, that Germany did not take part in the missions, but the politicians used the civilian power concept as the framework of the discussions. The difference is that the meanings of the concept have changed in the discourse. In that case, the element of the civilian power role-conception might have been maintained due to the perceived external expectations.

- 3.) The third possible reason is that role conception might change slower on the discourse level, which in practice could mean that politicians would still use the same expressions and reference points, but with different meanings. In this case, the tradition of the civilian power affect the discourse. The politician – maybe even unintentionally – still continue to reflect on the civilian power concept.

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