

The Irony of American Civil-Military Relations

Even with military and civil-military records that would be the envy of any great power in history, Americans still find things to be concerned about in the field of civil-military relations. Two ironic facts mark the field of American civil-military relations. First is the fact that, since the 1783 Newburgh Conspiracy, American history has never seen a significant coup attempt—let alone a successful coup. Nevertheless, civilian leaders worry that military leaders too often enjoy the upper hand in policy disputes. In fact, nearly every secretary of defense since Richard Cheney in 1989 has taken office believing civil-military relations had gotten out of balance under his predecessor; a high priority for each of them has been tilting the balance back toward one favoring civilian supremacy. Second, despite the fact that the United States has won its major wars decisively and managed to recover fairly quickly from military setbacks without a major breakdown in the political order, each postwar period since World War II has been marked by a societal-wide debate over the proper relationship between the military and civilian society. This debate, dubbed the “civil-military gap,” is as old as the Republic and yet as fresh as last week’s headlines.

The five articles assembled for this special edition demonstrate the irony again, as an interesting mix of scholars and military practitioners assemble to debate issues that would be familiar in broad outline to civil-military specialists of several decades ago—if not to the Framers of the Constitution themselves. Consistent with previous waves of scholarship, most of the articles fit under the rubric of the first concern: how the principle of civilian control applies in certain settings. James Golby analyzes the thorny issue of “resignation,” specifically focusing on the conditions under which a senior military officer should be free (or professionally obliged) to resign when ordered to do something that might be legal but otherwise violates his or her sense of professional duty. Thomas Sheppard and Bryan Groves discuss the high level of friction in the civil-military relationship in the post-9/11 era, focusing on why both Pres. George W. Bush and Pres. Barack Obama have struggled with the military and why policy disputes have taken the form of stormy contests between civilian and military preferences. Mackubin

Owens seeks to parse the appropriate limits for military activity that might be labeled political or partisan, examining how far the military can go without crossing the line and exploring what keeps it on the right side of that line.

The two remaining articles also touch on the civilian control issue but are better grouped under the rubric of the second concern: keeping the societal level civil-military relationship in proper balance. Lindsay Cohn considers how the all-volunteer force operates given the constraints of the US labor market and the demands imposed by prolonged combat deployments. In doing so, she examines whether an implicit civil-military contract between civilian society and its armed protectors can endure in the face of spiraling personnel costs. Finally, Marybeth Ulrich analyzes the norms that should govern military behavior after retirement—specifically the extent to which retired officers should be allowed to leverage the public trust in their expertise for personal financial gain.

Civilian control and the civil-military gap are the hardy perennials of the academic study of civil-military relations, and it is difficult for scholars to produce something truly new and interesting about them. Yet, in my judgment, these scholars succeed, even though each leaves questions hanging for follow-on work.

Civilian Control and Military Power

Golby zeros in on one particularly thorny question of military dissent: should senior military officers practice “resignation in protest” when confronted with policy choices they strongly oppose? He takes a fairly restrictive position on the formal question. Golby examines the case presented by Donald Snider, James Dubik, and James Burk in favor of a limited zone where such resignation might be the appropriate ethic and concludes that the zone might exist in theory but disappears in practice. He is unable to identify plausible cases from the real world that actually meet the Snider-Dubik criteria.

However, Golby goes on to argue that the focus on resignation is misleading, because the real problem concerns the proper military advisory role in the policy-making process leading up to a decision. This is worse than misleading in his estimation, since publicly cultivating a resignation ethic would further undermine the key ingredient to make the

advisory process work: civilian trust of the military. Rather than asking whether the military should resign, better to ask whether the military provided candid expert advice prior to the point of decision. Civilians may have the right to be wrong, Golby seems to be saying, but are military leaders doing what they can to better inform civilians to minimize the number of times civilian leaders might be wrong?

Golby proposes a “new framework” for understanding the proper role of military advice, one drawn from a source that is anything but new: Carl von Clausewitz. Golby argues that there are meaningful distinctions that can be drawn, *a priori*, to mark what is “military expertise” and what is “civilian expertise.” The former uniquely enables the military to assess the feasibility of options, even though civilians can make choices for other reasons that seem to override such feasibility calculations. By contrast, civilians have expertise in determining the ends of policy, which fall entirely outside of military expertise. There is an area of overlap, Golby acknowledges, and it includes such matters as the assessment of international politics, the ways to integrate the military instrument with other tools of statecraft, and the management of escalation.

This “new framework” is an able update of Samuel Huntington’s effort to draw dividing lines, but I do not find it any more persuasive or successful than Huntington’s effort. As I have argued in *Guarding the Guardians*, new military technologies and doctrines make hash out of old civil-military distinctions. The categories of civilian and military do not disappear, but the lines that mark previously clear zones of expertise do. Civilian leaders themselves get to draw these new lines, which are perhaps better depicted as dotted lines. Put another way, part of the day-to-day playing out of civilian control in the US context is the decision by civilian leaders where to draw the line between “their” zone and the “delegated” zone. Furthermore, wherever civilian leaders draw that dotted line in one case does not tie their hands to where they might draw it in another case.

At first glance, it would seem that Golby’s Clausewitzian framework is not needed. However, while I found the first part of his narrative mostly unpersuasive, the specific prescriptions he offers at the end of his essay, which he claims to derive from his framework, were more convincing. Golby emphasizes the positive duty to advise rather than the negative duty to avoid politics, siding with me against Owens (see below) on the matter of public commentary on policy. Golby is particu-

larly compelling when he talks about the obligation to provide a range of options to civilians—likely a range that is wider than the military would prefer to implement—even as the military also has a responsibility to help civilians “bound possibilities” so as to avoid endlessly paralyzing choices. Golby’s list is a good start, but it is not exhaustive. Surely, there are civilian responsibilities in this area as well, for instance the obligation to hear unwelcome advice and to not misrepresent military advice in public settings. Moreover, what should the military do when civilians violate these obligations, for instance appearing to ask the military to trim their advice to tell civilians what they want to hear? The answers, I suspect, will come in pragmatic assessments that do not fit neatly into the “new Clausewitzian” framework Golby advances.

Sheppard and Groves chart a synoptic course through recent civil-military experience, making the case that the frictions of the current and previous administrations reflect enduring deficiencies in American civil-military relations. Specifically, the authors claim there has been repeated military shirking and endemic deteriorated trust, war-time strategy has been incoherent, and all these problems can be traced to an overall poor decision-making process. The Sheppard-Groves indictment is amply supported in the journalistic record and, more profoundly, is a distinct echo to similar descriptions of the Clinton administration. In fact, while Sheppard and Groves date their discussion to the 9/11 attacks, those attacks seem less a marking of a completely new chapter in civil-military friction and more a passing milestone in an ongoing story of post-Cold War civil-military malaise.

Throughout their essay, Sheppard and Groves emphasize mutual misunderstandings, laying particular blame on civilian ignorance of military culture, while blaming the military for not responding to this ignorance wisely. In their telling, however, the Bush-era problems do not seem grounded in ignorance but rather in President Bush’s failure to rein in Secretary of Defense Donald Rumsfeld’s alleged rough treatment of senior military officers. Ignorance, or at least unfamiliarity with a novel strategic situation, does seem to have played a bigger contributory role once the global war on terror began, but then, as the authors explicitly discuss, Bush ended his term with a civil-military success—the surge decision—that does not seem to fit the pattern the authors believe the rest of his tenure established. President Obama, in

their telling, has been doing what is his right to do, but the result has been persistent mutual resentment.

The Sheppard and Groves prescriptions are broadly consistent with the others presented in this volume. Yet to my reading, they overly rely on familiarity and personal interactions to foster a greater sense of trust. As Owens (below) and Golby (above) make clear, some tension may simply be hardwired into the relationship. Sheppard and Groves advocate better congressional oversight, which I certainly would not argue against, but this too is probably not going to do much to fix policy-strategy linkage if the problem is that civilian leaders quite naturally want incompatible goals—striving to maintain American global leadership and reduce the burden of the US military on the economy; seeking to retain all military options, including options for unilateral action; and wanting to cut defense. These leaders want other partners to shoulder more of the burden, but they want those partners to act in ways that keep US interests uppermost. Finally, Sheppard and Groves advocate for decision-making processes that give greater voice to dissenting opinions but do not conclusively establish that the underlying problem is absence of internal dissent. Put another way, President Bush's Iraq surge decision and President Obama's Syria-Iraq decisions have all been made in settings with ample dissent. Some decisions have turned out better than others have; however, the opportunity for military dissent does not seem to be the decisive factor.

Owens focuses on a weakness in the grand theories of civil-military relations, which calls for the American military to be above politics—especially partisan politics—even though military policy making is inextricably embedded in partisan politics. If politics is deciding who gets what, when, where, and how, then any decision touching on military affairs will be unavoidably political and, to a certain extent, unavoidably partisan. How can we expect the military to play any role in such a system without the military institution taking on some irreducible politically partisan cast? Owens cites Risa Brooks approvingly and adopts her taxonomy of military-political activity: public appeal, “grandstanding,” politicking, alliance building, and “shoulder tapping.” Yet he does not adopt Brooks's censorious approach to such activities; on the contrary, he views them as unavoidable, essential elements to healthy strategy making.

Owens would instead draw the line between politics and partisanship, allowing the military to engage in the politics of policy making but keeping it on the right side of the partisanship line. Partisanship is often measured in terms of the distribution of party affiliation in the ranks, but Owens rejects this measure as misleading. He agrees there is evidence of a marked distributional skew but claims there exists no additional evidence of corrosive effects on core values like military subordination to civilian control. Indeed, Owens claims there have been other periods in history with a similar partisan skew and yet no evidence of problems. Owens does censure efforts by presidential campaigns to enlist senior military endorsers of candidates and officers' public criticism of an administration's policy.

I agree with Owens on the deleterious effects of retired military endorsements during partisan campaigns, but his conclusion that retired military officers must refrain from criticizing administration policy does not persuade me. Indeed, there seems to be an unbridgeable gulf between Owens's acceptance of the various forms of political activity outlined by Brooks on the one hand and his insistence that retired military keep their views of current policy out of the public eye on the other. Does not the policy-making process require an informed public? Should not retired military have an opportunity to help inform the public? What Owens's article leaves undone is the drafting of a clearer template of what kinds of public criticism are appropriate, or at least tolerable, and what kinds cross a line—and precisely where to draw that line. I would draw a line that distinguishes between acceptable public commentary that suggests a military tool is being used ineffectively and inappropriate public commentary that calls for the firing of senior civilian leaders. Likewise, I would draw a line between inappropriate public commentary that reveals hitherto private information that paints civilian leaders in an unflattering light and acceptable public commentary that only uses the existing public record to make judgments about what policies are working or not working. Owens's article invites, but does not finish the job of, drawing such lines.

The Civil-Military Gap

Cohn sheds new light on the “benefits trap,” the phenomenon of the military offering ever more generous benefits packages in order to attract

and retain properly skilled recruits in the uniform ranks. This problem has been a central preoccupation of defense analysts in recent years and the subject of a major blue-ribbon study. The conventional understanding of this problem is that it is rooted primarily in the nature of an all-recruited force; since citizens are not legally required to serve, they must be persuaded to serve. Attractive pay and benefits are among the most persuasive levers available.

Cohn further demonstrates that, since 9/11, a particular partisan dynamic has taken root. Republicans have traditionally been in favor of higher defense spending overall, and as the “in power party,” Republicans were the direct beneficiaries of the wartime rally round the flag. Democrats, who were seen as more ambivalent on defense spending, saw a political need to present a prodefense posture to the public after the 9/11 attacks. Moreover, although the Iraq War began with strong bipartisan support, as the fortunes of war receded, so too did Democratic Party support. Yet the larger global war on terror persisted, and Democrats were keen not to fall again into the Vietnam-era trap where opposition to the war morphed into opposition to the military. By the mid-2000s, the military was well established as the institution in which the public had the highest degree of trust, and Democrats were keen not to get crosswise with such a popular institution. The solution Democrats adopted was to highlight their support for expanding pay and benefits, even as they highlighted their opposition to the mission the military was being paid to fight. Both parties, in other words, had a partisan incentive to fuel a military compensation race resulting in the benefits trap.

Cohn argues that another factor contributed to this problem: the particular structure of America’s labor market. The United States is what economists call a liberal market economy (LME)—in contrast to the coordinated market economies (CME) prominent on the European continent. Cohn argues that the fluid labor markets of LMEs give countries like the United States an advantage in recruiting highly skilled labor—the sort needed to operate the sophisticated military equipment and complex doctrine on which the US military relies—but puts LMEs at a disadvantage in retaining them. When the threat environment puts a high premium on retention, Cohn posits, LME militaries must respond with generous compensation packages, particularly ones that provide the health and continuing education benefits highly skilled personnel might be able to command in the civilian economy.

In other words, Cohn argues there are no cheap solutions to the benefits trap in an LME country like the United States. Fixing it would require fixing much larger societal problems, such as spiraling health-care costs and problems in higher education. I find her argument persuasive, but then I am left puzzled about an apparent pattern she does not discuss. If one were to rank advanced militaries based on their deployability and effectiveness in dealing with the complex combat situations of the post–Cold War era, the most deployable and effective appear to be those found in LMEs, and the least deployable and effective appear to be those in CMEs. The correlation is not perfect, but it seems strong enough to invite exploration. Perhaps this is an artifact of relying on too few cases and historical circumstance. Germany’s hamstrung performance surely owes more to its peculiar twentieth-century history than to its labor market, whereas US military performance seems primarily due to its superpower status—not its domestic labor laws. However, is that all there is to the story? Is there a direct causal line from LME advantages in recruitment to higher military proficiency? Moreover, might not other CME features have implications for the usability of the military in overseas contingencies? One proposed “fix” to the problem Cohn discusses—a return to compulsory military service—is also offered as a solution to the “problem” that the US military is so useful and deployable. Some critics argue that the military is too deployable and it would be better to have a military that was harder to send abroad on missions the critics consider doubtful. For those subscribing to such a stance, a draft-based military would be just the ticket. Put another way, Cohn may be on to more than she states in this one article, and a potentially fruitful larger project would be to bring the argument back to what Huntington called the “functional imperative”: does the labor market help shape whether the military is capable of doing what we need it to do?

Ulrich raises the labor question, but in terms of a “second act,” focusing on what limits senior military officers should face in their retirement. Even after a long military career, individuals leave the military at a young enough age to imagine second and third acts in the public or commercial arena. Since the end of World War II, the commercial opportunities have been especially lucrative and especially fraught. Ethicists worry about a “revolving door,” where senior military officers are tempted to use their final assignments in uniform to prepare a postretirement sinecure from which they would then lobby their former colleagues who

will be facing the same temptations. Pres. Dwight Eisenhower, facing his own retirement from the presidency, warned about this “military-industrial complex,” and Ulrich worries that the transition from “public service” to “private service” constitutes a corruption of the professional ethic—specifically the erosion of the ethic of a “selfless servant.” She urges greater attention to transparency and disclosure and longer “cooling off” periods to reduce still further the perception of feathering one’s own nest.

Ulrich is correct that the activity of senior military retirees can affect public perceptions of the military. The public retains a great deal of trust in the military as an institution, but sensational accounts of military self-dealing surely chip away at that high regard. With that said, the concrete examples of second acts Ulrich narrates do not strike me as particularly corrupting or inappropriate. She shows that defense firms hire senior military officers who have developed a reputation for strategic expertise and then pay those officers well. As far as we know, these senior military officers follow the rules and give their best professional opinion—and get paid for doing so. Yes, they are paid more after retirement than they did before retirement, but they were hardly working on a pro bono basis while in uniform. As Ulrich pointed out, the spike in compensation means that all military personnel are, in some sense, already “cashing in” as members of the all-recruited force. If we accept that defense contractors have a legitimate interest in receiving expert military advice, would we prefer that they receive it from people who have not had substantial careers in uniformed service? If so, why? Ulrich’s analysis raises the important question, but does not yet answer it to my satisfaction: how exacting must the “smell test” be to protect the military profession from perceptions of conflicts of interests?

Conclusion

Individually, the articles make worthy contributions to their respective topics. Collectively, they point to the vitality of the field. It is my impression that more junior scholars are studying American civil-military relations in some form or another than at any other point in my professional career. In contrast to previous waves, the focus is less on grand paradigm/theory creation and more on empirical analysis of specific policy settings. However, consistent with previous waves, the

normative impulse is front and center, focusing on how we can improve American civil-military relations. Perhaps what seems ironic or mysterious—why concerns about American civil-military relations persist when the record is so good—is obvious and explainable when turned on its head. Why does one worry about exercise and diet when one is so healthy? Perhaps one is healthy because one worries about exercise and diet. Viewed this way, the persistent attention to fine-tuning civilian control and re-equilibrating the military's position in society is not an irony to be explained in light of the happy empirical record but rather a partial explanation itself of that very record. Perhaps American civil-military relations will only become most worrisome when scholars stop worrying and writing about them. **SSQ**

Peter D. Feaver

*Professor of Political Science and Public Policy,
Director Triangle Institute for Security Studies and
Duke Program in American Grand Strategy
Duke University*

Disclaimer

The views and opinions expressed or implied in SSQ are those of the authors and are not officially sanctioned by any agency or department of the US government. We encourage you to send comments to: strategicstudiesquarterly@us.af.mil.