How Should the Nationalization of the Military and Soldiers’ Individual Rights Be Handled?

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The military is the most sensitive organization in a change of power: it holds weapons, and it is made up of one specific person after another. The core of nationalizing the military is only one sentence — the military belongs to the state, not to any political party, individual, or region. The 1947 Constitution of the Republic of China already established this principle; the problem was never whether the principle was written down, but how an army that has long served a political party can truly complete the transition.

The transition must answer two questions at the same time: to whom does command of the military belong, and how are soldiers’ rights as citizens protected? If only the first question is answered, soldiers will become hostages of the new order; if only the second is answered, the military will become an unconstrained armed group. Neither question can be missing.

I. What Does Nationalizing the Military Mean?

Nationalization is first a matter of where command belongs: supreme command of the military belongs to state institutions under the constitutional order, the chain of command operates according to law, and it does not accept orders from any political party. Soldiers must not pledge loyalty to a party, nor intervene in personnel matters or command in a party capacity; the military must not intervene in everyday public order and politics — everyday public order belongs to the police. This is the division-of-labor conclusion of Question 22 in this series, cited here and not developed.

Second is budget and supervision: the military budget should be public and subject to review by the representative body. A secret military budget is a hotbed of unsupervised power; an army that spends taxpayers’ money but does not account to taxpayers cannot truly belong to the state. Public does not mean publishing operational details, but publishing totals, broad categories of use, and audit results.

II. Soldiers Are Citizens First

A soldier is first a citizen, and only then a soldier. Service may lawfully limit the exercise of certain rights — for example, active-duty soldiers must not hold party office concurrently, nor take part in election campaign activities — but such limits must be expressly provided by law and be proportionate; a limit not provided by law is a limit that should not exist. Every limit should be subject to judicial review, and a soldier who disagrees with a decision imposing a limit may appeal to an independent military judiciary or ordinary judicial body.

Employment, medical care, and pension security for veterans must be arranged as a priority in the transition plan. A transition plan that leaves veterans without food or clothing is manufacturing a disgruntled armed group with its own hands. Equally important is prohibiting the settling of scores with ordinary soldiers on the basis of political identity: what is pursued is an individual's serious unlawful conduct (see the position on transitional justice in Question 14), not military status itself. After a soldier takes off the uniform, he or she should enjoy the same legal protection as an ordinary citizen.

III. Concrete Steps of the Transition

The transition needs a statutory handover procedure: how supreme command is transferred, who signs orders, and how the existing command system operates during the handover period should all be written out in advance and publicly announced. Every day that the handover procedure remains vague is a period of risk for misjudgment and conflict.

At the same time, four practical things must be done: the officer corps retained in post and given constitutional and professional training; weapons depots and military assets inventoried and registered item by item; local armed forces and militias incorporated or disbanded, with no armed force outside state command retained (this is the military premise in Question 25 of this series for preventing local warlordism, cited here and not developed); and a ban on the military engaging in business — once the military has its own source of revenue, it no longer needs the state budget, and it no longer truly belongs to the state.

IV. Preventing the Military from Becoming a New Power Center

After the transition is complete, it is still necessary to prevent the military from turning around and becoming a new power center. Civilian control is the most basic guardrail: the defense chief is a civilian, soldiers must not concurrently hold the chief executive office; military justice should be independent of the command system, and a soldier who breaks the law must likewise face independent adjudication, not "internal handling" by a superior.

Last is sustained supervision: media and civil society supervision of military spending and military policy, regular questioning by the representative body,

and lawful channels for veterans' organizations to speak out. Constitutional reconstruction needs engineers, doctors, teachers, and civil servants (see Question 37 in this series) — and likewise needs a professional, self-disciplined, supervised military: the military defends national security, the civilian system decides the country's direction, each in its proper place — that is the completed form of nationalization.

Officers and ordinary soldiers should be treated differently: senior officers bear greater responsibility for command decisions, while ordinary soldiers and conscripts are more often citizens carrying out orders. The former should be subject to strict review of command responsibility, while for the latter the emphasis should be on protecting rights and proper resettlement. Conflating the two is both unjust and would push the majority, who could otherwise transition smoothly, onto the opposing side. Officers' professional training should include constitutional principles and soldiers' rights, so that obeying orders and obeying the law no longer conflict in a soldier's mind.

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References

The Forty Questions on the History of the Republic of China and Constitutional Reconstruction — index (https://freechina.live/governance-public-policy/third-republic-governance-blueprints/roc-history-constitutional-reconstruction/)

The principle of military nationalization established by the 1947 Constitution of the Republic of China (https://freechina.live/?p=20997)

Question 14, “What experiences and limitations does Taiwan’s transitional justice offer?” (https://freechina.live/?p=22008) — the conclusion distinguishing individual responsibility and rejecting collective retaliation, cited in this question

Question 37, “Why does constitutional reconstruction need engineers, doctors, teachers, and civil servants?” (https://freechina.live/?p=21662) — the conclusion on the importance of the civilian system, cited in this question

Introductory reading, part 2, “What Is a Constitution Actually For?” (https://freechina.live/?p=21234) — the conclusion that constitutions constrain power, cited in this question

Translated from the ZH-Hans master (published 2026-10-31).

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