



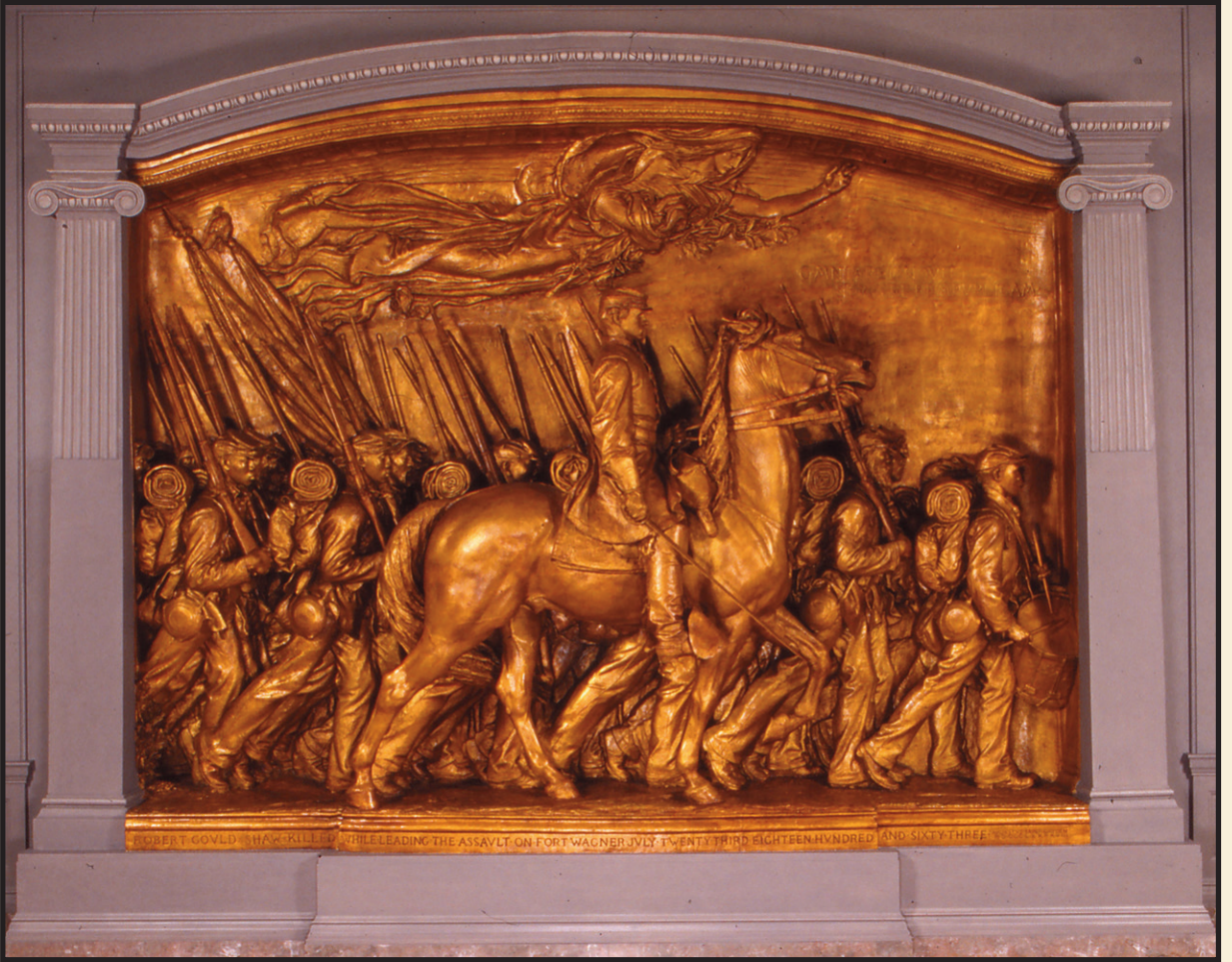
Dædalus

Journal of the American Academy of Arts & Sciences

Summer 2011

The
Modern
American
Military

William J. Perry	Foreword 5
David M. Kennedy	Introduction 10
Lawrence Freedman	The Counterrevolution in Strategic Affairs 16
Brian McAllister Linn	The U.S. Armed Forces' View of War 33
Thomas G. Mahnken	Weapons: The Growth & Spread of the Precision-Strike Regime 45
Robert L. Goldich	American Military Culture from Colony to Empire 58
Lawrence J. Korb & David R. Segal	Manning & Financing the Twenty-First- Century All-Volunteer Force 75
Deborah D. Avant & Renée de Nevers	Military Contractors & the American Way of War 88
Jay M. Winter	Filming War 100
James J. Sheehan	The Future of Conscription: Some Comparative Reflections 112
Andrew J. Bacevich	Whose Army? 122
Charles J. Dunlap, Jr.	The Military-Industrial Complex 135
Martha E. McSally	Defending America in Mixed Company: Gender in the U.S. Armed Forces 148
Eugene R. Fidell	Military Law 165
Jonathan Shay	Casualties 179



ROBERT GOULD "HAWK" KILLICK LEADING THE ASSAULT ON FORT WAGNER, JULY TWENTY THIRD, EIGHTEEN HUNDRED AND SIXTY-THREE



Inside front cover: The Shaw Memorial (1897) by Augustus Saint-Gaudens honors the Fifty-fourth Massachusetts Regiment, the most famous African American regiment of the Civil War. The original bronze-cast version stands on the Boston Common. A gilded plaster cast of the monument (1900), photographed here, is part of the National Park Service, Saint-Gaudens National Historic Site collection and is on long-term display at the National Gallery of Art in Washington, D.C. Photograph courtesy of the U.S. Department of the Interior, National Park Service, Saint-Gaudens National Historic Site, Cornish, New Hampshire.

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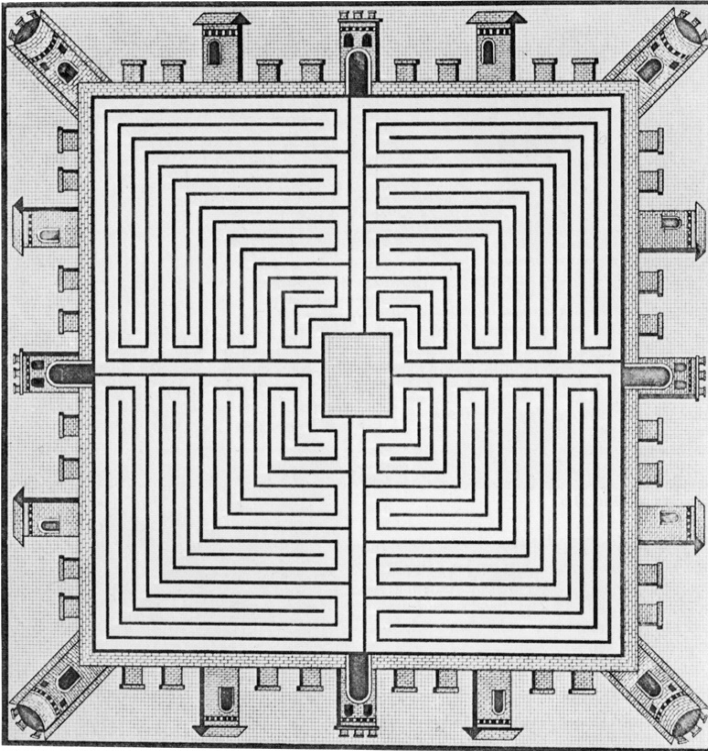
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Dædalus

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Nineteenth-century depiction of a Roman mosaic labyrinth, now lost, found in Villa di Diomede, Pompeii

Dædalus was founded in 1955 and established as a quarterly in 1958. The journal's namesake was renowned in ancient Greece as an inventor, scientist, and unriddler of riddles. Its emblem, a maze seen from above, symbolizes the aspiration of its founders to “lift each of us above his cell in the labyrinth of learning in order that he may see the entire structure as if from above, where each separate part loses its comfortable separateness.”

The American Academy of Arts & Sciences, like its journal, brings together distinguished individuals from every field of human endeavor. It was chartered in 1780 as a forum “to cultivate every art and science which may tend to advance the interest, honour, dignity, and happiness of a free, independent, and virtuous people.” Now in its third century, the Academy, with its nearly five thousand elected members, continues to provide intellectual leadership to meet the critical challenges facing our world.

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Foreword

William J. Perry

WILLIAM J. PERRY, a Fellow of the American Academy since 1989, is the Michael and Barbara Berberian Professor at Stanford University, where he is also a Codirector of the Preventive Defense Project and Senior Fellow in the Institute for International Studies. At the U.S. Department of Defense, he served as Secretary of Defense (1994 to 1997), Deputy Secretary of Defense (1993 to 1994), and Undersecretary of Defense for Research and Engineering (1977 to 1981). He received the Presidential Medal of Freedom in 1997.

The dropping of nuclear bombs on Hiroshima and Nagasaki ended World War II but ushered in an entirely new form of conflict that came to be called the Cold War. During the Cold War, the United States and the Soviet Union each built up enormous arsenals of nuclear weapons designed to deter the other from launching a conventional military or nuclear attack. At the time, deterrence worked in the sense that the United States and the Soviet Union did not come into direct military conflict with each other. But these vast nuclear arsenals did not deter the Soviets from using conventional military force in Czechoslovakia, Hungary, or Afghanistan. They did not deter the United States from using military force in Korea and Vietnam. And they did not preclude both sides from amassing large conventional forces in Europe.

When the Cold War ended, many hoped that a new era of peace would replace the threat of large-scale nuclear war breaking out at any moment. Many believed that this peace would be accompanied by a significant global reduction in nuclear weapons. Instead, new challenges to world security arose. Regional instabilities led to threats of war between India and Pakistan, on the Korean Peninsula, and in the Mideast. These threats contributed to and were exacerbated by the proliferation of nuclear weapons in these regions. Additionally, catastrophic terrorism arose as a new threat to world security, with large-scale attacks on civilian populations in the United States, Russia, India,

Foreword Spain, the United Kingdom, and Indonesia. Nuclear terrorism – the conflation of those two dangers – loomed as a new and grave potential security threat.

The occurrence of another global war, while possible, still seems remote. Militarily, the United States is in a class of its own. Today there is no peer competitor for America’s military forces. Yet the public debate in Congress and the Pentagon surrounding future U.S. military planning still focuses on the potential conventional military threats emerging from a modernized China or resurgent Russia. China has been making truly impressive and sustained gains in its economy and is devoting a significant portion of its GDP to modernize its military. However, China is far from being a peer military competitor to the United States. Furthermore, war between China and the United States appears unlikely, with leaders from both countries recognizing that a military conflict would be disastrous for both societies. And while Russia has a large nuclear force similar to that of the United States, its conventional forces are substantially less capable than those of the United States.

Since the end of the Cold War, four successive presidential administrations have been unclear as to how the U.S. military should be restructured to respond to this new security environment. Although we cut back our conventional forces by about one-third during the 1990s, we have started to rebuild our ground forces this past decade in response to the ongoing military operations in Iraq and Afghanistan. In particular, we have made substantial increases in our Special Operations Forces capabilities. Our nuclear arsenal has been reduced by 84 percent from its peak during the Cold War, but we still retain 2,150 deployed nuclear warheads, as well as thousands more in reserve or storage. In addition, we retain nuclear weapons

development facilities capable of building new weapons or modernizing old ones. The most recent U.S. Nuclear Posture Review, released in May 2010, states that as long as other nations have nuclear weapons, the United States should ensure the reliability and effectiveness of our deterrent force through a Life Extension Program and a science-based Stockpile Stewardship Program. Meanwhile, both China and Russia are developing new nuclear weapons.

In the first half of the twenty-first century, we face very different security dangers than we did during either the first half of the twentieth century (two world wars fought with massive conventional forces) or the second half (a Cold War characterized by the buildup of enormous nuclear arsenals). Security dangers today must be dealt with at least as much with political, social, and economic strength (soft power) as with military strength (hard power). Our need to exert military power can no longer be met by the large conventional forces used during World War II, or the large nuclear forces accumulated during the Cold War. Today, our armed forces have been reconfiguring to meet these new demands, but many more changes are required. We must continue to downsize our conventional forces and at the same time reconfigure them to be more agile. Our ground troops need to focus on further developing expeditionary forces that can be moved quickly to distant locations and do not need established military bases nearby to conduct operations. Our air forces should focus on strengthening their long-range strike and unmanned capabilities. Our naval forces should continue to focus on their mission of establishing sea control that can be projected worldwide on relatively short notice. Also, all our military services must become more proficient in operating in an

environment of cyber-threats to military technologies.

While the U.S. military will never go back to the large conventional forces required during World War II, or the large nuclear forces amassed during the Cold War, its operations will continue to be stretched worldwide, and it will have to deal with emerging unconventional threats such as insurgents, terrorists, and pirates. At the same time, it will have to maintain effective command and control in the face of potential cyber-attacks.

These developments will take place while profound technological changes are occurring in society. Some of these changes can be used against us (cyber-attacks on our military command and control, or on our civil infrastructure). However, they can also be used to our advantage, as was the case during the so-called Revolution in Military Affairs (RMA), which led to quantum leaps in the effectiveness of technology used to detect enemy targets, avoid detection of U.S. warplanes by enemy radars through use of stealth technology, and provide more accurate readings of location through the development of Global Positioning System (GPS) technology. This RMA gave the U.S. military a major advantage over other militaries, as was demonstrated convincingly in Operation Desert Storm at the beginning of 1991. Unfortunately, these technologies have not been effective in dealing with urban insurgencies or global terrorism, and other technologies have not yet been developed to give our military a compelling advantage against these threats. In the meantime, an entirely new application of technology – social networking – is having a profound effect on political developments throughout the world, and could affect global military developments as well.

The American military has, since World War II, depended on U.S. industry for building most of its weapons, including those developed during the RMA. This has worked very well because our country's most advanced technologies are created in the private sector. But as the need for weapons fluctuates, and in particular, as future needs remain uncertain, it is difficult to maintain a stable defense industry. And as military specifications and procurement regulations continue to diverge from those in the commercial sector, more and more military procurement will rely on companies dedicated solely to military work.

During the wars in Iraq and Afghanistan, our military complicated this military-industry collaboration by heavily relying on private security personnel from defense contractors deployed in the battle space to conduct operational tasks usually reserved for members of the armed forces. With these private security contractors operating outside the traditional command structure of the military, their use resulted in significant command and discipline problems. As a result, the U.S. military in the future will need to exercise tighter control over what operational functions can be performed by contractor personnel.

Another kind of technology, medical technology, has had a profound effect on preventing battlefield casualties. Our wounded soldiers in Iraq and Afghanistan have had far better medical treatment than in any other war, resulting in a high percentage of soldiers surviving wounds that would have been fatal in earlier wars. However, the presence of advanced weapons on the battlefield has also resulted in a much higher number of veterans with long-term disabilities, including Post-Traumatic Stress Disorder. The need for more and better treatment facilities has never been greater.

William J. Perry

Foreword Besides the profound changes to the international threat environment and advances in military technology, there have been equally profound changes in the political, economic, and social environments within the United States over the last century. Politically, the American people and their Congress are not as directly engaged with the U.S. military as they were during World War II or the Cold War. Today, less than 1 percent of American families have a family member in active military service; only 22 percent of U.S. Senators and congressional representatives have ever served in the military. Our military force is composed entirely of volunteers, which has many real benefits, especially in the training and discipline of the force. But it also has one great liability: the American people and their elected representatives are more detached from their military than at any time this past century. As our body politic makes decisions about how to use its military force, these decisions should be made with the understanding that the people whose lives are being risked are the sons and daughters of their constituents (or their own sons and daughters). There is a potential danger that our all-volunteer force could eventually be seen by Congress as a “mercenary” force.

Congress, under Article 1, Section 8 of the U.S. Constitution, is granted the authority “[t]o raise and support Armies . . . To provide and maintain a Navy. To make Rules for the Government and Regulation of the land and naval Forces.” Over time, Congress has manifested this responsibility by passing laws that set specific standards for civilian control of the military, for civil-military interfaces, and for establishing a military structure that enables effective joint-service operations. The Goldwater-Nichols Act of 1986, which restructured civil-military relations in the Pentagon and put into place a cul-

ture of “jointness” between the military services, has been a successful example of military legislation, and lawmakers are currently considering new legislation to bring the act up to date.

Along with these external and domestic political changes, our military is shaped by the evolution of society and our educational systems. These changes affect the capabilities and attitudes of recruits for the all-volunteer force. Declining quality of K-12 education will result in declining quality of potential recruits at a time when the technological demands on military personnel are only getting higher and more complex. This in turn will increase the need for the military services to do their own training, possibly including remedial training to compensate for inadequacies of the K-12 education system. Society is also becoming more accepting of gender and racial differences, and these changes will be reflected in today’s military services. The military for many decades has been open to all races. Women are now accepted in all services and with increasing responsibilities. Congress recently amended the law to allow gays to serve openly. All these changes will bring the face of the military to look more like the face of America.

Finally, America’s economic power has strongly influenced its military strength. U.S. government spending on the military forces has increased over time, paralleling our economic growth. As a result, we have by far the largest military budget in the world; in fact, ours is about equal to the rest of the world’s combined military budgets in real terms. But we are also the only nation that takes on global responsibilities for security. Our nuclear umbrella over many allied countries allows them to remain non-nuclear, which is a benefit to world security, including our own. Our naval and air forces in the Pacific have contributed to peace in that

historically troubled part of the world, to the benefit of East Asian countries and our trade with them.

The present economic difficulties facing the United States will generate strong pressures to decrease defense spending. Military and civilian leaders will increasingly be pressed to answer the question, how much spending is enough to meet the requirement? That question could be answered by returning to our historical estimate of appropriate defense spending based on a percentage of GDP. For the last sixty years, our defense budget has been about 3 to 6 percent of our GDP, excluding defense spending during the years of the Korean and Vietnam Wars when it reached a high of 11 percent. Alternatively, defense spending can be measured by an assessment of the threat we face, but that is a highly subjective measurement that can be endlessly debated. But the wind-down of military operations in Iraq and Afghanistan may still create an opportunity to decrease military spending without compromising U.S. national security or interests.

The world has been changing in important ways since the end of the Cold War, and new and dangerous threats are emerging every day. But, against all odds, the world has not had a nuclear bomb used in anger since World War II; there has not been, nor is there likely to be, a World War III; and the average standard of living worldwide has increased since the end of the Cold War. The U.S. military has played an important role in these positive results and will be called upon to play that positive role in the future. In order to do so, the U.S. military has to adapt to economic, political, technological, and social changes as well as evolve to meet the changing global threat environment.

Introduction

David M. Kennedy

Parvi enim sunt foris arma, nisi est consilium domi.
–Cicero, *De Officiis*¹

This volume surveys the evolution, character, missions, and possible futures of the modern U.S. armed forces. It proceeds from the conviction that today’s American military is at once increasingly prominent as an instrument of national policy and increasingly detached from and poorly understood by the civilian society in whose name it is asked to fight.

Since the creation of the all-volunteer force (AVF) in 1973, the United States has relied on an ever-smaller proportion of its citizens to shoulder its military burdens, configuring service members into a standing professional force with formidable capacities to prevail in virtually any conceivable battle space. Whether those developments should be celebrated or lamented is a question that animates many of the essays to follow, but all contributors agree that this is a situation with slender precedent in the history of the American republic. “A standing army, however necessary it may be at some times, is always dangerous to the liberties of the people,” warned Samuel Adams, a leader in the American Revolution. “Soldiers are apt to consider themselves as a body distinct from the rest of the citizens. . . . Such a power should be watched with a jealous eye.” For nearly two centuries thereafter, the United States accordingly embraced the principle of the citizen-soldier. Deeply rooted in antiquity, that principle was axiomatic in the organization of the Amer-

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ican military well into the twentieth century. It held that all who were able and deemed fit for service were liable to serve. As George Washington put it in 1783: "It may be laid down as a primary position, and the basis of our system, that every citizen who enjoys the protection of a free government, owes not only a proportion of his property, but even of his personal services, to the defense of it."

To be sure, the citizen-soldier principle was more an ideal than a reality for much of the nineteenth century, when the military usually consisted of a modestly scaled professional force largely confined to frontier Indian-fighting and occasional constabulary duties. But the ideal remained robust and had a powerful effect in shaping the great conscript armies that the United States fielded in World Wars I and II, Korea, and Vietnam.

But since the close of the Vietnam era, the United States has sought to wage major expeditionary wars with a relatively small professional force. That kind of force used in that way is something new in the American experience; small wonder that soldiers and civilians alike remain ambiguous or just plain uninformed about the structure of today's armed forces and the purposes for which they are used.

The advent of the AVF also severed the link between citizenship and service. No American today is obligated to serve in the military. Indeed, the ranks of the armed forces now include tens of thousands of non-citizens, who receive accelerated access to citizenship on the basis of their service. So service can earn citizenship, but citizenship does not require service. The implications of that curious asymmetry inform the analysis in several of the essays in this volume.

In December 2004, Secretary of Defense Donald Rumsfeld said: "As you know, you go to war with the Army you have. They're

not the Army you might want or wish to have at a later time." His now-notorious comment underscored the truth that the Army (and Navy, and Marine Corps, and Air Force) that this or any country has at any given time is the product of both history and prophecy. The size of the force, the configuration of its combat and support arms, the missions for which it is trained and equipped: all are guided by lessons distilled from the experience of the past and by guesses about what the future might hold. And because modern weapons systems and training regimes take years, even decades, to develop, the inexorable logic of inertia shapes the military's state of readiness at any given moment, even while the nature of the eventual mission might be largely unanticipated. A timeless issue, this phenomenon has become decidedly more pronounced in an age of exponentially accelerating social and technological change.

Recent years have seen striking disjunctions between the nature of the force and the tasks it has been assigned. The authors in this volume seek to explain just how history has deposited the U.S. armed forces where they are today, to clarify what is new and what is not about the twenty-first-century military and its missions, to understand the demography and the psychology of those who serve, and to judge the appropriateness of the force to the missions at hand. They also do their best to foresee the kinds of adaptations that are likely to be necessary going forward. This volume thus aims to shed light both on what today's military *does* and what it *is*, as well as on what it might *become*.

Beginning with the foreword by former Secretary of Defense William J. Perry, all the essays that follow take a historical approach to their various parts of the subject. They share the premise that American forces today are by no means your grandfather's or even your father's mil-

Introduction itary. They explore the strategic, technological, and cultural factors that have made the modern American armed forces distinctive, with respect to both their own national antecedents and other nations' contemporary military establishments. They emphasize the ever-changing political and fiscal contexts in which the armed forces are recruited, trained, and deployed, and the constantly shifting objectives that they are tasked to achieve, especially in the post-Cold War and post-9/11 environment. Authors examine threat assessments, strategic doctrine, force configuration, composition, and training, as well as questions about who serves and why; the nature of modern warfare; the tactical challenges and ethical dilemmas it can generate; gender, legal, and medical issues in the battle space and beyond; the relation of the military to civil society, including the ways it is depicted in popular culture and the health of command-and-control systems; and its role in the institutional structure that constitutes the national security apparatus.

All consideration of these topics, of course, begins with an understanding of the threats for which the military thinks it must prepare and the means it deems appropriate for coping with them. Lawrence Freedman documents the advent of the high-tech Revolution in Military Affairs, or RMA, that drove doctrinal and weapon-system changes in the closing years of the twentieth century. He takes both the military and civilian leadership to task for embracing the RMA too uncritically, especially in the post-Cold War era when protracted, large-scale conventional warfare among advanced industrial nation-states seemed decreasingly likely. He dwells on the inappropriateness of RMA-driven weapons and tactics in counterinsurgency warfare and the effort, led by General David Petraeus among others, to devise an effective way to wage "fourth-

generation warfare," or "war among the people." He predicts a considerably diminished role for conventional military forces in the coming years. Brian McAllister Linn expands on Freedman's contribution by focusing on the uniformed "military intellectuals" who write about strategic doctrine. He tracks the debate within military circles about fourth-generation warfare and ends with a discussion of how the Petraeus counterinsurgency doctrine has been promulgated and implemented. Thomas G. Mahnken also puts the accuracy-and-technology-driven RMA at the center of his analysis. He describes the adaptive responses to it as either "emulative" or "countervailing," with special emphasis on the latter. He shares Freedman's view that the architects of the RMA did not adequately anticipate what the counter-responses would be, especially the emergence of asymmetrical warfare. He provocatively speculates that the evolutionary pathway of these weapons and the tactical innovations they have spurred on the part of adversaries may drive American war-fighting doctrine back to a greater or renewed reliance on nuclear weapons.

Turning from what the military is asked to do to who actually does it – to the human face of the force – Robert L. Goldich examines the widely held notion that today's recruits come from the least advantaged corners of American society, and he comes up with some surprising answers. But he also invokes the example of the Roman Legionaries to argue that a potentially dangerous gap has opened between military and civilian cultures. He focuses not only on the socioeconomic differences between the civil and military sectors but also on the possible divergence in values between those serving in the military and civilians, particularly with respect to the legitimacy of violence and force. It should be noted that some of his empirical data about who serves is dis-

puted by Lawrence J. Korb and David R. Segal in the immediately succeeding contribution – especially with respect to Goldich’s argument that the educational profile of AVF recruits is superior to that in the comparable civilian cohort. Segal and Korb examine the demographic and fiscal characteristics of the AVF, with special attention to the financial implications of measures taken to meet recruitment and retention goals. They are particularly critical of the fact that military health and pension benefits have not been budgeted on an accrual basis. They raise the vexed question of whether it might be desirable to restore conscription, or at least Selective Service registration. They also advocate reforms in veterans’ medical benefits, along the lines that Secretary of Defense Robert Gates suggested in January 2011. Deborah D. Avant and Renée de Nevers examine that part of the overall force that is not in uniform: the surprisingly large numbers of civilian “contractors” who have taken over a range of traditional military duties, including construction and supply, but armed combat roles as well. In Iraq and Afghanistan the number of contractors has apparently equaled or exceeded the number of uniformed troops. Avant and de Nevers probe the implications of those numbers for civilian perceptions of the size of the force commitment and the political ease of defending that commitment (since its true scale is not altogether apparent). They also analyze issues of command, control, and accountability that arise from such heavy reliance on an “irregular” force component, while noting that the Defense Contract Management Agency, in charge of overseeing those contractors, has actually downsized rather remarkably since 2002.

Jay M. Winter and James J. Sheehan open the supremely important subject of the military’s relation to civil society.

Winter asks how the public on the home front forms its image of warfare on the distant fighting front. He discusses some widely read war novels but focuses on that most accessible and influential of all popular media, film, from the era of the silents to the present. He finds a persistent tension between the rendition of war as spectacle and war as the setting for psychological and moral drama, with an increasing tendency in our time to focus on stories that are less about war per se than about individual warriors and their interior lives. Sheehan rehearses the role of the military in state formation in Europe over the last two centuries, showing how most Western European nations have become “civilian societies,” with a much diminished role for the military. Meanwhile, across an ill-defined but discernible boundary, on the eastern side of which lie many of the successor Soviet states, as well as Turkey, the military remains a powerful institution, largely relying on conscription. Sheehan’s comparative analysis casts the United States into clearer perspective as an anomalous hybrid of the Eastern and Western European models: it has a small and relatively inexpensive military that commands unprecedented destructive power, and it is a civilian state with significant military obligations – indeed, a greater weight and range of such obligations than any other nation.

Andrew J. Bacevich takes Sheehan’s argument about the relation of the American military to the civilian state still further. He decries what he sees as the ascendant power of the military in national security decision-making, what he calls “inside the Beltway” civil-military relations. Turning to the “beyond the Beltway” dimensions of the subject, he revisits the long-running debate about the political implications of force configuration among military intellectuals and policy-makers from Emery Upton and Elihu Root in the

*David M.
Kennedy*

early twentieth century to John McCauley Palmer and George C. Marshall in the World War II and Cold War eras. He asks how the tradition of the citizen-soldier or its functional equivalent might somehow be restored, as a way of buttressing civilian engagement with the military and underwriting political accountability for decisions to resort to force. Charles J. Dunlap, Jr., looks at a special and crucial facet of the civil-military interface by recollecting President Dwight Eisenhower's famous warning that "we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex." He argues that Eisenhower's warning was heard and largely heeded, and that the real danger today is that we may dismantle the remaining industrial infrastructure on which military efficacy ultimately depends.

Martha E. McSally, a former fighter pilot, examines another of the myriad ways that the armed forces are challenged to reflect the norms that are honored in civil society: in this case, gender equality. Reviewing women's role in the military from the Revolutionary era to the present, she concludes that the time has come for giving women unqualified access to all combat arms and assignments. Eugene R. Fidell examines yet another aspect of civil-military relations, the relation of the Universal Code of Military Justice (UCMJ) to civilian law. He argues that although there are problems inherent in the differences between the two, and in their sometimes uneasy relation to each other (as in the controversy about whether to try suspected terrorists in civil or military courts), the UCMJ is a healthy, defensible corpus of jurisprudence, whose practitioners deserve to be better understood and respected in the larger society.

Jonathan Shay, a clinical psychiatrist who has written extensively about Post-Traumatic Stress Disorder (PTSD), con-

cludes this volume with reflections on war's aftermath for the men and women who wage it, and the wounds, physical and psychological, it has inflicted on them. He distinguishes between "primary" and "secondary" physical wounds and points out that most battle deaths have historically resulted from the latter – from infection and exsanguination, for example – and that modern battlefield medicine has sharply reduced the incidence of secondary effects. He explores the implications of those improved battlefield medicine techniques that have, in effect, substituted long-term disability for mortality for tens of thousands of service people. (By some estimates, if the armed forces had practiced Vietnam-era battle medicine procedures in Iraq, the U.S. military death toll would have been well over 20,000, rather than the approximately 4,500 dead counted by mid-2011.) He then draws a parallel with psychological trauma, arguing that the secondary, or post-battle, effects of what he terms "moral wounds" are less well understood and currently receive inadequate attention from the military and the medical profession.

Taken together, the essays in this volume paint a comprehensive portrait of the American armed forces today, and they raise several urgent questions, which may be summarized as matters of military efficiency, political accountability, and social equity. Does the United States have a well-articulated national security doctrine that is relevant to the challenges ahead, and are the armed forces properly configured for those challenges? Are the mechanisms that throughout American history have ensured civilian control of the military, and held civilian leaders properly accountable for the decision to shoulder arms, still operating properly? Does the recruitment of today's force

honor American notions of fairness and shared obligations? Perhaps most important, how faithful are we to Cicero's ancient dictum that arms are of little value in the field unless there is wise counsel at

home? On the answers to those questions hangs not only the security of the republic, but its political and moral health as well. *David M. Kennedy*

ENDNOTE

- ¹ "Arms are of little value in the field unless there is wise counsel at home"; Cicero, *De Officiis*, Book I, XXII, par. 76.

The Counterrevolution in Strategic Affairs

Lawrence Freedman

Abstract: Claims from the 1990s about a revolution or transformation in military affairs are assessed in light of the experience of the 2000s in Iraq and Afghanistan. The importance of considering political as well as military affairs is stressed. Though the United States developed evident predominance in capabilities for regular war, it was caught out when drawn into irregular forms of warfare, such as terrorism and insurgency. The United States significantly improved its counterinsurgency capabilities. It does not follow, however, that the United States will now engage more in irregular conflicts. Indeed, the military circumstances of the past decade were in many ways unique and led to an exaggeration of the strategic value of irregular forms and the need for the United States to respond. Meanwhile, the political legacy of the experience is likely to be a more limited engagement with the problems associated with “failed” and “rogue” states.

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War, as Carl von Clausewitz reminds us, is governed by politics, which provides its purpose, passion, and accounting. Yet politics is often treated in military theory as an awkward exogenous factor, at best a necessary inconvenience and at worst a source of weakness and constraint—a disruptive influence interfering with the proper conduct of war. This outlook has featured prominently in American military thought. There has long been a clear preference, reflected in force structure and doctrine, for big, regular wars against serious great-power competition. With the end of the Cold War, this preference came under pressure. The United States had no obvious “peer competitor,” and many in the military apparently felt that the sort of operations coming into vogue—tellingly described as “operations other than war”—were beneath them. There was an evident lack of enthusiasm as the United States was drawn into the series of conflicts connected with the breakup of the former Yugoslavia, culminating in the 1999 campaign against Serbia over Kosovo. The withdrawal from Somalia in 1994, like that from Beirut a decade earlier, was taken as a cautionary tale about

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the folly of such involvements. In these conflicts, the military could not simply take political direction and then get on with the fighting; rather, it found every move full of political sensitivity and its freedom of action restrained at each turn.

As a symptom of the attitude toward operations of this type, the proposition that shaped high-level thinking in the U.S. defense establishment during the 1990s and into the 2000s disregarded them entirely. The proposition held that a “Revolution in Military Affairs” was under way, involving a step change in the nature of war. It gained sufficient acceptance for the acronym RMA to become familiar shorthand for what appeared to be an irreversible trend, an inexorable phenomenon to which all military establishments must respond. Those which mastered the RMA most effectively would have a sure route to victory.

The roots of the revolution were assumed to be technological rather than political. Thus, the United States, which was demonstrably to the fore in the relevant information and communication technologies, would be in the vanguard. Even better, the logic of the revolution anticipated that the conduct of military affairs would be pushed in a direction that most suited the United States: one favoring high-tempo conventional warfare. These predictions further reinforced the presumption that the United States could maintain its “hyperpower” status for decades to come. The effect was to play down the importance of the political dimension in shaping contemporary conflict. Making sense of what has changed over the past decade, therefore, requires looking not only at the lessons of warfare but also at the changing geopolitical environment.

This essay is concerned with “strategic” rather than purely “military” affairs. First, I consider political changes and, in

particular, the shifting relationship between the United States and the states that used to be known collectively as the third world. Next, I address the problems with the RMA and the asymmetrical responses that promotion of the strategy naturally encouraged. As these reactions included forms of irregular warfare, notably terrorism and insurgency over the last ten years, I then explore whether the intervention in Afghanistan set a pattern for the future in terms of both its objective and its conduct. (The specific origins of the Iraq intervention render that conflict almost *sui generis*, although the conduct there reinforces the lessons of Afghanistan.) I argue that, on balance, Afghanistan does not set a precedent. Combined with the political changes discussed in the first section of the essay, the situation in Afghanistan suggests a much more limited engagement with the problems associated with “failed” and “rogue” states. I conclude by hedging my bets, in part through an examination of the operation in Libya that began in March 2011.

The term *third world* was coined in France in the early 1950s to describe countries that were economically underdeveloped, politically unaligned, and therefore at a distance from the liberal capitalist first world and the state socialist second world. The long-forgotten inspirational model for the term was the “third estate” of French commoners, who eventually, in 1789, revolted against the first and second estates of priests and nobles. The term therefore captured an idea of a coherent group, a coalition of the disadvantaged, that might one day overthrow the established order. It came to include many states that gained independence as a result of post-World War II decolonization.

The sheer diversity in shape, size, and status of this group prevented member

states from ever coming together as a coherent whole (or geopolitical force). Moreover, while many such states affirmed the principle of non-alignment, joining the “non-aligned movement” founded in 1961, they did so largely as a means of keeping their options open. In practice, they often seemed to lean toward one bloc or the other, typically in return for arms sales and diplomatic support. Both Washington and Moscow assumed that the newly independent states would need to make their ideological choices, for either liberal capitalism or state socialism, and that their political allegiances would follow. In a number of cases, the superpowers were drawn into civil wars on the assumption (often mistaken) that the local contest had real links with their global ideological confrontation. The shifting allegiances in the Horn of Africa in the 1970s and 1980s, as Ethiopia and Somalia swapped camps, illustrate the point.

Even before the end of the Cold War, it had become apparent that while conflicts in the third world might be reshaped as a result of superpower interference, they were ignited by distinctive local factors. Ideological affinity did not seem to produce political harmony. In Asia, shared Marxism-Leninism did not prevent the Soviet Union, China, Cambodia, and Vietnam from clashing with each other. Moreover, the general appeal of state socialism declined as a result of its evident failure in the Soviet bloc. A number of the former leaders of the non-aligned camp that had once exhibited socialist inclinations – such as Indonesia and Egypt – ultimately moved into the Western camp, though they were not exactly liberal in their internal practices. After the implosion of European communism, a general continental realignment formed on the basis of the core Western institutions of NATO and the EU.

This was the moment when liberal capitalism peaked. As an ideology, capitalism had always contained many strands and was often contradictory, yet its core themes – with regard to free markets and human rights – had been continually influential for more than two centuries. The collapse of state socialism meant that capitalism emerged from the Cold War a clear winner. In this narrative, the West’s victory was not simply a matter of deterrence and political cohesion but also a result of intellectual vitality and entrepreneurial drive. After the Cold War, liberal capitalism was promoted as the model to emulate if states wanted to get ahead in a globalized world. The idea of “globalization” stressed the breaking down of boundaries, particularly with regard to capital, goods, and services, but also ideas and people.

For a while, this vision suggested that under the influence of free markets, countries around the world – including former adversaries – would adopt first the economic and then the political forms of liberal capitalism. The embrace of democracy was considered particularly important, not only because it meant that a larger proportion of the world’s population would enjoy political rights, but also because of the assumption that democracies do not fight one another. Those with regimes resistant to this path, and likely to pose threats to their neighbors, were described as “rogue.” Iraq, Iran, and North Korea fell into this category. Those unable to cope, often because they were torn apart by internal violence, such as Somalia, Congo, and Yugoslavia, were described as “failing.”

It was always likely that many states would go their own way, rather than follow a liberal democratic model, without becoming evidently roguish or failing. The main problem was the uncertain relationship between relatively free econ-

omies, with active participation in global trade and financial markets, and relatively free polities, with support for human rights and democratic elections. As the example of China vividly illustrates, it is possible, at least for a substantial period of time, to combine a strong capitalist ethos with an authoritarian political system. Even governments responsive to public opinion and subject to democratic accountability would not always wish to align themselves with the United States, especially as the American brand became more toxic during the 2000s. Liberalism, capitalism, and alignment with the United States turned out not to be inextricably linked. Furthermore, the particular capitalist model practiced by the West suffered a loss of credibility as a result of the financial crisis that began in 2008. As a more practical consequence, the crisis ushered in a more austere age, thereby reducing the appetite for expensive military interventions and possibly causing greater reluctance in the provision of economic assistance.

The U.S. appetite for military operations and foreign economic aid was already declining as a result of the cost and disappointing results of the interventions of the past two decades. Humanitarian intervention developed as a response to failing states, providing a methodology for the assertion of liberal values in areas marked by severe strife. Bosnia, Kosovo, and Sierra Leone were cited as evidence of how harm could be mitigated by timely intervention; Rwanda was the prime example of the consequences of abandoning a country in crisis. Intervention on humanitarian grounds implied a direct challenge to the post-Westphalian norms of international behavior by threatening to subvert sovereignty through the expressed readiness to interfere in the internal affairs of others. Challenges to sovereignty were always controversial, espe-

cially with states, including Russia and China, that wanted no interference in their more dissident and troublesome regions.

Humanitarian interventions also generated long-term and expensive responsibilities to those places where intervention took place. Initially, the action might have been prompted by evidence of acute but short-term humanitarian distress, but once engaged, the interveners felt obliged to undertake wholesale reconstruction of the target countries by setting them on the road to democracy. The same impulse was evident in Iraq and Afghanistan. But as the United States became bogged down in Iraq, it let its own liberal standards drop in the conduct of interrogations and counterinsurgency operations. At the same time it demonstrated an inability to reshape local political structures according to its own preferences. Unless a functioning democracy was created, it was argued, there could be no guarantee that the conditions that created the problem in the first place would not recur. Why costly military exertions should be used to reestablish an authoritarian regime was hard to explain. The only way out was to work with the local political grain, which was not necessarily a natural support for the practices and norms on which liberal democracy depends and which would be under additional strain as a result of the internal violence that had prompted the intervention. On the one hand, walking away from a country still in recovery would have been difficult; on the other, an extended stay risked creating a local dependency culture and increasing resistance and hostility toward the United States and its allies.

This shifting political context moved U.S. military strategy a long way from the promise of the RMA. At the start of the

2000s, hope had been very much alive. Secretary of Defense Donald Rumsfeld's "transformation" agenda was intended to demonstrate the potential of forces that were high on quality and relatively low on quantity. Iraq, at least in its first stage, was taken as proof of those precepts. This new "dominant" form of combat involved moving with greater speed and precision, and over longer ranges, than was possible for the enemy; disorienting as much as destroying; attacking only what was necessary; and avoiding unnecessary collateral damage to civilian life and property. In the more enthusiastic versions, the prospect was to lift the fog of war. On land, where the fog was always the greatest, the RMA promised to dispel the inherent confusion caused by fighting in and around uneven terrain – woods, rivers, towns, and cities – day and night, in all weather, with the location of friends as much a mystery as that of enemies.

This form of warfare suited the United States because it played to U.S. strengths: it could be capital rather than labor intensive; it reflected a preference for outsmarting opponents; it avoided excessive casualties both received and inflicted; and it conveyed an aura of almost effortless superiority.

Those ideas were deeply comforting, and not entirely wrong. Information and communication technologies were bound to make a difference in military practice. Perhaps the RMA agenda understated the extent to which American predominance was dependent on not only the sophistication of its technology but also the sheer amount of firepower – particularly air-delivered – it had at its disposal. Nonetheless, the formidable cumulative impact was impressive. Furthermore, while the United States' evident military superiority in a particular type of war was likely to encourage others to fight in different ways, that military capacity would

also constrain opponents' ambitions. As a regular conventional war against the United States appeared to be an increasingly foolish proposition, especially after its convincing performance in the 1991 Persian Gulf War, one form of potential challenge to American predominance was removed, just as the prospect of mutual assured destruction (MAD) had earlier removed nuclear war as a serious policy option.

But there was an important difference. With MAD, everybody would lose once nuclear exchanges began, which meant that, in principle, the side stronger in conventional forces could incur an advantage. The Warsaw Pact countries were believed to be in this position during the Cold War, thus putting the onus on NATO to escalate to nuclear use if its members were losing the battle. Once the NATO countries gained conventional superiority, deterrence was complete – at least against other great powers. If an aspirant superpower could in no way expect to fight and win (in any meaningful sense) a massive conflict along the lines of the two world wars, then not only was America's position more secure, but the risk of another catastrophic global conflagration was diminished. As with nuclear forces (whose mid-century arrival had also been described at the time as a "revolution in military affairs"), the RMA agenda required maintaining substantial conventional forces designed for a form of conflict that the very existence of those forces rendered unlikely. The challenge was to explain the need to pay for expensive forces that might never be used.

Yet the RMA model was deeply flawed. Far from representing a real revolution in military affairs, it harked back to an earlier, idealized prototype of modern warfare in which a decisive military victory can settle the fate of nations and, indeed, of whole civilizations. Once its forces have

been defeated, an enemy government will have no choice but to hand over sovereignty to the victor. If war is accepted as the arbiter, politicians can set objectives and hold the commanders accountable, but the military must be allowed to conduct the campaign according to its professional judgment with a minimum role for civilians – preferably not as victims and certainly not as strategists. Under the most idealized version of this model, the victory comes quickly. The longer the war drags on, the more uncertain the situation becomes, as both sides increasingly depend on the performance of allies; the test becomes one of social and economic endurance more than military skill; morale suffers; and politicians become impatient. Thus, for military innovators, the acme of success is a new route to a swift and politically decisive military victory. This was the claim made for the RMA.

However, the lack of a political context was problematic. It fixed on trends in military capabilities and neglected the types of conflict that might need to be addressed through force of arms. The new doctrine recognized that armed force could have a range of purposes other than regular war but tended to set these possibilities to one side, imagining such cases either would be smaller in scale and easily supported by capabilities designed for regular war or would involve goals that could be picked up by lesser powers, such as peacekeeping duties.

A further problem was the assumption that, because the new technologies fit so well with American strategic preferences, they would not serve different and opposed objectives. If the capabilities had been purely military in character, this outcome might have been more likely. In practice, however, these technologies encouraged a progressive overlap between the civilian and military spheres. High-quality surveillance and intelli-

gence, communications, and navigation became widely available as consumer gadgets could be exploited by otherwise crude, small organizations with limited budgets. Precision intelligence, instantaneously communicated and combined with precision guidance, made it possible to concentrate fire accurately on solely military targets in order to cause maximum disruption to the enemy military effort. But it did not mandate such attacks. It could support concepts less dependent on discriminate targeting. Indeed, the same systems that made it possible to limit damage to civil society could also be used to ensure that attacks on civil society were more effective. Even on the American model there were always dual-use facilities that served both military and civilian purposes – for example, power and transportation. They might be targeted as part of a military purpose but still led to the disruption of civilian life.

By the end of the 1990s, the challenge to the RMA was recognized to lie in what was described as “asymmetrical warfare.” Enemies would refuse to fight on America’s terms, attempting to turn warfare toward civil society rather than away. The approach most feared was the direct targeting of large population centers with chemical, biological, or nuclear weapons (of which nuclear are in a category all their own, although they are lumped together with other weapons of mass destruction [WMD]). The approach that was actually largely followed was to adopt the various forms of irregular warfare: that is, to rely on the support of a section of the civilian population as well as on guerrilla and terrorist tactics. A degree of overlap between the two approaches manifested when terrorists found ways of causing mass casualties, particularly using vulnerabilities in transport. The 9/11 attacks, the most spectacular example of this type of warfare, raised the specter of

terrorist access to WMD, perhaps aided by “rogue” states. The event significantly affected U.S. priorities in the subsequent decade, shaping the two main U.S. military operations in Afghanistan and Iraq.

In both these operations, enemy regular forces were unable to offer much resistance to U.S. strength. (The Taliban was already battling the Northern Alliance, and U.S. airpower and special forces tipped the balance.) Both conventional campaigns could be considered a vindication of RMA-type concepts in that quality defeated quantity with remarkable speed. Thereafter, however, the United States was stuck dealing with resourceful and determined irregular opponents while it desperately sought to construct sustainable indigenous state structures and forces. The experience underlined the danger of operating against the local political grain.

To say that, during the course of the 2000s, the United States mastered counterinsurgency operations would be an overstatement, yet after the severe initial setbacks in Iraq, the United States adapted. The group associated with General David Petraeus took some of the technologies associated with the RMA, accepted that numbers still made a difference, and then brought in a more street-wise grasp of the political circumstances in which the military was operating. The strategy emphasized that military actions must be evaluated by reference to their political effects, not simply by traditional metrics geared toward eliminating enemy forces, and stressed the importance of reinforcing these effects through what are now called “information operations.” This approach has required not only tenacity but also a commitment of resources and a tolerance of casualties that would have been considered excessive, even prohibitive, as the campaigns were first planned in the aftermath of 9/11. The

situation demonstrates how much worse it is to lose a fight than to walk away from a fight before it has begun. Doctrine and tactics have been changed to deal with novel, and in some respects unique, situations. The enemy is unlikely to win in Afghanistan or Iraq in the sense that it will not be able to seize the state. But it is also true that in neither case can it be said that the United States’ side clearly won. Both U.S. occupied countries remain unstable and have suffered very high costs in lives and depressed social and economic development. Their long-term political prospects are unclear. With one naturally centralized and oil-rich and the other fragmented and poor, their circumstances are very different. In their own ways, both provide telling reminders that defeating insurgencies depends on the quality of government as much as, if not more than, military technique.

Can we assume that recent military engagements will set the pattern for the future? The military history of the 2000s was nothing like that of the 1990s, which in turn was quite different from the 1980s. Why should we expect to be able to predict the 2010s? Indeed, this decade has already begun with a reluctant intervention in Libya. The combination of high ambition and self-imposed restraints that characterize this engagement is unlike any that has come before.

The main continuity in the post-Cold War period, in addition to the reduced risk of a great-power confrontation, has been in the shift of focus from preparing to deal with challenges from strong states to engaging with weak and failed states, at first under the guise of peacekeeping and humanitarian intervention and then under the capacious umbrella of the “war on terror.”

Unlike the large-scale great-power wars of the past, in which the stakes were

clear, the consequences of defeat grim, involving the mobilization of whole societies and international alliances, the strategic imperatives behind the operations of the past two decades have been more controversial. The reason, however, is not the level of casualties. Those who fight are largely volunteer regulars. Losses have not approached the industrial scale of the great wars, though in some respects, that difference has made individual sacrifices more personal and poignant. Politically, the main issue is whether these lives are being sacrificed to any good purpose. Questions are constantly asked about why and how a war is being fought and the probability of success.

An attempt was made, notably by the Bush administration, to distinguish the “wars of choice” of the 1990s from the “wars of necessity” of the 2000s. This distinction, for which I take some responsibility, is misleading. There is always a choice, even if it is a terrible one. Undoubtedly different was how the stakes were perceived. With the humanitarian interventions of the 1990s, the choice was first about whether to pay attention, and only then to decide what to do. If the issues that might have prompted, and in some cases did prompt, these interventions were ignored, the consequences for those directly involved might have been dire, but others could have carried on as before. Indifference was an option. The term “war of necessity” implied the presence of an existential security threat, the handling of which would determine a state’s future position. In these cases, indifference was not an option.

It was difficult both before and after 9/11 to measure the threat posed by Al Qaeda. The rhetoric of leaders such as Osama bin Laden was extravagant in its incitement to violence, yet their followers had only occasional successes. They made an appeal to an underlying ideolo-

gy that ran deep and wide in certain countries but was patchy in others. The resulting violence was largely localized and sporadic.

For the moment, at least, the spectacular attacks on the World Trade Center and the Pentagon remain unique. At the same time, the insurgencies in both Iraq and Afghanistan, and countries where the United States and its allies have not made the same military commitments, have been persistent, intensive, and troublesome. Strategy has become preoccupied with issues such as the relationship between military technique and political legitimacy, the radicalization of populations, the management of intercommunal violence, governance and corruption, and the role of international opinion.

If the recent past has set a pattern that will continue for some time, we are now entering a period when conflicts will be dominated by irregular forms of warfare. Talk of a fourth generation of warfare suffers from a historicist fallacy similar to the one affecting the RMA concept: namely, that forms of warfare pass through a natural progression. The difference is that the rhetoric behind the RMA was buoyed by a technological optimism, while the gloom surrounding the notion of the fourth generation reflects cultural and political pessimism. Irregular warfare, however, is hardly a novel phenomenon. It was used in the fight against colonialism to circumvent the evident superiority of the metropolitan states in military organization and firepower. During the course of major regular wars, there were often irregular elements. The two forms are not exclusive and can coexist. One of the textbooks of irregular warfare, Lawrence of Arabia’s *Seven Pillars of Wisdom*, was based on his role in Arab harassment of Turkish forces during World War I. In World War II, German forces in Europe had to defend their territorial

gains from irregular partisan attacks as well as from regular allied forces. Regular war supposes that political disputes can be settled through battle with a military surrender followed by a transfer of sovereignty. But if a sufficient portion of a population refuses to accept the result, popular militias, along with other forms of resistance, may challenge the apparent victor. At this stage, the conflict is no longer a regular war. One such popular uprising occurred in France after the 1871 war with Prussia, eventually leading to the Paris Commune. It also happened in 2001 in Afghanistan and in 2003 in Iraq.

Regular warfare is perceived to be in decline. This view can be attributed to the likely destructiveness of war between great powers, especially those armed with nuclear weapons; a consequential readiness to solve great-power disputes by means other than war; and the superiority of Western states in the conduct of regular war. The increased focus on irregular war emerged from the apparent invincibility of U.S. forces, with or without their allies, in conventional battle. To the extent that states, not necessarily great powers, remain ready to resolve disputes through force of arms, regular war remains a possibility, as Palestine and Israel, India and Pakistan have shown over the years. For the moment, these particular conflicts are being carried out largely through irregular means, although Israel and India have indicated they are prepared to use regular forces if irregular attacks are pushed too far. The conflict in Libya has seen regular forces taking on a cobbled-together militia that could survive only with support from NATO airpower. Future regular wars that do not involve the United States and its allies directly are possible, even if they take on a cataclysmic form (for example, a confrontation between China and India).

For the United States, the issue is not the war the country is most likely to fight but the war for which its military should prepare. Preparedness is a form of deterrence; it should mean that the war does not have to be fought, which inevitably leaves open the question of whether the expenditure and effort were necessary in the first place. This is especially the case because a defensive preparedness must involve a substantial capability for major war. Thankfully, America's strength is only one of a number of reasons why such a war remains highly unlikely. Regardless, we can assume that the ability to fight and prevail in a war with another great power will continue to be the top priority for U.S. defense. The key question is whether the United States will need to maintain a substantial capacity to fight an irregular war. Over the past few years, it has added a much more sophisticated counterinsurgency capability to its repertoire. In the 1970s, the U.S. Army considered Vietnam to be exactly the sort of war it never wished to fight again; thus, it turned away from counterinsurgency in order to concentrate on its core task of preparing for great-power conflict, at that time against the Warsaw Pact in the center of Europe. In this setting, the RMA emerged: indeed, the embrace of the relevant technologies can be traced back to the rediscovery of maneuver warfare and the Army's adoption of "air-land battle" as core doctrine.

As Iraq and Afghanistan became more demanding in the 2000s, this comfort zone was no longer so available. A growing sense of a global conflict against a resourceful and ideologically driven opponent suggested another pattern. The messy, prolonged fights in which the United States was directly involved, as well as those in which the United States had an interest, if a less central role—such as Pakistan, Yemen, Somalia, Leb-

anon, and Gaza – appeared to be part of the picture. Instead of an occasional decisive campaign to ward off a challenge from an aspirant great power, the future would likely be marked by a succession of struggles against Islamist opponents operating in and out of broken, weak states.

In most cases where states facing a serious Islamist threat looked to the United States for help, support took the form of intelligence and training as well as specific capabilities such as special forces and Unmanned Aerial Vehicles (UAVs). Iraq, to say the least, was hardly an inevitable response to 9/11. The intervention in Afghanistan had a greater logic in that regard. Al Qaeda, residing brazenly in Afghanistan, could be targeted by means of a reasonably regular military campaign. An available conventional response was an unusual feature of this case, but it encouraged the perception of the utility of conventional military force in the “war on terror.” However seriously we take the Islamist threat, it is important to emphasize that this response is the exception rather than the norm.

Irregular forms of warfare are favored by underdogs who know that they have little chance against superior conventional forces. By itself, irregular warfare cannot lead to a decisive victory. Some, of course, may acknowledge this point while insisting that it is irrelevant. Their objectives may be no more than to express anger, exact retribution, or promote a particular cause, such as animal rights. If, however, the objective involves an attempt to liberate some territory or seize political control, then at some point, a direct challenge to other regular or militia-type forces will be required, possibly leading to open battle rather than to raids, harassment, and ambushes.

This scenario might come about as follows: persistent attacks try the patience

and resilience of the ruling elite and its external supporters; their authority and confidence are undermined while an audience is created for a rival political creed; and eventually, there is sufficient support to topple the regime and put a new, popular government in its place. The crucial moment arrives when the irregulars gain recruits and support, and the enemy suffers from desertion and popular disaffection. As the balance of power shifts, the irregulars will be able to act in a more regular fashion.

This aspiration was explicit in Asian guerrilla theory, including in the campaigns of Mao in China or Giap in Vietnam. Irregular warfare – for example, in the form of guerrilla tactics – was not a preferred way of fighting: it was for want of something better. By itself, it could not produce victory because it did not allow power to be wrested directly from the state. At some point, even if only during the endgame, the irregulars had to gain the strength to ensure a decisive victory over the state or, if the enemy collapsed, assert their authority as the armed forces of a state-in-waiting. In this way, Fidel Castro and his hitherto ragged bunch of guerrilla fighters marked their victory over the regular forces of Batista in Cuba a half-century ago. Once state power is seized, even if relatively little effort is required, it must be secured against internal and external enemies. Defending state rule requires organizational and operational forms quite different from those required to wage guerrilla war, let alone mount random acts of terror.

Regardless of how successful they have been in mounting individual attacks and embarrassing enemies, irregular campaigns rarely lead to power. For example, even if successive terroristic attacks on U.S. targets persuaded the United States to disengage entirely from the Middle East, the responsible group would still be

left fighting local opponents and rivals for actual power. Note what happened in Afghanistan after the Soviet Union withdrew. In this respect, the Libyan conflict was almost back-to-front. An anti-Gaddafi mass movement developed quickly, asserted itself in the capital Tripoli, and soon seized other population centers – notably, the eastern city of Benghazi. Using superior firepower, crudely applied, the regime was able to regain control of Tripoli and would then have rolled up the rebels had it not been for the UN-authorized intervention. Ironically, it was the beleaguered regime claiming that the rebels were really Islamist terrorists masquerading as democrats, while NATO countries accepted the rebels more or less at face value, as a loose and largely uncoordinated collection of anti-regime elements.

The point here is that the great dramas of regime change differ significantly; further, they often involve substantial armed components as well as terrorist plots. It is not that every two-bit terror group must imagine itself as a great army-in-waiting, although many do. For most, the first priority is survival, perhaps through advertising their presence with a conspicuous act, which may be geared to recruitment and fundraising as much as to the pursuit of long-term political objectives. They may have intense and contentious debates about long-term strategy – indeed, some do little else – but these are often exercises in futility. Nonetheless, even small and simple groups try to present themselves as regular forces in development, distinct from a political wing yet with military-type command structures and designations.

This is why it was unusual to be able to respond to Al Qaeda in 2001 by means of a regular operation. In general, terrorism is the most primitive form of irregular warfare. It might be defined as succeed-

ing if the *only* intention is to cause hurt; if there is a wider political intention, the effort normally fails. Al Qaeda's Afghan base made it unusual for terrorist groups because it was not operating against the host state and, in fact, was afforded a degree of state protection as it mounted attacks elsewhere. When terrorist groups operate within hostile societies, the best option is to consider them to be criminals: that is, offenders to be dealt with through the methods of law enforcement, such as domestic intelligence, the police, and the judiciary. Terrorists involved in robbery, extortion, and even kidnapping to obtain finance may fit this description literally. Defining them in this way has benefits in terms of propaganda as well as in the choice of countermeasures. It is also likely to be appropriate as long as the terrorists consist of small cells of militants hiding within the host population. The most basic counterterrorist work in the West, therefore, involves intelligence gathering, arrests, and protecting key targets. If these groups reach the point where they are best dealt with by military means, then they have outgrown the terrorist label and have become something altogether more serious.

Groups with the size and persistence to challenge state power are usually described in terms of *resistance* or *insurgency*. Here, the intent is less to attack civil society than to use civil society as a base from which to attack the regular forces of the enemy, either demonstrating the weakness of the state or inviting the state to reveal its oppressive nature. Terrorist acts may play a role in such campaigns as part of a more integrated strategy involving various types of operations. Strategic *resistance*, which is essentially defensive, refers to the methods used to prevent an occupying force from establishing itself; a strategic *insurgency*, which is essential-

ly offensive, refers to the methods used to expel a purportedly illegitimate force from a defined territory.

At either level, the attitude of the local population is crucial. Success for a resistance movement typically depends on a supportive population. The task for an insurgency is to create support where, at the outset, it is scarce. To do so, the insurgents must find a point of political contact with the target community. Support leads to sanctuaries, supply lines, recruits, and intelligence, without which either type of warfare risks defeat and suffers from a constant fear of informers and a lack of supplies and new recruits. Relations with the community may be forged on the basis of a shared patriotism or kinship, but they may also be based on intimidation and fear – for example, the consequences of known collaboration with the enemy, or the expectation that even when the insurgents disappear, they may return ready for revenge if they ever feel betrayed.

As with any type of warfare, successful terrorism depends on strong and intelligent leadership and internal discipline and organization. The clandestine circumstances in which terrorists operate make these qualities much harder to achieve than in other forms of warfare. In practice, terrorism tends to rely on barely coordinated and fragmented attacks by independent cells. It risks alienating likely sources of support without denting state power. These groups, in part because of their radical, ideological nature, are often prone to fragmentation and intense arguments about political narratives, strategy, and tactics. Organizational survival may lead to operations undertaken to demonstrate leadership of the struggle and maintain activist morale as much as to hurt the enemy. There is always the potential for internecine warfare, as different groups vie with each other to control a struggle to which they all are notionally committed.

If a terrorist group makes progress, it does so by creating an aura of irresistibility, suggesting the state's inability to cope. This process generally depends on regular, incessant attacks. Regularity may be more important than scale because the aim is to demonstrate an ability to operate at will – to outsmart the authorities at every turn – which is possible only with a degree of popular support. In this regard, terrorism as a strategy can be defined by its objective to create the conditions for resistance or insurgency. By extension, the objective of resistance or insurgency is to create the conditions for regular war. And regular warfare, in turn, seeks to create the conditions for a transfer of sovereignty.

The basic requirement for countering opponents who adopt irregular warfare is to take the progression described above and push it in the other direction: that is, force the enemy to take the backward step from an insurgency to terrorism. This task entails denying the credibility of irregulars' claims to be acting on behalf of whole communities. Front-line countering forces must ensure they are recognizably local and can play the patriotic card as effectively as the enemy. Further, they must acquire critical intelligence in order to identify and isolate the militants from their potential sources of support. These measures take time and put a premium on patience. They require sensitivity to grievances and fears and attention to culture and anthropology as much as technology and tactics. Their boundaries are blurred; there is no confined military space and time to be set apart from civilian space and time. On the one hand, heavy-handed tactics may confirm enemy propaganda and help the adversary gain recruits; on the other, an overly light touch might allow opponents to establish unencumbered their political authority – as in no-go areas where state

forces dare not enter and where a parallel government may be established.

To fight an irregular war outside one's own territory is inherently difficult. Indeed, foreign forces can soon appear to be an alien force of occupation. This perception will grow if they adopt harsh methods. Compared with colonial times, overt coercion of civilians is now out of bounds. Damage to civilian infrastructure or civilian casualties that result from attacks on military-related targets are explained as unintended and regrettable "collateral damage"; such consequences are not justified as a means of persuading the enemy to give up. When an enemy is engaged in irregular methods, however, following the precepts of regular warfare in distinguishing at all times between combatants and noncombatants becomes difficult. An enemy militant may well look like an innocent civilian. Frightened soldiers are apt to take few risks when they fear attack. For them, it can be frustrating to be forbidden to chase enemy fighters into their towns and villages, or to allow open supply lines to avoid creating a sense of civilian siege.

The need to win over "hearts and minds" is a frequent theme in discussions of strategies for irregular wars. It is referred to whenever tough methods used by one's own side are questioned and whenever there is a need to persuade people, through good works and sensitivity to their concerns, that the government and the security forces really are on their side. The term captures the idea of wars being won in the cognitive (intellectual and emotional) rather than the physical domain. Practices that diminish support are not hard to discern: arbitrary arrests, displays of brute force, rudeness, and disrespectful behavior are likely to generate alienation and hostility. Winning support is harder: the real concerns and grievances of the local people must be

addressed, even if attending to this task means upsetting local power structures. In part, it may be a matter of civic action – repairing roads and building schools, or securing power and sanitation infrastructures – but at some point, issues of official repression, land reform, or ethnic mix may become germane.

There is a chicken-and-egg problem. These strategies can be too dangerous to follow without local security; but until local security is established, they cannot be followed. Without security, foreign troops and local people will be unable to interact closely and develop mutual trust. Security is not just a matter of immediate safety. It also requires looking forward to assess the likely future power structure that will emerge as the conflict develops. As the irregulars and the counter-irregulars compete for local support, impressions of strength may be as important as those of kindness and concern. Support is as likely to be based on convincing people that you will win as it is on promises of future goods and services.

Thus, unlike regular warfare, irregular conflicts are unlikely to turn on having the most advanced technology or overwhelming force. In these conflicts, politics does far more than set the terms for the fight: it infuses every move. Incentives for authorities typically point toward minimizing the fighting and appearing not to rely on shows of force. The military role may therefore be quite limited; key tasks are instead in the hands of intelligence agencies, the police, and even political leaders and intellectuals who frame and describe the core issues at the heart of the struggle. The challenge for external forces intervening in such struggles, especially if their role is prominent, is not only to win local support, but also to retain the public's favor back home. In both respects, a military strategy must be integrated with a political one.

This judgment does not change in the two most difficult scenarios. In the first, groups are able to develop forms of unconventional attack that could rock the foundations of society. The main concern in this category has been the possibility of chemical, biological, radiological, and – most frightening but least likely – nuclear weapons campaigns. Alternatively, irregulars might be able to attack the information networks that sustain core infrastructure. Other than in the particular case where terrorists are acting as agents of, or with substantial support from, another state, these threats are still best addressed through intelligence agencies and the police. There may be specialized military capabilities of potential value: intelligence support, specialist sensors, and the forms of assistance that may be required after any catastrophic incident. The military tends to play a role in the aftermath of any disaster because it can offer fit and disciplined troops as well as organizational capacity, including managing logistical problems, gathering information, and maintaining complex communication networks over time and in adverse conditions.

In the second difficult scenario, which is already common, a weak state that is unable to cope with a developing challenge requests support. There may be good reasons for its weakness. Supposed counterterrorism operations may just be part of an attempt to impose political order from the center, as a rationale for wider repression. Given that the parallel political processes necessary for a “hearts and minds” approach may be absent, there is little prospect that grievances will be addressed. The police may be unable to cope or, if they are corrupt, incompetent, sectarian in nature, or distrusted by the target population, they may be part of the problem. If the supported regime is weak for these reasons, the situation is

unlikely to be improved by the insertion of large numbers of foreign forces. The commitments in Iraq and Afghanistan were the result of the direct role the United States played in toppling the previous regime and its responsibility for what followed. Without that responsibility, the more likely inclination will be to limit liabilities and confine support to specialist capabilities.

Attitudes toward the use of force after the Cold War have been shaped from the start by Iraq. When Iraq invaded Kuwait in August 1990, the crudity of the aggression and the importance of the region led to a strong collective response. Desert Storm was a regular war; Kuwait was liberated by battle; and the vicious repression that followed the postwar insurrection led coalition forces to set up safe havens for the Kurds in northern Iraq. This engagement set the precedent for subsequent humanitarian interventions. As Saddam Hussein played games with UN inspectors, the United States used coercive means to force him back into line. Those efforts culminated in the December 1998 air strikes of Desert Fox. Frustration at the leader’s continued defiance and survival led to the 2003 invasion, illustrating just how strong the United States is when fighting on its own terms. The subsequent irregular warfare, however, demonstrated just how difficult it finds fighting on another’s terms.

The experience of the past decade has provided a far better grasp of both the potential and the limitations of irregular forms of fighting, from terrorism to insurgency. Unconventional methods can create contests of endurance, especially for external powers trying to assert control in places where they are not entirely welcome and where their strategic interests are uncertain. This scenario creates a paradox. In conventional warfare, the

United States and its allies are unbeatable against countries lacking advanced military capabilities. At the same time, all powers struggle when facing resistance from a population, or from segments of that population. In the end, the United States and its allies can avoid defeat because such a loss would require irregular forces to undergo transformation into a regular force capable of seizing power. To win, however, the United States itself depends on the regimes it supports, or in the anomalous case of Libya, the rebels it supports, who lacked the wherewithal to take on the enemy effectively on the ground. There is no reason to doubt that Western forces would have faced far less difficulty in taking out pro-Gaddafi forces, but even the anti-Gaddafi forces, in addition to the relevant Western governments, felt that such a response would send the wrong political messages.

This analysis suggests three propositions. The first, to be blunt, is that after two decades of high-tempo and controversial operations, absent any further 9/11-type shocks, the United States will be increasingly wary about entering into any more long-term commitments involving direct combat. In Libya the Obama administration was prepared to accept the risks of an inconclusive outcome, and it framed U.S. involvement as participation in a coalition led from elsewhere, rather than as taking responsibility for another major operation.

The second proposition is that no single country, however large and resourceful, can control the rest of the world to suit its own interests. A new international political configuration has begun to take shape with a number of “emerging” powers making great strides economically, even as established liberal capitalist states have faltered. These emerging powers are unlikely to coalesce into a new bloc – at least, no more than was ever the case with the

“third world.” Two of them, India and China, are the most populous countries on earth, and both are wary of each other. India, to some extent, has moved much closer to the West over the past decade, in part because of a shared concern over Islamism. China, which is now asserting itself, is considered a rising superpower and clearly has great economic clout, but it remains hampered by a lack of obvious allies (other than North Korea) and wide ideological appeal. Its foreign policy could be described as realist and mercantilist. Russia, which has recovered (largely on the back of energy prices) from the shambles of the 1990s, is sometimes classed with these emergent powers; but its economy is narrowly based, and Moscow has uneasy relations with most of its neighbors.

The problems the United States has faced may help explain why others are wary of trying to compete for full great-power status, although they may well act forcefully around their own borders and, in a number of cases, have already done so. Great-power status implies a responsibility and a right to intervene at a distance from border areas. Any cost/benefit analysis would encourage caution. For this reason, the rising economic powers might turn out to be circumspect when claiming such a position for themselves. Brazil, Russia, India, and China, the supposedly ascendant powers, all voted against UN Resolution 1973, which authorized the Libyan intervention, when the decision came before the Security Council. Indeed, being a great power is severely overrated. The duties and responsibilities associated with the status are as likely to turn candidate great powers away as they are to inspire pursuit of the title. A wiser policy may be less about bossing everyone around and more about helping other peoples sort out their quarrels.

The third proposition, therefore, is that while the United States is suffering from

the financial crisis and the cumulative effects of its more recent interventions, both of which have diminished its standing, it will remain the world's predominant power. When a coalition of countries decided to act in Libya, Britain and France, which were taking the lead, still needed vital American "enablers."

The cumulative impact of these conclusions points to a unique situation. For the first time since decolonization, no evident strategic imperatives draw Western countries into the affairs of the developing world. Oil continues to make some parts of the world more important to the West than others; it becomes a factor when tensions rise, but not to the extent where supply issues mandate certain forms of intervention. There is a view that scarce resources and other problems aggravated by climate change, such as population movements, may result in much more international conflict. It would certainly be unwise to argue that no larger circumstances exist that would lead to direct military engagement, let alone less demanding forms of political or technical assistance. The point is that, for the moment, the incentives for involvement are much weaker than before, a situation that carries risks of a political vacuum.

Another view is that this reluctance to intervene will be all to the good; that past Western actions have inflicted more harm than benefit, stirring up discontent and anti-Western feeling; and that individual countries should take responsibility for their own regional discontents. Even NGOs, which have decades of development experience, are now far more realistic than sentimental, emphasizing long-term capacity building rather than financial subsidies or loans from rich countries. For a variety of reasons having to do with resources, practicality, prudence,

and changing attitudes, we may now be entering a period in which international crisis management will become progressively less energetic and more dependent on local attitudes and efforts.

Libya appears as an exception, yet the intervention occurred only because of considerable provocation by a regime whose behavior had already been denounced. Further, a massacre in Benghazi appeared imminent; the Arab League was urging action; and even with strong UN support, numerous provisos were designed to limit the liabilities of the outside actors and ensure that the final struggle was between Libyans. Nothing in this episode suggests a lack of caution. In the future we can expect more buck-passing, or looking to others to take the lead only to blame them when things go wrong. In addition, there will be a greater stress on diplomatic efforts to encourage "common sense" among disputants and help mediate settlements. This will replace a readiness to actively knock heads together and impose settlements. In the face of defiance, the priority will be to explore political solutions, and force will be very much a last resort. Major reconstruction efforts will be desultory.

Putting Libya to one side, there is already evidence for this shifting outlook. It can be seen in the uncertainties over what to do about North Korea, Iran, and the Israel/Palestine dispute, or the popular uprisings in Iran, Egypt, Bahrain, and Syria. It is expressed in the frustration over Afghanistan and the lackluster or belated responses to the tragedies of Sudan, Congo, and the Ivory Coast. The Micawberish hope appears to be that something will turn up, perhaps the overthrow of an odious regime or an economic upturn, that will ease problems by creating a shared interest in prosperity. If this is the case, and sometimes it is, then international order will increasingly de-

pend on good luck rather than good management.

Attempting to predict the future confronts the general problem that prospects depend on choices yet to be made. Nonetheless, in describing matters of degree, tendencies, shifting emphases, and declining capabilities and will, rather than their complete absence, the new norm is one of less activity rather than total passivity. It is no longer possible to think of international politics in terms of simple hierarchies of great powers. Certainly, particular events can change perceptions. The expectations about the Bush administration, which was forecast to follow a cautious “realist” strategy along the lines implied here, were overturned by 9/11. A terrible humanitarian catastrophe or a set of terrorist outrages may prompt surges of diplomatic, developmental, and military activity. If countries are used as sanctuaries for terrorism, or attempt to manipulate energy supplies or maritime trade, defensive measures may not be enough. There will still be arguments to address threats emanating from dangerous parts of the world at the source; in these cases, the prevailing view will be that it is best to nip dangers in the bud before they become critical. As we have already seen with Libya, crude forms of oppression can prompt a revival of the forms of discretionary interventionism that developed during the 1990s under the heading of the “responsibility to protect.” But again as we have also seen with Libya, these claims, and the evidence on which they are based, will have to look extremely strong before they are taken as seriously as they were in 2002 – 2003.

The question of the future of armed force lies in politics rather than technology, and of the two, politics is by far the murkiest. Nonetheless, the ambition of the 2000s is likely to be followed by the caution of the 2010s.

The U.S. Armed Forces' View of War

Brian McAllister Linn

Abstract: Many military analysts now argue that the challenges of Iraq and Afghanistan have prompted a paradigm shift within the U.S. armed forces. They believe that techno-centric formulaic concepts of warfare, such as effects-based operations, have been replaced by more complex, human-centered approaches, such as those laid out in the 2007 Counterinsurgency Manual. This essay details the evolution of U.S. military thought about warfare. It discusses how lessons from the past shaped current policy, the impact of a technologically inspired Revolution in Military Affairs (RMA), and the subsequent conviction that properly equipped U.S. armed forces could rapidly and decisively defeat any and all opponents. The inability of U.S. forces to achieve national objectives in either Iraq or Afghanistan despite their success on the battlefield has caused war intellectuals to seek new lessons from history, question the existence of an RMA, and formulate a new vision of war that stresses uncertainty, adaptation, and innovation.

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Despite the continual issuance of buzzwords emphasizing service unity and harmony – such as “jointness,” “An Army of One,” or “The Few, the Proud” – the armed forces’ internal divisions have been vividly displayed during the last decade. A number of important books detail the disagreements between civilian and military leaders and the long struggle to implement the “surge” and the counterinsurgency (COIN) strategy.¹ The wars in Iraq and Afghanistan have generated a radical transformation in military thought: that is, a paradigm shift from idealized, techno-centric, scientific formulas – such as “network-centric warfare” (NCW) or “effects-based operations” (EBO) – to more complex, ambiguous, and human-centered visions of war, which were encapsulated in 2007 by *The U.S. Army/Marine Corps Counterinsurgency Field Manual*.² This intellectual renaissance has led, according to some, to military victory in Iraq and a path to eventual success in Afghanistan. This interpretation is attractive because it implies that the U.S. armed forces are adaptive, learning organizations that will develop new concepts to replace failed ones. But it begs a number of central ques-

tions, not least of which is how the armed forces and their war intellectuals – broadly defined in this essay as officers who write on the theory and practice of war – could have been so wrong about the nature of warfare going into Iraq and Afghanistan. Answering this larger question requires looking beyond the immediate debate over Iraq-Afghanistan to examine how the U.S. armed forces arrive at their understanding, or vision, of warfare, particularly in their use of history and the role of war intellectuals.

Interpretations of the past, perceptions of the present military situation, and predictions for the future combine to shape the U.S. armed forces' vision of war. All three variables are the subjects of intense debate. War intellectuals argue over such basic questions as whether the preferable strategy is to employ primarily land, sea, or air power; to attack the enemy's physical resources or his morale; or to pursue a battle of annihilation or grind away in a long war of attrition. One Air Force officer identified no fewer than seventeen different theories of airpower, noting that the service had made little effort to reconcile them.³ In a recent issue of *Joint Forces Quarterly*, two articles by Army officers, "Let's Win the Wars We're In" and "Let's Build an Army to Win All Wars," simultaneously provided commentaries on Iraq-Afghanistan and engaged in the latest round of almost two centuries of intra-service debate.⁴ Few of these internal disputes are ever resolved despite recurrent top-down efforts to impose conformity through "capstone" and "vision" statements, doctrine, and other official pronouncements.⁵ Perhaps as a result, American military thought tends to be cyclical, with concepts (often little more than buzzwords) being heralded as revolutionary or "transformational," then quickly going out of fashion, only to re-

emerge under a new rubric a decade or so later.

For many war intellectuals, the past is prologue to the future. But it is a past that has been carefully edited to display the correct lessons, most notably the importance of military preparedness in peace and military autonomy in wartime. There is a tendency to interpret the nation's martial history as a dismal cyclical narrative, or as one Army general staff described it in 1916: "a startling picture of faulty leadership, needless waste of lives and property, costly overhead charges . . . due entirely to a lack of adequate preparation for war in time of peace. But we have not yet learned our lesson."⁶ The critique of American society goes far beyond civilians' unwillingness to fund adequate military budgets. War intellectuals have attributed the nation's physical and moral decline to a variety of factors: immigration and urbanization prior to World War I; pacifism in the interwar period; permissive teachers and parents after World War II; the media, politicians, academics, and pot-smoking hedonists after Vietnam; and, in recent years, the physical, moral, and educational deficiencies that may render 75 percent of American youth unfit for military service. In many narratives, civilian fecklessness is only redeemed by the dedication, patriotism, courage, and skill of professional officers. Senior commanders' memoirs often detail the protagonist's struggle against inept or corrupt political masters, a tradition spanning more than a century, from Civil War General George B. McClellan, to World War II General Douglas MacArthur, to the conqueror of Baghdad, General Tommy Franks.

The armed forces' ambivalence toward American society and its political representatives has helped shape military intellectuals' understanding of the present as well as their perceptions of future war.

Since the 1820s, military scenarios dealing with foreign attacks have all assumed that the public would be essentially helpless to defend itself. In the view of many war intellectuals, civilians are to set policy, ensure the armed forces have sufficient resources, and let military leaders conduct the battles and campaigns that secure victory. Civilian leaders who violate this division, who dare to disregard the advice of military professionals – or worse, interfere in combat operations – are held in special disdain. One of the services' most bitter historical memories is that of President Lyndon B. Johnson and Secretary of Defense Robert McNamara micromanaging the war against North Vietnam, even to the extent of charting the daily bombing sorties, while the supine commanders in the theater and the Joint Chiefs of Staff abrogated their military responsibilities. General Franks asserts that this lesson from Vietnam taught him to insist on maintaining his operational independence against political and military superiors who sought to interfere in his conduct of the invasions of Iraq and Afghanistan.⁷

History also influences the U.S. armed forces' conception of war by providing examples to support or criticize current policies, organizations, equipment, or weapons. In the late nineteenth century, naval officer and historian Alfred Thayer Mahan, who all but invented maritime history, interpreted the past as demonstrating the need for the United States to acquire global markets and a new steel battle fleet. Following World War I, cavalry advocates looked particularly to the Civil War for evidence to repudiate those who said the horse had no place on the modern battlefield. For decades, Marine Corps war intellectuals have invoked the Gallipoli debacle to highlight their own service's superior conduct of amphibious

warfare. The authors of a 1989 article on "fourth-generation warfare" postulated that war had passed through three successive generations and was entering a new one. Consistent with many other writings of the 1980s, the article warned of the threat from guerrillas and terrorists but also rhapsodized about futuristic technologies, such as directed-energy weapons and robotics, which few would argue have been the decisive factors in recent insurgencies.⁸ Drawing on the lessons of the past as a means to anticipate the future, military intellectuals often claim to be prophets when some of their predictions are realized.

The dangers of what the services call "lessons learned" from history are evidenced in the use of *blitzkrieg*. For decades, the term has been synonymous not only with a type of warfare characterized by speed, flanking, encircling movements, and psychological paralysis of the opponent, but also with institutional innovation and transformation. According to some American war intellectuals, after defeat in World War I, Germany learned the correct lessons and recognized the opportunities of a "Revolution in Military Affairs" (RMA) defined by new technologies (tanks, airplanes), new concepts (infiltration, maneuver, close air support), and new organizations (mechanized forces). In contrast, France, which had access to the same lessons, the same technologies, and the same concepts, hid behind the Maginot Line. In 1940, Germany launched a whirlwind campaign that shattered France in six weeks, thereby demonstrating the consequences of the RMA. At this point, the narrative ends; rarely mentioned are the Wehrmacht's failure against the Soviet Union or its complicity in the Nazi state's atrocities. Indeed, the blitzkriegers were, and are, less interested in history than in proving that military organizations that seize

the opportunities offered by an RMA achieve victory, and those that do not are defeated.

This sanitized, didactic, almost mythological blitzkrieg/RMA/transformation narrative has been interjected into virtually every military reform debate in the last four decades, from discussions of Marine Corps doctrine to which fighters the Air Force should purchase. It has caused numerous unanticipated consequences, not least the fact that it may have led some U.S. senior commanders unknowingly to repeat what historians have identified as a major mistake in the “German way of war”: that is, fixating on tactics and operations while failing to consider how individually successful battles and campaigns will achieve the nation’s war aims (or strategy).⁹ This fascination with rapid maneuvers, tactics, and battles was compounded when the blitzkrieg of 1940 was apparently replayed in the Gulf War of 1990 to 1991. The latter victory led many to conclude, “[T]oday, and in the future, armed conflict is expected to be short, decisive, and accompanied with a minimum of casualties.”¹⁰ That assumption, in turn, validated the belief that defeating the enemy’s military forces on the battlefield defined victory, while everything else – including occupation, reconstruction, and pacification – was not in the dominion of war.

In the 1990s, many war intellectuals postulated that an “information RMA” was either about to occur or already had. They pondered its significance in a flood of diffuse and often self-contradictory writing, some of which now appears prescient, but much of which, in fact, was wrong. Supporters of both NCW (primarily in the Navy) and EBO (primarily in the Air Force) came to agree that by networking the technology of the information age – computers, sensors, satellites, the Inter-

net, and so on – geographically dispersed military forces could synchronize their movements and firepower, deploy quickly, and just as quickly overwhelm their opponents. New weapons – stealth bombers, lasers, and precision-guided munitions – would allow a few aircraft to achieve effects that previously required hundreds of aircraft flying thousands of sorties and dropping several tons of bombs. In the words of one proponent, EBO allowed U.S. armed forces to “dominate an adversary’s influence on strategic events” without having to “destroy an enemy’s ability to act.” Further, overtaking its “operational level systems” would induce systemic paralysis and force the enemy to “acquiesce to the will of the controlling force or face ever increasing degrees of loss of control.”¹¹

Supporters of this “new American way of war” alleged that rapid blows on carefully selected centers of gravity would create cascading effects, leading to psychological paralysis and loss of control; collapsing the will of military and political leaders; and resulting in a quick and bloodless victory. They even claimed the ability to predict the increments of violence that would achieve certain results. Yet for all their claims of being “outside the box” visionaries and futurists, the EBO/NCW prophets were, in retrospect, remarkably unimaginative in forecasting the consequences of their counsel. Indeed, the central fallacy of the EBO/NCW vision of war – that U.S. war objectives would be restricted to destroying the armed forces of a centralized nation-state – is readily apparent. Its advocates only considered “effects” in the most immediate military terms. They did not ponder the intermediate and long-term impacts of “loss of control” in states that were coercive theocracies, dictatorships, or fragile tribal alliances – the very “failed states” the national security strategy con-

sistently identified as the most likely areas of conflict. Nor did they foresee the consequence of creating, under the mantra of “jointness,” U.S. armed forces that were organized, equipped, and trained *only* for rapid, decisive operations. Most reprehensible, they did not consider that if EBO/NCW failed to deliver as promised, the most likely result would be the very long, bloody, frustrating attritional struggles they claimed their approach would avoid. In short, EBO/NCW were tactics in search of a strategy.

Unfortunately, ideological imperatives, such as imperialism, neoconservatism, and even apocalypticism, too often filled this strategic vacuum.¹² For instance, military strategist Thomas Barnett, who assisted Admiral Arthur Cebrowski in the development of NCW, maintained that Cebrowski’s “vision was a fundamentally *American* way of war, one that promised not just better wars, and not just shorter wars, but perhaps the end of war itself.” Barnett envisioned NCW as providing more than an efficient means to kill enemies; he further explained: “I wanted to see it used to short-circuit wars and warfare in general. I want wars to be obsolete because America becomes so powerful that no one is willing to take it on, and thus America is willing to take on anyone – a self-reinforcing deterrence.”¹³ In another example, commentator William Lind claims that his earlier writings on fourth-generation warfare anticipated a clash of cultures between the West and the rest of the world. In his view, Islamic radicals are perhaps less dangerous than domestic “cultural radicals ... who hate our Judeo-Christian culture” and promote “multiculturalism.” He predicts that “the next real war we fight is likely to be on American soil.”¹⁴ According to these perspectives, military transformation was (and perhaps still is) less a plan for reforming the services than either a means to achieve

American global hegemony or the West’s last hope for survival.

In 1998, the operational (and perhaps ideological) rationale for military transformation received official sanction in the Department of Defense’s blueprint for the future, *Vision 2010*. The document states: “Today, the world is in the midst of an RMA sparked by leap-ahead advances in information technologies. . . . [The] advent of the RMA provides the Department with a unique opportunity to transform the way in which it conducts the full range of military operations” by using “information superiority” to “leverage” the “capabilities” of other technologies and assert “dominant awareness of the battlespace.”¹⁵ *Vision 2010* assumed that the U.S. armed forces’ superior access to information would disperse nineteenth-century theorist Carl von Clausewitz’s “fog of war.” Information superiority would allow commanders at all levels – from the four-star general at his desk in Tampa, to the infantry captain on the battlefield, to the pilot in his stealth bomber – to have “perfect real-time situational knowledge.” By exploiting the potential of experimental technology, one cannon could achieve tactical results that previously required hundreds of shells, thus allowing the United States to use far smaller forces, which in turn would allow far more rapid movement at all levels. Ideally, each bomb or shell not only resolved a specific operational task (such as the destruction of an enemy tank), but also contributed to a cumulative series of “effects.” In short order, these “massed effects” would both physically and psychologically shatter (or shock and awe) the enemy’s command and control organization.

For America’s opponents, *Vision 2010* promised only rapid and decisive defeat. Even before the battle began, their com-

munications would be jammed and their access to accurate information disrupted. Precision attacks on command centers would cause further confusion and delay, so that even if an enemy commander were able to issue orders to subordinates, those instructions would have little relevance to the situation. Deprived of its guiding brain, the enemy army would be unable to coordinate its own firepower or maneuver forces effectively. Even if its troops survived and its equipment escaped destruction, the army would be little more than an armed mob incapable of coherent resistance. Unable to control its military forces, the enemy government would lose its will and submit to American dictates. In short, victory on the battlefield or in the air campaign alone was sufficient to secure U.S. national objectives.

For America's armed forces, and especially its senior leadership, *Vision 2010's* implications were initially intoxicating yet ultimately stupefying. Proponents boasted that commanders would have real-time battle space awareness to track both their own and enemy forces, recognize threats and opportunities, communicate their decisions, and have them executed instantly. But precisely because all future wars would be short and decisive – with success measured entirely in the destruction of enemy military forces – the services placed little value on strategic thinkers. Officers skilled at anticipating long-term implications and consequences were unnecessary for wars that would last a few weeks and had only one objective. Instead, the services selected and promoted officers who were skilled at managing the complicated control systems of EBO/NCW: commanders who defined themselves as “operators.” Epitomized by Tommy Franks, such officers proved adept at assembling matrices to destroy enemy military forces but were intellectually unprepared to deal with the

unforeseen consequences of battlefield victory.

Historians will continue to debate the degree to which the U.S. armed forces' embrace of high-tech warfare, applied with scientific precision, and rapid, decisive, and almost casualty-free victory contributed to two interminable, indecisive wars of attrition in Iraq and Afghanistan. Within the war intellectual community, there is little consensus. Some remain convinced that their prewar concepts and technologies were sound; they blame politicians (particularly Donald Rumsfeld) and the media. Others believe that although EBO/NCW was fundamentally flawed, innovative and adaptive leaders fought against the RMA/Rumsfeld “establishment,” reinvented counterinsurgency, and gave the United States the means to victory in the war on terror. In keeping with a long tradition of American military historiography – most clearly seen in treatments of Korea and Vietnam – however much they differ on details, both interpretations exculpate the armed forces and throw the burden of victory or defeat on the will of the American public and its political leaders.

Have the conflicts in Iraq and Afghanistan changed the armed forces' perception of war? The document credited with breaking the RMA stranglehold on military thought, and perhaps providing a path to victory in Iraq and Afghanistan, is *The U.S. Army/Marine Corps Counterinsurgency Field Manual* of 2007. A project directed by General David H. Petraeus and current U.S. Marine Corps Commandant James F. Amos, the manual is in many ways an anti-doctrine. It even includes such “paradoxes” as “sometimes doing nothing is the best action,” and “sometimes the more you protect your force, the less secure you will be.”¹⁶ In contrast to doctrines of the 1990s – which empha-

sized technology and treated opponents as passive recipients of U.S. dominance – the *Counterinsurgency Field Manual* includes an extensive and respectful analysis of the nature of insurgencies: who leads and who participates, how they are sustained, how they use intelligence and media, and what their capacity is to adapt and innovate. This complex and flexible approach to warfare appears throughout the manual. The chapter on intelligence discusses culture, another covers leadership and ethics, and detailed appendices provide information on social networking and legal guidance. Not surprisingly, both military officers and civilians have termed this doctrine revolutionary.

The two services most affected by the manual have taken different approaches to the lessons learned from Iraq and Afghanistan. The Marine Corps asserts that it has *always* engaged in counterinsurgency and stability operations – and has done so better than anyone. To add historical justification, Marine intellectuals note that in the 1990s, when the other services were leaping onto the RMA/EBO/NCW bandwagon, Commandant Charles Krulak postulated that the future would be characterized by the “three-block war” – a scenario in which military forces would have to deal with a spectrum of challenges simultaneously, ranging from conventional war to humanitarian aid. The Marines’ two-decade-old capstone statement, *Warfighting*, is unique both for its longevity and because it presents a theory of war that emphasizes combat as merely a means to a political end; indeed, it maintains that the application of violence must be consonant with strategic objectives.¹⁷ Given the Marine Corps’ conceptual foundation, the freedom of inquiry at such elite programs as the School of Advanced Warfighting, and the willingness to empower its commanders at all levels – what Krulak termed “the strategic corporal” – the

Corps was (and is) far better positioned, at least intellectually, to adapt and innovate in response to the challenges of the post-Cold War security environment. For the Marines, the challenge in Iraq and Afghanistan is in the execution of a warfighting philosophy they believe is inherently sound.

The U.S. Army has been the service most influenced by the experiences of Iraq and Afghanistan. This was not the case at the beginning, when the first Army “historic” team to reach Iraq after the fall of Baghdad reportedly asked participants only one question: “What was your role in the greatest military victory ever won?” But the collapse of Iraq into chaos, the criticism directed at General Franks and General Ricardo Sanchez, the scandals of Abu Ghraib, and other irrefutable evidence led many Army officers to acknowledge just how poorly their service had trained for operations beyond the battlefield.

The resulting transformation in the Army’s vision of war goes far beyond the counterinsurgency manual. The service’s 2008 capstone combat doctrine, *FM 3: Operations*, repudiates many of the central ideas of its 1993 predecessor, *FM 100-5: Operations*. The 1993 operational manual was evolutionary, emphasizing its connection with earlier operational doctrines that (from the Army’s perspective) had led to victory in the Cold War and the Gulf War. In the context of war intellectual tradition, *FM 100-5* was Jominian, conflating the methods of war – particularly the preparation and conduct of campaigns (or operations) – with war itself. Like its predecessors, the doctrine aimed to achieve a “quick, decisive victory on and off the battlefield anywhere in the world”¹⁸; it assumed that “modern warfare” consisted of large-unit conventional combat between nation-states; and it

used *battle* and *victory* almost synonymously with *war*. The few exceptions to the 1993 manual's intense battlefield focus – such as the comment that “military forces must be prepared to support strategic objectives after the termination of hostilities” and the few sentences devoted to counterinsurgency and peacekeeping – provided little preparation for Somalia, much less Iraq.¹⁹

FM 3 is, in its own words, “a revolutionary departure from past doctrine,” a set of guidelines intended for a volatile era of “protracted confrontation among states, non-states, and individual actors increasingly willing to use violence to achieve their political and ideological ends.”²⁰ The manual is consciously Clausewitzian, not only in its numerous quotations from *On War*, but also in its inclusion of sections on “uncertainty, chance, and friction” and its admonitions that officers must understand the nature of the war they are fighting. Whereas the 1993 doctrine was predicated on teaching officers essential skills to master complex technology, the 2008 doctrine emphasizes “how to think – not what to think” because doctrine must be “consistent with human nature and broad enough to provide a guide for unexpected situations.”²¹ Almost heretically, it states, “[W]inning battles and engagements is important but alone is not sufficient. Shaping the civil situation is just as important to success.”²²

Providing further evidence of the Army's transformation, *The Army Capstone Concept* of 2009 dismisses many previously held convictions – for example, the inevitability of the RMA, the potential of “leap ahead” technology, and the ideal of “full-spectrum dominance” – as no more than “labels.” Equally revealing, whereas prewar vision statements portrayed military opponents as hapless victims of American might, the *Capstone Concept* cites numerous recent examples to illus-

trate their adaptability, dedication, and effectiveness. To defeat them, the Army must create military leaders who have a “tolerance for ambiguity, and possess the ability and willingness to make rapid adjustments according to the situation.”²³

The recently released *Joint Operating Environment 2010 (JOE 2010)* shows evidence of both the transformation and the congruence of Army-Marine Corps thought. Its prewar predecessor was essentially an engineering manual for the next decades, a self-described “conceptual template . . . to leverage technological opportunities to achieve new levels of effectiveness in joint warfighting” and to allow the U.S. armed forces to achieve “dominance,” which was an end unto itself.²⁴ *JOE 2010* rejects such determinism; indeed, one of its goals is “guarding against any single preclusive view of future war.”²⁵ Whereas the prewar vision statement focused on future weaponry, *JOE 2010* begins with an extensive, rich examination of both the nature of war and the nature of change. And whereas the prewar joint vision was relentlessly optimistic about the capability of the U.S. armed forces to dominate any opponent, *JOE 2010* warns: “No one should harbor the illusion that the developed world can win this conflict in the near future. As is true with most insurgencies, victory will not appear decisive or complete. It will certainly not rest on military successes. The treatment of political, social, and economic ills can help, but in the end will not be decisive.”²⁶

Although the last decade of unconventional warfare had the most influence on the Marine Corps and the Army, there is considerable internal resistance to both counterinsurgency as a mission and to the methods prescribed in the *Counterinsurgency Field Manual*. War intellectual Gian Gentile is among the more vocal critics, arguing that the guidebook draws too

heavily from the Iraq and Afghanistan examples, and that many of its proponents repeat the conceptual errors they attribute to conventional warfare advocates.²⁷ Even among those who believe that the armed forces finally have the concepts and means to pacify Iraq and Afghanistan, there are those who believe that neither the United States nor its armed forces can afford such pyrrhic victories. More discouraging yet, throughout the Iraq-Afghanistan conflicts the Army senior leadership has insisted that the service's future is bound to its prewar, RMA-influenced transformation agenda, a Future Combat System that seems ideally designed to refight the Gulf War of 1990.

The Air Force and Navy visions of war have been even less changed by Iraq and Afghanistan. Though adamant that their contributions to the current conflicts be acknowledged, they remain committed to their prewar concepts. Central to both services is the same assumption held in the 1990s: that is, if they achieve the means (capabilities), then the ends (strategy) will sort themselves out. From this assumption, both services look first to technology, then to concepts that will allow its application. Recent Navy vision statements emphasize sea power's ability to deter conflict, to control the littorals, to support expeditions, to protect the homeland, and to adapt to a variety of threats.²⁸ The foreword to the U.S. Air Force's 2003 basic doctrine acknowledges the danger posed by asymmetric adversaries who threaten the nation with weapons of mass destruction, terrorism, and information attacks. But for the most part, it reiterates earlier concepts, such as EBO and precision strike, viewing the experiences of Iraq and Afghanistan as further vindication of these approaches. While the doctrine recognizes the importance of cooperation, it still maintains "the new view of conflict" in which "the prompt continued, aggres-

sive application of airpower" can win wars without a land campaign. This statement, like the assertion that airpower changes the character of the "American way of war," dates back to one of the earliest proponents of airpower, General Billy Mitchell.²⁹ One senior Air Force officer who has engaged in counterinsurgency debate, Major General Charles J. Dunlap, Jr., views the Army-Marine counterinsurgency manual as flawed by its "infatuation with the individual soldier, an affinity for the close fight, skepticism toward new technology, and an over-reliance on historical case studies."³⁰ Dunlap maintains that prewar concepts, particularly information RMA and Air Force doctrine, proved themselves in Iraq; thus, he criticizes his service for failing either to articulate its own contribution to the current conflicts or to confront the intellectual challenge of insurgency.

It is too soon to determine whether this last decade of persistent conflict will result in a major transformation in the armed forces' vision of war. Perhaps the current interest in counterinsurgency is no more than an intellectual re-booting prompted by the insurgencies/civil wars in Iraq and Afghanistan. In this respect, it is well worth remembering that the initial campaigns in both countries were hailed as proving both the RMA and EBO/NCW. They are now cited as proof of the fallacies in these visions – in some cases by the same pundits.³¹ The last decade has shown that the armed forces' vision of war matters, and that war intellectuals have more impact, and deserve far more study, than they have received.

The major questions and the most significant critiques emerging from Iraq and Afghanistan are not about the U.S. armed forces' equipment, training, or ability to adapt at the tactical level. Rather, they are directed at the intellectual competence of

the officer corps, particularly the senior leadership – namely, its critical thinking skills, its grasp of strategy, and its ability to adapt and innovate. For example, why did it take so long for these experts to understand that the war they were fighting was not the war they had prepared to fight? Beyond the specific issues raised by the Iraq-Afghanistan conflicts lies a host of more general questions. Is military transformation a result of new ideas or new technology? Are “big ideas” such as the RMA, transformation, or fourth-generation warfare important concepts,

or do they provide dangerously simplistic interpretations of recent changes in warfare? Is there an American way of war that predisposes the nation and its armed forces to certain strategies or methods? Are the services capable of learning from mistakes? How will officers assimilate the lessons of the past decade into their new visions of war? What form will new challenges to the national interest take? Bearing these uncertainties in mind, the role of war intellectuals is central to understanding the past, present, and future of the armed forces.

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Weapons: The Growth & Spread of the Precision-Strike Regime

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Abstract: For two decades, scholars and practitioners have argued that the world is experiencing a Revolution in Military Affairs brought on by the development and diffusion of precision-strike and related capabilities. The United States took an early lead in exploiting the promise of precision-strike systems, and the use of precision weaponry has given the United States a battlefield edge for twenty years. However, these weapons are now spreading: other countries, and non-state actors, are acquiring them and developing countermeasures against them. As the precision-strike regime matures, the United States will see its edge erode. The ability of the United States to project power will diminish considerably. In addition, U.S. forces, and eventually the United States itself, will be increasingly vulnerable to precision weapons in the hands of our adversaries.

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For two decades, scholars and practitioners have argued that the world is experiencing a Revolution in Military Affairs (RMA) brought on by the development and diffusion of precision-strike and related capabilities, such as intelligence, surveillance, and reconnaissance; precision navigation and tracking; and robustly improved command and control. The United States took an early lead in exploiting the promise of precision-strike systems, and the use of precision weaponry has given the United States a battlefield edge for some twenty years. However, precision-strike systems are now spreading: other countries, and non-state actors, are acquiring them and developing countermeasures against them. As the precision-strike regime matures, the United States will see its edge erode. The ability of the United States to project power will diminish considerably. In addition, U.S. forces, and eventually the United States itself, will be increasingly vulnerable to precision weapons in the hands of our adversaries.

This essay begins by exploring the concept of an RMA as well as the general structure of military revolutions. Using this model, the essay then describes

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the growth of the precision-strike regime to date; speculates on the features of a mature precision-strike regime; and concludes with some implications for the United States.

The evolution of military technology and doctrine has redefined the conduct of war throughout history.¹ Defense policy analyst Andrew F. Krepinevich, for example, has identified ten military revolutions stretching back to the fourteenth century.² These include the Napoleonic revolution of the late eighteenth and early nineteenth centuries, which saw the advent of the mass army; the adoption of the railroad, rifle, and telegraph in the mid-nineteenth century, which marked the industrialization of warfare; and the development of nuclear weapons in the twentieth century. Although each revolution was unique in its origin, trajectory, and content, all shared common features. In each case, new combat methods arose that displaced previously dominant forms of warfare by shifting the balance between offense and defense, space and time, and fire and maneuver.³ The states that first adopted these innovations gained a significant advantage, forcing competitors to match or counter them to have any chance of prevailing on the battlefield. Those who adapted, prospered, while those who did not, declined, often precipitously.

Military revolutions display a common structure: a cycle of innovation, diffusion, and refinement. Their development is driven not just by changes in the character and conduct of war, but also by the perceptions of both participants and observers that change is afoot and drastic action is required. Indeed, the perception of dramatic change and the urgent need to respond to it is a defining feature of a military revolution. For example, although scholars debate whether something called *blitzkrieg* actually existed in German mili-

tary doctrine, the demonstrated effectiveness of combined-arms armored warfare against France and the Low Countries in May and June 1940 convinced participant and observer alike that the character of warfare had shifted, and compelled them to respond by changing their force structure and doctrine.⁴

The Embryonic Phase. The first phase of a new revolution builds on the achievements of the preceding cycle, while the last phase forms the foundation of the next transformation. During the first, or embryonic, phase, military organizations refine old combat methods and experiment with new ones in an effort to gain or maintain advantage against potential adversaries.⁵ Most major military innovations have, in fact, come about because of the perception of an operational or strategic problem that defied a conventional solution.

New weaponry alone is insufficient to transform warfare.⁶ Those practices that have changed the character and conduct of warfare have combined weapon systems with innovative operational concepts and the organizations necessary to carry them out.⁷ Yet determining how new weapons and concepts will perform without the test of war is exceedingly difficult. In peacetime, military organizations operate, in the words of military historian Sir Michael Howard, in “a fog of peace.”⁸ They must place bets about the effectiveness of new and unproven ways of war, but combat is the only, and final, arbiter. In addition, past experience serves as a cognitive anchor that limits the ability of military organizations to comprehend the magnitude of change that is under way and constrains the ability of intelligence organizations to understand foreign military developments.⁹ As a result, periods of change in the character and conduct of warfare frequently witness a growing gap between perception and reality. The mag-

nitude of this divergence depends on the amount of time that passes between wars and the amount of technological and doctrinal dynamism in the interwar period.

The Immature Phase. The second, or immature, phase of a military revolution begins with the successful use of new military practices in a major war. Success often takes the form of a decisive battle or campaign in which forces that have mastered new combat methods defeat those who remain wedded to traditional approaches. The demonstrated effectiveness of these methods realigns perception and reality, convinces belligerent and observer alike of a change in the character of warfare, and forces both friend and foe to adjust their force structure and doctrine. For example, revolutionary France's adoption of the *levée en masse* not only allowed it to survive, but also permitted Napoleon to win a series of decisive battles against his foes at Ulm, Austerlitz, Jena, and Auerstadt. Prussia's embrace of the railroad, rifle, and telegraph helped it, the least of Europe's great powers, defeat Austria at Königgrätz and France at Sedan and unify the German state. And Germany's use of combined-arms armored warfare delivered a series of quick decisive victories in the opening campaigns of World War II.

One way military organizations adjust to new combat methods is by emulating successful practices. Indeed, the spread of new capabilities offers the central mechanism by which one military regime supplants another. Military organizations may attempt to import foreign practices wholesale; more often, however, they modify them somewhat in the process.¹⁰

Adversaries may also attempt to develop countermeasures to new combat methods, particularly when the barriers to emulation are prohibitively high. As British Army officer and military historian J.F.C. Fuller put it, "[E]very improvement in armament is eventually met by a counter-

improvement which gradually or rapidly whittles down its power."¹¹ Although technical and operational countermeasures rarely succeed in nullifying the effectiveness of new military practices, they do, over time, erode it somewhat.¹² The competition between measure and countermeasure becomes a defining feature of the ensuing military regime.

The process of emulation is typically neither rapid (let alone automatic) nor complete.¹³ First, the process of change in military organizations is wrenching and painful, reducing their effectiveness in the short term even if it promises to increase it in the long term. As a result, military leaders tend to delay difficult change unless and until it is starkly apparent that it is necessary. Second, leaders may disagree in their perception of the threat environment, including debates over which contingencies are most serious and when they might arise. Third, the path to success is rarely obvious. Military organizations may have difficulty perceiving that a military revolution is under way even after new practices have appeared on the battlefield. Because new combat methods often have their roots in the past, contemporary observers may fail to discern what is new and different about them. Fourth, the organizational culture of the military can constrain both how it perceives the environment and how it responds.¹⁴ Organizations may emphasize those events that are in accord with doctrine and discard those that contradict it.

The Mature Phase. The spread of successful practices creates a new style of warfare that supplants the existing paradigm. The inauguration of a new military regime marks the third, or mature, phase of a revolution. The basis for competition in a mature regime is different from that in a developing one. In the latter, advantage accrues to the military that is best able to exploit an emerging innovation; in the

former, advantage accrues to those powers that are able to replicate an innovation on a large scale. Whereas a developing regime often witnesses wars of maneuver and quick, decisive victories, a mature regime is characterized by wars of attrition. For example, Germany used its early lead in developing combined-arms armored warfare to defeat Poland, France, and the Low Countries in the early phases of World War II. However, in an example of successful emulation, Germany was ultimately defeated by a coalition that was able to field far more tanks than the Germans were, and to use them reasonably well.¹⁵

The structure of military revolutions is easiest to discern in retrospect, with the benefit of hindsight once history has rendered its verdict. It is far more difficult to comprehend contemporary developments, not least because we are immersed in them. Nonetheless, we can cast our gaze backward to the origins of the precision-strike revolution, and we should look ahead to predict, albeit with a sense of modesty, its future course.

The embryonic phase of the precision-strike revolution stretched from World War II to the end of the Cold War. Guided weapons, including the V-1 cruise missile and V-2 ballistic missile, but also the Fritz X air-to-surface weapon, were first used in combat by Germany during World War II. However, the United States took the lead in developing precision weapons in the decades that followed.¹⁶ Indeed, many of the weapon systems associated with the information revolution – precision-guided munitions (PGMs), unmanned air vehicles (UAVs), and sensors – date back to the 1960s and 1970s, and many saw their debut in the Vietnam War. Between 1968 and 1973, for example, the Air Force and Navy expended more than 28,000 laser-guided bombs (LGBs) in Southeast Asia,

mainly against bridges and transportation chokepoints.¹⁷

The seeming ease with which the U.S.-led coalition defeated Iraq during the 1991 Gulf War caused many observers in the United States and elsewhere to conclude that the information revolution was bringing about a new RMA.¹⁸ In their view, the lopsided battles in the deserts of Kuwait and southern Iraq and the seemingly effortless domination of the Iraqi air force signaled that warfare had indeed changed. The contrast between prewar expectations of a bloody fight and the wartime reality of Iraqi collapse struck many as indicating a transformation in warfare.

The 1991 Gulf War thus marked the transition between the embryonic and immature phases of the precision-strike revolution. The combination of the stealthy F-117 *Nighthawk* aircraft and PGMs gave U.S. forces extremely high effectiveness. A typical non-stealth strike formation in the Gulf War required thirty-eight aircraft, including electronic warfare and defense suppression aircraft, to allow eight planes to deliver bombs on three targets. By contrast, only twenty F-117s armed with 2,000-lb LGBs were able simultaneously to attack thirty-seven targets in the face of more challenging defenses. As a result, although F-117s flew only 2 percent of the total attack sorties in the war, they struck nearly 40 percent of strategic targets, such as leadership and command and control facilities. In addition, the war witnessed the innovative use of PGMs to strike not only fixed strategic targets and hardened aircraft shelters, but also Iraqi tanks in revetments. On one night alone, 46 F-111F attack aircraft dropped 184 LGBs, which destroyed 132 Iraqi armored vehicles.¹⁹ Despite the fact that PGMs accounted for only 8 percent of the bombs dropped over Kuwait and Iraq, televised scenes of U.S. aircraft bombing targets with precision, broadcast world-

wide, became the most evocative images of the war.

In the years that followed, the war became a central reference point in debates over the hypothesis that an RMA was under way.²⁰ Some of the more breathless RMA advocates argued that the information revolution marked a complete break with the past. One 1993 report predicted: “The Military Technical Revolution has the potential fundamentally to reshape the nature of warfare. Basic principles of strategy since the time of Machiavelli . . . may lose their relevance in the face of emerging technologies and doctrines.”²¹ The authors of the Air Force’s official study of the Gulf War were closer to the mark when they concluded, “The ingredients for a transformation of war may well have become visible in the Gulf War, but if a revolution is to occur someone will have to make it.”²²

The United States embraced precision weaponry in the decade that followed the Gulf War. Throughout the 1990s, the combination of stealth and precision-guided munitions gave U.S. air forces the ability to strike adversaries from the air with near impunity. In addition, airpower seemed uniquely suited to the types of conflicts in which the United States was involved: wars for limited aims, fought with partial means, for marginal interests. Airpower coupled with PGMs appeared to offer the ability to coerce Iraq, intervene in the Balkans, and retaliate against terrorist groups while avoiding the difficult decisions associated with a sustained commitment of ground forces.

The congressionally mandated 1997 Quadrennial Defense Review acknowledged the existence of an RMA and committed the department to transforming the U.S. armed forces. As Secretary of Defense William Cohen put it: “The information revolution is creating a Revolution in Military Affairs that will fundamentally change

the way U.S. forces fight. We must exploit these and other technologies to dominate in battle.”²³ That same year, the congressionally mandated National Defense Panel (NDP) argued even more strongly in favor of the need to transform U.S. forces. The panel’s report suggested that an RMA was under way and urged the Defense Department leadership to “undertake a broad transformation of its military and national security structures, operational concepts and equipment, and . . . key business processes.” The report stated:

We are on the cusp of a military revolution stimulated by rapid advances in information and information-related technologies. This implies a growing potential to detect, identify, and track far greater numbers of targets over a larger area for a longer time than ever before, and to provide this information much more quickly and effectively than heretofore possible. Those who can exploit these advantages – and thereby dissipate the fog of war – stand to gain significant advantages. . . . [The Defense Department] should accord the highest priority to executing a transformation of the U.S. military, starting now.²⁴

Much of the discussion of the RMA in the 1990s was predicated on opportunity: the United States should pursue new ways of war because they would allow it to win wars faster, cheaper, and more decisively. Characteristic of this view was defense analyst James Blaker’s statement: “The potency of the American RMA stems from new military systems that will create, through their interaction, an enormous military disparity between the United States and any opponent. Baldly stated, U.S. military forces will be able to apply military force with dramatically greater efficiency than an opponent, and do so with little risk to U.S. forces.”²⁵

The confidence, even hubris, of the 1990s permeated the U.S. officer corps.

Officers in the late 1990s perceived the benefits of transformation, but refused to believe that adversaries could acquire precision-strike capabilities themselves. A survey of 1,900 U.S. officers attending professional military education institutions conducted in 2000 found that most tended to believe that the emerging RMA would make it easier for the United States to use force in order to achieve decisive battlefield victories. Most also believed that it would allow the United States to engage in high-intensity operations with substantially reduced risk of casualties and that it would greatly reduce the duration of future conflicts. They also tended to believe that the United States would have a greatly enhanced ability to locate, track, and destroy enemy forces in limited geographic areas.²⁶ By contrast, these same officers were skeptical of the ability of potential adversaries to exploit the precision-strike revolution to harm the United States. For example, only 9 percent of officers surveyed in 2000 believed that future adversaries would be able to use long-range precision-strike weapons such as ballistic and cruise missiles to destroy fixed military infrastructure, including ports, airfields, and logistical sites; only 12 percent believed they would be able to use such weapons to attack carrier battle groups at sea.²⁷

The 1999 war over Kosovo saw the introduction of a new generation of PGMs guided by data from the Global Positioning System (GPS) satellite constellation, most notably the GBU-31 Joint Direct Attack Munition (JDAM). The weapon consists of a \$20,000 kit, including a GPS receiver, sensors, and tailfins, that converts an unguided bomb into a guided weapon. In contrast with the LGBs used in Vietnam and the Gulf War, such weapons allow aircraft to strike at night and through inclement weather. The Kosovo war also saw the use of UAVs,

such as the Air Force RQ-1A *Predator*, for reconnaissance and surveillance.

At the dawn of the new millennium, however, concern mounted that the precision-strike revolution, once an American monopoly, was on the verge of spreading. Of particular concern was China's development of so-called anti-access/area-denial capabilities. Reflecting this concern, the 2001 *Quadrennial Defense Review*, issued in the wake of the September 11, 2001, terrorist attacks, argued that the Defense Department's transformation efforts should focus on overcoming six emerging strategic and operational challenges:

- Protecting critical bases of operations, including the U.S. homeland, forces abroad, allies, and friends, and defeating weapons of mass destruction and their means of delivery;
- Assuring information systems in the face of attack and conducting effective information operations;
- Projecting and sustaining U.S. forces in distant anti-access or area-denial environments and defeating anti-access and area-denial threats;
- Denying enemies sanctuary by providing persistent surveillance, tracking, and rapid engagement with high-volume precision strike against critical mobile and fixed targets;
- Enhancing the capability and survivability of space systems and supporting infrastructure; and
- Leveraging information technology and innovative concepts to develop an interoperable, joint C4ISR architecture and capability that includes a joint operational picture that can be tailored to user needs.²⁸

This shift was reflected in officer attitudes. In 2000, the vast majority of officers had been unconcerned about the full spectrum of threats; those surveyed in 2002 and 2006 expressed obvious concern about a range of future threats over the next two decades. Officers now worried about the threat from long-range precision-strike missiles with respect to current platforms and deployment schemes, with 69 percent of officers surveyed in 2002 and 2006 predicting that within a decade, adversaries would be able to use ballistic and cruise missiles to deny the United States the use of ports, airfields, and logistical sites. Similarly, 73 percent of officers surveyed in 2002 and 68 percent in 2006 believed that within a decade, adversaries would be able to use such weapons to attack carrier battle groups at sea.²⁹

Between 1991 and 2003, PGMs grew from a niche capability to represent a new standard of warfare. Whereas 8 percent of the munitions employed during the Gulf War were guided, 29 percent of those used over Kosovo eight years later, 60 percent of those used in Afghanistan ten years later, and 68 percent of those used in Iraq twelve years later were guided. In Afghanistan, the JDAM became the weapon of choice for U.S. forces. Between October 2001 and February 2002, U.S. forces dropped 6,600 of the munitions; during just one ten-minute period on October 18, 2001, the Air Force dropped a hundred of the bombs. Two years later in Iraq, U.S. forces dropped more than 6,500 JDAMs in the march on Baghdad.³⁰

Precision weaponry has also assumed an important role in the panoply of weapons to combat terrorism. The decision to arm the *Predator* UAV and use it against Al Qaeda came in 2000, and the weapon was quickly pressed into use after the September 11, 2001, terrorist attacks. In November 2002, an AGM-114A *Hellfire* air-to-

surface missile launched by a *Predator* destroyed a car carrying six terrorists, including Salim Sinan al-Harethi, Al Qaeda's chief operative in Yemen and a suspect in the October 2000 bombing of the destroyer USS *Cole*. Most of the strikes that followed targeted Pakistan's lawless border region. Begun by the George W. Bush administration, the program has reportedly been expanded by the Obama administration. According to one estimate, U.S. drones, including the *Predator* and the more powerful MQ-9 *Reaper*, have carried out more than 150 strikes in Pakistan since 2008, killing a number of senior Al Qaeda leaders as well as Baitullah Meshud, the head of the Pakistani Taliban. More controversial has been the death toll among innocents resulting from the attacks, but these deaths appear to be declining dramatically even as the number of strikes has increased, in part due to the deployment of new munitions with an even smaller warhead than that on the *Hellfire*.³¹

Despite – or, in fact, because of – America's success in embracing the precision-strike revolution, the United States is losing its military edge. Adversaries are acquiring PGMs, as well as the vital supporting capabilities needed to wage precision warfare, including commercial sources of imagery, precision navigation and timing, and upgraded command and control. Moreover, states are developing the ability to counter U.S. precision-strike capabilities by hardening, concealing, and dispersing their forces and infrastructure. We are, in other words, currently experiencing the maturation of the precision-strike revolution and the emergence of the precision-strike regime.

A growing number of actors are acquiring PGMs. These include not only U.S. allies, but also competitors such as China, which has become a leading player in the

precision-strike regime. Unconstrained by the Intermediate-Range Nuclear Forces (INF) Treaty, which prevents the United States and Russia from deploying land-based intermediate-range missiles, China has become the world leader in precision-guided ballistic missiles. According to unclassified Defense Department estimates, China has deployed more than one thousand precision-guided conventional ballistic missiles opposite Taiwan. Moreover, it is preparing to field an anti-ship ballistic missile capable of striking ships at sea up to 1,500 km from China.³² Nor are states any longer the only actors in the precision-strike revolution. For example, Lebanese Hezbollah used anti-tank guided missiles against Israeli forces in its 2006 war with Israel.³³ More recently, Hamas used such a weapon against an Israeli school bus.

We should not be surprised by the spread of precision-strike capabilities. It was historically inevitable, even if the process has been accelerated by the commercial availability of key supporting capabilities, such as imagery and command and control. Of greatest significance, however, is the universal free access to precision navigation and timing data, such as that from the U.S. GPS satellite constellation. Whereas the development of precision guidance cost the United States billions of dollars over the course of decades, both states and non-state actors can now strike accurately with a minimum investment.

As other states are increasing their precision-strike capabilities, the United States is devoting less attention to precision strike than it has in the past. Rather, for the last half-decade the Defense Department has focused on countering insurgency in Iraq and Afghanistan – conflicts where precision strike plays a role, to be sure, but not a central one.

Meanwhile, both states and non-state actors, such as insurgents and terrorists,

are seeking to counter U.S. precision-strike capabilities. Insurgents in Afghanistan and Pakistan, for example, have sought to camouflage themselves and hide among the local population. They have also sought to constrain the ability of the United States to bring airpower to bear by falsifying the number of innocents who have been killed in air strikes.³⁴

If history is a guide, the future scope and spread of the precision-strike regime will be uneven. The ability of states and non-state actors to deploy an effective precision-strike capability will depend on their ability not only to field weapons, but also to develop or buy the command and control and intelligence, surveillance, and reconnaissance capabilities that are needed to strike with precision as well as to develop appropriate doctrine and operational concepts for their use. They will also seek ways to circumvent our precision-strike capability.

At the strategic level, states and non-state actors alike will be driven to adopt some combination of precision-strike and adaptive countermeasures. At the operational level, the interaction between the development of precision-strike systems, on the one hand, and attempts to protect against them, on the other, will drive the maturation of the precision-strike regime. Precision-guided weapons are putting an expanding range of targets at risk. It is already possible to effectively strike targets that were previously invulnerable. That trend is likely to continue. At the same time, the emergence of precision-strike systems is already leading adversaries to try to protect targets by making them mobile, as well as hardening, burying, defending, camouflaging, or concealing them.

Over time, this offense-defense interaction will render some targets difficult, if not impossible, to strike. Mobile weapons based deep in a nation's territory, deployed

in the deep oceans or underwater, and located at great distances from attackers may remain for all intents and purposes invulnerable. More broadly, military forces will adopt measures to reduce their vulnerability. However, some targets cannot be buried or made mobile and will thus remain vulnerable. These will include civilian infrastructure such as electrical power distribution and oil refineries, but also military infrastructure, such as ports, bases, and logistical depots. Because of the enduring asymmetry between strike and protection, long-range precision-strike campaigns could increasingly come to target an adversary's vulnerable homeland infrastructure rather than his less vulnerable armed forces. Indeed, the twenty-first century may witness the resurrection, or transfiguration, of doctrines of strategic bombing, such as those that Italian Army General Giulio Douhet espoused at the beginning of the twentieth century, and theories of coercion, such as those economist and strategist Thomas Schelling advanced during the Cold War.

In a world where many states possess precision-strike systems, traditional conquest and occupation will become much more difficult. They may, in fact, become prohibitively expensive in some cases. Imagine, for example, if the Iraqi insurgents had been equipped with precision-guided mortars and rockets and had reliably been able to target points within Baghdad's Green Zone. Or imagine that the Taliban were similarly armed and were thus able to strike routinely the U.S. and Afghan forward operating bases that dot the Afghan countryside. U.S. casualties could have amounted to many times what they have been in either theater.

Because invasion and conquest are becoming increasingly difficult, wars in a mature precision-strike regime will likely focus on coercion and limited political objectives. In this world, the ability

to punish an adversary to force him to concede – what Thomas Schelling dubbed the “power to hurt” – is likely to become an increasingly popular theory of victory.³⁵ One potential result of this strategic interaction would be conflicts that involve campaigns whereby each side uses precision-strike weapons to hold the other's economic and industrial infrastructure at risk. In such a situation, stability would depend on each side possessing an assured survivable retaliatory capability. Unlike the condition of mutual assured destruction that obtained during the Cold War, however, this retaliatory capability could be based on precision-strike systems rather than nuclear weapons.

A mature precision-strike regime would feature a new set of “haves” and “have-nots,” with an actor's status determined by the robustness of its precision-strike capability rather than other attributes, such as the possession of nuclear weapons. The precision-strike haves will be those countries that possess both geographic depth as well as the resources to invest in survivable, effective precision-strike systems. They will likely include the United States, China, India, and potentially Russia. The precision-strike have-nots will be those countries that are threatened by precision-strike systems but that lack the geographic depth or resources to invest in a survivable, effective precision-strike capability, such as Japan and Taiwan. These states will have incentives to invest in other forms of warfare, such as nuclear weapons.

The growth and diffusion of precision-strike systems could also affect international relations more broadly. To the extent that U.S. military power in general, and power projection in particular, has underpinned global norms, the emergence of anti-access capabilities could undercut world order. For example, the develop-

ment and diffusion of anti-access systems could undermine the principle of freedom of navigation. In other cases, actors could seek to limit precision-strike capabilities. It is not inconceivable, for example, that states or non-state actors could seek to curb precision-strike systems through an international treaty, much as land mines have been limited. Amnesty International has already decried the U.S. drone campaign over Pakistan, and the United Nations Special Rapporteur on Extrajudicial Killings, Philip Alston, has condemned it and called for greater “accountability” to prevent what he called a “slippery slope” of killing.³⁶ Future attempts to proscribe the use of such unmanned systems are not beyond the realm of possibility.

Precision-strike systems are already affecting expectations regarding the use of force, and that trend is likely to continue. The ability of weapons to destroy targets reliably and accurately has fostered the notion in many countries that war is a bloodless and error-free undertaking. In such an environment, targeting errors – the U.S. strike on the Chinese embassy in Belgrade in 1999, for instance – are likely to be perceived as deliberate acts.

The advent of precision strike and UAVs has separated warriors mentally and physically from the act of killing. Dropping unguided weapons required considerable skill to ensure that the bomb struck near (let alone on) the target. Delivering LGBs similarly required the operator to designate the target with a laser and keep it illuminated throughout the bomb’s flight, a process that took seconds. Delivering a GPS-guided bomb merely requires the operator to input the target’s coordinates into a computer. Similarly, UAV operators are physically removed from combat. The pilots who operate *Predators* and *Reapers* launching missiles over Pakistan are as far distant from the battlefield as Creech Air Force Base in Nevada. They report for work

and routinely locate, identify, and track terrorists; sometimes they fire missiles and kill them. They then leave work and return home to their families at the end of every shift. This arrangement represents a profound change in the relationship between the warrior and warfare, one whose implications are only now beginning to play out.

The emergence of a mature precision-strike regime is likely to have dramatic consequences for the United States. Since the end of World War II, the United States has based its defense strategy on a combination of forward-based forces to deter adversaries and reassure allies and friends and the projection of power from those bases and the continental United States to defeat foes in wartime. The spread of precision-strike systems will call that formula into question.

U.S. bases are increasingly under threat of precision-strike systems. For example, some U.S. bases in the western Pacific are now within range of Chinese precision-guided conventional ballistic missiles; others will come in range as China deploys longer-range weapons. Over time, the vulnerability of these bases will undermine the deterrence of aggressors and reassurance of allies.

The threat to U.S. forward bases, in turn, calls into question the model that the United States has relied on for power projection in recent decades. Without access to ports and airfields in Saudi Arabia and across the Persian Gulf region, for example, it would have become considerably more difficult for the U.S.-led coalition to eject Iraqi forces from Kuwait in 1991. A future campaign against an adversary armed with precision-guided missiles, rockets, and mortars may more closely resemble the Normandy invasion and Iwo Jima than the relatively unopposed attacks on Iraq and Afghanistan.

Finally, over time it is likely that states will be able to strike the U.S. homeland with precision-strike systems, offering them a way to attack the United States directly. This threat could further increase the cost of U.S. intervention overseas and potentially offer adversaries a way to coerce the United States without resorting to the use of nuclear weapons.

However it manifests itself, the emergence of a mature precision-strike regime is likely to result in a pattern of conflict that will differ considerably from that of

recent decades. The United States will no longer be able to rely on its absolute superiority in precision strike for battlefield advantage. To compete, the United States will have to seek new sources of comparative advantage. Ironically, it may also have to revert increasingly to its nuclear arsenal to deter not only nuclear attacks, but also strikes from precision-guided non-nuclear weapons. Here as in other areas, old ideas may reappear in new form as the revolution matures.

ENDNOTES

¹ See Bernard Brodie, "Technological Change, Strategic Doctrine, and Political Outcomes," in *Historical Dimensions of National Security Problems*, ed. Klaus Knorr (Lawrence: University Press of Kansas, 1976); J.F.C. Fuller, *Armament and History: A Study of the Influence of Armament on History from the Dawn of Classical Warfare to the Second World War* (London: Eyre & Spottiswoode, 1946); Karl Lautenschäger, "Technology and the Evolution of Naval Warfare," *International Security* 8 (2) (Fall 1983); William H. McNeill, *The Pursuit of Power: Technology, Armed Force, and Society Since AD 1000* (Chicago: University of Chicago Press, 1982); Jeremy Black, *A Military Revolution? Military Change and European Society, 1550 – 1800* (London: Macmillan, 1991); Geoffrey Parker, *The Military Revolution*, 2nd ed. (Cambridge: Cambridge University Press, 1996); Clifford J. Rogers, ed., *The Military Revolution Debate: Readings on the Military Transformation of Early Modern Europe* (Boulder, Colo.: Westview Press, 1995); Keith L. Shimko, *The Iraq Wars and America's Military Revolution* (Cambridge: Cambridge University Press, 2010), chap. 1.

² Andrew F. Krepinevich identifies the following military revolutions: (1) the infantry revolution of the first half of the fourteenth century; (2) the artillery revolution of the early to mid-fifteenth century; (3) the revolution of sail and shot that stretched from the sixteenth century to the mid-seventeenth century; (4) the fortress revolution of the sixteenth century; (5) the gunpowder revolution of the seventeenth century; (6) the Napoleonic revolution of the late eighteenth and early nineteenth centuries; (7) the land warfare revolution that stretched from the mid-nineteenth century to the early twentieth century; (8) the naval revolution that stretched from the mid-nineteenth century to the early twentieth century; (9) the interwar revolutions in mechanization, aviation, and information of the early twentieth century; and (10) the nuclear revolution of the mid-twentieth century. Andrew F. Krepinevich, "Cavalry to Computer: The Pattern of Military Revolutions," *The National Interest* 37 (Fall 1994): 31 – 36.

³ Eliot A. Cohen, "A Revolution in Warfare," *Foreign Affairs* 75 (2) (March/April 1996): 43 – 44.

⁴ See, for example, Rolf Hobson, "Blitzkrieg, the Revolution in Military Affairs and Defense Intellectuals," *The Journal of Strategic Studies* 33 (4) (August 2010): 625 – 643.

⁵ There is a considerable literature on the issue of military innovation. See Adam Grissom, "The Future of Military Innovation Studies," *The Journal of Strategic Studies* 29 (5) (October 2006): 905 – 934; Barry R. Posen, *The Sources of Military Doctrine: France, Britain, and Germany Between the World Wars* (Ithaca, N.Y.: Cornell University Press, 1984); Stephen Peter Rosen, "New Ways of War: Understanding Military Innovation," *International Security* 13 (1) (Summer 1988); Stephen Peter Rosen, *Winning the Next War: Innovation and the Modern Mili-*

tary (Ithaca, N.Y.: Cornell University Press, 1991); Kimberly Marten Zisk, *Engaging the Enemy: Organizational Theory and Soviet Military Innovation, 1955–1991* (Princeton, N.J.: Princeton University Press, 1993).

⁶ The Napoleonic revolution, for example, was not brought about by technological innovation, nor did it involve new weaponry. See Peter Paret, “Revolutions in Warfare: An Earlier Generation of Interpreters,” in *National Security and International Stability*, ed. Bernard Brodie, Michael D. Intriligator, and Roman Kolkowicz (Cambridge: Oelgeschlager, Gunn, and Hain, 1983), 158.

⁷ See, for example, the cases in Williamson Murray and Allan R. Millett, eds., *Military Innovation in the Interwar Period* (New York: Cambridge University Press, 1996).

⁸ Michael Howard, “Military Science in an Age of Peace,” *Journal of the Royal United Services Institute for Defence Studies* 119 (1) (March 1974): 4.

⁹ Anchoring occurs when the mind uses a natural starting point as a first approximation to a judgment. It modifies this starting point as it receives additional information. Typically, however, the starting point serves as an anchor that reduces the amount of adjustment, so that the final estimate remains closer to the starting point than it ought to be. Amos Tversky and Daniel Kahneman, “Anchoring and Calibration in the Assessment of Uncertain Quantities,” *Oregon Research Institute Research Bulletin* 12 (1972).

¹⁰ Everett M. Rogers, *Diffusion of Innovations*, 3rd ed. (New York: Free Press, 1983), 175.

¹¹ Fuller, *Armament and History*, 143.

¹² *Jeune école* tactics did not, for example, displace the battleship as the centerpiece of naval warfare. Nor have anti-tank weapons made the tank obsolete. Instead, in each case the development of countermeasures triggered responses that restored the effectiveness of the practice that was being countered. See Edward N. Luttwak, *Strategy: The Logic of War and Peace* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1987), 27–39; Robert L. O’Connell, *Of Arms and Men: A History of War, Weapons and Aggression* (New York: Oxford University Press, 1989), 7–9; Michael Vlahos, “A Crack in the Shield: The Capital Ship Under Attack,” *Journal of Strategic Studies* 2 (1) (May 1979).

¹³ Emily O. Goldman and Leslie C. Eliason, eds., *Adaptive Enemies, Reluctant Friends: The Impact of Diffusion on Military Practice* (Stanford, Calif.: Stanford University Press, 2003).

¹⁴ See, for example, Thomas G. Mahnken, *Technology and the American Way of War since 1945* (New York: Columbia University Press, 2008); Thomas G. Mahnken, *Uncovering Ways of War: U.S. Military Intelligence and Foreign Military Innovation, 1918–1941* (Ithaca, N.Y.: Cornell University Press, 2002).

¹⁵ Thomas G. Mahnken, “Beyond Blitzkrieg: Allied Responses to Combined-Arms Armored Warfare During World War II,” in *Adaptive Enemies, Reluctant Friends*, ed. Goldman and Eliason.

¹⁶ Barry D. Watts, *Six Decades of Guided Munitions and Battle Networks: Progress and Prospects* (Washington, D.C.: Center for Strategic and Budgetary Assessments, 2007).

¹⁷ Mahnken, *Technology and the American Way of War*, 115.

¹⁸ See, for example, William J. Perry, “Desert Storm and Deterrence,” *Foreign Affairs* 70 (4) (Fall 1991): 66–82; Krepinevich, “Cavalry to Computer”; and Cohen, “A Revolution in Warfare.”

¹⁹ Mahnken, *Technology and the American Way of War*, 169, 171.

²⁰ Shimko, *The Iraq Wars and America’s Military Revolution*, 23.

²¹ Michael J. Mazarr et al., *The Military Technical Revolution: A Structural Framework* (Washington, D.C.: Center for Strategic and International Studies, 1993), 28.

- ²² Thomas A. Keaney and Eliot A. Cohen, *Gulf War Air Power Survey Summary Report* (Washington, D.C.: Department of the Air Force, 1993), 251.
- ²³ William S. Cohen, *Report of the Quadrennial Defense Review* (Washington, D.C.: Department of Defense, 1997), iv.
- ²⁴ *Transforming Defense: National Security in the 21st Century* (Arlington, Va.: National Defense Panel, December 1997).
- ²⁵ James R. Blaker, "The American RMA Force: An Alternative to the QDR," *Strategic Review* (Summer 1997): 22.
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- ²⁷ *Ibid.*, chap. 7.
- ²⁸ *2001 Quadrennial Defense Review Report* (Washington, D.C.: Department of Defense, 2001), 30.
- ²⁹ James R. FitzSimonds and Thomas G. Mahnken, "Officer Attitudes Toward Transformation, 2000–2006," paper presented at the Annual Meeting of the International Studies Association, March 24, 2006, San Diego, California.
- ³⁰ Mahnken, *Technology and the American Way of War*, 200, 209.
- ³¹ Brian Glyn Williams, "The CIA's Covert Predator Drone War in Pakistan, 2004–2010: The History of an Assassination Campaign," *Studies in Conflict and Terrorism* 33 (10) (October 2010): 871–892; "A New Weapon in the War on Terror," *Newsweek* blog, <http://www.newsweek.com/blogs/declassified/2010/09/10/a-new-weapon-in-the-war-on-terror.html> (accessed December 9, 2010).
- ³² *Military and Security Developments Involving the People's Republic of China* (Washington, D.C.: Department of Defense, 2010).
- ³³ Lieutenant Colonel Scott C. Farquar, *Back to Basics: A Study of the Second Lebanon War and Operation CAST LEAD* (Fort Leavenworth, Kans.: Combat Studies Institute Press, 2009).
- ³⁴ Williams, "The CIA's Covert Predator Drone War in Pakistan," 880–882.
- ³⁵ Thomas C. Schelling, *Arms and Influence* (New Haven, Conn.: Yale University Press, 1966), 2.
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American Military Culture from Colony to Empire

Robert L. Goldich

Abstract: Until World War II, the peacetime Army's primary job was not to be ready to fight instantly, but to provide a core of military expertise that would enable a wartime force of citizen-soldiers to be built up after war began. Wars were infrequent. Since the end of the Cold War, the Army has become a force that deploys and fights on a regular basis. The true citizen-soldier – who serves for only a few years and remains, at heart, a civilian – is no longer with us and is not likely to return in the foreseeable future, despite nostalgia for his passing. In the midst of a civilian society that is increasingly pacifistic, easygoing, and well adjusted, the Army (career and non-career soldiers alike) remains flinty, harshly results-oriented, and emotionally extreme. The inevitable civil-military gap has become a chasm.

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In 1963, Theodore R. Fehrenbach published a magisterial, and in many places poetic, history of the Korean War. Nearly fifty years later, his book remains the seminal treatise on limited frontier wars and the American national psyche. Fehrenbach addressed the incompatibility of America's changed strategic circumstances after World War II with the traditional American view of the purpose of an army and how it should be manned. For such limited wars, he maintained, the United States needed "legions":

However repugnant the idea is to liberal societies, the man who will willingly defend the free world in the fringe areas is not the responsible citizen-soldier. The man who will go where his colors go, without asking, who will fight a phantom foe in jungle and mountain range, without counting, and who will suffer and die in the midst of incredible hardship, without complaint, is still what he always has been, from Imperial Rome to sceptered Britain to democratic America. He is the stuff of which legions are made.

His pride is in his colors and his regiment, his training hard and thorough and coldly realistic, to fit him

for what he must face, and his obedience to his orders. As a legionary, he held the gates of civilization for the classical world; as a blue-coated horseman, he swept the Indians from the Plains; he has been called United States Marine. He does the jobs – the utterly necessary jobs – no militia is willing to do. His task is moral or immoral according to the orders that send him forth.¹

In this essay, I argue that the United States has finally created Fehrenbach's legions, and that in doing so we have transformed American military culture to a degree unprecedented in American history.

The United States' geostrategic situation and the military practices and capabilities it has required have determined American military culture to a much greater extent than our political institutions and social attitudes. For the purposes of this analysis, I define *culture* as the most significant internal attitudes and mindset of the collective membership of the armed forces. It can be argued that one should differentiate between officers and enlisted, or career and non-career, personnel; in fact, a recent convergence of the two is one of the central points in this essay. I posit that there has been only one decisive change in the country's geostrategic situation since American independence from Britain, gained during the Revolutionary War, was ratified by the War of 1812; that our political institutions have been fundamentally constant since the adoption of the Constitution in 1788; and that the actual effects of changing American social attitudes on the nation's military culture, particularly with respect to the inclusiveness of hitherto excluded groups, have been remarkably small.

The Army, at the fore of American military culture and its relationship to the

larger society, receives the greatest emphasis in this essay. The Navy, attached to the shorelines of North America or at sea, has had comparatively little cultural interaction with the general population on a sustained basis. The Marine Corps is small and did not establish its current image among Americans until, at the earliest, after World War I. The Corps's image is vivid, but its culture has, arguably, changed little if at all since the turn of the twentieth century. The Air Force is new, and its culture blends that of the Army from which it sprang in 1947 and the technological circumstances that lead to comparatively few Air Force personnel training and preparing for, or engaging in, direct combat. The Army expands the most in times of major mobilizations; sustains by far the heaviest casualties; and always comprises the vast majority of forces deployed for war. In both public and private discussions since the Revolution, it is the Army infantry soldier who has instinctively come to the mind of the American people whenever "the military" has been under consideration.

From 1815 through 1989, the professional outlook and doctrine of the Army involved preparation for periodic conventional wars, although Indian wars occupied much of the Army's time and energy throughout the nineteenth century. The actual need to wage conventional wars, however, did not occur very often. The Mexican War of 1846 to 1848, the Civil War of 1861 to 1865, the Spanish-American War and subsequent Philippine Insurrection of 1898 to 1902, World War I (1917–1918), World War II (1941–1945), the Korean War (1950–1953), and the Vietnam War (1965–1973, in terms of major American involvement): all involved an intake of vast numbers of citizen-soldiers by a tiny, peacetime, all-volunteer Army. When the country was not

at war, the Army had minimal contact with Americans because so few soldiers were on active duty. During the century or so that preceded the nation's entrance into competitive international politics between 1898 and 1917, most soldiers were stationed in the thinly populated frontier as it moved steadily west.

The contrast with European armies – and others based on the European model, such as the post-Meiji Restoration Japanese Army² – is striking. In countries with large armies manned almost entirely by conscripts in peacetime as well as during war, tactical units were dispersed throughout their territory. The “garrison town,” with constant contact between soldiers and civilians, was the norm.³ In general, this has not been the case in the United States. Throughout American history, the average American civilian has lived his or her life with minimal to nonexistent interaction with soldiers; and soldiers, whether in the service for a few years or for a career, have had comparatively little day-to-day contact with civilians other than those in small, isolated towns adjacent to bases.⁴ This civilian-army separation was true both before and after brief periods of peacetime conscription: namely, from 1940 to 1941; from 1948 to 1950; and the twelve-year period from the end of the Korean War in 1953 to the beginning of major U.S. ground combat in Vietnam in 1965. The American enlistee and draftee have, in most cases, trained and served in remote areas, far from the major population, economic, and cultural hubs of American life. The small size of the American military also contributed to this isolation. Not until the post-1945 era was the U.S. Army more than an insignificant fraction of the total U.S. populace, except in times of total mobilization such as the Civil War and both World Wars.

But it was the psychology of a cadre-mobilization model that affected the fun-

damental self-image of the Army probably more than anything else. Certainly, the Army at times engaged in ongoing missions – principally, the Indian Wars – other than training and preparing for conventional conflict. The Army's consistent view of itself as a conventional force preparing for battle against a comparable foe was integral to the development of military professionalism in the United States.⁵ However, the Army was so small that for *any* sustained conflict against an organized state-based force, huge numbers of volunteers and/or conscripts had to be enlisted or inducted. Even the Mexican War and the Spanish-American War (and subsequent Philippine Insurrection/Philippine-American War) required large numbers of wartime volunteers to augment the tiny Regular Army. Such a mobilization, especially in an egalitarian democracy, required that the conflict be cast in terms of an ideological crusade. Campaigns included Manifest Destiny in 1846 to 1848; preserving the Union and ending slavery in 1861 to 1865; freeing Cuba and “remembering the *Maine*” in 1898 and its aftermath⁶; making the world safe for democracy against the Central Powers in 1917 to 1918; and crushing Axis totalitarianism in 1941 to 1945. After each spasmodic mobilization, the citizen forces were demobilized en masse. The Army reverted to a small cadre force, and a prolonged period of peace ensued.

The results were twofold. First, the Army was not only physically isolated from the citizenry in terms of basing structure and domestic deployment, but was functionally isolated as well. In peacetime, the Army needed little from the citizenry: it did not conscript or require many volunteers. Second, the Army learned to think of itself as a force with the primary mission of training for infrequent mobilizations for ideological cru-

sades based on popular interpretations of democratic principles. Its primary peacetime job was *not* to be ready to fight instantly, whether on North American soil or overseas, but to provide a core of professional military expertise that would enable a large wartime force of citizen-soldiers to be built up after wars – fairly infrequent events – began. Under this rubric, the Army career force, officers and noncommissioned officers (NCOs), developed a culture of austere professionalism; cultural introversion; and preparation for war rather than frequent engagement in war.⁷ Men commonly joined the career force, either as officers or NCOs, and retired without ever serving combat duty. This norm prevailed especially during the long peace between 1918 and 1941, when the Army was engaged in no combat whatsoever.⁸ Wartime service was expected to occupy only a small portion of a military career.

The first major change in this culture emerged immediately after the end of World War II, when, for the first time in American history, the United States maintained a large force in peacetime. Millions of Americans served in the armed forces, primarily the Army, as part of the first true peacetime draft in American history.⁹ With its public profile raised enormously, the military became a much more salient institution in the minds of the American people. Nonetheless, the cadre-mobilization model still governed the military, in general, and the Army, in particular. After World War II, the traditional American concept of “peace” and “war” as sharply differentiated realities continued to govern how the Army thought of itself. Notably, this attitude did not change after the abolition of conscription in 1973. Between 1945 and the end of the Cold War in 1989, the Army fought two major wars: Korea, between

mid-1950 and mid-1953, and Vietnam, which involved major U.S. combat participation from 1965 through early 1973. *Robert L. Goldich*

When the Army was not involved in a major conflict, it was almost entirely at peace, and its mission was to train for a major, worldwide conflict with the Soviet Union and its client states and surrogates – that is, a third world war. The number of minor contingency operations involving Army combat forces (as distinct from advisory functions in Vietnam from 1961 to 1965) between VJ-Day and the fall of the Berlin Wall in 1989 was remarkably low. The actions in Lebanon (1958), the Dominican Republic (1965 – 1966), and Grenada (1983) were brief and involved only light casualties. Between 1973 and the end of the Cold War, the Army remained a training-oriented force rather than one organized for immediate operations.

Nonetheless, transition to the all-volunteer force (AVF) had significant effects on Army culture.¹⁰ First, it tended to diminish – but by no means end – the diametrically opposed views and outlooks of the career force on the one hand and junior officers/junior enlisted personnel on the other. There will always be a large gap between those who command and those who obey. What has changed is that those who obey at the bottom of both the officer and enlisted chains of command have freely opted into the institution and its characteristics. While most may not plan on having a military career, they are not unwilling participants who seek to satisfice rather than succeed. The junior officer and enlisted ranks are no longer composed primarily of draftees or draft-motivated volunteers who, more or less, did not want to be in uniform, even if they accepted their lot and tried to do their best.¹¹ As historian Andrew J. Bacevich has noted in his sadly underused study of the Army of the 1950s, the nature of the

Cold War Army, “far larger than any previous peacetime force, composed largely of short-service draftees, and dependent on frequent rotations to man large overseas garrisons – virtually ensured that its ethos would be centralized, bureaucratic, and impersonal.”¹² Under the volunteer force, the average length of service in the Army rose considerably, decreasing the rapid turnover in the ranks. The emphasis on rebuilding the Army after Vietnam greatly increased the opportunity and emphasis on systematic professional education and training for NCOs. Pay, benefits, and housing quality went up.¹³

Finally, while scarcely the intimate organization that it was before World War II, the post-1973 Army was nonetheless much smaller than that which gave rise to the conditions Bacevich describes. Massive and bureaucratic it may have been compared to just about any other American organization, public or private, but it was less so than the pre-Vietnam force. The pre-Vietnam Army of about one million soldiers remained at about 780,000 between 1973 and 1987; shrank slightly to about 750,000 at the end of the Cold War; contracted to 480,000 for most of the 1990s; and currently stands at about 570,000. All these developments have contributed to decreasing the width of the officer-enlisted gap in terms of common motivations.

The end of conscription, combined with an acceleration of long-term social trends, meant that the moral, ethical, and philosophical outlooks of everyone in the armed forces – not just career personnel – tended to be more sharply differentiated from those of civilians.¹⁴ The armed forces, both in peace and in war, are now composed mostly, if not almost entirely, of people who accept the social legitimacy of violence and the infliction of pain, suffering, death, and anguish on other

human beings. In contrast, civilian society increasingly takes the attitude that physical coercion of, or exertion of influence on, human beings by other human beings is morally wrong.¹⁵ Even the open expression of remarks considered psychologically, as opposed to physically, harmful – such as verbal “bullying” in schools – is subject to administrative and, in some cases, statutory penalties. The medicalization of, and requirement to forcibly change, personality characteristics that do not fall within a fairly narrow range of acceptable behavior, such as Asperger’s syndrome, is an example of the societal tendency to control behaviors deemed disruptive. In addition, absolute pacifism has increased steadily in the West (albeit much less so in the United States than in Western and Central Europe), an important component of which is a theological reassertion among various Protestant and Catholic components of the early Christian pacifist tradition. (Judaism, symbolically but not demographically important, has tended to morally eschew violence throughout the two thousand years of the Diaspora.)¹⁶

The military remains hierarchical and, ultimately, authoritarian (although there is much more give and take, especially in combat units and environments, than most civilians might believe). It emphasizes organizational and collective effectiveness, discipline, and commitment rather than individual rights, prerogatives, and liberties. Given that life is infinitely less harsh in the industrialized world than it was in the past, the individual who enlists in the armed forces enters a lifestyle and environment that has become far removed from the civilian world. Before the nineteenth century, the average individual was much more accustomed to having insufficient or inadequate food, living without adequate shelter and little temperature control, and

facing the omnipresence of death from disease, from infancy onward. He or she was commonly confronted with more frequent day-to-day civil disorder and low-level interpersonal violence than is the case in the modern world.¹⁷ With most of these premodern rigors of everyday life gone, comparatively unpleasant and rigorous physical environments in even peacetime military training and service – especially on the ground – heighten the contrast with civilian life. In combat, the variance from the civilian norm is enormous.¹⁸ Furthermore, everyday speech in the services, particularly in the ground combat arms, is extreme. Aggressive males are constantly testing one another through verbal altercations and insults. Disagreements are still sometimes resolved through barracks fights. This behavior reinforces cohesion and, in fact, has been fairly normal among men, particularly young men, in groups. However, such physical and verbal aggression is increasingly not tolerated in gender-integrated civilian society, where harmony and agreement are accorded a higher priority than any other governing principle.

This distinction relates to another difference between the military and civilian worlds. That is, despite the vastly increased proportion of women in uniform, the military remains an overwhelmingly masculine-defined institution, to which military women must, and do, adapt. Compare this situation with the developed world in general, where gender segregation, social or occupational, has largely died out.

In passing, it should be noted that although members of the reserve components of the armed forces are, by definition, “citizen-soldiers,” their very presence in the military implies their acceptance of the entire panoply of military-institutional characteristics described above, making them, in psychological and

moral outlook, more like active-duty military personnel than their fellow civilians in the communities in which they work and live.

The most profound change in American military culture, however, has taken place since 1989. The collapse of the Soviet Union and the Warsaw Pact; the drastic reduction in Soviet and Russian military power, particularly its conventional forces; and the retreat of Russian borders to where they had been in approximately 1500 created the largest transformation in the American strategic situation since 1917. No longer did the U.S. armed forces have a primary mission of planning for war against peer adversaries. At the same time, the end of the Cold War released forces inimical to American national interests and influence from the iron lock of U.S.-Soviet nuclear stalemate. The result? Over the past two decades, the paradigm of long periods of peace interspersed with apocalyptic mobilizations for war, involving the accession of huge numbers of draftees into the force, has been replaced by one of fairly continuous operational deployments. Though some engagements involve more casualties and forces than others, all place constant demands on the Army to provide units and soldiers for expeditionary warfare.

It is impossible to overstate how much this development has changed the entire set of expectations both officers and enlisted personnel bring to Army service. Continuous operations against current enemies have replaced training, planning, and education for periodic operations against future ones. Preparations for raising a citizen force and activating large numbers of new units, using the active Army as a cadre, are apparently not undertaken at any level within the Army staff. More broadly, although planning for both industrial and manpower mobilization beyond the existing force struc-

ture was an integral part of the George H.W. Bush administration's post-Cold War defense paradigm,¹⁹ when the Clinton administration came to power in 1993, this component also vanished, and has remained officially buried ever since. Therefore, the true citizen-soldier – who serves only during the spasmodic, totalistic, ideological conflicts that last a few years, and who retains a fundamentally civilian outlook on life – no longer has any place in the Army's consideration of how it must prepare for future war.

Although nostalgia for the conscripted citizen-soldier persists, that soldier is gone – at least for the foreseeable future. We have indeed transitioned to Fehrenbach's legions. In my view, the Army's outlook is beginning to resemble that of the Marine Corps, whose ethos was best described in *Harper's* in 1914. Commenting on the American occupation of Vera Cruz, Mexico, the author observes: "Just an order issued . . . and one regiment after another are on their way to Cuba, or Mexico, or the world's end. Where they are going isn't the Marine's concern. Their business is to be always ready to go."²⁰ One might also say that American soldiers are becoming more like "soldiers of the Queen [or King]": that is, without immediate ideological concerns.²¹ This development enables frustrating and lengthy counterinsurgency campaigns, or others without immediate gratification, to be conducted with much less regard for public opinion in the short term. As French international relations scholar Etienne de Durand puts it, "Mobilizing the population generally comes with a heavy price tag attached to it; the non-negotiable need to show quick results."²² A professional force that does not require situation-specific ideological mobilization is much more suited to these kinds of military operations.

The difference from the popular conception of the American soldier that dominated the draft era of 1940 to 1973 is clear. The pre-1973 image of the American soldier at war, dating all the way back, arguably, to the Revolution, and certainly to the Civil War, was perhaps best exemplified by cartoonist Bill Mauldin's Willie and Joe characters. They were infantrymen who were unshaven, possessed good combat discipline but uneven administrative discipline, were not overly obedient to uniform regulations beyond what was required of them, and, in general, represented well what they were: men who would rather not be there, but either felt a call to serve or realized they had no choice and would therefore do their best. The last words in Mauldin's immortal collection *Up Front* superbly evoke the American draftee's attitude:

They are big men and honest men, with the inner warmth that comes from the generosity and simplicity you learn up there. Until the doc can go back to his chrome office and gallstones and the dogface can go back to his farm and I can go back to my wife and son, that is the closest to home we can ever get.²³

While Mauldin's view of the infantryman at war is timeless,²⁴ the concept of the citizen-soldier who will serve for only the duration, then return home, is obsolete. So, too, for that matter, is the traditional U.S. Army combat uniform, which displayed far fewer insignia, decorations, and accoutrements than those of European armies well into the 1960s, and which was draped without much tailoring on the popular cartoon images of Sad Sack, Beetle Bailey, and their fellow soldiers. The pre-hyperpower American military image of Willie and Joe has been replaced by combat uniforms with unit insignia and American flags; close-cropped haircuts; the variety of equipment on load-

bearing packs and vests; and the goggles and flip-down night vision devices on angled helmets, all of which betoken a tough, hard, cold, isolate professionalism.

Although the Army's career force always maintained a rigid professional image and an accompanying set of attitudes, its citizen-soldier enlisted ranks did not. Conscripts typically did not internalize the norms and psychology of the career force; rather, they accepted them, externally and reluctantly, and adapted as best they could. Today, broadly similar attitudes permeate the entire force, from private to full general, although naturally they are stronger in those who have been in service longer. The enlistee and junior officer, as well as the career force member, voluntarily subjects himself or herself to military values, which vary considerably from those of the civilian culture, rather than accommodating them because of events beyond his or her control. This shift is particularly telling for enlisted men in the ground-combat arms of the Army and Marine Corps. Like all enlistees, they choose their military occupational specialty upon enlistment; thus, they have volunteered not only for military service generally, and for their particular armed force, but for that proportion of the force that undertakes the most arduous and dangerous tasks in peace and war.

What other effects has the transformation to a force of legions had on American military culture? It has created a force that has immense expertise in the conduct of combat operations – and one that is well aware of this advantage. The high casualties due to simple inexperience, lack of rigorous training, and thinly spread professional military knowledge that marked American performance during both World Wars, Korea, and, to some extent, Vietnam, no longer occur.

Several facts account for much of this improvement: in the counterinsurgency wars we are now fighting, troops in combat are in smaller and more dispersed units; the enemy does not have artillery with a high rate of fire; and we have provided first-rate equipment to our troops. But the key factors are probably the high quality of the people and the unprecedented realism in unit training that have been enabled by investment in training facilities and courses and much lower personnel turnover.

The opportunities for disasters at the platoon and company levels, though present, have rarely materialized in Iraq and Afghanistan compared to the carnage of past twentieth century American wars, particularly in their initial stages.²⁵ The bumbling incompetence of commanders not used to wartime stresses and, equally, the superficial training, in frenetic wartime situations, of hastily conscripted soldiers by trainers with scarcely more practical experience than the conscripts have been greatly diminished. (I do not address the issue of bumbling incompetence among the high-level political leadership of the country, or the sluggish and reluctant adaptation of senior military leaders, accustomed to a long peace, in adapting to war, in general, and irregular warfare, in particular.) The post-1973, post-Vietnam all-volunteer force is much less tolerant of tactical and operational failure than its predecessors, a result of vastly enhanced training as well as a deepened ethos of physical and mental toughness.²⁶

The downside, perhaps, is that if our legions are always deployed fighting the barbarians on the frontiers, there is less time for their officers to think, reflect, and educate themselves in their profession, particularly in higher-level strategy. The career officer corps, by all accounts, is a much less contemplative institution,

largely (although not entirely) because the constant press of deployments and operations has left much less time in a military career for not only civilian graduate education, but even, increasingly, for the professional military education that has always been an outstanding part of the American military system. The inevitable decrease in the tempo of operations post-Iraq, and then post-Afghanistan, will certainly restore this situation somewhat, but the long-term consequences could be pernicious.

Notably, American military culture has moved sharply from a Cavalier to a Roundhead conception of social mores. The hard-drinking, chain-smoking, womanizing “Alpha male” has, to a considerable degree – especially in the officer corps – been replaced by the teetotaling, nonsmoking, family-man paragon of virtue. (Indeed, a drunk-driving arrest and conviction will ruin an officer’s career.) The absence of drinking and smoking relates to the need for constant readiness to go to war and the associated need for physical health and endurance, which mirrors similar trends among the more educated classes in American society. The change in sexual mores seems to have more diffuse causes. The increased proportion of women in the force, with the exception of all-male ground combat arms units, is one. Another is the considerable rise, over the past several decades, of open religiosity in the force, especially, but not limited to, evangelical Protestant Christianity, which has encouraged heterosexual monogamy.²⁷ Much of the latter development simply tracks the steady increase in the salience of religious commitment throughout most of American society over the past several decades. But it also reflects the split between the increasingly antiwar, anticoercion, and socially liberal mainline Protestant denominations;

some Catholics with an affinity for (to use a Protestant term) the “social gospel”; and Reform Judaism on the one hand, and the willingness to use force for patriotic American purposes and social conservatism of evangelical Christianity, conservative Catholicism, and Orthodox Judaism on the other.²⁸

The advent of the all-volunteer force has also created an attitude among military personnel that they are, in a variety of ways, “better” than, or “superior” to, civilians. To a considerable extent, soldiers have always had such an attitude. They contrast the courage and resolution their profession demands with a softer, less austere, and less rigorous civilian world – even if they are conscripts eager to return to it. This outlook can be traced to ancient times. However, what is new is the extent to which military personnel view themselves as superior because of the intrinsic human qualities they bring with them to military service, in addition to those they acquire while serving. Although human motivations are difficult to pinpoint, there appear to be two reasons for these feelings of superiority. First, service members are constantly made aware, through both internal communications and through media reportage, that most young Americans cannot meet enlistment standards. This fact understandably makes them feel that they are, in some ways, superior to peers who could not be accepted into military service regardless of desire. Certainly, the quantitative data support this belief. Most first-term enlistees (like most Americans) do not come from the more affluent sectors of American society, but the conventional wisdom that military service is a last resort for the substandard, however dubious in the past, is utterly wrong in the modern American military. Military personnel are much less likely to be ill-educated²⁹; are more intelligent

(or at least show more aptitude when measured on a standardized test)³⁰; generally come from higher-income households; and are infinitely more physically fit,³¹ much less likely to have encounters with the criminal justice system, and much less likely to use illegal drugs than their civilian counterparts, both in general and when age, race, and gender are controlled for.³²

Second, there is an utterly unquantifiable set of attitudes that may be even more important in propelling young men and women who enlist, or who seek appointments as junior officers, to view themselves as superior to their civilian peers (again, regardless of socioeconomic status). The young person who enlists knows that he or she is opting to leave behind the comfortable, perhaps complacent, atmosphere of family, friends, and local environment. Even before young enlistees are sworn in, they believe that they have opted to enter a more dangerous and demanding institution, one that is held to higher standards than civilian society, well-regarded among civilians, and more exciting and realistic than the humdrum world of daily civil life they left behind. They are, in a sense, internal immigrants, emigrating from their familiar surroundings to find more opportunity (economic and psychological) in the new and, in many ways, utterly alien institutional terrain of the armed forces. Whatever their socioeconomic status in civilian life, young men and women who choose military service believe that in doing so, they demonstrate that they are taking a harder, more arduous, and utterly different path from their contemporaries who lack the moral and physical courage to choose differently.

This situation is remarkably anomalous compared to the image of soldiers who manned professional armies in the past. In AD 69, when for the first time

in a century Roman soldiers tramped through present-day Italy en masse during the yearlong civil war that marked the “year of the four Emperors,”³³ the peaceable civilians remarked on how barbaric, unlettered, and savage they looked and acted.³⁴ Two thousand years later, American legionaries, while as capable on a modern battlefield as those who wielded the *gladius* (the Roman short sword), appear to march through a civilian population that in some ways is more barbaric, less educated, less physically fit, and less disciplined than they are.³⁵ Where this meritocratic isolation from civilian norms of conduct will lead is unclear; nonetheless, it is unprecedented, at least as far as the large non-career force the United States now maintains is concerned.

Some have suggested, understandably, that this sense of superiority could lead to a greater willingness among service personnel to challenge civilian control of the military.³⁶ Do these attitudes indeed presage a possible increased tendency toward “putsches and caudillos and the Freikorps and Fasci di Combattimento” in the United States?³⁷ Theoretically, the answer is yes; practically, probably not. The much larger military we have maintained since 1945 has, without question, maintained a correspondingly higher profile in American life, and in American politics, than ever before. Nonetheless, the conditions for such an extreme development are almost entirely absent from the United States. We have lost no wars in which the slaughter or wounding of huge proportions of the male population was followed by mass economic depression (putsches and Freikorps and Italian Fascisti); we have no culture of intensive military involvement in partisan national politics (caudillos and putsches); and we do not face a major breakdown of civil order due to the previous two conditions.

Finally, occasional attempts by members of the career officer corps to justify a greater degree of military autonomy vis-à-vis political leadership in the United States are not new, and have rarely, if ever, obtained a coherent following. American career military personnel may grumble – and have always grumbled – about the alleged character deficiencies of the society on whose behalf they bear arms, but their disdain for such shortcomings inclines them to recoil from involvement in broader political matters rather than press toward it. First-term enlisted personnel and junior officers may indeed share these attitudes, but they do not guide the institution and are not, at least in the context of the developed world, fruitful ground for serious military repudiation of civilian authority. This is not sub-Saharan Africa, where sergeants become presidents or prime ministers.

I have made almost no mention of how conventional wisdom defines *culture* in terms of today's identity-oriented intellectual discourse. Why? I think the diverse distinctions of race, gender, sexual orientation, or ethnicity that are present in the U.S. armed forces have little or no effect on the more fundamental aspects of American military culture I have discussed. The admission of African Americans into a desegregated military fifty-five to sixty years ago and the steady accretion of modern immigrant groups – such as Hispanics and Asians – have done nothing to change the austere, isolate, self-referential traditional masculinity of the force. Nor has the increased presence of women, who have had to adapt to these underlying characteristics in order to serve. For that matter, there is little indication that the recent repeal of the statute (it was not simply a “policy”) banning homosexuals from serving openly

(known colloquially as “Don’t Ask, Don’t Tell,” or DADT) will cause a decisive shift in the psychological and emotional underpinnings of the military. Gay men and lesbians who are out of the closet will, as have gay men and lesbians in the closet, conform to the larger culture.³⁸

The changes in American military culture over the past few decades, and the extension of the attributes of the career officer and NCO corps to the entire force, are caused not by superficial traits such as gender, race, or ethnicity, but by the adaptation of the American military, particularly the Army, to a changed American strategic situation. The exertions of largely drafted American military forces in peace and war during most of the twentieth century have provided American society a long period of extended internal peace and prosperity. Without an apparent immediate need to endure the burdens of compulsory military service, the majority of American civilians have been unwilling to enlist, and the public has begun to question the practical necessity and moral legitimacy of institutionalized violence. The U.S. military has become the shield behind which civilian society can hold fast to its pacifist views about the absolute supremacy of kindness and compassion. The entire military, in turn, not just the career force, has become a refuge for those who question the basic orientation of civilian society and do not wish to live within many of its central boundaries. There appears to be a gap – if not a chasm – between an increasingly sensate, amiable, and emotionally narrow civilian world and a flinty, harshly results-oriented, and emotionally extreme military, for career and non-career personnel alike.

A U.S. Marine infantry lieutenant recently observed, “For better or worse, real or imagined, the military is one of

the few organizations that still attracts people looking for an alternative to the 'world of clerks and teachers, of co-education and zo-ophily, of 'consumer's leagues' and 'associated charities,' of industrialism unlimited, and feminism unabashed," as philosopher William James described it in his classic essay "The Moral Equivalent of War."³⁹ However, if this alienated shield fails, the demilitarized civil society may have neither the

means nor the psychological will to defend itself. The shield itself may turn directly or indirectly on those whom it is supposed to defend, out of disgust for their failure to step up and contribute, either directly or with moral support. This has been an eternal conundrum in large societies facing threats that are far away since at least the days of the later Roman and Han Chinese empires, and it is with us still today.

ENDNOTES

- ¹ Theodore R. Fehrenbach, *This Kind of War: Korea, A Study in Unpreparedness* (New York: Macmillan, 1963), 658.
- ² See Edward J. Drea, *Japan's Imperial Army: Its Rise and Fall, 1853 – 1945* (Lawrence: University Press of Kansas, 2009); Naoko Shimizu, *Japanese Society at War: Death, Memory, and the Russo-Japanese War* (New York: Cambridge University Press, 2009); and Richard J. Smethurst, *A Social Basis for Prewar Japanese Militarism: The Army and the Rural Community* (Berkeley: University of California Press, 1974).
- ³ For an in-depth discussion of this interaction in one major European country, see David M. Hopkin, *Soldier and Peasant in French Popular Culture, 1766 – 1870* (Rochester, N.Y.: Boydell Press and Royal Historical Society, 2003).
- ⁴ See Edward M. Coffman, *The Old Army: A Portrait of the American Army in Peacetime, 1784 – 1898* (New York: Oxford University Press, 1986); and Edward M. Coffman, *The Regulars: The American Army, 1898 – 1941* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2004).
- ⁵ The literature on this phenomenon is vast. See the still-unmatched Russell F. Weigley, *History of the United States Army* (New York: Macmillan, 1967), 144 – 292; and William B. Skelton, *An American Profession of Arms: The Army Officer Corps, 1784 – 1861* (Lawrence: University Press of Kansas, 1992).
- ⁶ Many of the men who in 1898 volunteered to free Cuba, avenge the *Maine*, and punish the supposedly brutal and dastardly Spaniards instead found themselves engaged in a very different war of colonial pacification in the Philippines; the cognitive dissonance could be considerable. Rather than liberators (or after they liberated), they were cast in the role of imperial conquerors. Because they were not regular soldiers, their orientation was situation-specific rather than professional and organizational; they were often quite bitter, though they performed well in combat throughout their deployment. For a vivid example, see Kyle Roy Ward, *In the Shadow of Glory: The Thirteenth Minnesota in the Spanish-American and Philippine-American Wars, 1898 to 1899* (St. Cloud, Minn.: North Star Press of St. Cloud, Inc., 2000).
- ⁷ For a vivid example of this isolation, see John M. Collins, "Depression Army," *Army*, January 1972, 8 – 14. In particular, see Collins's telling remark, "Intercourse with civilians was just that."

- ⁸ The small, irregular wars in Central America and the Caribbean to which American forces were committed between World Wars I and II were waged entirely by the Marine Corps.
- ⁹ The peacetime draft was the first in substantive, not technical, terms. The draft law enacted in September 1940, fifteen months before Pearl Harbor was attacked, was clearly ratified in response to, and designed to prepare for, possible American participation in World War II, which had erupted in Europe on September 1, 1939. The reenactment of Selective Service in mid-1948 – after the armed forces were unable to recruit sufficient personnel through voluntary enlistment once the World War II draft expired at the end of 1946 – did not result in the enlistment of many draftees because the pre-Korean War military was relatively small. The measure was, in social and cultural terms, a seamless continuation of the World War II draft. See George Q. Flynn, *The Draft: 1940 – 1973* (Lawrence: University Press of Kansas, 1993), 88 – 109. This volume is invaluable for those investigating American military recruiting and manpower from World War II to the present.
- ¹⁰ Three works are essential to a study of the shift from a draft-based Army to the AVF: Bernard D. Rostker, *I Want You! The Evolution of the All-Volunteer Force* (Santa Monica, Calif.: RAND Corporation, 2006); Beth Bailey, *America's Army: Making the All-Volunteer Force* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2009); and Robert K. Griffith, Jr., *The U.S. Army's Transition to the All-Volunteer Force, 1968 – 1974* (Washington, D.C.: U.S. Army Center of Military History, 1997).
- ¹¹ I have never heard an Army or Marine officer with personal experience commanding or serving with both draftees and volunteers in combat in Korea and Vietnam state anything other than that the performance of the men in both categories was indistinguishable. Indeed, I have frequently heard that during the peacetime post-Korea, pre-Vietnam years, officers found the quality of draftees to be higher than that of volunteers. However, because many of the latter were draft-pressured into enlisting, disaggregating the two groups is difficult. I am especially indebted to the insights of the following now-retired officers on these particular subjects over the years: U.S. Army General Volney F. Warner; U.S. Army Major General John A. Leide; U.S. Marine Corps Brigadier General Thomas V. Draude; U.S. Army Colonel John D. (Scot) Crerar (an informal manuscript written by Colonel Crerar was particularly useful); and U.S. Army Lieutenant Colonel Donald Bowman.
- ¹² Andrew J. Bacevich, *The Pentomic Era: The U.S. Army Between Korea and Vietnam* (Washington, D.C.: National Defense University Press, 1986), 119. Professor Brian McAllister Linn of Texas A&M University is currently preparing a study of the post-Korea, pre-Vietnam Army, titled *Elvis's Army: Transformation and the Atomic-Era Soldier, 1946 – 1965*, which will be a needed contribution to the literature on post-1945 American military history.
- ¹³ The best comprehensive discussion of the post-Vietnam reconstruction of the Army remains Robert H. Scales, Jr., *Certain Victory: The United States Army in the Gulf War* (Washington, D.C.: U.S. Army Office of the Chief of Staff, 1993), 1 – 39.
- ¹⁴ The essence of this divergence in attitudes is captured by Azar Gat, *Victorious and Vulnerable: Why Democracy Won in the 20th Century and How it is Still Imperiled* (Lanham, Md.: Rowman and Littlefield, 2010).
- ¹⁵ A discussion of the changing meaning of the word *imperialism* over time seems appropriate here. Scholar Mark Proudman observes in the term “a fastidiousness, even a squeamishness, about power or influence, however attenuated or even consensual”; Mark F. Proudman, “Words for Scholars: The Semantics of ‘Imperialism,’” *The Journal of the Historical Society* 8 (3) (September 2008): 425. Another interesting example is a Stanford University course in management science and engineering entitled “The Ethical Analyst,” in which “questioning

the desirability of physical coercion and deception as a means to reach any end” is mentioned in the course description; *Stanford University Bulletin*, 2008 – 09, 608 – 609.

Robert L.
Goldich

¹⁶ For the Christian component, see Charles C. Moskos and John Whiteclay Chambers II, eds., *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993); and Peter Brock, *Against the Draft: Essays on Conscientious Objection from the Radical Reformation to the Second World War* (Toronto: University of Toronto Press, 2006). For insightful remarks on the complex relationship of Diaspora Judaism and sanctioned violence, see Martin van Creveld, *The Culture of War* (New York: Ballantine Books, 2008), 376 – 394. Modern Israel, of course, is a state, and harbors a culture, in which the military has extraordinary influence, probably more than in any other developed democratic society. However, this does not invalidate the overwhelmingly pacifistic and anti-interhuman-violence attitude that has existed in Judaism worldwide since the Romans crushed the Bar Kochba revolt of AD 132 – 135. In addition, in recent decades a substantial reassertion of the pacifistic Jewish tradition within Israeli Jewish society has resulted from internal controversy about the Israeli occupation of the Palestinian territories since 1967.

¹⁷ A good summary of all these conditions is in Patricia Crone, *Pre-Industrial Societies: Anatomy of the Pre-Modern World* (1989; repr., Oxford: Oneworld Publications, 2003).

¹⁸ This distinction could not always be made. What Victor Davis Hanson has said about ancient Greek citizen-soldiers would apply to virtually any soldier, conscript or volunteer, before the Industrial Revolution removed a substantial part of the population of some countries from farming: “Bloodletting, the art of tearing apart flesh and breaking bone, was no strange sight to farmers who butchered their own meat and hunted game”; Victor Davis Hanson, *The Other Greeks: The Family Farm and the Agrarian Roots of Western Civilization*, 2nd ed. (Berkeley: University of California Press, 1999), 265.

¹⁹ See Robert L. Goldich, *Defense Reconstitution: Strategic Context and Implementation*, Report 92-832 F (Washington, D.C.: Congressional Research Service, November 20, 1992).

²⁰ Cited in Robert Debs Heinl, Jr., *Soldiers of the Sea: The United States Marine Corps, 1775 – 1962* (1962; repr., Baltimore: The Nautical and Aviation Publishing Company of America, 1991), 164.

²¹ I am indebted to Australian Army Lieutenant Colonel David Kilcullen (ret.) for this observation, made in an unsaved email message circa 2005. However, see British military historian Richard Holmes’s telling observation regarding the Iraq War: “The British army goes on operations. . . . But the U.S. army is at war”; Richard Holmes, *Dusty Warriors* (London: Harper Perennial, 2006), 111.

²² Octavian Manea, “Reflections on the French School of Counter-Rebellion: An Interview with Etienne de Durand,” *Small Wars Journal*, March 3, 2011, <http://smallwarsjournal.com>.

²³ Bill Mauldin, *Up Front* (1945; repr., New York: W.W. Norton, 1968), 228.

²⁴ I sent my original copy of *Up Front* to my son during his first tour as a Marine infantryman in Iraq in 2006. He said that he and his fellow Marines found it both hilarious and accurate.

²⁵ References to this issue are scattered widely throughout operational histories, but there are some accounts, frequently biographical, that zero in on it more than others. On Korea, see Fehrenbach, *This Kind of War*; Allan R. Millett, *The War for Korea, 1950 – 1951: They Came From the North* (Lawrence: University Press of Kansas, 2010); and Roy E. Appleman, *Disaster in Korea: The Chinese Confront MacArthur* (College Station: Texas A&M University Press, 1989). On World War II, see Henry G. Gole, *General William E. DePuy: Preparing the Army for Modern War* (Lawrence: University Press of Kansas, 2008), 13 – 65; and Peter R. Mansoor, *The GI Offensive in Europe: The Triumph of American Infantry Divisions, 1941 – 1945* (Lawrence:

University Press of Kansas, 1999), esp. 49–180. On World War I, see Mark Ethan Gro-telueschen, *The AEF Way of War: The American Army and Combat in World War I* (New York: Cambridge University Press, 2007); Edward G. Lengel, *To Conquer Hell: The Meuse-Argonne, 1918: The Battle that Ended the First World War* (New York: Henry Holt, 2008); William S. Triplet, *A Youth in the Meuse-Argonne: A Memoir, 1917–1918*, ed. Robert H. Ferrell (Columbia: University of Missouri Press, 2000). I am not aware of any monographs on U.S. tactical, as opposed to operational and strategic, effectiveness in Vietnam.

²⁶ It is difficult to overstate the extent of demoralization, incoherence, indiscipline, and lack of readiness brought on by the results and effects of the Vietnam War, and which in fact characterized the Army throughout much of the 1970s. For examples, see Larry H. Ingraham, *The Boys in the Barracks: Observations on American Military Life* (Philadelphia: Institute for the Study of Human Issues, 1984); and Michael Lee Lanning, *The Battles of Peace* (New York: Ivy Books, 1992). I am also indebted to conversations over the years with U.S. Army Colonel James C. Crinean (ret.) on his initial post-commissioning service at Fort Hood, Texas, from 1972 to 1976.

²⁷ Consider this admittedly impressionistic but telling example of this growing religiosity: in the early 1980s, my class at the National War College included one student who was a fervent evangelical Christian. He was well liked and did not proselytize, but his open and profound religious commitment was very unusual for the times. When at one bull session someone mentioned the student's view of an issue, another officer said, "Yeah, but he has the sword of righteousness on his side," and everybody laughed. My sense – which is shared by people in and out of uniform to whom I have related this anecdote – is that thirty years later, the remark would not be made, and if it were, there would be as much criticism as laughter.

²⁸ Too little has been written about this phenomenon, most of which is both superficial and pejorative. An invaluable exception is Anne C. Loveland, *American Evangelicals and the U.S. Military, 1942–1993* (Baton Rouge: Louisiana State University Press, 1996). See also my review of this work in *Armed Forces and Society* 24 (1) (Fall 1997): 169–171. The extent to which increased religious commitment shades into active religious intolerance varies sharply by service, with the Air Force having a much higher incidence of the latter than the other services. I must admit that my views on the reasons for this phenomenon are based entirely on impressionistic observations of officers of all four services. Given this caveat, I would argue that the greater degree of religious dogmatism among Air Force personnel is due to a hypertrophic military authoritarianism that derives from overcompensating for the small proportion of their service that actually serves in contact with the enemy; a lack of broader social, political, and intellectual sophistication resulting from the highly technological and managerial orientation of their service; and – I have been told this by a surprising number of individuals – the colocation of the national headquarters of several evangelical Christian organizations in Colorado Springs, the location of the Air Force Academy. For an interesting contrast between the religious atmospheres in one Air Force and one Army institution of professional military education, see Daniel J. Hughes, "Professors in the Colonels' World," and Bradley L. Carter, "No 'Holidays from History': Adult Learning, Professional Military Education, and Teaching History," both in *Military Culture and Education*, ed. Douglas Higbee (Burlington, Vt.: Ashgate, 2010), 164–165, 176.

²⁹ For instance, in 2006 and 2007, only 2 percent of nonprior service enlistees were non-high-school diploma graduates (NHSDGs). Of the general American population, ages eighteen to twenty-four, about 21 percent were NHSDGs. While recruits were much less likely to have had at least some college, or to be a college graduate, compared to eighteen- to twenty-four-year-old civilians (7 percent versus about 39 percent), the difference is due to the fact that, by definition, if one is in the military between ages eighteen and twenty-four, one is not in

college. See Shanea J. Watkins and James Sherk, *Who Serves in the U.S. Military? Demographic Characteristics of Enlisted Troops and Officers*, Report CDA08-05 (Washington, D.C.: Heritage Foundation Center for Data Analysis, August 21, 2008), 5, <http://www.heritage.org/Research/Reports/2008/08/Who-Serves-in-the-US-Military-The-Demographics-of-Enlisted-Troops-and-Officers>. The key factor is that the bottom 20-odd percent who are high school dropouts are almost completely absent from the military. I have a personal impression that the proportion of new enlistees with at least some college may well be higher than 7 percent, but these recruits perhaps are embarrassed to tell recruiters why they left higher education. I have been told repeatedly that many young men (much more than young women) enter the military after a comparatively brief time in college, having flunked out due to emotional immaturity, and that they view the service as a way to attain both that maturity and the GI Bill benefits that will be available upon completion of service.

³⁰ Ibid. In 2007, only 2.3 percent of enlisted recruits scored in the bottom 30th percentile of the Armed Forces Qualification Test (AFQT), the standardized aptitude test given to prospective enlistees – that is, only about 2 percent of those young men and women actually enlisted were in these lower categories, compared to 30 percent of those who took the test.

³¹ For a scholarly examination of the relationship of obesity to military recruiting, see John Cawley and Johanna Catherine Maclean, *Unfit for Service: The Implications of Rising Obesity for U.S. Military Recruitment*, National Bureau of Economic Research working paper no. 16408 (Washington, D.C.: NBER, September 2010).

³² See Adam B. Lowther, “The Post-9/11 American Serviceman,” *Joint Force Quarterly* 58 (3) (2010): 75–81. For a plethora of detailed data, see the annual publication of the Department of Defense, *Population Representation in the Military Services*, which is published on a fiscal-year basis; and Watkins and Sherk, *Who Serves in the U.S. Military?*

³³ See Kenneth Wellesley, *The Year of the Four Emperors*, 3rd ed. (New York: Routledge, 2000).

³⁴ Lawrence Keppie, “The Changing Face of the Roman Legions, 49 BC – AD 69,” in *Legions and Veterans: Roman Army Papers 1971 – 2000* (Stuttgart, Germany: Franz Steiner Verlag, 2000), 56.

³⁵ Recent scholarship suggests that the level of literacy, education, social status, and culture among professional volunteer soldiers throughout history may have been substantially understated by historians and contemporary observers, who have mistaken toughness and hardness for intellectual and moral inferiority. Recruiters often looked for, and tried to enlist, men with some education who came from stable backgrounds, as these individuals made better soldiers and posed fewer disciplinary problems. For example, regarding Roman imperial soldiers, see Jean-Michel Carrié, “The Soldier,” in *The Romans*, ed. Andrea Giardina, trans. Lydia G. Cochrane (Chicago: University of Chicago Press, 1993), 120–130; and Yann Le Bohec, *The Imperial Roman Army* (New York: Hippocrene Books, 1994), 88–89. A more recent and searching debunking of the volunteer infantryman as “scum of the earth” is in Edward J. Coss, *All For the King’s Shilling: The British Soldier under Wellington, 1808 – 1814* (Norman: University of Oklahoma Press, 2010), 29–85. It is therefore possible that the American volunteer soldier is less unique in history in this regard than has been thought to be the case.

³⁶ See, for example, Andrew R. Milburn, “Breaking Ranks: Dissent and the Military Professional,” *Joint Force Quarterly* 59 (4) (2010): 101–107; and discussion of the article, particularly the response of Richard Kohn and comments on his remarks, “Richard Kohn fires a warning flare about a Joint Force Quarterly article,” *Foreign Policy* blog, September 29, 2010, <http://ricks.foreignpolicy.com>. See also David Wood, “Military Officers Chafe for Bigger Role in Policy Decisions,” *Politics Daily*, October 4, 2010, <http://www.politicsdaily.com/2010/10/04/military-officers-chafe-for-bigger-role-in-policy-decisions> (accessed October

29, 2010); and Anna Mulrine, “Can Troops Get Too Much Love? Military Struggles with a Dark Side on Veterans Day,” *Christian Science Monitor*, November 10, 2010, <http://www.csmonitor.com/layout/set/print/content/view/print/342309> (accessed November 11, 2010). For an earlier discussion of such possible tendencies, see the widely circulated and controversial Charles J. Dunlap, Jr., “The Origins of the American Military Coup of 2012,” *Parameters* (Winter 1992 – 1993): 2 – 20.

- 37 In an October 26, 2010, email message containing comments on an initial draft of this paper, David Kennedy suggested this question as a framework for this discussion, though he did not endorse the concept.
- 38 I do not discount the possibility of some disruption of “good order and discipline” and cohesion within the enlisted ranks of the ground combat arms of the Army and Marine Corps. The combat arms’ – infantry, armor, field artillery, and special operations forces – highly self-referential masculine combative ethos rather easily tolerates known yet unacknowledged homosexuality but feels threatened and disturbed by open acknowledgment. As of this writing, however, such problems, if they have occurred at all, do not appear to be significant. Nonetheless, the lifting of the ban on enlistment of openly homosexual men and women will not take place for several more months, after a lengthy certification process. See David F. Burrelli, “Don’t Ask, Don’t Tell: Military Policy and the Law on Same-Sex Behavior,” Report R40782 (Washington, D.C.: Congressional Research Service, December 20, 2010), esp. 1 – 2; the report is updated periodically.
- 39 Sam Jacobson, “The Few, The Proud, The Chosen,” *Commentary*, September 2010, <http://www.commentarymagazine.com/printarticle/cfm/the-few-the-proud-the-chosen-15507> (accessed September 30, 2010). William James’s original essay can be found in many places; I obtained it at <http://www.constitution.org./wj/meow.htm> (accessed October 29, 2010).

Manning & Financing the Twenty-First-Century All-Volunteer Force

Lawrence J. Korb & David R. Segal

Abstract: The transition from a conscription-based to a volunteer force after 1973 required a force of reduced size that could compete financially with the civilian labor market. To compensate for these changes, the Department of Defense took three steps: developing the Total Force, which integrated the reserve component with active duty; maintaining the Selective Service System, which could be activated in case of prolonged and manpower-intensive conflict; and civilianizing as many support functions as possible. Despite this original blueprint, political pressures prevented military and civilian leadership from activating the Selective Service after it became apparent that the Bush administration's national security strategy in Iraq and Afghanistan required prolonged, large-scale deployments. The result has been enormous physical and psychological strain on personnel, especially in the Army and reserve components; diminishing standards for the quality of recruits; and severe financial strain related to pay raises, retention bonuses, retirement, and health care benefits.

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In 1973, in the wake of the Vietnam War, the United States transitioned from a conscription-based military to an all-volunteer force (AVF).¹ Faced with new challenges of cost and recruitment, the military substantially reduced the size of its active forces, particularly the Army. Previously, the Selective Service System had made accessing the required number of entry-level military personnel relatively easy. The system drafted young men who frequently served simply to comply with the law and motivated others to volunteer for service to avoid being drafted. Once the draft ended, attracting the requisite number of qualified recruits each year became much more difficult. Now subject to the dynamics of the labor market, the military confronted competition from other employers, especially in times of low unemployment, and from institutions of higher education, as increasing numbers of young men and women attended college. Thus, the force had to be downsized.

Except for brief periods during the twenty-five years of Cold War conscription, the Army was the

only service that had to rely on the draft to fill its ranks. The other three services met their quotas with draft-induced volunteers; indeed, many men “volunteered” for the Air Force, Navy, or Marines to avoid being drafted into the Army. By volunteering, they gained some control over when they served, in what service, and, frequently, in what occupational specialty they would be trained. In the absence of conscription, the services lost both draftees and draft-motivated volunteers.

As the military began to downsize after the end of conscription and the Cold War in Europe, the demography of the force also started to change, in both composition and patterns of utilization. The young, predominantly unmarried male conscription force was replaced by an older, more professional, more likely to be married force. It became more diverse in terms of race, ethnicity, gender, and sexual orientation.² President Nixon’s Commission on an All-Volunteer Force (the Gates Commission), which drafted the initial blueprint for the volunteer force, had assumed that the end of the draft would not alter racial composition and made virtually no mention of women in uniform.³ In fact, with the end of conscription, the military immediately began to recruit disproportionately from the African American community. In the early years of the AVF, more than one-quarter of new recruits, and in some years, as many as one-third of new recruits in the Army, were black. Moreover, black service members have been more likely than white soldiers to reenlist; thus, the proportion of African Americans in the force increased. In 2006, 12.6 percent of the civilian labor force aged eighteen to forty-four was African American, compared to 19.3 percent of active-duty enlisted personnel.⁴

Although Hispanics were too few to be regarded as a significant recruitment pool in 1973, changes in the past two decades

in the percentage of Hispanic men and women in the U.S. military have been dramatic, with rates more than doubling in the last twenty years. Not only is the Hispanic population larger, but the fraction of Hispanics who meet entrance exam and education requirements for military service has increased. In 1985, less than 4 percent of the enlisted force was Hispanic, compared to almost 7 percent of the civilian labor force, aged eighteen to forty-four, that identified as Hispanic.

By 1994, less than 6 percent of enlisted personnel were Hispanic, while the civilian proportion of Hispanics had grown to more than 10 percent of the total U.S. population. As of FY 2000, Hispanics made up 13 percent of the military-age civilian labor force but only 9 percent of enlisted personnel. In 2006, though the civilian labor force was 17.1 percent Hispanic, only 12.8 percent of the enlisted force identified as Hispanic. (Table 1 shows the shares of black and Hispanic military personnel in recent years.)⁵

Representation of Hispanics in the military has not kept pace with the rise in Hispanic eighteen to forty-four year olds in the civilian labor force. However, the civilian figure includes men and women who do not meet requirements for enlistment based on education and immigration status. Until recently, enlistees had to have a high school degree; almost all enlisted personnel (99 percent) in FY 2001 were either high school graduates or had earned a comparable credential, such as a General Education Development certificate (GED), with the services considering graduation more favorable than a GED. Until recently, enlistment also required that immigrants be citizens or legal permanent residents. Using these qualifications to determine the eligible Hispanic population, Hispanics may have actually been overrepresented among enlisted personnel. For instance, in 2006, the share of

Table 1
Percent of Black and Hispanic Representation among Nonprior-Service Military Accessions,
2003 to 2008

	2003	2004	2005	2006	2007	2008
Black	15.0	13.5	13.1	13.0	13.6	15.0
Hispanic	11.5	13.2	13.9	13.3	13.5	14.3

Source: David J. Armor and Curtis L. Gilroy, "Changing Minority Representation in the U.S. Military," *Armed Forces & Society* 36 (2) (2010): 242.

Hispanics in the civilian labor force aged eighteen to forty-four with at least a high school degree was 10.9 percent, compared to 11.2 percent of active-duty enlisted personnel. Given that not all high school graduates are citizens or even legal immigrants, Hispanics most likely are enlisting and remaining in the military at rates greater than their share of those in the labor force who meet the minimum qualifications for service.

With regard to gender, military service in most countries and throughout much of history has been viewed as a masculine occupation. Women have been excluded entirely, or have served with an auxiliary status or in segregated branches. They have faced restrictions on the highest rank they can achieve and the military occupations they can pursue.⁶ The culture of the American military is still predominantly masculine, and although women compose half of the American labor force, they remain a minority in the military. However, as has been the case in other countries that have substituted volunteer forces for conscription, as the size of the military has contracted, the proportion women represent has increased.⁷ At the beginning of the current volunteer force, women composed about 2 percent of military personnel; they now make up 14 percent.

Legal and regulatory changes have also opened new occupations to women. In 1991, Congress repealed the provisions of a 1948 law that prohibited women from flying combat aircraft; since 1994, women have been allowed to serve on Navy surface combatant ships. Moreover, the Navy is now training the first cohort of women officers who will serve on submarines. Although occupations and positions that involve direct offensive ground combat have remained closed to women, in both Iraq and Afghanistan, military women have been attached (but not assigned) to ground combat units. Given that male American soldiers cannot search or interrogate Muslim women without greatly offending cultural and religious sensitivities, women have filled an important role in a population whose support we are trying to win.

Thus, the transition from conscription to a volunteer force shaped by the dynamics of the labor market led to a reduction in the size of the force as well as increased recruitment among segments of the population that were relatively disadvantaged in the civilian market.

To compensate for the smaller size of the active force, the Department of Defense (DOD) took three steps. First, it developed

the Total Force concept to integrate the reserve component (the state-based National Guard and the federal reserves) with the active-duty component in those areas where the reserves had unique capabilities that were not needed on a full-time basis, such as civil affairs. During the draft period, reservists were only marginally involved in contingency planning and did not receive the equipment and training necessary to maintain the proper level of readiness for deployment. Thus, the reserve components played a very minor part in the Vietnam War.

This arrangement also minimized the role of Congress, which must authorize long-term or large-scale reserve mobilizations, in Vietnam. But when the DOD transitioned to the AVF, the reserves were fully integrated into the Pentagon's war plans and, for the most part, were given the training and equipment necessary to carry out their new responsibilities. Beginning in 1973, the DOD no longer planned for separate active-duty and reserve components. Instead, it stipulated that a Total Force would be maintained at an appropriate level of readiness so that its reserve component could be mobilized quickly and effectively. In the context of the Cold War, the AVF was intended to be a deterrent force, albeit one that was prepared to address small-scale military contingencies. During the first, relatively short Gulf War, for example, the Army had to mobilize some National Guard combat brigades and some reserve combat support units to carry out its mission, although none of these units served more than six months on active duty.

While some analysts have argued that having to mobilize some reserve components (as part of what is mistakenly called the Abrams Doctrine) would weaken the president's ability to engage in a large or extended conflict, this potential outcome was not the major impetus for the creators

of the AVF or the Total Force. Moreover, once conscription was ended, men and women who joined the reserve component were also volunteers. Therefore, mobilizing the reserve has not had a significant impact on the willingness of Congress or the American people to raise the threshold for going to war, as was the case during Vietnam, when many men, including future leaders of the country, joined the reserves to avoid the draft.

Second, to prepare for a long war or an extended or major conflict, the country still required men to register with the Selective Service when they turned eighteen. Thus, if the Total Force could not handle a particular contingency by itself or without putting undue stress on the Total Force, the president and Congress could quickly activate the Selective Service. Put differently, in case of a significant conflict, the Guard and reserve would be a bridge to conscription. The reserve components would serve as pre-trained citizen-soldiers, to be mobilized in order to buy time while the conscripts who would join the other components of the Total Force on the battlefield were being trained. Thus, if the nation became involved in a war resembling Korea or Vietnam, which would require maintaining a significant number of troops on the ground for a prolonged period in a war or combat zone, the Selective Service would be engaged so that the active-duty volunteers would be able to spend at least two months at home for every month they spent in a combat zone (as was the case during the ten-year war in Vietnam). Moreover, the National Guard and reserve personnel would not have to be mobilized more than one year out of every six. Not only would this arrangement ease the strain on the troops, but it would prevent the ground forces from having to lower their standards to meet recruiting and retention goals in prolonged conflicts – a necessary step, given that

Americans tend to become impatient and less supportive when wars drag on.

The Joint Chiefs of Staff (JCS) made the point forcefully in 1981 when the Reagan administration was on the verge of reversing President Carter's action to reinstitute draft registration, which had been temporarily suspended between 1975 and 1980. In a memo to the secretary of defense, the JCS stated, "The AVF provides peacetime manpower." In their view, "Selective Service registration supports mobilization for war."⁸

Third, to allow the now more costly military personnel to focus on their core missions and competencies, the Pentagon would privatize, civilianize, or contract out as many support functions as possible. New recruits would no longer be required to perform such nonmilitary tasks as cooking and cleaning (KP, or "kitchen police," as it was then known). The use of civilians has been part of the American way of waging war since before the Civil War.⁹ However, the downsizing of the military, coupled with the increase in the number of U.S. missions and deployments in the wake of the Cold War resolution in Europe, has resulted in an unprecedented number of civilians supporting the active-duty military, including in the battle space.¹⁰

After 1973, if the Pentagon had a task to be performed, it would look first to private contractors, as long as doing so did not compromise national security. If the job was an inherently governmental function, the DOD would assign it to a civilian government employee. If it required a military person, the DOD would recruit a member of the reserve component. Using active-duty military personnel would be a last resort; indeed, recruiting and retaining AVF members were much more costly and difficult than outsourcing tasks to members of the private sector, civilians, or the reserve component.

After a bumpy start that led many civilian and military leaders to call for a return to the draft, the AVF came into its own in the mid-1980s. The force performed so well in the first Persian Gulf War in 1991 that many who had been skeptical about ending the draft became convinced that the AVF was the best model for the United States. Moreover, when the Cold War ended in Europe in the early 1990s, the military was able to reduce the size of the active force from 2.2 million to 1.3 million, or by 40 percent, and thus meet its recruitment and retention goals at a comparatively low cost during a period of low unemployment and an economic boom in the private sector. Between FY 1990 and FY 1999, the cost of maintaining military personnel declined by \$31 billion, or 26 percent, in real dollars.

The second reason for the reduction in active-duty forces was that, in order to compete in the marketplace for personnel, the military had to substantially raise basic pay, particularly for new recruits. From 1948 to 1973, when the draft was in existence, the Pentagon could pay those individuals it compelled to serve only subsistence wages. In FY 1968, the average pay of an individual on active duty was \$5,780. With 3.4 million people on active duty in that year (the peak year for the size of the force), the total cost of military personnel for military annual compensation (basic pay and benefits) was \$19.9 billion. By 1974, the number of people on active duty had been slashed to 2.2 million, a 35 percent reduction. Yet military personnel costs had gone up. By 1974, expenses had risen to \$24.2 billion, a 22 percent jump from 1968, and the personnel portion of the budget grew from 28 to 35 percent. The cost per individual had risen to \$10,895, a 90 percent increase compared with the days of the draft. The services could not simply raise the pay of new

service members to attract volunteers. To maintain pay equity and avoid pay compression among the ranks, basic pay was increased across the board.

However, the civilian leadership failed to use the period from the end of the Cold War to 9/11 to bring military pay and benefits under control. In fact, senior officials took steps or allowed policies to be adopted that made the force more expensive. One of the major military personnel expenses, the military retirement system, was designed in an era when active-duty pay was comparatively low, very few people served on active duty until retirement, and Social Security and Medicare did not exist. Nor was life expectancy very high. Until 1986, the system allowed a person who spent twenty years on active duty to receive an immediate annuity of 50 percent of his or her base pay, indexed to inflation, and free medical care (including for dependents) for life. A member who served for at least thirty years would receive 75 percent. Most military personnel did not serve long enough to earn retirement. In the 1980s and early 1990s, fewer than 10 percent of separations were retirements, with most people leaving because they had completed contractual periods of service, or for disciplinary, medical, or other reasons. However, in 1993, after twenty years of the AVF, the retirement figure reached 15 percent of separations, showing that while most people did not serve for a full career, the size of the career force had grown significantly. And with increased longevity, the people who served for a career were likely to draw retirement pay for more years than they served active duty. Enlisted personnel who joined at age eighteen could start drawing retirement pay at thirty-eight, while officers, who were likely to have been commissioned upon graduation from college at age twenty-two, could draw retired pay at age forty-two. Moreover, retirements are

not equally distributed among the services. The Marine Corps, which places a premium on youth, prefers the great majority of its personnel to serve for less than ten years. The Air Force, which invests heavily in technical training, seeks to retain personnel to realize a return on its investment. Between 20 percent and 30 percent of Air Force separations have been retirements since the 1980s, and fewer than 30 percent have been simply fulfillment of enlistment contracts.

Given that neither the Pentagon nor individual service members put money into a trust fund to pay for the cost of retirement, the DOD paid these benefits off the top of each year's budget. By the 1980s, the unfunded liability of the military retirement system had grown to almost \$1 trillion, while retirement funds for civilian federal employees and social security were running surpluses because workers had to contribute to these plans. To bring this situation under control, Congress directed the DOD to switch to an accrual system and reduce benefits after twenty years of service to 40 percent, for those joining the military after August 1, 1986.

However, in 1999, under pressure from lobbyists for military retirees, the DOD reversed the decision and went back to allowing those who completed twenty years once again to receive 50 percent. At about the same time, the DOD also permitted retirees and their dependents who turned 65 to retain their medical benefits even after they became eligible for Medicare. Finally, after 1995, the DOD and Congress stopped raising premiums for the military health care program, TRICARE,¹¹ and allowed individuals to pay \$19 a month, or \$38 for a family, a rate that is still in effect.

After the attacks of 9/11, the Bush administration made preventive war the cornerstone of its national security strat-

egy to win what it labeled the “war on terror.” It invaded Afghanistan in October 2001 and Iraq in March 2003. Although the administration declared the “mission accomplished” in both theaters in Spring 2003, it became clear that the United States would have to keep hundreds of thousands of troops on the ground in both countries for a significant period of time.

How would the military provide vast ground forces within the confines of the AVF? If the Joint Chiefs had followed the original blueprint for the AVF, they would have demanded that the secretary of defense and the president activate the Selective Service, which, by 2000, had on file some twenty million men between the ages of eighteen and twenty-four. But they lacked the political will to challenge their civilian superiors. Moreover, when General Eric Shinseki, the Army chief of staff, told Congress that the administration seriously underestimated the number of troops that would be needed to stabilize Iraq after the invasion, he was marginalized by his civilian superiors.

Similarly, the Bush administration’s national security team did not want to raise the issue of Selective Service with Congress and the American people for fear that they might ask more questions about the necessity and cost of regime change and nation-building in Iraq. And Congress did not want to broach the subject without support from the military or the administration.

Thus, the American military began to rely on the reserve forces to a degree not seen since World War II, but in this case without the support of conscription. It deployed both reserve and active forces more frequently, and for longer periods of time, than it knew was optimal for combat performance. It accepted more recruits at the lowest mental and moral standards deemed acceptable since the advent of the volunteer force.

The services also found that the racial and ethnic composition of the force was changing. Recruitment among African Americans, who had high propensities to serve and had been overrepresented in the volunteer force since its inception, declined. Recruitment among Hispanic Americans, who form the most rapidly growing sector of the population (but were not recognized as numerically important in 1973), increased. Women in the military, who are barred by law from assignment to small ground combat units, found that the nonlinear battle spaces of Iraq and Afghanistan placed them in combat: the highways on which they operated military vehicles became the most dangerous places to be; and they have accompanied infantry units conducting patrols in hostile territory because, unlike male soldiers, they can both search and interrogate Muslim women without offending the local population.

As a result of waging these two large ground wars, which required the deployment of about two hundred thousand troops to Iraq and Afghanistan on a continuous basis from 2003 to 2009, the civilian and military leaders overstretched and abused the active and reserve components of the AVF, particularly the ground forces. Not only did this overextension undermine the readiness of the Army and Marines, but it was a moral outrage perpetrated against the troops and their families.

To understand how much strain the failure to activate the Selective Service has put on the troops, consider the horrendous situation of the Army, which bore the brunt of the wars in Iraq and Afghanistan. The Army has reorganized so that the brigade combat team (BCT), rather than the division, has become its major maneuver unit in ground combat. A BCT consists of a combat arms brigade along with its artillery and support units and

Lawrence J. Korb & David R. Segal

contains about two thousand soldiers, with some variation based on the type of combat unit at its core. In Spring 2007, at the height of the so-called surge in Iraq, the Army had twenty of its forty-four combat brigades on the ground in either Iraq or Afghanistan.

Of these twenty brigades, nine were already on second tours, seven were serving a third tour, and two were on a fourth deployment of at least twelve months. Moreover, of the twenty-four brigades not deployed in Spring 2007, ten had already been deployed for two tours, and three had been deployed three times in the previous five years.¹²

Of the twenty brigades in Iraq or Afghanistan in Spring 2007, none had been back home for a full two years between deployments – the time period regarded as optimal for recovery from combat – and four had one year or less at home between combat tours. Of the twenty-four brigades not in theater, eleven had less than two years between deployments, and five had less than one year. Moreover, ten of the brigades had served longer than one year in theater. All told, by Spring 2007, forty-three of the Army's forty-four brigades had served at least one tour (see Table 2; only the brigade in Korea was not deployed to one of the combat zones).¹³

The reserve component, which includes the National Guard and the service or federal reserves, was also severely overstretched. Fifty-three percent of the Army's combat forces are in the National Guard¹⁴; by early 2007, about 600,000 reservists had been mobilized and about 420,000, or 80 percent of the Guard and reserve, had been deployed to Iraq or Afghanistan, with an average of eighteen months per mobilization. Of these service members, about 85,000, or 20 percent, had been deployed more than once. Every one of the Army National Guard's sixteen enhanced brigades had been de-

ployed overseas at least once, and two were deployed twice. Moreover, by the end of 2007, four more enhanced brigades were sent to Iraq even though none of them had been demobilized for less than three years.¹⁵ The members of the Guard had signed up to serve as part of a strategic reserve, training one weekend a month and two weeks each summer to maintain their skills. They expected to serve primarily if needed for domestic contingencies such as natural disasters. Like their colleagues in the federal reserves, they could also serve as a strategic reserve for the active component until the Selective Service could be activated, or they could serve short tours in peacekeeping operations in places like the Balkans, or in short conflicts, such as the first Gulf War. But now they had effectively become an operational expeditionary force.

This abuse of the Total Force's Army component had severe repercussions on the service, the effects of which can be grouped into four categories. First, in order to meet its recruiting goals, the Army had to raise its recruiting budget as well as the bonuses paid to new recruits. It also had to increase the proportion of personnel it recruited at the lowest acceptable mental and moral standards for incoming soldiers. In the early years of the volunteer force, recruits were drawn largely from the middle range of the socioeconomic structure. That is, the bottom quartile was underrepresented because its members disproportionately did not qualify for service based on educational, aptitude, or legal grounds, and the upper strata disproportionately elected not to serve.¹⁶ This pattern held throughout the remainder of the twentieth century,¹⁷ a period in which the services recruited above the minimum standards set by the DOD.

From FY 2005 through FY 2008, the Army did not achieve its goal of bringing

Table 2

Deployment History of Currently Deployed U.S. Army Combat Brigades, as of Spring 2007

Lawrence J. Korb & David R. Segal

Combat Brigades Serving 1st Tour	Combat Brigades Serving 2nd Tour	Combat Brigades Serving 3rd Tour	Combat Brigades Serving 4th Tour
1st Cavalry Division, 4th Brigade 2nd Infantry Division, 4th Brigade	1st Cavalry Division, 1st Brigade 1st Cavalry Division, 2nd Brigade 1st Cavalry Division, 3rd Brigade 1st Infantry Division, 2nd Brigade 1st Infantry Division, 4th Brigade 2nd Infantry Division, 2nd Brigade 2nd Infantry Division, 3rd Brigade 25th Infantry Division, 3rd Brigade 25th Infantry Division, 4th Brigade	3rd Infantry Division, 1st Brigade 3rd Infantry Division, 2nd Brigade 3rd Infantry Division, 3rd Brigade 82nd Airborne Division, 1st Brigade 82nd Airborne Division, 3rd Brigade 82nd Airborne Division, 4th Brigade 173rd Airborne Brigade Combat Team	10th Mountain Division, 2nd Brigade 82nd Airborne Division, 2nd Brigade

Source: Lawrence J. Korb, Peter Juul, Laura Conley, Myles Caggins, and Sean Duggan, "Building a Military for the 21st Century: New Realities, New Priorities" (Washington, D.C.: Center for American Progress, 2008).

in 90 percent Tier I recruits (those with high school diplomas and who scored at least average on the Armed Forces Qualification Test). In fact, in FY 2007, it did not even reach 80 percent.¹⁸ The percentage of high school graduates recruited by the Army dropped from 92 percent in FY 2004 to 87 percent in FY 2005, and this downward trend continued.¹⁹ The Army also reported a decline in recruits scoring high on its aptitude tests, from 72 percent in FY 2004 to 67 percent in FY 2005; at the same time, it accepted more recruits in the lowest acceptable mental category.

The Army compounded the problem by increasing the number of moral waivers that it issued. In FY 2004, about 12 percent of the recruits received waivers, including for criminal convictions and even felonies. In FY 2006, the Army approved waivers for 8,219 recruits; in FY 2007, the number rose to 10,258. Waivers for felony convictions for serious crimes, such as theft and assault, increased from 249 to 511.²⁰

By FY 2008, the number of waivers exceeded 25 percent. All told, the Army gave eighty thousand moral waivers in the FY 2005 to FY 2008 period. Even though it

lowered its standards and increased waivers, the Army had to increase its maximum enlistment bonus from \$6,000 in FY 2003 to \$40,000 by FY 2008.²¹ Recruit quality improved toward the end of the decade, as unemployment, particularly among young people, increased dramatically with the economic recession. As the economy improves, and as unemployment decreases, recruit quality may once again decline.

Second, to meet its retention goals, the Army increased promotion rates for officers and enlisted personnel as well as retention bonuses. By 2008, virtually all first lieutenants and captains not only were promoted to captain and major, respectively, but also were promoted early and with significant bonuses. Typically, only 75 percent of captains are promoted to major and 90 percent of first lieutenants to captain, but by 2008, close to 100 percent of captains and first lieutenants were promoted to major and captain, respectively. Thus, the Army lost a decision point that it had used to weed out low performers among junior officers. For most of the volunteer-force era, company officers (lieutenants and captains) competed for promotion. Some who would have preferred to remain in service were passed over for promotion and had to leave under an up-or-out management policy. With a 100 percent promotion rate, the criterion for retention became simply a desire to remain in service. Rates of promotion to lieutenant colonel and colonel increased as well. For majors promoted to lieutenant colonels, the rate jumped from 60 percent to 90 percent. For lieutenant colonels promoted to colonel, the rate rose from 40 to 60 percent.²²

Third, in 2007, to compensate for the failure to activate the draft, the Army and Marines increased their permanent end-strength by 92,500, or 15 percent. The Army also added another 22,000 on a temporary basis in 2009.

Fourth, repeated tours to combat zones without sufficient dwell time, or time between deployments, also took a toll on the individual men and women serving and their families. Close to five hundred thousand soldiers developed mental problems, and divorce and suicide rates skyrocketed.²³ For the first time since the advent of the AVF, the Army suicide rate surpassed that of the comparable civilian population. Prior to 2001, the military suicide rate rarely reached ten per one hundred thousand personnel. By 2009, a year in which more than three hundred soldiers took their own lives, the rate had doubled to more than twenty per one hundred thousand personnel.

Finally, beyond repercussions for the force, failure to activate the Selective Service substantially increased military manpower costs. Partly motivated by guilt over what they were doing to the troops, the administration and Congress gave military personnel raises larger than required by the Employment Cost Index, and neither branch wanted to raise TRICARE premiums. As a result, the DOD's budget for military personnel rose from \$77 billion in FY 2001 to almost \$160 billion by FY 2009, and health care costs jumped from \$19 billion to \$50 billion. These costs are projected to rise by at least 8 percent each year.

Both the secretary of defense and the chairman of the Joint Chiefs of Staff recognize that neither the Pentagon nor the country can afford these exploding personnel costs. The 2010 Quadrennial Defense Review Independent Panel, a board composed of military and civilian personnel experts and approved by the secretary of defense, recommended establishing a commission to evaluate these costs. But there is no need for elaborate study. To bring personnel costs under control, the following actions must be taken:

- First, require that military retirees who have access to health insurance through their job or the job of a family member use that system rather than TRICARE. Of about 4.5 million military retirees and their families, roughly three-quarters are estimated to have access to health insurance through civilian employers. However, half of them remain on TRICARE because of its dramatically lower cost. As private health insurance costs increase, this percentage is likely to go up as well.²⁴
- Second, apply a means test for deciding whether retirees and their family members older than sixty-five are eligible for TRICARE for life as opposed to sole reliance on Medicare.
- Third, raise TRICARE premiums from \$460 a year to \$1,000 for a military family, and then adjust that figure annually to reflect the rising costs of health care.
- Fourth, use military annual compensation (the combination of base pay, housing and subsistence allowances, and the tax advantage of the two), rather than just base pay, as a basis for deciding the size of the annual pay raise.
- Fifth, after the United States withdraws from Iraq and Afghanistan, reduce the size of the ground forces to pre-9/11 levels and commit to using the Selective Service if America is again required to engage in a large-scale and protracted war.

In the twentieth century, citizens of the United States believed that when America's army went to war, America went to war. Thus, when we engaged in significant conflicts, like the two World Wars, or even more limited conflicts like Korea and Vietnam, we drafted men to augment the standing force. But because our civilian and military leaders misled us about Vietnam, and because many of the politi-

cal elites – including the current and former vice presidents and the forty-second and forty-third presidents – avoided combat service, conscription was ended in 1973.

To ensure that America could go to war but would not take the decision to do so lightly, the creators of the AVF kept the Selective Service in place. In their view, draftees would augment the volunteers in the active and reserve component, who would handle small contingencies or the opening days of significant conflicts. Not only would activating the Selective Service compel citizen involvement in war making, but it would prevent the country from putting undue strain on volunteers.

Despite the fact that the George W. Bush administration deployed more than two hundred thousand people on a continuous basis in Iraq and Afghanistan, and although Congress approved these conflicts, our political and military leaders did not have the courage to activate the draft. Many of the volunteers in the active and reserve ground forces were abused, physically and psychologically, while Americans went shopping. The military and the nation will pay the costs of this moral failure for a long time. Let us hope that the next time we engage in large campaigns, political and military leaders will not again forget their obligations to the country and those who serve it.

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- ¹⁰ Deborah D. Avant, "From Mercenary to Citizen Armies: Explaining Change in the Practice of War," *International Organization* 54 (2000): 41–72.
- ¹¹ TRICARE is the current health care program of the DOD military health care system. It was formerly known as CHAMPUS (Civilian Health and Medical Program of the Uniformed Services), which was established in 1966 as part of the legislation that established Medicare.
- ¹² Lawrence J. Korb, Peter Rundlet, Max Bergmann, Sean Duggan, and Peter Juul, "Beyond the Call of Duty: Report Reviews Army's Overuse" (Washington, D.C.: Center for American Progress, 2007).
- ¹³ Lawrence J. Korb, Peter Juul, Laura Conley, Myles Caggins, and Sean Duggan, "Building a Military for the 21st Century: New Realities, New Priorities" (Washington, D.C.: Center for American Progress, 2008).
- ¹⁴ The National Guard consists of units that evolved from state militias and that therefore have responsibilities to state governments. Guardsmen in peacetime generally train for one weekend each month and two weeks during the summer and can be mobilized by the governors of their states in the event of natural disasters or civil unrest. They also are members of the armed forces mobilization base and can be activated and called to federal service by the president. Members of the federal reserve forces, by contrast, have no state responsibilities.

- ¹⁵ Lawrence J. Korb and Sean Duggan, "Caught Off Guard: The Link Between Our National Security and Our National Guard" (Washington, D.C.: Center for American Progress, 2007). *Lawrence J. Korb & David R. Segal*
- ¹⁶ Thomas J. Burns, David R. Segal, Michael P. Silver, William W. Falk, and Bam Dev Sharda, "The All-Volunteer Force in the 1970s," *Social Science Quarterly* 79 (1998): 390–411.
- ¹⁷ Jerald G. Bachman, David R. Segal, Peter Freedman-Doan, and Patrick O'Malley, "Who Chooses Military Service? Correlates of Propensity and Enlistment in the United States Armed Forces," *Military Psychology* 12 (1998): 1–30. Cf. Robert L. Goldich, "American Military Culture from Colony to Empire," in this issue. Drawing on data reported by the Heritage Foundation, which uses census tract data where available to estimate the socioeconomic status of volunteers, Goldich suggests that the highest strata of society are overrepresented in the American military. However, while census tracts exist for the most part in urban or high-population-density areas, the military recruits primarily in rural or low-density areas. Only six states and the District of Columbia are fully tracted. Existing tracts range from about 2,500 to 8,000 people, and while they are initially designed to be relatively homogeneous demographically, there is still considerable internal variance. Moreover, there has been great resistance to changing tract boundaries, which would eliminate the ability to make comparisons across decennial censuses. Thus, the homogeneity of tracts might well decrease with increasing population diversity.
- Methodologists refer to imputing geographical measures to estimate individual characteristics as the "ecological fallacy." The Heritage Foundation reports that recruits who cannot be located in a census tract are randomly assigned to one based on zip code data. Other survey-based research agrees that recruits from the bottom of the socioeconomic scale are underrepresented because of the military's education-based selectivity, but it disagrees with the interpretation at the top of the scale. Census-tract estimates of individual status require an assumption that recruits' income is at the mean for their tract or is randomly distributed around that mean. We find these assumptions problematic. See Shanea J. Watkins and James Sherk, *Who Serves in the U.S. Military? Demographic Characteristics of Enlisted Troops and Officers* (Washington, D.C.: Heritage Foundation Center for Data Analysis, August 21, 2008).
- ¹⁸ Korb, Juul, Conley, Caggins, and Duggan, "Building a Military for the 21st Century."
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Military Contractors & the American Way of War

Deborah D. Avant & Renée de Nevers

Abstract: Contractors are deeply intertwined with the American military and U.S. foreign policy. Over half of the personnel the United States has deployed in Iraq and Afghanistan since 2003 have been contractors. Their relationship with the U.S. government, the public, and domestic and international law differs from that of military personnel, and these differences pose both benefits and risks. America's use of private military and security companies (PMSCs) can provide or enhance forces for global governance. Yet PMSCs can also be used to pursue agendas that do not have the support of American, international, or local publics. Thus far, the use of PMSCs has proved a mixed bag in terms of effectiveness, accountability, and American values. Moving forward in a way that maximizes the benefits of contractors and minimizes their risks will require careful management of the uncomfortable trade-offs these forces present.

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More than one-half of the personnel the United States has deployed in Iraq and Afghanistan since 2003 have been contractors. Part of the global private military and security industry, contractors are deeply intertwined with the American military and U.S. foreign policy.¹ Whatever one chooses to call them – mercenaries, contractors, or private military and security companies (PMSCs) – they have a different relationship to the U.S. government, the American public, and domestic and international law than do military personnel. These differences pose both benefits and risks to the effectiveness, accountability, and values represented in American actions abroad.

In the best case, American use of PMSCs can provide or enhance forces for global governance. PMSCs can recruit from around the world to quickly mobilize expertise as needed. If their employees are instilled with professional values and skills and engaged in a way that is responsive to the demands of the U.S. public, the international community, and local concerns, these forces could contribute to

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managing a global demand for security that U.S. forces alone cannot meet. In the worst case, PMSCs can provide a means for pursuing agendas that do not have the support of American, international, or local publics. They may siphon off U.S. dollars for practices that are wasteful, are antithetical to U.S. interests, or undermine global stability. Thus far, the use of PMSCs has produced mixed results: it has increased effectiveness somewhat, but often at the expense of accountability and with dubious attention to the values the United States and the international community hold dear. Moving forward in a way that maximizes the benefits of contractors and minimizes their risks will require careful management of the uncomfortable trade-offs these forces pose.

The degree to which the United States relies on private security vendors has become clear during the hostilities in Iraq and Afghanistan, as contractors have provided logistical support for U.S. and coalition troops. Less well known is that as U.S. forces were stretched thin by the lawlessness resulting from the fall of Saddam Hussein in 2003, the first “surge” involved private personnel mobilized to protect expatriates working in the country and train the Iraqi police force and army; and a private Iraqi force was hired to guard government facilities and oil fields.² Retired military or police from all over the world, employed by a wide array of PMSCs, worked for the U.S. government (and others) throughout the country.

Although precise figures are difficult to determine, by 2008, the number of personnel in Iraq under contract with the U.S. government roughly equaled or was greater than the number of U.S. troops on the ground.³ In September 2009, two months prior to the Obama administra-

tion’s announcement of the troop surge in Afghanistan, contractors made up an estimated 62 percent of the U.S. presence in that country.⁴ The use of contractors in these conflicts represents a dramatic expansion in the U.S. military’s reliance on PMSCs. During the 1991 Gulf conflict, the ratio of troops to contractors was roughly ten to one; in 2007, the ratio of troops to contractors in Iraq was roughly one to one.⁵ In Afghanistan in 2010, there were roughly 1.43 contractors for every American soldier.⁶ The Commission on Wartime Contracting (CWC), established by Congress in 2008, estimates conservatively that at least \$177 billion has been obligated in contracts and grants to support U.S. operations in Afghanistan and Iraq since 2001.⁷

PMSCs offer a wide range of services, including tasks associated with military operations, policing, and the gray area between the two that is an increasingly large part of twenty-first-century conflict. Common services include support for weapons systems and equipment, military advice and training, logistical support, site security (armed and unarmed), crime prevention, police training, and intelligence.⁸ While some firms specialize in a specific area, others provide an array of services, and a few offer the entire range. The CWC divides the services provided by contractors into three categories: logistics, security, and reconstruction.⁹

Logistics services include the supply of food, laundry, fuel, and base facility construction. Kellogg Brown and Root (KBR) held the U.S. Army’s logistics civil augmentation contract (LOGCAP) in the early years of the Iraq and Afghanistan conflicts. In June 2007, the new contract (LOGCAP IV) was awarded to three companies: DynCorp International LLC, Fluor Intercontinental, Inc., and KBR. In

Iraq alone, the LOGCAP contract paid out \$22 billion between 2003 and 2007.¹⁰

Security services include guarding people, buildings, and convoys. Many security contractors are armed; in carrying out their duties, they routinely shoot and are shot at.¹¹ The Congressional Budget Office estimated that in 2008, 30,000 to 35,000 of the contractors working in Iraq were armed; in early 2010, private security contractors numbered roughly 11,000.¹² Blackwater (now Xe) employees, recruited to support both the military and the U.S. State Department, have received the most notoriety for their security work in Iraq and, more recently, in Afghanistan. Working under the State Department's Worldwide Personal Protective Services (WPPS) contract in Iraq, Blackwater personnel carried weapons, had their own helicopters, and defended against insurgents in ways hard to distinguish from military actions.¹³ They were later joined by newer companies such as Triple Canopy, Crescent Security Group, and Custer Battles.¹⁴

Reconstruction services incorporate everything from building physical infrastructure (for roads, communication, water, and power) to strengthening institutions (for example, by training government employees, including military, police, and justice personnel at the national, provincial, and local levels; supporting civil society groups; and promoting rule of law and democratization). A wide range of PMSCs, along with other contractors, have delivered these services. DynCorp, an old company with roots in technical support and an increasing presence in policing and police training, has trained Iraqi police, constructed police and prison facilities, and built capacity for a justice system.¹⁵ Three companies that provided training for the new Iraqi Army early in the conflict are Vinnell Corporation, a company with a long his-

tory of providing military training in Saudi Arabia; MPRI, a firm that gained prominence by training Croatian and then Bosnian troops in the 1990s; and USIS, which was established as the result of an Office of Management Personnel privatization effort in 1994.¹⁶ Parsons Corporation, another older firm with a long record in the building of infrastructure, has worked on many large infrastructure projects. Myriad others have delivered various capacity-building services.¹⁷

Though their use in Iraq and Afghanistan dominates the discussion of contractors in the U.S. context, PMSCs are important players in all aspects of the U.S. military and U.S. foreign policy.¹⁸ Contractors working for the Departments of Defense (DOD) and State contribute significantly to U.S. foreign policy projects aimed at enhancing development and security in a number of states; they also support U.S. troops and diplomats. Their tasks cover all three categories noted above. Consider, for instance, the contractor support for U.S. foreign assistance policies in Africa and Latin America.

In Africa, the United States has relied on the private sector to support missions such as military training and peacekeeping operations. These programs fall within AFRICOM, the U.S. military command for Africa established in 2007, and the State Department's Africa Peacekeeping program (AFRICAP), which is similar in structure to the army's LOGCAP contract. In 2008, AFRICAP's stated objectives were to enhance regional peace and stability in Africa through training programs in peacekeeping and conflict management and prevention for African armed forces, as well as through logistics and construction activities in support of peacekeeping and training missions.¹⁹ AFRICOM's stated purposes are "to build

strong military-to-military partnerships,” to help African countries better address the threats they face by improving African military capacity, and to bolster peace and security there.²⁰ Since its inception, AFRICOM has awarded contracts for training, air transport, information technology, and public diplomacy to companies such as DynCorp, which is training Liberia’s armed forces, and PAE, a company specializing in infrastructure, mission support, and disaster relief.²¹

U.S. foreign policy in Latin America, dominated since at least 2000 by anti-narcotics and counterterrorism efforts, also relies heavily on contractors.²² Plan Colombia, the central element of a counterdrug initiative focused on the Andean region, has sought to reduce drug production in Colombia and strengthen Colombian security forces to better secure the state against threats posed by terrorists, drug traffickers, and paramilitary groups. The program has failed to slow drug production there, but military and police training conducted by both U.S. troops and civilian contractors has led to security improvements.²³ Roughly half of the military aid to Colombia is spent on private contractors funded by the DOD and the State Department. Like Plan Colombia, the 2007 Mérida Initiative, a U.S.-Mexico assistance agreement, seeks to disrupt drug-trafficking activities by providing equipment and training to Mexican security forces.²⁴

PMSCs are incorporated in many countries and employ a mix of U.S. citizens, local citizens, and “third country nationals” (recruits from neither the United States nor the host state). That combination changes over time and from contingency to contingency. For example, an April 30, 2008, census by the U.S. Army Central Command found that the 190,200 contractors in Iraq includ-

ed about 20 percent (38,700) U.S. citizens, 37 percent (70,500) Iraqis, and 43 percent (81,006) third country nationals.²⁵ In March 2010, the total number of contractors had dropped to 95,461, 26 percent of which were U.S. citizens, 56 percent third country nationals, and 18 percent Iraqis.²⁶ The number of locals working as private security contractors (as opposed to logistics or reconstruction contractors) in Iraq has been relatively low: about 10 percent of private security contractors in 2010 were Iraqi. In Afghanistan, the DOD has relied more heavily on locals. The total number of contractors in March 2010 was 112,092, 14 percent of which were U.S. citizens, 16 percent third country nationals, and 70 percent Afghans. Also, the numbers of locals who work in private security are higher than those who provide other services. About 93 percent of the private security contractors in 2010 were Afghans.²⁷

When the United States hires PMSCs to train militaries abroad, the contractor may take a small team of U.S. personnel (as MPRI did in Croatia), or it may recruit an international team (as DynCorp did in Liberia). Companies providing logistics support abroad often rely on locals or third country nationals to cut costs. Hiring locals or third country nationals can also avoid a variety of political restrictions and diminish visibility when the United States is undertaking more controversial missions. For instance, Congress restricted the number of American contractors the United States could use under Plan Colombia to three hundred (raised to four hundred in 2001); PMSCs bypassed this restriction by hiring personnel from Peru, Guatemala, and other Latin American countries.²⁸

In addition to nationality, personnel hired by PMSCs vary in their employment backgrounds. PMSCs that offer

military training primarily hire former military officers. Those that offer armed security services hire a broader range of military veterans. Those that offer police training often hire former police officers. As the number of companies and the range of services they offer have expanded to meet market demand, companies have hired employees with more diverse experience.

Contracting for military and security services has raised questions about the effectiveness of using force, political accountability for the use of force, and the social values to which force adheres. Some concerns vary according to which service is provided, while others apply more generally across different tasks.

Military *effectiveness* rests on a range of components, including skill of personnel, quality of materiel, and military responsiveness to contextual or external constraints. A critical component noted in recent research is integration: that is, the degree to which military plans follow from overarching state goals and to which activities are internally consistent and mutually reinforcing.²⁹

Contracting can influence both the military's effectiveness and its broader mission. For example, when U.S. goals change, as they did after the Cold War's end, contracting enhances the military's ability to integrate forces with (new) political goals. Speed and flexibility are the hallmark benefits of contracting, and contractors can quickly provide tools or skills for new missions that regular military forces may lack – or cannot identify rapidly within their ranks. Using a contract with MPRI, for instance, the Africa Crisis Response Initiative (ACRI) military training courses for French-speaking African countries were staffed with employees who spoke French. The U.S. military was also able to mobi-

lize civilian police forces, first for Haiti in 1994, and then for contingencies in the Balkans, via contracts with DynCorp.

Different concerns regarding effectiveness emerge with contracting for logistics, security, and reconstruction services. Logistics services are fundamental to the military's ability to operate. Without personnel to provide logistics services, the U.S. military simply cannot go to war. Contracting for logistics also requires strong oversight. Early in the Iraq conflict, serious concerns were raised about adequate staffing for logistics contracts. General Charles S. Mahan, Jr., then the Army's top logistics officer, complained of troops receiving inadequate support because of problems deploying contractors.³⁰ After the Coalition Provisional Authority appointed him the new Head of Contracting Authority in February 2004, Brigadier General Stephen Seay hired more acquisition staff, enabling overburdened contracting officers to do their jobs more effectively.³¹ More recently, military personnel have expressed general satisfaction with the quality of logistics services.³² Many worries over logistics contracting in Iraq and Afghanistan have focused on lack of oversight (particularly inadequate numbers of contract officers), along with waste and fraud.³³ But logistics contracts require fewer skills specific to military personnel, and logistics contractors do not need to work as closely with military personnel on the ground as do security and reconstruction contractors.

The activities of contractors who provide security services are most similar to those performed by soldiers. Many are armed and, in carrying out their duties, pose deadly risks to those working around them. Periodic tensions between contractors and regular forces – aggravated by disparities in pay and responsibilities – have raised the issue

of whether these two types of forces can work together effectively. A recent survey of DOD personnel and their perceptions of private security contractors suggests that combining these forces in conflict zones is problematic. Lower-ranking and younger personnel in particular claim that pay disparities between military personnel and contractors are detrimental to the morale of their units in Iraq.³⁴ However, many security services tasks do not require close interaction with military personnel. Roughly one-third of military personnel surveyed in Iraq, for example, had no firsthand experience with private security contractors.³⁵ These tasks are also frequently less crucial to the performance of military units than are logistics services.

Nonetheless, the behavior of contracted security personnel matters to the overall U.S. mission. The hazards of questionable behavior were demonstrated most vividly in the September 2007 Blackwater shoot-out in Nisoor Square. Both Iraqis and Americans, however, had consistently reported this type of behavior long before that dramatic incident. Private forces have tended to focus on the strict terms of their contracts (protecting particular people or facilities) rather than on the overarching goals of the United States (effectively countering the insurgency). Some of the tactics developed to protect clients, such as driving fast through intersections and rapid resort to force, alienated the local population in ways that undermined the broader counterinsurgency strategy. Similar problems persist in Afghanistan. Among military personnel who had experience with security contractors, approximately 20 percent reported firsthand knowledge of PMSC failure to coordinate with military forces “sometimes”; another 15 percent of this population witnessed such coordination problems “often.”³⁶

In today’s conflicts, reconstruction tasks – particularly training – are often more crucial for achieving the goals of the war effort than either logistics or security services. Often, reconstruction tasks must be coordinated so that police training and justice reform, for instance, complement one another, and so that civilian leaders understand the military they are expected to oversee. Contractors who provide reconstruction services must not only deliver quality work but coordinate that delivery with other contractors, the U.S. military, and other government agencies. Thus, these services are among the most crucial for U.S. goals *and* the most challenging to coordinate. Moreover, concerns have been raised about the military’s ability to ensure that these tasks are carried out effectively when they have been outsourced. Notably, DynCorp’s training of the Afghan National Police and Army is widely regarded as a failure, but the DOD has been unable to move the training contract to a different company because of DynCorp’s legal protest regarding contract competition.³⁷ Yet these jobs are less important to the functioning of military units than logistics support, and they pose less deadly risk than security operations do. Problems with integration of activities – or unity of effort – were among the most significant challenges to reconstruction, as noted by the CWC’s 2009 interim report.³⁸

Thus, the overall picture of how contractors shape effectiveness is complicated. Clearly, contractors can quickly deploy skilled personnel, and the majority of contractors are good at what they do. But the United States does not have the capacity to oversee these contracts successfully, and this failure has led to waste, fraud, and particularly with regard to security contracts, abuse. Furthermore, the level of integration needed for

the most effective delivery of services has lagged in Iraq and Afghanistan.

How does contracting for military and security services affect the United States' capacity to take political *accountability* for forces? Mobilization via contract operates differently than military enlistment, with consequences for the relationship between the force and civilians – the political elite and the public included. The U.S. experience in Iraq suggests that forces raised via contract operate much more opaquely than military forces. Largely because of this reduced transparency, Congress has struggled to exercise constitutional authorization and oversight. Furthermore, the public has less information about the deployment of contractors. Though evidence suggests that the public is just as concerned about the deaths of contractors as it is about military deaths, statistics on the former are much less likely to be known.³⁹

Using contractors speeds policy response but limits input into the policy process. As the insurgency grew in Iraq, for example, the United States mobilized 150,000 to 170,000 private forces to support the mission there, all with little or no congressional or public knowledge – let alone consent. President Bush was not required to appeal to Congress or the public for these additional forces, which doubled the U.S. presence in Iraq. As evidence from the reaction to the request for a mere twenty thousand troops for the 2007 surge suggests, the president may well not have been allowed to deploy additional personnel if he had been required to obtain permission. Because the use of PMSCs garners little attention, their employment reduces public arousal, debate, commitment, and response to the use of force.

How contracted forces relate to civilian leaders is an important question. Some

claim contracted forces can be more responsive (given the potential for losing their contracts) than the military bureaucracy. Flexibility in how contracts are written can accelerate mobilization in ways that military organizations often cannot deliver. Certainly, contractors are designed to deliver whatever the client wants. They are thus much less prone to standard operating procedures or organizational bias that can inhibit responsiveness in military organizations.

Not at all apparent, however, is the U.S. government's capacity to oversee contracts in a manner sufficient to generate responsiveness. Even as DOD contract transactions *increased* by 328 percent between 2000 and 2009, the staff responsible for reviewing contractor purchasing at the Defense Contract Management Agency *declined* from seventy in 2002 to fourteen in 2009.⁴⁰ Contracting in individual service branches faced similar problems. The dearth of contract officers makes it difficult to effectively oversee contracts at home, but concerns about adequate oversight are even more pressing when PMSCs are operating abroad. The relevant contracting officer is often not even in theater. Inadequate contract staffing and oversight have been important complaints in both Iraq and Afghanistan and have been tied to numerous problems – from poor performance to waste, fraud, and abuse. Though the risks of poor oversight vary according to task, difficulties in overseeing contractors have been common to all three areas of contract services. The challenge of overseeing expeditionary operations may undermine companies' responsiveness to contractual obligations.

Overall, then, the use of contractors has skirted accountability, making half of U.S. mobilization largely invisible to Congress and the public; as a result, it has masked the number of conflict-relat-

ed casualties.⁴¹ Though one could argue that contractors are more responsive to political leaders, this likelihood can only be the case once political leaders know what contractors are doing – and evidence shows that this has not been the case in Iraq and Afghanistan.

A final point of evaluation is to look at whether contractors allow the exercise of force in a way that is consistent with the larger *values*, culture, and expectations of the society they represent. Over the course of the Cold War and in its aftermath, military professionalism within advanced industrial states increasingly enshrined principles drawn from theories of democracy (civilian control of the military and abidance by the rule of law), liberalism (respect for human rights), and the laws of war.⁴² Though marginal differences exist, the values that govern U.S. military personnel are largely shared with their Western partners. The ease of mobilization that contracting offers is viewed by some as consistent with the United States' evolving concerns with global security and global governance. But in practice, the use of PMSCs has not fit well within the normative and legal frameworks that underpin global security.

Two factors strain the impact of contracting on the values represented by military forces. First, precisely which professional norms inform the PMSC industry remains unclear. Americans employed by PMSCs have a range of military and law enforcement backgrounds – some distinguished and others less so. However, the industry increasingly recruits from a global market. As recruiting and subcontracting have become more transnational, personnel are from countries as diverse as the United Kingdom, Nepal, Fiji, South Africa, El Salvador, Colombia, and India. These geographic differences

bring an even more diverse array of professional norms. Concerns about lax industry vetting of employees have raised the question of whether PMSCs are increasingly hiring employees with less distinguished service records.⁴³ Finally, many PMSCs also hire local personnel. In addition to lower costs, these forces bring many benefits: local knowledge and ties that can aid companies' effectiveness. However, they also bring local values that may not be consistent with democracy, liberalism, or the laws of war. For instance, evidence suggests that local companies hired by the United States to provide convoy security in Afghanistan funneled money to Taliban forces or were otherwise engaged in corrupt practices that promise to undermine U.S. goals and the values it seeks to support in Afghanistan.⁴⁴

Even if all contractors were well-socialized military or police professionals, they nonetheless operate in a different environment – vis-à-vis both the law and command and control – than troops do. Commanders are less likely to notice or to punish offenses committed by contractors than offenses committed by troops. Over time, a lack of punishment can be expected to lead to more lax behavior; indeed, many have claimed that this outcome is the case in Iraq and Afghanistan. Though reliable, systematic evidence is not yet available, a wealth of anecdotal evidence lends credibility to this conclusion.⁴⁵ Military officers have expressed their concern that the “culture of impunity” surrounding PMSCs has become a real problem.⁴⁶

The increasing U.S. reliance on contractors suggests that national military forces are unsuited to meet the foreign policy goals that U.S. leaders consider vital to national security. It may also reflect the degree to which leaders believe

public support does not exist for the kind of foreign policy they deem necessary. The fact that leaders can turn to contractors has allowed them to pursue their goals nonetheless.

While potentially beneficial to effectiveness, the availability of contractors has also permitted leaders to avoid reconciling foreign policy with national values and institutions. Enhancing effectiveness in this way has undermined the accountability of U.S. forces. Even as the United States works to make the use of contractors more efficient and effective, part of the attraction is that private forces are accountable to leaders, not publics or their representatives, thereby allowing elected representatives to pursue a global mission without first convincing the electorate to make the sacrifices required.

Efforts to make contractors more broadly accountable, though, can undermine the flexibility that makes them effective. For instance, spelling out more clearly in each contract the limits of action can address congressional concerns and enhance accountability, but it diminishes the flexibility that PMSC personnel can deliver on the ground. Furthermore, contractors are even more important to the State Department than they are to the DOD. Attempts to rein in contractor numbers, then, would further fuel questions about the appropriate balance between civilian and military activities in U.S. foreign policy initiatives. Although interagency efforts have sought to ensure that U.S. assistance in Africa, for example, extends beyond military training, the budgetary and personnel imbalance between the DOD and the State Department makes such a realignment of programs unlikely to occur in the near future.⁴⁷

Finally, efforts to implement professional and legal standards for contractors

promise to improve behavior but may also limit reliance on local residents in a way that could increase costs and inhibit the input of local knowledge. To the extent that U.S. standards are perceived as national rather than global, they may omit a large portion of the global industry. The effort now under way to coordinate regulatory and legal mechanisms and create global standards of behavior for personnel and companies in the PMSC industry is a promising development, but its implementation will require a good deal of cooperation between the United States, other governments, NGOs, journalists, industry groups, and additional stakeholders.⁴⁸

Reliance on contractors has generated tensions between the effectiveness of forces, their accountability, and the degree to which they represent U.S. values. These tensions, though not insurmountable, are not easily resolved. They require persistent management by U.S. leaders in cooperation not only with the American public but also with other governments and the variety of additional stakeholders that have an interest in how contractors behave. Thus, while contracting is likely to remain, it is also likely to continue to generate unease in U.S. foreign policy.

ENDNOTES

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Filming War

Jay M. Winter

Abstract: In the century since the outbreak of war in 1914, film directors have alternated between two approaches to filming war: the spectacular approach, aiming at a kind of realism, and indirection, drawing away from realism. The balance between these choices varies over three periods. The first is the era of silent films from 1914 to roughly 1930, including the overflow of silence into the first talkies. Silent films used indirection out of necessity, though the search for the spectacular was evident as well. The second is the era of World War II and after, extending roughly to 1970, when spectacular techniques brought a kind of realism to the cinematic representation of the “good war.” The third is the era of asymmetrical wars, since 1970, when many films used indirection at times more than spectacle to capture the moral ambiguity of warfare, and when the Holocaust entered the cinematic narrative of World War II.

The portrayal of military conflict in film is a mainstay of the industry. Box office considerations are never absent in the framing and gestation of commercial film, and the perennial popularity of films about combat – terrestrial or extraterrestrial – requires us to take measure of their power to represent war and men at war.

The film industry came of age as a centerpiece of mass entertainment at precisely the moment industrialized war arrived in 1914. That first world war helped globalize American film, which saw exponential growth at the same time the U.S. position in the war remained neutral.¹ Many national industries flourished in the interwar years and after. It is impossible, however, to treat film in strictly national terms because the upheavals of the 1930s produced a massive hemorrhage of talent from continental Europe to London and Hollywood, among other destinations. European filmmakers such as Fritz Lang, Ernst Lubitsch, and Billy Wilder brought their art with them, and braided it together with American approaches to the medium. In this essay, I examine representations of war from a transnational perspective, but all the while recognizing the significance of nation-

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al institutions and codes, many of which are explicitly political in character.

In this effort, I identify roughly three periods in the cinematic history of war. The first is the silent epoch, from about 1900 to 1930. I extend this first period beyond 1926, when sound was initially introduced, because many directors schooled in silent film imported silence into the talkies. They framed sound by its absence, and did so in dramatically important ways. Consider the famous scene in Fritz Lang's classic film *M* (1931), in which a child murderer, played by Peter Lorre, faces a kangaroo court made up of hundreds of Berlin criminals. The faces of those criminals are scanned in a forty-five-second tracking shot that seems to last for hours. Silence did not disappear with the talkies; it entered into and inflected the medium in a host of ways, even years after the introduction of sound.

We frequently lose sight of the advantages to be had from silence. Suggestion is more hypnotic than instruction. When the great radio personality Alistair Cooke was asked, after forty years of presenting *Letter from America* on BBC radio every Sunday morning, why he did not work in television, his answer was revealing. Radio, he said, had better pictures. And silent film, I believe, delivered better sound, by drawing on viewers' pulse and heartbeat and internal voices. It is best to treat silent film not as a simple precursor of the talkies, but as a powerful art form in its own right, one that launched the cinematic history of war.²

The second phase takes place in the lead-up to World War II and its aftermath, from 1933 to 1970. I include pre-1939 films because the fear of the return of total war is evident in 1930s cinema. War was both unthinkable and just around the corner. Images of war in the 1930s were seen by audiences that included millions of veterans, many of whom

would take up arms again: first in Manchuria, then in Ethiopia, next in Spain, and finally throughout Europe. European filmmakers who later fled the Continent, such as Jean Renoir, did some of their greatest work in the later 1930s. This period also saw the production of some of the few pacifist classics in the history of the medium.

I have somewhat arbitrarily chosen 1970 as the end of this second phase of the cinematic history of war, but I base my decision on two interlaced developments. First, the Holocaust assumed a central place in the history of World War II and, increasingly, became a subject of powerful cinematic treatment in and of itself. Second, the Vietnam moment arrived, both repeating many of the heroic stereotypes of the World War II era, and to a degree, subverting them. Films of Vietnam drew on World War II tropes but went beyond them, too. Defeat mattered, yet so did dissent and disaffection, muting the unflinchingly patriotic posture of early Vietnam films, such as *The Green Berets* (1968), and producing in the next, third period of war films much darker and more ambiguous treatments of the conflict: for example, *The Deer Hunter* (1978), *Apocalypse Now* (1979), and *Full Metal Jacket* (1987). For these reasons, it makes sense to separate war films made between 1933 and 1970 from silent films before and from the films of asymmetrical war that came after.

The third phase of representations of war in film covers the period from the 1970s to our own times, when changes in the face of war itself inflect the face of war in film. Historian Charles Maier has described the end of the age of territoriality,³ which forces us to see war not in national terms alone, but in subnational and transnational terms as well. War is no longer primarily a classic military encounter between nation-states and

Jay M.
Winter

armies, but rather a messy and chaotic array of violent clashes between national troops, say, American forces in Somalia, Iraq, or Afghanistan, and a wide variety of insurrectionary groups – not nations. Since the 1970s, war has often meant “dirty wars” waged by military elites against their own people, including in Central America, South America, Africa, and the Middle East. Not surprisingly, film has followed the tides of war into these destinations, too.

Asymmetrical war also means civilian casualties on a scale, and as a proportion of all losses, greater than ever before. This distinction matters in the history of film because the shadow of the Holocaust is also cast on the victims of wars remote from those of Nazi-occupied Europe. War as horror is not new, but the horror is no longer limited to the battlefields: it is present in cities, in the countryside, indeed, everywhere. One reason the Holocaust has become metonymical, standing for victims of war and violence elsewhere, is that no one of Jewish origin was safe anywhere within the Nazis’ reach. Wars of extermination are wars without limits; for that reason, among others, the war against the Jews was a transformational event.

In each of these three phases of war-film history, filmmakers have operated in one of two registers: *spectacle* or *indirection*. Film has always flourished in the atmosphere of the spectacular drama of war.⁴ But the power to convey the spectacle was limited in the first phase by the absence of sound, and in the third phase by the absence of moral transparency between “good” and “evil.” World War II was the cinematic “good war” par excellence in that its power to simplify and dramatize latched on to a cause that was clearly intelligible in precisely those terms: the war of good against evil. In the evolution of that moral calculus, the Ho-

locaust became more and more important as time went on. Here, the cinematic tools of indirection were necessary because the problem of representing the Holocaust defies direct solutions.

The third, post-1970 generation of war films did not leave World War II behind, but instead oscillated between morally simplifying war and recognizing its horrors and moral predicaments. These films are one important source of the moral ambiguity with which the public has come to view war in the last few decades. As war has changed, it has been increasingly difficult to construct moral certainties about its meaning. Yet films that show the ugliness of war in recent years stop short of pacifism. They suggest not that war is always immoral, but rather that it is out of control and leaves men broken in its wake, whatever the outcome. If these films have anything positive to say, it is to visualize the camaraderie, courage, and sacrifice of war, affirming its power to bring out both the best and the worst in ordinary people. Over the course of a century, war films have developed from studies of conflict to studies of combatants, their loves, their hatreds, their inner lives.

Within this chronological framework, I note what may be termed a pendulum theory in the choices directors of war films make. Early filmmakers’ first forays were not realistic; they were indirect, allusive, suggestive, performative. They had to be so, because the roar of war – the sound of battle and of artillery and of airpower – was not reproducible. The films’ technological weakness was their strength. They gestured toward images of battles rather than pretending to show war “as it really was.” No one could, and no one can, do that.

In the second generation of war films, the quest for “realism” dominated. Over and over, audiences saw combat, sacri-

fice, and killing and were led by filmmakers to believe they “were there,” on Guadalcanal, in Iwo Jima, on Bataan. Technical effects and massive injections of cash produced this mighty canvas of war, but however hard they tried, filmmakers could as little show the face of war realistically as they could show the dark side of the moon. In the World War II period, the pendulum swung too far toward what was taken to be verisimilitude.

That urge to show the “real face of war” is still apparent, but it exists alongside another powerful impulse, one that moves away from realism and toward suggestions of the unrepresentability of war. In part, the emergence of this new element reflects the literariness of cinematic culture. War literature, from Ernest Hemingway’s *A Farewell to Arms*, to e. e. cummings’s *The Enormous Room*, to Joseph Heller’s *Catch 22*, has made the madness of war part of our cultural landscape. The literary witnessing of the victims of the Holocaust, from Anne Frank, to Primo Levi, to Elie Wiesel, has brought that madness into an even more haunting register that is increasingly at the heart of World War II narratives. But the change in representations of war is also a consequence of the change in war itself: its civilianization, its transformation into the asymmetrical struggle between men in uniform and ordinary people, brutalized, mutilated, killed by the millions since the 1970s. In this period of new forms of warfare, war films introduce us to different kinds of landscapes of violence, doing so in new, and indirect, ways. There is very little in the pre-1970 period to match the hallucinatory effects of the Israeli film *Waltz with Bashir* (2008), a cartoon exploration of shell shock. Innovative approaches have the power to move beyond realism to explore the face of war – at a tangent, at an angle, indirectly, and with great power. And that face is of a soldier, not of war.

War stories were at the core of D. W. Griffith’s *The Birth of a Nation* (1915), which wandered through the Civil War and Reconstruction with a romantic brush, memorably presenting heroism in battle, the assassination of President Lincoln, and the “chivalry” of the Ku Klux Klan. From that time on, silent filmmakers turned to the 1914 to 1918 conflict, which formed the perfect setting for adventure stories, melodramas, love stories, and the like. Whenever a director needed a handy separation or tearful reunion, the war could provide it; if the virtues of heroism or loyalty were to be the vehicle for the celluloid star of the moment, why not use the war? But aside from good box office entertainment, cinema contributed to popular narratives of the war by locating it within identifiable and mundane themes, thereby humanizing it. By suggesting the monumental scale of the conflict, in a way prose rarely could do, cinema mythologized the war as a vast earthquake against the backdrop of which the petty conflicts and hopes of ordinary mortals were played out. John Dos Passos’s novel *1919* (1932) used collage and indirect narration to paint his vast canvas; film could do the same, and in an instant. And while Dos Passos’s novels reached a literary public, film reached a much larger audience.

If, as historian Paul Fussell famously showed, war novels stood on the knife-edge between realistic and ironic modes of narrative, war films oscillated between the realistic and the epic, or what I call the *cinema of indirection* and the *cinema of spectacle*.⁵ Yet the realistic genre was per force indirect because sound was absent, and silence was either preserved or replaced by impromptu or arranged piano or organ music. Audiences brought their own sound effects with them, and thereby were drawn into the story in even more compelling ways. Consider the contrast

Jay M.
Winter

after 1926, when the score, inscribed on a sound track, told us (and still tells us) how to react to what we see. With sound came emotional *dirigisme*, a kind of authorial instruction that we should feel suspense later, relief later still, and resolution at last.

In 1916, the British government produced a film entitled *The Battle of the Somme*, which was distributed and shown while soldiers were still engaged in this staggering six-month operation. Perhaps two million people saw it in six weeks, the equivalent of fifteen to twenty million Americans today going to the same film at roughly the same time. At the center of the film was an entirely false reconstruction of what it meant to “go over the top.” A line of soldiers in a trench crawl up to its lip, then stand and proceed through smoke and fire to engage the enemy. One man is “hit” and slides down the trench. Entirely silent, without any musical accompaniment, the scene had a staggering effect on the audience, many of whom had relatives serving in the war at that very moment. Women fainted; others cried out and had to be escorted from the cinema. Silence provided the visceral punch.⁶

Sound films framed audience reactions in ways that tended to reduce their own affective choices to the ones the cineaste or his composer provided. Silent films were more open-ended emotionally, and hence potentially more powerful. Yet whatever the sound or silence accompanying the scene, those screen images carried a kind of authenticity, a surface realism, with them. They appeared to be about real people: a real man hit on the lip of a trench, who could have been the husband, brother, or son of someone in the audience. The power of film to lie about war was revealed at its inception, though the power of sound expanded this field of invention in significant ways.

Indeed, the introduction of sound effects enabled viewers to believe that they could actually imagine war. What is thinkable is what is doable, and one ramification of the introduction of the talkies was that war films helped domesticate a set of violent events that, at their core, resist accurate representation. To be sure, all films misrepresent war; but talkies do so with gusto and with even more powerful effect.

Part of the reason for the unrepresentability of war in all film is its chaotic character. Battle has no vanishing point, no center of gravity, and the rubble of destruction accompanying industrialized warfare in 2011 – just as in 1916 – makes it difficult to see what is happening and why. Films have a proscenium arch, just like the theaters and music halls out of which they were born; they frame action and draw our eyes to some central point of action. Yet the oddness of war, the weird, uncanny sights it presents to soldiers, is frequently beyond even today’s special effects.

If the physical landscape of battle is almost always trivialized or reduced to mundane proportions, the emotional landscape of battle also eludes cinematic portrayal. We cannot capture the smell of cordite or decaying bodies, or the stench of the detritus war brings in its wake. Fear can be suggested but never tasted in film, and without that dimension, cinematic representations of war always remain stylized or worse. Thus, both the material and this affective framing of war in film tend to reduce it to formulae or clichés.

Silence had another major advantage in the early interwar years. Silent film, which can be defined as a set of cinematic nonspeech acts,⁷ framed the mourning process in ways rarely, if ever, matched by talkies. Music and banal dialogue frequently turn filmic treatments of this theme into kitsch and worse. By saying

less, and leaving viewers to create the words and voices in their own minds, silent film had the power to portray the predicament of men and women alive in the aftermath of wars that took life, and not by the scores but by the millions.

Spiritualism had wide appeal in America both before and after World War I, and it gave a mournful character to many war films. When viewers reached the end of Lewis Milestone's *All Quiet on the Western Front* (1930), they encountered the faces of the dead looking back at them before they marched off to eternity. This was, in a sense, a very American film, spoken with American accents and without inflection. Five years earlier, King Vidor's *The Big Parade* had also offered a downbeat version of war, including the hero's loss of a leg in combat and his rejection by his prewar sweetheart. His French *petite amie* managed to come to the rescue afterward. *The Big Parade* was the biggest box office hit of the silent era.⁸

In the 1930s, a number of talking films presented the dread of war to a public more and more concerned with the menace of a new war. Frank Borzage's 1932 film *A Farewell to Arms* was downbeat, as was Sidney Franklin's *The Dark Angel* (1935). More elegiac, but marked by a sense of the futility of war was Jean Renoir's masterpiece *La Grande Illusion* (1937). Sympathetic to German soldiers, filled with the fierce and defiant patriotism of French prisoners of war, Renoir's film humanized not war but the men trapped in it. I am not alone in considering it in a class of its own as a war film. It said so much about war without showing a single battle scene. That is indirection as cinematic genius.

It is indeed arbitrary to choose to bracket films about World War II in the period from 1940 to 1970, and to claim that most of them adopted a realist's pose in pre-

senting war to cinematic audiences. World War II films were certainly produced long after 1970,⁹ and I return to this matter below. In addition, there were nonrealistic, indirect, and unusual war films in this era. One such film, René Clément's *Jeux interdits* (*Forbidden Games*) from 1952, directs our attention away from the battlefield of 1940 and to the ways two children, aged four and seven, deal with war and death in the French countryside. Another is the Japanese masterpiece *Biruma no tategoto* (*The Burmese Harp*), first released in 1956 in black and white and re-released in color in 1985. Kon Ichikawa's tale concerns a Japanese soldier who, at the end of the war, is sent by his Allied captors to persuade his comrades not to fight on after the Armistice. He fails in his mission and is nearly killed. In his effort to rejoin his comrades, he traverses old sites of combat and is horrified by the hundreds of unburied Japanese corpses he sees. He decides to put on the robes of a Buddhist monk and stays to tend the graves of his fellow soldiers. His lonely vigil transforms the landscape of war into an eternal landscape of mourning.

Stanley Kubrick's *Paths of Glory* (1957) is a devastating portrait of evil or incompetent commanders saving their careers by executing soldiers for cowardice in World War I. Charged with failing to succeed in a senseless and impossible operation, the three men shot are chosen at random; none was a coward. What constitutes courage or cowardice had already made American cinematic history in Borzage's *A Farewell to Arms*, starring Helen Hayes and Gary Cooper. Cooper, who plays an American volunteer ambulance driver in Italy in 1917, deserts from the chaos of the Italian defeat at Caporetto to find his lover, a British nurse. They are reunited, but Hayes's character dies in childbirth. Indirection, indeed, plays

Jay M.
Winter

out in the story of loss of life in wartime. The film was remade in 1957 by Charles Vidor.

While death is ever-present in most films set in World War II, it is not the central element in this body of work. As historian John Bodnar has recently shown, the movie industry presented many different facets of World War II, but the primary focus was internal, in the sense that what mattered was what Americans had done in the war “and what type of people they were.” This guiding theme left room for both national celebration and meditation on the rocky road many veterans faced in returning to civilian life.¹⁰ Here, we see an important transition in film from a focus on war to a focus on men at war. Once again, this is a matter of emphasis, not precision, but it may be useful to bear in mind nonetheless.

However nuanced their positive view of World War II as “a good war,” most filmmakers aimed at a kind of verisimilitude that made audiences believe they could actually know “what it had really been like.” The most spectacular instance of this approach is *The Longest Day* (1962), directed by Ken Annakin and Andrew Martin. Filming in black and white to highlight the film’s “authenticity,” producer Darryl Zanuck managed to acquire substantial support and military hardware from Britain and France as well as from American authorities. Cameo performances by an array of stars helped make this film the biggest box office success before Steven Spielberg’s *Schindler’s List* (1993), a classic of the third generation of war films (which I discuss below). Similarly admiring of the swagger of military masculinity and the American way of waging war was George C. Scott’s portrayal of Patton in Franklin Schaffner’s eponymous film of 1970. Bringing viewers onto the battlefield meant bringing them into the minds of the men who im-

posed their will on it and on the enemy; no one did that with more panache than Patton.¹¹

The presentation of the home front was another matter entirely, and in William Wyler’s *The Best Years of Our Lives* (1946), the troubled return of veterans emerges without much sugar-coating. Most of the women awaiting these soldiers’ return in the film were loyal to them, whatever their disability, but the challenge of demobilization was not brushed aside even at this intimate level. The film generated twice the box office earnings of *Sands of Iwo Jima* (1949), demonstrating that filmgoers were prepared to deal with the difficult aftermath of military service, though within certain conventional limits.¹² Indeed, the theme of return and recovery unites films spanning from the silent era – *The Big Parade*, for instance – to later cinematic work such as Hal Ashby’s 1978 film *Coming Home*. Ashby’s film develops the theme, even going so far as to explore recovery in the sexual life of a Vietnam vet amputee. The film presented an issue that was treated earlier, but did so in a new and more daring manner. (Below, I return to Clint Eastwood’s sensitive handling of psychologically disabled veterans.)

What I term the *direct* or *realistic* approach to presenting war in film had plenty of room for nuance and contradiction. By no means were all World War II films formulaic presentations of sadistic Japanese or snarling Nazis, subdued in turn by simple, small-town, honest GIs. Most audiences would probably not have paid to see such junk. Instead, many powerful films brought the war home, largely forgetting the rest of the world and the price other nations paid for victory in 1945.

This insularity in filmic representations mirrored a narrow construction of World War II in two respects. The first was to limit the years depicted to 1941 to

1945, ignoring the devastating early phase of combat, from the invasion of Poland, to the Blitz, to the invasion of the Soviet Union. But starting at Pearl Harbor was only part of the problem. There was also the tendency to reduce the victory to the result of American intervention alone, thereby playing down the staggering human cost the Soviet Union paid. Unsurprisingly, the Russians are absent from virtually the entire corpus of “realistic” American films about the conflict; “our war,” presented as spectacle and a test of national character, stood out alone.

Realism in war cinema was not exclusively the domain of American films. It marked British approaches to the ambiguities of war, too. In *Bridge on the River Kwai* (1957) and *In Which We Serve* (1942), both directed by David Lean, we find counterparts to the American filmic presentation of “realistic” war scenes and “realistic” approaches to the home front. In one controversial film, which Winston Churchill tried to scrap, a vision of British decency as an obstacle to victory was presented in terms of getting rid of the old guard who were too old school and not nasty enough to win the war. Churchill took the message personally, but Michael Powell and Emeric Pressburger’s *The Life and Death of Colonel Blimp* (1943) survived anyway. Like many films of the realistic generation, it does not avoid the ugliness of war but still focuses on the men of character who see the fight through to victory.¹³

Other pre-1970s European film presentations of the war are similarly heroic and realistic in their account of combat. Jean-Pierre Melville’s 1969 film *L’armée des ombres* (*Army of Shadows*) in effect summarized a gritty, harsh, unvarnished presentation of the awful choices Resistance fighters had to face. Their war was indeed a dark one, and honoring it was the least the film industry could do while nations

like France were recovering from defeat, humiliation, and collaboration.¹⁴ American films returned time and again to the Resistance, though with less realism and more romance. From *Casablanca* (1942), to *13 Rue Madeleine* (1947), which was based very loosely on “Wild Bill” Donovan and the U.S. Office of Strategic Services, to *Betrayed* (1954), Hollywood repeatedly took up the subject of the Resistance, thereby internationalizing the war Americans saw on the screen.

After 1968, filmic representations of World War II changed in important ways. The lid came off the story of collaboration and the Holocaust, both on-screen and in wider discussions of the war. The effect of Marcel Ophüls’s 1969 film *Le Chagrin et la pitié* (*The Sorrow and the Pity*) was palpable. The narrative of collaboration and resistance turned from one of black and white to many shades of gray.¹⁵

The rewriting of the World War II narrative to include the Holocaust in a central role coincided with American defeat in Vietnam. The combination opened up a new phase in the history of war films. The focus shifted from the war the soldiers waged to the victims of violence in the midst of a new kind of asymmetric warfare. This new form of war ushered in a renewed and deepened concentration on the psychological and moral effects of war on combatants themselves.

In this way, the meaning of asymmetric war was inflected by its growing linkage to the Holocaust, the only war the Nazis won, namely, by exterminating the large centers of Jewish life in Poland, the Baltic states, and the USSR. Asymmetric wars of a different kind emerged after the end of the Vietnam conflict, pitting Western forces, mostly American, against insurgents in many parts of the world.¹⁶

Film followed the flag, first into Vietnam and then into these transnational

or subnational conflicts. I have already noted the transition from *The Green Berets* to the much more complex landscape of *The Deer Hunter*. At the end of the latter film, the group of young, working-class men and women at the heart of the story wind up singing “God Bless America.” One is paraplegic, another is scarred mentally, and one of their circle, who lost his mind in Vietnam, has just been brought home and buried. The tone of the anthem is muted: are they still patriotic? Probably, but the message can be read another way. In a world of ugly choices, God had better bless America, for Americans cannot find answers in the old patriotic tags. War as madness takes over in *Apocalypse Now* and in *Full Metal Jacket*, both tales of disillusionment and savagery.

Oliver Stone’s *Platoon* (1986) added a different dimension to the cinema’s representation of the Vietnam War. Stone drew on his own service in Vietnam. His ambivalence about the war emerged in his treatment of two sergeants: one humane, the other a brute who commits war crimes with impunity. Open the Pandora’s box of war, Stone says, and who knows how any of us will be transformed by it? Atrocities are built into war, he shows; no one is unscarred by it. Here, Stone echoes many literary accounts of the passage in wartime from innocence to experience; the film both recalls World War I poetry and anticipates Tim O’Brien’s *The Things They Carried*, published four years later in 1990.

The link with the Holocaust is especially evident in the work of Steven Spielberg. His masterpiece *Schindler’s List* was followed five years later by *Saving Private Ryan*. The films both show the essential elements of the new cinema of war. The first is a powerful and realistic account of the morally ambiguous figure of Oskar Schindler, who lived on the tightrope of the Nazi bureaucracy surrounding the

Holocaust and managed to save hundreds of Jews thereby. World War II is only the backdrop of the story, but there are few portrayals more powerful of precisely what Hitler’s war against the Jews meant than the *Aktion* (or murderous round-up) in Krakow. The horror is palpable, and so is the miracle of the survival of “Schindler’s Jews.” In *Saving Private Ryan*, war is the central subject. Spielberg starts with blood and guts, in a boldly realistic manner, leaving little to the imagination in his portrayal of the Normandy landings, and then segues to a more conventional account of the rescue of a surviving soldier whose three brothers had died in combat. The film ends with the survivor asking his wife, in the cemetery where one of the men who rescued him is buried, if he is a good man – if the loss of life in his rescue had produced something good to ennoble it.

This sentimental ending shows that nostalgia for the “greatest generation” pervaded the third generation of war films, though it was diluted by greater attention to war’s physical brutality. This combination brought American war films closer to European ones, which had never had any difficulty focusing on destruction and senseless killing as central to the story of World War II.

Once the wars in Iraq and Afghanistan began, moral ambiguity became dislocated from nostalgia, and films increasingly portrayed war as cruelty, bloodshed, and (at times) butchery without redemption. In Sam Mendes’s *Jarhead* (2005), set in the first Gulf War, the brutality of Marine Corps training echoes Kubrick’s *Full Metal Jacket*; but this time, the men itching to get into the action “only” manage to mutilate corpses and do not even shoot at the enemy. The Air Force gets in first, and the frustrated Marines fire off a fusillade only at the end of the film. Impotent killers indeed.

The lies about weapons of mass destruction are the subject of Paul Greengrass's *Green Zone* (2010), which features Matt Damon as a decent GI betrayed by those in the CIA and higher up who invented the story. Ultimately, all the killing and suffering are for nothing. *Rendition* (2007) tells the story of the Bush administration's complicity in torture by allies through the fictionalized tale of one man mistaken for a militant who disappeared into the Bush administration's twilight zone. In a much more poignant, though downbeat, account of the costs of the Iraq War, *The Messenger* (2009), directed by Oren Moverman, focused on the work of the U.S. Army's Casualty Notification Service – the men who brought home the news of a soldier's death on active duty. This wrenching task is portrayed sensitively, but it is hard to answer the question in the faces of the bereaved: for what purpose did their loved ones die?

The theme of decent soldiers locked in an indecent war recurs in Kathryn Bigelow's *The Hurt Locker* (2008). The film features a bomb disposal unit composed of men whose primary aim is to get home alive. Their sergeant, William James, played by Jeremy Renner, is a more puzzling man, someone who seizes danger by the throat. He appears to enjoy the Russian roulette of disarming booby-trapped bombs, and even when he makes it back home, he cannot reembrace civilian life. At the end of the film, we see him returning for another tour of service in Iraq. Whether or not he was suicidal before the war, he certainly was during and after it. War as a home for suicidal men is hardly an advertisement for the military, and yet *The Hurt Locker* won the Oscar for both best director and best picture of the year.

The unending character of the “war on terror” was also the subject of Steven

Spielberg's 2005 film *Munich*. Spielberg tells the story of the assassination squad that liquidated the men who masterminded the Munich massacre at the Olympics of 1972. After the killings have been avenged, the Israeli agent who is the central figure in the story tells his boss that he is through with assassination because it changes nothing of importance. He walks away from his mission against the backdrop of the World Trade Center. The script says nothing about the juxtaposition of words and scene; it doesn't have to. Silence does it better. The spiral of killings in the “war on terror” leads nowhere, Spielberg suggests, except to more terror.

In this all too brief survey of film and war, many facets of the cinematic history of military conflict have been omitted. Andrzej Wajda's account of the murder of his father and thousands of other Polish officers in *Katyn* (2010) is a realistic war film of dignity and power. So is Andrei Tarkovsky's *Ivan's Childhood* (1962). I could not write of war film without paying tribute to the genius of Akira Kurosawa's *Dreams* (1990), one part of which follows a failed officer, pursued forever by the men he commanded and who lost their lives because of his incompetence. Sergei Eisenstein's *Alexander Nevsky* (1938) was blatantly a World War II film *avant la lettre*.

I have omitted, too, the vexed question of filmmakers as ideologues, as representatives of certain powerful interests that want to “sell” war to the public. Consider as one example Gary Cooper's pacifist-turned-sniper in Howard Hawks's 1941 film *Sergeant York*. A World War II film placed in a World War I setting, it was good propaganda material in the effort to bring America into the war against Hitler. It is not central to my argument because my purpose is to leave aside film

Jay M.
Winter

as propaganda, which is a subject deserving separate and lengthy treatment.

My aim is more modest. It is to point to certain trends in the way filmmakers in America and elsewhere have tried to portray war. I have emphasized the choices filmmakers make, which are embedded in the medium itself. Their business has been to choose the cast, to find ways to interchange silence and dialogue, to select a particular musical setting, to try to “re-create” a battlefield or base camp, to turn a rough cut into a final product. Some do better than others. But all, in my view, fall short of faithfully representing war.

Samuel Fuller, the director of *The Big Red One* (1980), was once asked what constituted a good war film. His answer was “one which cultivates dignity and does not pursue voyeurism.” He saw service in Africa, Sicily, Normandy, Belgium, and Czechoslovakia, and was present at the liberation of the Falkenau concentration camp. He was one of the few directors with extensive combat experience.¹⁷ Dignity without voyeurism is indeed a good measure of the balance war films aim to achieve. And yet few succeed. The reason is that showing war without terror is a recipe for voyeurism, and cinema rarely makes terror come alive. Here is the central point about silence: it carries terror within it much more readily than the scariest movie score does. Stop the sound and terror is one of the elements of the story that rushes to the surface. This truth has endured since the beginning of film, and it persisted once those men who trained in silent filmmaking went on to make talkies.

The subject of terror is present in all war narratives, but it is differently configured in the age of asymmetrical wars. The terror of children, women, and the aged is etched into the history of the Holocaust, and into the story of brutality from Biafra in 1968 to the Sudan, Somalia, or Afghanistan today. Post-national warfare is there-

fore less about soldiers and more about victims. Terry George’s *Hotel Rwanda* (2004) is a film about genocide, and the hotelier, Paul Rusesabagina, who saves hundreds of lives, is a Schindler without the moral shadows. The friendship between two men is at the heart of the 1984 film *The Killing Fields*, and despite the monstrous evil he faces, Dith Pran’s survival is what leaves us with hope, even now.

Surveying such films, we can see the force of Fuller’s plea for dignity. Films can portray men and women at war, whose dignity, integrity, and existence are threatened, but who, if they are lucky, emerge from war as recognizable human beings nonetheless. We are left, therefore, with a modest conclusion: war defies simple representation, but men at war can be presented, with clichés or human qualities attached, depending on the actor, the director, and the audience the producers want to reach.

In a vast array of nondocumentary films, American soldiers have been represented as frail, complex men as well as cartoon-strip figures. What differs is the framing of the wars in which these soldiers fight. Here, we can take note of an evolution. Film in the silent age stood back from realism: it could hint, suggest, gesture, but without sound, it could not portray war. In the World War II generation, realism took over, with mixed effects. Phony wars were presented as real wars, and given the moral clarity of the 1939 to 1945 conflict, in most cases that was enough. But from the 1970s on, soldiering was framed differently. It was darker, more tragic, more morally ambiguous, more focused on victims than on heroes. Heroic images of war were still on offer, but the colors of war grew somber, muted. Thus, the portrait of the soldier, and particularly the American soldier, came to be more important than the war in which he served.

In a country with a volunteer army, that was not a negative outcome; masculine virtues still matter. One television ad for enlistment offers not to make men strong, but to make them “Army strong.” Yet once the broader public began to see war as morally precarious, as it did beginning in

the 1970s, public support for the men who wage war became uncertain, too. Supporting the men but not the war is a hard act to pull off. It usually winds up in disillusionment and disengagement. Here is a legacy of one hundred years of war films, which we ignore at our peril.

Jay M.
Winter

ENDNOTES

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The Future of Conscription: Some Comparative Reflections

James J. Sheehan

Abstract: This essay provides a historical and comparative perspective on contemporary American military institutions. It focuses on the origins, evolution, and eventual disappearance of conscription in Western Europe. By the 1970s, Europeans had developed civilian states in which the military's traditional role steadily diminished; the formal abolition of conscription after 1989 was the final step in a long, largely silent revolution. A brief survey of military institutions outside of Europe suggests why mass conscript armies will remain politically, culturally, and militarily significant in many parts of the world. Seen in a global context, the American experience appears to combine aspects of Western European civilian states with the willingness and ability to project military power.

[Conscription] is always a significant index of the society where it is found; to view it solely as a method of conducting war is to see very little of it.

—Victor Kiernan¹

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When Alexis de Tocqueville listed the advantages of democracy in America that came “from the peculiar and accidental situation in which Providence has placed the Americans,” he had no doubts about which was most important. Americans, he wrote, “have no neighbors, and consequently they have no great wars . . . nor great armies, nor great generals.”² Shielded from potential aggressors by its two great ocean glacis, the United States was, for much of its history, able to avoid building those mass armies on which European states lavished so much energy and resources. When, during the Civil War and World War I, great armies were built, they were dismantled as soon as the war was over. We should not underestimate the reluctance with which Americans abandoned this tradition: the Selective Service Act of 1940 was renewed a year later with a one-vote majority in the House of Representatives and included a prohibi-

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tion on sending draftees out of the Western Hemisphere. The abolition of the draft and the creation of an all-volunteer army in 1973 were in response to the immediate crisis of Vietnam, but these actions also represented a return to deeply rooted traditions in American political culture.

In the 1830s, as Tocqueville was writing his great book on American democracy, European states were in the process of creating new kinds of armies, founded on some form of conscription. The term itself first appeared in a French law of 1798 that called for compulsory military service for all young men between twenty and twenty-five. The system evolved in the nineteenth century, first in Prussia and then throughout Europe. The theory and practice of conscription were inseparable from the larger ideals and major institutions of the modern state. First, conscription is essentially democratic because every male (in theory, although rarely in practice) is liable to be called on to fight. Military service is linked to citizenship, that complex blend of rights and obligations that binds people to their state. The citizen army, therefore, is not simply a military institution, but also a way of expressing and acquiring those patriotic commitments essential for the nation's survival. Second, conscription requires the administrative capabilities and material resources that states did not possess until the modern era. For the system to work, governments had to be able to identify, select, assemble, train, equip, and deploy a significant percentage of their male population, retaining some of them on active duty for several years with the rest on reserve status for several more.³

In the nineteenth century, European states developed conscript armies to prepare for massive territorial conflicts in which the fate, perhaps even the exis-

tence, of the nation might be at stake. *James J. Sheehan*
Among the great powers, only Britain did not adopt conscription, relying instead on naval power and a small professional army. Outside of Europe, Japan was the first non-Western state to adopt conscription, based on a careful study of the Prussian model. In 1873, as part of a larger program of political and social modernization, Japan introduced compulsory military service, including three years on active duty and four in the reserves. From then on, the army became the key instrument in Japan's initially successful but ultimately doomed attempt to be a great power. In the twentieth century, governments throughout the world imported the idea of conscript armies, which, like so many other European institutions, seemed to be an essential part of what it meant to be a modern state.⁴

Although the creation of mass armies was an essential function of European states, their uses were limited. Throughout the nineteenth and early twentieth centuries, governments were unwilling to dispatch their citizen-soldiers to fight "small wars" of colonial conquest or pacification. "Conscripts," the German statesman Otto von Bismarck once remarked, "cannot be sent to the tropics." Like Britain, whose army was constantly deployed in defense of its empire, every colonial power left these overseas battles to professionals or, whenever possible, to native forces recruited from local populations but usually commanded by European officers.⁵

Yet conscripts fought the two world wars of the twentieth century and, despite the horrendous losses suffered by their citizen armies between 1914 and 1918 and again between 1939 and 1945, every European state either retained or restored conscription after World War II. Britain, which had only belatedly and

reluctantly introduced a draft in both world wars, preserved national service until 1960. Perhaps even more remarkably, Nazi Germany's three postwar successor states – West and East Germany and the Austrian Republic – eventually reintroduced conscription. On both sides of the Iron Curtain, therefore, the members of NATO and the Warsaw Pact prepared mass armies in anticipation of a new land war between East and West. At the same time, Western European states all sent conscripts in a succession of final, futile efforts to defend their overseas possessions. Of the 135,000 troops dispatched to the Dutch East Indies in 1945, two-thirds were draftees; conscripts also represented a significant percentage of the French army stationed in Algeria in 1961. Political opposition engendered by the loss of citizen-soldiers in defense of colonial rule was one reason why governments were forced to abandon those campaigns – as well as, eventually, their empires. Not accidentally, Portugal, the least democratic of the colonial powers, was also the last to surrender its overseas possessions.

By the end of the 1960s, the security environment in Europe had begun to change. Except for Portugal's struggles in Africa, the colonial powers had already liquidated their imperial enterprises, some of them centuries old, and had done so with remarkable speed and relatively little political resistance. Equally important, the Cold War order imposed by the two superpowers essentially removed the danger of conventional war between European states; in the West, this new state of affairs made possible the growing cooperation of national economies and rising aspirations for political integration. Of course, the potential for armed conflict persisted, especially on the German-German border, which bristled with the largest

amount of lethal hardware in history. Nevertheless, to more and more Europeans, the possibility of a continental land war seemed increasingly remote. The sort of limited war that had been fought in Korea and was still going on in Vietnam hardly seemed possible in the only place in the world where the superpowers directly confronted one another. The risk of escalation to nuclear catastrophe was simply too high.⁶

These changing assessments of the military situation are clearly reflected in public opinion polls: when asked what they wanted their governments to do, Europeans consistently stressed domestic issues – a stable currency, education, health care, retirement benefits, law and order – and rarely mentioned national defense or effective military institutions. These polls do not suggest that Europeans no longer cared about being conquered; they simply didn't think that it was going to happen.⁷

The end of imperial wars and the waning salience of security concerns produced a silent revolution in European politics, a revolution that can be measured in budgets, where defense spending stagnated, in popular attitudes toward the military, and in the symbols and ceremonies of public life. The army, once regarded as essential for both national defense and national identity, moved to the margins of most people's consciousness. "Security" ceased to denote issues of national defense and came to be identified with individual welfare.

This revolution in Europeans' views of security gradually – and once again, silently – transformed their conscript armies. Every Continental country retained conscription until the 1990s. But everywhere its character changed. Armies reduced the time required in active service as well as conscripts' reserve obligation. Exemptions from the draft be-

came much easier to get, as did the right to perform alternative service, both of them ways to drain off potential political opposition to the military. The percentage of those actually conscripted and the size of the armed forces declined throughout Europe. Within the armies themselves, regulations were eased, punishments made less severe, and training less rigorous. In a few states, enlisted men were allowed to form unions, work a forty-hour week, and even receive overtime pay. The semi-official motto of the Dutch armed forces was said to be “As civilian as possible, as military as necessary.” In fact, where European armies had once been seen as a way of instilling discipline and patriotic commitment in civilian society, by the 1970s they were becoming increasingly “civilianized,” the products of a gradual but unmistakable readjustment of the citizen’s sense of obligations to the nation.⁸

During the 1990s, after more than two decades of gradual decline, conscript armies were finally abolished in most of Europe. The most obvious reason was the end of the Cold War and the subsequent withdrawal of Soviet forces, which removed even the remote possibility of a territorial threat from the East. Fiscal pressures, too, encouraged governments to take a hard and critical look at their defense budgets. Most important, it had become painfully clear that Europe’s armed forces, while quite large, were militarily worthless, especially for the kind of technically sophisticated, fast-moving, and intensive combat made possible by the so-called Revolution in Military Affairs. European states no longer needed mass armies to defend the homeland, but rather a relatively small number of professionals who could, if necessary, be sent on expeditions abroad, perhaps as part of a multinational peacekeeping

mission. As Bismarck had warned in the nineteenth century, such missions were not for conscripts.⁹

James J. Sheehan

In The Netherlands, where the number of conscripts had plummeted since the 1950s, the draft was abolished in 1993; two years later Belgium ended it. France, despite the powerful historical memories of the revolutionary nation in arms and a deep distrust of professional soldiers, announced the end of the draft and introduction of an all-volunteer army in 1996. Spain, Italy, and most of the former Communist states of Eastern Europe soon followed. By the beginning of the twenty-first century, the overwhelming majority of NATO’s armed forces were professionals. The speed and ease with which European states abandoned compulsory military service reflected the long erosion of conscription’s political, cultural, and military significance.¹⁰

Germany has held onto conscription longer than the other major European states. In part this is because of postwar Germany’s historically rooted anxiety about professional soldiers and pride in the democratic army created after the war. Significantly, as the proponents of conscription also pointed out, the increasing number of those choosing alternative service provided the relatively inexpensive caregivers and hospital orderlies who are essential for the Federal Republic’s welfare system. Without a military draft, Germany’s civilian institutions might suffer. In practice, however, conscription in the Federal Republic has already come close to disappearing: between 2000 and 2009, the total number of men performing military service dropped by more than half, from 144,647 to 68,304. In any case, it was difficult to describe as compulsory a system in which a civilian alternative was now granted automatically, making the German army what one expert called “an all

volunteer force in disguise.” Needless to say, the German troops serving as part of the NATO contingent in Afghanistan are all professionals.¹¹

At present (February 2011), conscription in Germany seems to be on the way out. Under severe pressure to cut his budget and recognizing the need for a smaller but more effective force, the energetic minister of defense, Karl-Theodor zu Guttenberg, sought to suspend the draft (abolition would require a constitutional amendment) and introduce substantial reforms in the composition of Germany’s armed forces. It is striking that in the current German discussions, as had been the case in debates about ending conscription in other European states, the level of engagement, both among politicians and their constituents, is low. Well before they were abolished formally, Europeans’ conscript armies had ceased to be politically or culturally salient, either as a source of positive commitment or a target of active opposition.

If, as seems very likely, the German parliament agrees to suspend conscription, then only a handful of Western European states will still have a draft. These include Norway and Denmark, where military service continues to be a part of a citizen’s duty to the nation. In neither country, however, does conscription have a military purpose. There are, for example, no conscripts in the small, but quite effective, unit that Denmark has contributed to the NATO mission in Afghanistan. In addition to Norway and Denmark, three of the five Cold War neutrals – Austria, Switzerland, and Finland – still have conscript armies. (Ireland always had a small professional force; Sweden abolished conscription in Summer 2010.) Austria requires six months of active duty in what has traditionally been an underfunded and poorly equipped army. In Switzerland, on the other hand,

the army has always had a significant role, as a deterrent to aggression and as a source of national identity. There are indications, however, that in the current security environment, both of these functions are losing their central place in Swiss politics. It may be that among European states, only Finland retains a conscript army on the traditional model. In a country where 80 percent of the male population has served in the military, the prestige and importance of the armed forces remains high. Moreover, the Finnish military’s strategic objective remains territorial defense, a purpose persistently nourished by memories of the heroic Winter War against the Soviet Union in 1940 and recently reinforced by the example of Russia’s invasion of Georgia in 2008.¹²

With few exceptions, European military institutions continue to be profoundly affected by the global economic crisis that began in 2008. In fact, expenditures for defense, which were stagnant for decades, have been in sharp decline since the turn of the century: the European members of NATO spent 2.05 percent of GDP for defense in 1999, 1.65 percent in 2008. This trend is not likely to be reversed in the austerity budgets now being formulated throughout Europe. The British government, for example, announced drastic cuts in troop strength and equipment in a comprehensive defense review published in October 2010.¹³ One result of these budgetary pressures may be greater cooperation among European states. Britain and France, Europe’s two most important military powers, have already taken steps in this direction. But since the road to effective transnational military institutions is bound to be long and difficult, the most likely consequence of these budgetary problems is a continuation of Europeans’ dependence on the United

States, a dependence most dramatically expressed in the remarkable survival of NATO decades after the disappearance of the common adversary against which the alliance was founded.¹⁴

An unspoken assumption behind Europeans' budgetary debates is that military spending has become discretionary, an expense to be weighed against a variety of other demands on the state's resources – not, as was long the case, a necessary price to ensure national survival. European governments recognize that they still face profound dangers: terrorism, organized crime, and in some countries, increasingly violent social protests. And there are occasions when states may want to project power by sending an expeditionary force abroad. But the preservation of order and the deployment of troops on some distant mission are very different from the defense of the nation from existential threats, the purpose for which the mass conscript army had originally been created.

Soon after the end of the Cold War and the dissolution of the Soviet Union, the American political scientist Robert Keohane remarked that “one of the most vexing questions in Europe today is where the frontier between the West European zone of peace and Eurasian zone of conflict will be.”¹⁵ On the western side of this line, conscription has largely disappeared and military service has become limited to a relatively small group of professionals who are compensated, like firefighters and police officers, for the risks they are asked to take on behalf of their fellow citizens. On the other side of the line, however, where the survival of the nation might still be at stake, military service remains both a political obligation and a strategic necessity.

But while the line between the peaceful and conflictual parts of Eurasia may be

ill-defined – frontiers are, by definition, contested and imprecise – there is good reason to suppose that it runs directly through the former Soviet imperium. On the peaceful side are the Soviet Union's former Eastern European satellites and the three newly autonomous Baltic republics. Despite some hesitation and reluctance on both sides, these states eventually joined NATO; with the exception of Latvia and Lithuania, they, like their new allies in the West, have abolished conscription in favor of small professional forces. In 2008, there were only 4,000 conscripts among the 317,000 military personnel in the new NATO members from the East. Moreover, again as in the West, military expenditure in the East has continued to decline: except for Bulgaria (2 percent), Poland, and Romania (each 1.9 percent), the Eastern European states are well below the stated NATO goal of allocating 2 percent of GDP to defense. What the eminent military sociologist Martin Shaw once called “the last bastions of classical militarism in the northern industrial world,” the former Communist regimes of Eastern Europe have become, within little more than a decade, civilian states on the Western European model.¹⁶

On the other side of the frontier are the remaining Soviet European and Central Asian successor states. All these states retain conscript armies. Some, such as Belarus, are among the most militarized states in the world. Where there are still external threats and ongoing territorial disputes, as in Georgia, Armenia, and Azerbaijan, military institutions have an importance far greater than in the civilian West.

With just over half of the old Soviet Union's population and three-fourths of its territory, the Russian Federation is far and away its most important successor state. Russia's military capacity

James J. Sheehan

was among the casualties of the Soviet Union's extraordinary implosion. Even before the USSR disappeared in 1991, the Soviet military suffered a series of stunning blows, including defeat in Afghanistan and the loss of its bases in Eastern Europe. After 1991, morale and cohesion deteriorated precipitously, attended by endemic corruption, criminality, and brutality. At present, Russia is supposed to have over one million men on active duty, with another twenty million reservists, but in practice only a small percentage of these forces are deployable. Since the 1990s, there have been several efforts at reforming the military, the latest and most ambitious of which was introduced in September 2008, following the rather mixed results of Russia's brief invasion of Georgia that summer. Although conscription remains in effect (early in 2008 the length of service was reduced to one year), the reformers want to create a smaller, better trained and equipped force that is permanently ready for deployment. But formidable barriers to effective reform remain, including the pervasive weakness of the Russian administrative apparatus, the economic problems created by the global decline in energy prices, and, perhaps most serious of all, the long-term effects of Russia's devastating demographic decline. According to the Chief of the Russian General Staff, in 2012 the number of draft-eligible males will be half of what it was in 2001.¹⁷

Among the members of NATO, only Turkey clearly occupies a position on the conflict side of Keohane's frontier. Turkish troops have long defended a contested border on Cyprus and fought a long, bloody civil war against the Kurds. How the creation of a semi-autonomous Kurdish territory in Iraq will affect Turkey is by no means clear. In any case, unlike its European counterparts, Turkey's mili-

tary budget has not dramatically declined; conscription remains in force, exemptions are rare, alternative service is virtually impossible. Militarily and politically, the army played a central role in the emergence of the Republic from the ruins of the Ottoman Empire. Despite recent efforts by the Erdogan government to limit the army's influence, the generals continue to be a powerful political force. Indeed, the sharp differences between civil-military relations in Turkey and Europe represent another barrier to Turkey's absorption into the European Union. Unlike the rest of the EU, Turkey is not a fully developed civilian state; the possibility of international and domestic violence remains very much a part of Turkish political life.¹⁸

In most of Eurasia, the political role of the army is closer to the Turkish model than to the civilian states of Western Europe. In a few places like Myanmar the military rules directly; sometimes, as in Thailand, its power is veiled by a diaphanous curtain of civilian authority. Most often, the army acts, as it traditionally did in the Turkish case, as a kind of "deep state," using the threat of a coup to set limits on what governments can and cannot do. Nowhere is this situation more dramatically clear than in the political crisis now unfolding in Egypt. Thus far (early February 2011), the army has played a cautious role, refusing to use deadly force against demonstrators but not abandoning the government. Where the loyalties of Egypt's conscripts lie remains uncertain, but for the army's leaders, more than three decades of power and influence are at stake. ("It is," notes one well-informed observer, "an open question how much power the military has, and they might not even know themselves.")¹⁹

In North Korea, where Kim Jong Il is seeking to extend his family's control

into the third generation, his heir apparent was made a four-star general before he was appointed to the Central Committee of Korean Workers' Party, a sequence that underlined how the army has consolidated its hold on political power. With terms of active duty from five to twelve years and reserve obligations up to the age of sixty, North Korea has what is perhaps the world's most extensive and socially intrusive system of conscription.

The border between the two Korean states may be the most heavily fortified, but it is by no means the only contested frontier in East Asia. Some of the territories involved in these disputes are very small, and in others the conflict is largely inert; but there are some – Kashmir, for instance, or parts of the Sino-Indian border – that remain volatile enough to erupt into large-scale international violence. With two major powers, India and China, and a number of unstable and potentially aggressive smaller states, the rivalries and tensions within East Asia somewhat resemble the European international system before 1914. Not surprisingly, it is here that the mass conscript army continues to provide the foundation of national defense.

In the past few years, a number of experts have argued that conscription, like the modern state from which it developed, was on its way to historical oblivion. The international studies scholar Eliot Cohen, for example, recently declared that “the age of the mass army is over.”²⁰ Perhaps. There is no question that in many parts of the world, conscript armies have been dissolved or diminished; quality, represented by the ability to use complex new weapon systems, has replaced quantity as a measurement of military power. In much of Europe, the rise of civilian states has changed the balance between rights and duties that had

once made military service inseparable from citizenship. But in many parts of Eurasia, especially on the wrong side of the frontier separating zones of peace and conflict, conscript armies designed to protect the territorial interests of states are still centrally important and a war between states remains a constant danger. Here, civilian states on the European model have not developed: military service remains an important part of young men's lives, conscript armies have political and cultural significance, and the officer corps often plays an important role. In countries such as Egypt, North Korea, Thailand, Burma, and Pakistan, conscription still has a future, which will help shape the future of these nations.

Where does the United States fit into this picture? With its massive military budget and globally deployed armed forces, it is surely not a civilian state on the European model. However divided they may be on the use of force in specific situations, most Americans agree that as a world power, the United States must be willing and able to project military power to defend its interests throughout a dangerous world. And yet, unlike those states where military service remains a national obligation, the United States counts on professionals to meet its extensive global commitments. The burden of America's mission in the world, therefore, is carried by a relatively small portion of the population, whose sacrifices are honored but not shared by the larger society. In a sense, the United States is a civilian state with significant military obligations. Many of the other essays collected in this volume examine the tensions that arise from this uneasy mix of values and aspirations.

James J. Sheehan

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two fine articles on “The Future of NATO,” in *The Economist*, November 13, 2010, 27–30, and November 25, 2010, 24–25. James J. Sheehan

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Whose Army?

Andrew J. Bacevich

Abstract: The ideal of civilian control vis-à-vis actual civil-military relations corresponds to the ideal of the common good vis-à-vis actual politics. It represents an aspiration rather than a fact. It will never define reality. A competitive and frequently unseemly relationship between senior U.S. military officers and senior American civilian officials is inevitable. Meanwhile, an unharmonious relationship between the military and society is not inevitable. Here, Americans should view dysfunction as intolerable. Yet since the demise of the tradition of the citizen-soldier, dysfunction in this realm has become endemic and pervasive, contributing to the widespread and misguided militarization of U.S. policy. If Americans are unhappy with the way their army is used, they need to reclaim it. This outcome can arise only by reasserting the connection between citizenship and military service.

As a public policy issue, U.S. civil-military relations suffer from perennial neglect. Given the importance that the United States assigns to maintaining and wielding military power, such neglect is not only surprising but deeply unfortunate.

Civilians and soldiers interact in two distinct domains. On the one hand is the relationship between senior military officers and senior civilian officials. We might call these interactions “elite” or “inside the Beltway” civil-military relations. On the other hand is the relationship between the U.S. armed forces and American society as a whole. These civil-military relations for the rest of us take place, for the most part, beyond the Washington Beltway.

At the elite level, the well-known principle of civilian control, implemented jointly by Congress and the chief executive, is said to exercise a governing influence. Article I, section 8, of the Constitution assigns the legislative branch the power to declare war and to raise, support, and regulate the nation’s armed forces. Article II, section 2, designates the president as commander in chief of federal forces and state troops “when called into the actual Service of the United States.” The president

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also commissions and promotes officers, albeit with the advice and consent of the Senate.

Adherence to the principle of civilian control by no means guarantees effective national security policy. It does, however, guard against takeover by a military dictatorship. In this sense, students of civil-military relations view civilian control as foundational – as that which needs to be preserved and protected at all costs.

In the realm of civil-military relations for the rest of us, another well-known principle once exercised a governing influence: namely, the conviction that national defense qualifies as a collective responsibility. According to this principle, citizenship and military service are inextricably linked. In 1783, General George Washington put it this way: “It may be laid down as a primary position, and the basis of our system, that every Citizen who enjoys the protection of a free Government, owes not only a proportion of his property, but even of his personal services to the defence of it.”¹ In 1792, President Washington signed legislation that incorporated this principle into law. The Uniform Militia Act declared that “each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of age of eighteen years, and under the age of forty-five years . . . shall severally and respectively be enrolled in the militia.”²

In the implementation of these principles, Americans have always played fast and loose. Whether in the elite domain or out in the hustings, the realities of civil-military relations have seldom conformed to the reigning theories. For example, Americans have never, in practice, paid much attention to ensuring that the commander in chief has an unambiguously civilian identity. They have routinely voted for and sometimes elected

as president former generals, several of whom evinced few qualifications for high office other than having achieved passing fame as war heroes. Winning a World Series, a Nobel Prize, or an Olympic medal won't earn you a place in the quadrennial White House sweepstakes, but have a hand in winning a war, and you can be sure to see your name floated as a potential chief executive.

Moreover, although General Washington himself conscientiously deferred to civilian authority during his tenure in command of the Continental Army, the history of the United States features any number of examples of senior officers who have marched to a decidedly different drumbeat. Some dabbled in partisan politics or bridled against the temerity of civilians who would meddle in military matters. Others asserted the prerogative of deciding exactly what U.S. policy ought to be. A partial list of offenders includes such outsized personalities as Andrew Jackson, Winfield Scott, George McClellan, Fighting Joe Hooker, Nelson Miles, Leonard Wood, Billy Mitchell, and, most persistently and notoriously, Douglas MacArthur.

Likewise, in terms of the bond between the military and society, principle has tended to be honored in the breach. Note that the citizen's obligation to serve, as legislated in 1792, mandated enrollment in the militia, not in the regular army. This stipulation is significant for several reasons, most of them lost to memory. To begin, from the founding of the Republic until World War II, the militia was the nation's primary fighting force. Americans relied chiefly on the militia (today's National Guard), not on the regular army to defend the country and its institutions. Throughout the nineteenth century and well into the twentieth, the U.S. Army was neither organized nor equipped for serious large-scale combat.

Andrew J. Bacevich

Whose Army? It served chiefly as a constabulary force, assisting in the project of territorial expansion and internal development. If the militia was the varsity in the eyes of most Americans, the small regular army qualified as the B team.

Yet the varsity seldom suited up and almost never practiced. Existing threats to the United States ranged from negligible to nonexistent; thus, Americans had little incentive to treat seriously the requirement to keep the militia in fighting trim. Although imposing enough on paper, its actual capabilities were few, a fact that suited most citizens just fine. They didn't much cotton to armies as such anyway, didn't want to spend money supporting them, and fancied themselves a peace-loving people to boot.

Even peace-loving Americans periodically waged war: launching ethnic cleansing campaigns against Native Americans or giving in to the impulse to invade Canada, Mexico, or Cuba, for example. In these cases, they extemporized the forces needed for the task at hand. Rather than relying on none-too-ready militiamen or barely more capable army regulars, federal authorities called on volunteers to rally to the colors. Notwithstanding their general antipathy for things military, Americans responded to each such summons with surprising alacrity. Never was this more vividly the case than in 1861, when Americans from the South and the North formed two very large volunteer armies and spent the next four years killing one another in staggering numbers. In short, when the nation required a fighting force, it conjured one up. When the exigency passed, the citizen army vanished, and Americans returned to other more pressing priorities.

For all its evident inefficiencies, this arrangement worked tolerably well. The country prospered. Except perhaps on the

far edges of the frontier, Americans slept soundly, unworried about a possible invasion by alien hordes. Practically speaking, for most Americans most of the time, the notion of a civic obligation to defend the country was more symbolic than real. Yet the obligation to serve retained a psychic significance (much as the idea of obligatory Sunday Mass remained a hallmark of Roman Catholicism long after most self-identified Catholics had ceased to honor any such obligation). Although largely ignored and unenforced, the Militia Act remained the law of the land for more than a century, the basis of a military system that, in a formal sense, hardly qualified as a system at all.

The small regular army produced a few dissenters who railed against this system. One such dissident, Emory Upton, is an important but largely forgotten figure in U.S. military history. A fascinating, charismatic, and ultimately tragic individual, Upton graduated from West Point in 1861 and, as a young officer, performed great feats of heroism during the Civil War. Yet the bloodletting Upton had witnessed appalled him. Amateurism and sheer incompetence, in his view, had needlessly wasted tens, perhaps hundreds of thousands of lives. He advocated replacing the tradition of the citizen-soldier with a much larger professional army. The point was to put officers who devoted their lives to the study of war in charge of conducting it.

Upton dedicated the remainder of his life to a crusade that aimed to junk the existing military system and replace it with a new one – this at a time when the American people were as interested in military reform as most are today in reciting Elizabethan poetry. The few people Upton persuaded included members of the officer corps itself. Succeeding generations of army regulars came to regard him as a prophet; Upton's aspirations

became theirs.³ In the country as a whole, however, Upton's legacy was negligible. In America, "We the People" – not hired guns or mercenaries – continued to bear primary responsibility for safeguarding the nation.

In the first half of the twentieth century, U.S. participation in two successive world wars transformed America's role in world politics. It also transformed American civil-military relations. Both inside the Beltway and far removed from Washington's orbit, the implications proved to be enormous – and almost entirely problematic.

Change did not come all at once. At the conclusion of World War II, for example, consistent with past practice, the citizen army raised up to fight Germany and Japan almost instantly dissolved. American citizen-soldiers responded to the end of hostilities in 1945 much as they had in 1848, 1865, 1898, and 1918: they clamored to shed their uniforms and go home. Yet events soon revealed this to be a valedictory homage to a tradition that would soon be obsolete.

During World War II, military elites had gained access to the inner circles of American power, obtaining an influence they would not willingly surrender. After 1945, Washington's newly asserted role in global leadership affirmed the elevated status that senior admirals and generals had acquired in the war. These officers used their positions to press for the creation of a large and powerful *standing* military establishment, an institution that was entirely alien to the American experience.

Rather than a sometime thing, war was becoming an anytime thing in their estimation. Instead of raising up forces in response to a particular emergency, the brass (and their civilian allies) saw a need for forces held ready for rapid deployment. During the first half-decade of the

postwar era, military demands (the term is not inappropriate) produced continuous and remarkably open discord between the leadership of the armed services and the president. Issues that became the subject of civil-military conflict included the size of the Pentagon budget, the design and procurement of major weapons, control of the nation's nuclear arsenal, service roles and missions, and even racial integration.

Faced with decisions or guidance not to their liking, military leaders complained, stalled, shirked, or simply disobeyed. The Navy and Marine Corps waged bureaucratic warfare to frustrate President Harry Truman's efforts to unify the armed services. The Air Force likewise strove to prevent the newly established Atomic Energy Commission from taking possession of the nation's stockpile of atomic bombs. For their part, Army leaders took umbrage when the commander in chief ordered the Pentagon to abolish racial separation and, at first, made only token efforts toward integrating the Army's ranks.

Only with the onset of the Korean War in Summer 1950, and Truman's approval of major increases in military spending, did civil-military conflict subside. The views promoted by senior military leaders had prevailed, and U.S. foreign policy became unambiguously militarized. As the United States garrisoned forces around the world, it built a global presence, configuring each of the armed services as an instrument of global power projection. The United States developed a penchant for global intervention, both overt and covert, with mere national defense amounting to an afterthought. This "sacred trinity" of military practice became the hallmark of American statecraft during the Cold War, and it remains fully intact today, never having been subjected to serious reconsideration.

Andrew J.
Bacevich

Whose
Army?

The vast apparatus of the national security state affirmed and institutionalized the exalted status that senior military officers now enjoyed. In the 1950s and 1960s, when presidents ventured into the White House Rose Garden to make portentous national security announcements, they took care to have the Joint Chiefs of Staff (JCS), festooned with ribbons, lined up behind them. The message was clear: “Look,” the photo op seemed to say, “I have consulted the Chiefs; they concur; therefore, my decision deserves to be treated with respect.”

That the ultimate loyalty of the officer corps to the Constitution remained intact was beyond question. Yet the implausibility of an outright coup made all manner of shenanigans permissible. Like the married man who flirts outrageously with women, aware that he could never actually cheat on his wife, as long as top officials adhered to some neat, legalistic definition of what wrongdoing entailed, their integrity remained intact. Within that self-defined boundary, they were free to do as they pleased.

If civil-military disharmony eased after 1950, it by no means disappeared. Indeed, the civil-military tug-of-war enshrined itself as a permanent feature of Washington politics. At the upper echelons of the military profession, effectiveness has come to require political savvy. The “simple soldier” – if such a creature ever existed – will not go far in the E-Ring of the Pentagon. The making of national security policy is nothing if not political, with blood and treasure, power and access, ego and ambition all on the line. Senior officers learn to lobby, leak, ally with strange bedfellows, manipulate the media, and play Congress against the White House. In Washington, that’s how the game is played.

Theoretically, the top brass should place national interest above parochial

concerns, render disinterested advice when asked, and loyally implement whatever decisions competent civilian authorities may make. For their part, civilian authorities should treat their military counterparts with the respect owed to professionals. They should allow the military wide latitude in matters pertaining to war. To use a term that acquired all manner of negative connotations during the Vietnam era, civilians should avoid “meddling” in soldiers’ business. Theory, however, does not conform to reality. Conflict exists between the top brass and top civilian officials for precisely the same reason that conflict pits Republicans against Democrats, the White House against Capitol Hill, and the Senate against the House of Representatives: because power is at stake.

Reality is, for instance, the fact that when Army Chief of Staff Eric Shinseki speculated to a Senate committee – just prior to the invasion of Iraq – that occupying the country could well turn out to be a costly mess requiring “several hundred thousand troops,” Secretary of Defense Donald Rumsfeld and his Deputy Secretary, Paul Wolfowitz, instantly retaliated, publicly rebuking Shinseki and declaring him *persona non grata* within the Pentagon (an object lesson to officers inclined to speak their minds). Reality is also the chorus of retired and retiring senior officers who subsequently saddled Rumsfeld and Wolfowitz with the blame for everything that went wrong in Iraq, giving the generals in command a free pass.

Reality is the fact that General Stanley McChrystal’s highly sensitive assessment of how to proceed in Afghanistan somehow found its way into the hands of *Washington Post* reporter Bob Woodward, thereby hijacking the Obama administration’s internal review process. Furthermore, reality is McChrystal’s enlisting various known commodities from Washington

think tanks as “consultants” to promote his views in op-eds and television talk show appearances; it’s McChrystal’s public presentations – including a speech in London and an interview on *60 Minutes* – in which he declared that alternatives to his plan simply did not exist. In this way, the general handcuffed the president. And when the Pentagon responded to Obama’s request for options on Afghanistan, it offered three variations of a single path: the one McChrystal insisted on implementing.

The ideal of civilian control relates to actual civil-military interactions in the same way that the principle of the common good relates to actual politics: it is an aspiration, not a fact; it will never define reality. Both sides are to blame for this unhappy circumstance. To insist that senior officers and senior civilians should find a way to work in harmony recalls Rodney King’s plaintive appeal during the 1992 Los Angeles riots, when the now-famous victim of police brutality asked, “Can’t we all just get along?” When applied to politics, any such expectation of human behavior flies in the face of history. In the same way poverty endures, so, too, will the competition for power persist.

When generals overreach, they deserve to have their hands slapped; indeed, Obama eventually handed General McChrystal his walking papers.⁴ When ignorant or arrogant civilians ignore their military advisers and thereby commit costly blunders, they, too, should be held accountable. To the delight of the officer corps, George W. Bush ultimately replaced the bumbling Donald Rumsfeld as Pentagon chief. Yet inside the Beltway, civil-military conflict is not a problem to be solved; it is a situation to be managed.

Elite civil-military relations require constant policing. Whenever evidence of in-

appropriate conduct leading to defective policy becomes evident, op-ed writers and commentators decry the latest civil-military “crisis.” This is necessary and honorable work. Once critics raise a sufficient ruckus, the system’s mechanism for internal self-correction kicks in. The same corrective force applies to public objections to unrepaired potholes or lousy service at the bureau of motor vehicles. To quiet complaints (and preserve their status and prerogatives), those in charge eventually respond.

Indeed, the decades since World War II have seen recurring efforts to find legislative remedies to civil-military dysfunction. At regular intervals, Congress has passed “landmark” legislation aimed at bolstering civilian control while providing policy-makers with improved access to cogent, timely military advice and creating mechanisms to ensure the effective conduct of war. Three themes have dominated these efforts: concentrating ever-greater authority in the hands of the secretary of defense; empowering the chairman of the JCS at the expense of the service chiefs; and emphasizing “jointness” as the antidote to crippling parochialism among military branches.⁵

With the 1986 passage of the Goldwater-Nichols Act, this penchant for institutional tinkering reached a climax. The reorganization stripped the service chiefs of their advisory function, designating the JCS chairman as the principal military adviser to the secretary of defense and the president. It also enhanced the standing of senior field commanders, who since then have reported directly to the secretary of defense. Finally, it elevated *jointness* to the level of theological precept. Henceforth, the armed services were to be “intellectually, operationally, organizationally, doctrinally, and technically” joint, the operative assumption being that “jointness” provided “the key to op-

Whose Army? erational success in the future.”⁶ For a time during the 1990s, Washington persuaded itself that it had fixed the problem. However, events since 9/11 have told a different story, with calls for a “Goldwater-Nichols II” the predictable result.⁷

My point is not that legislative efforts have been a waste of time. Rather, the dilemma is that results routinely fall short of reformers’ promises. The earnestly sought panacea remains elusive. Still, even if corrective action is only partial or cosmetic, reforms initiated in Washington suffice to quiet the clamor and restore a semblance of order. Those outcomes are probably the best we can hope for regarding civil-military relations inside the Beltway. Yet there is a larger point to be made here: that is, the preoccupation with dysfunction in elite civil-military relations distracts attention from the more significant problem of dysfunction in the realm of civil-military relations for the rest of us.

Put simply, more or less contentious civil-military relations within the Beltway are inevitable. Within limits, such contention is also tolerable. Meanwhile, an unharmonious relationship between the military and society is *not* inevitable. Here, Americans *should* view dysfunction – which has become endemic and pervasive – as intolerable.

Consider the story of George C. Marshall, army chief of staff throughout World War II, and his old friend John McAuley Palmer. A great soldier, Marshall was also an adept politician. Long before the war’s end was visible and without consulting his civilian masters, Marshall began to put in place his own plan for postwar U.S. civil-military relations. Rather than address how his successors would interact with presidents and cabinet secretaries, he instead sought to strengthen the connection between the U.S. Army and

the American people. Toward that end, Marshall enlisted the help of Palmer, a retired brigadier general who had long before been put out to pasture. Marshall restored Palmer to active duty and charged him with laying the basis for a postwar military establishment.

Palmer contributed to American *military* thought and practice what union leader and prominent socialist Eugene V. Debs bestowed on American *political* thought and practice. Like Debs, he was a romantic and a radical of gentle mien; he diligently argued against tendencies that, in his eyes, subverted authentic American ideals; and, though his substantive impact turned out to be negligible, he left behind an intellectual legacy worth pondering.

Also like Debs, Palmer was a son of the Middle Border. He was born in 1870 in downstate Illinois to a family that played a prominent role in state politics. Instead of entering the family trade, however, John McAuley graduated from West Point in 1892 and entered the military profession. There he found considerable satisfaction and achieved modest success even as he cultivated views that were at odds with the prevailing beliefs of the officer corps. The army to which Palmer devoted several decades of service was well into its Uptonian moment. Indeed, Elihu Root, a reform-minded secretary of war from 1899 to 1904, had drawn explicitly on Upton’s writings in reorganizing and modernizing the War Department. The prophet had received a posthumous vindication.

Among regular officers, Palmer was a rare anti-Uptonian. With a passion equal to Upton’s, he defended the citizen-soldier tradition. Not only was that tradition sound, Palmer insisted, it also expressed fundamental and irreplaceable American ideals. Advocating for and striving to update the citizen-soldier tradition be-

came his life's work. In his 1916 book *An Army of the People*, his first work on the subject, Palmer spun a tale in which the United States embraced the Swiss concept of the people in arms as the basis of an impregnable defense.

Neither the army's leadership nor President Woodrow Wilson was much interested in impregnable defenses, however. Within a year, the United States was raising up a new army of citizen-soldiers. Yet this army's purpose was not to defend America per se, but to fight Germans in far-off France, a campaign in which Palmer himself participated.

Following World War I, the issue of military reform briefly commanded attention in Congress. Palmer's views had made him sufficiently well known that, in 1919, he was seconded to the Senate Committee on Military Affairs, where he assisted in drafting the bill that became the National Defense Act of 1920. Much to the dismay of the Uptonians, this legislation reaffirmed the primacy of the citizen-soldier. With that issue settled, Congress proceeded to ignore the practical requirements of national defense, and the United States' military readiness declined during the interwar period. The National Guard, repository for the citizen-soldier tradition, was underfunded, untrained, and unready; the regular army, now with its own reserve, was too small and too poorly equipped to qualify as a serious fighting force.

When Palmer retired from the Army in 1926, he turned full time to campaigning for a modern and capable citizen-soldier army and published a series of books that might be classified as "advocacy history." Essentially, he ransacked the past, telling different versions of the same story and reaching the same conclusion every time. As he argues in his 1927 book *Statesmanship or War*:

From the dawn of history wise men have seen that the perpetuation of free institutions depends on the power of self-defense. To be permanent, democratic political institutions must include a democratic system of military security. . . . A free state cannot continue to be democratic in peace and autocratic in war. Standing armies threaten government by the people, not because they consciously seek to pervert liberty, but because they relieve the people themselves of the duty of self-defense. A people accustomed to let a special class defend them must sooner or later become unfit for liberty. An enduring government by the people must include an army of the people among its vital institutions. For this reason, the maintenance of a single professional soldier more than necessary threatens the very groundwork of free institutions.⁸

In Palmer's view, recent German history provided an example of what the United States needed to avoid: that is, as Germany's "military power extended, its political aims expanded."⁹ To maintain military power in excess of that needed for self-defense was to pave the way for militarism and empire. However inadvertently, means could end up dictating – and perverting – ends. The citizen-soldier, in Palmer's view, served not only as a safeguard of democracy but also as a bulwark against imperial adventurism. Americans, Palmer wrote in 1930, had to choose one of two military visions: that of "[George] Washington or [Emory] Upton."¹⁰

In *America in Arms*, published on the eve of U.S. entry into World War II, Palmer declared, "We should never maintain professionals to do things that can be done effectively by citizen soldiers."¹¹ Military policy that looked to the regular army as the primary instrument of national defense, he insisted, "could have

Whose Army? no congenial place among the political institutions of a self-governing free people." Such an approach was at odds with the dictum that "a nation's military institutions should be in harmony with its political traditions."¹²

Given the paper trail that Palmer had left over a period of three decades, George Marshall knew what to expect when he recruited his old comrade to define the parameters of postwar military policy. The seventy-year-old Palmer holed up in a small office in the Library of Congress and went to work. The results of his labors appeared in "Military Establishment," or, more prosaically, War Department Circular 347, a document issued over Marshall's signature on August 25, 1944. At a moment when the war was far from over in either Europe or the Pacific, Circular 347 declared:

There are two types of organization through which the manpower of a nation may be developed. One of these is the standing army type. . . . This is the system of Germany and Japan. It produces highly efficient armies. But it is open to political objections. . . . It, therefore, has no place among the institutions of a modern democratic state based on the conception of government by the people.

The second type of military institution . . . is based upon the conception of a professional peace establishment (no larger than necessary to meet normal peacetime requirements) to be reinforced in time of emergency by organized units drawn from a citizen army reserve, effectively organized for this purpose in time of peace. . . . This is the type of army which President Washington proposed to the First Congress as one of the essential foundations of the new American Republic. . . . It will therefore be made the basis for all plans for a post-war peace establishment.¹³

Notably, Palmer's use of the term "peace establishment" echoes George Washington's 1783 writing, "Sentiments on a Peace Establishment."

In his final report as chief of staff, Marshall expanded on Palmer's admonition. "War has been defined by a people who have thought a lot about it – the Germans," he wrote. The German view held that "an invincible offensive military force . . . could win any political argument." He continued:

This is the doctrine Hitler carried to the verge of complete success. It is the doctrine of Japan. It is a criminal doctrine, and like other forms of crime, it has cropped up again and again since man began to live with his neighbors in communities and nations. There has long been an effort to outlaw war for exactly the same reason that man has outlawed murder. But the law prohibiting murder does not of itself prevent murder. It must be enforced. The enforcing power, however, must be maintained on a strictly democratic basis. There must not be a large standing army subject to the behest of a group of schemers. The citizen-soldier is the guarantee against such a misuse of power.¹⁴

Creating a citizen army reserve would require Universal Military Training (UMT). The idea was not to turn every able-bodied citizen into a fully equipped warrior, but to provide individuals with rudimentary training, thereby facilitating the mobilization of the citizen reserve when it was needed. Palmer described the concept thus:

[E]very able-bodied young American should have a course of recruit training during his nineteenth, twentieth, or twenty-first summer. After his recruit training he would be enrolled in one of the local units of the National Guard or the Organized Reserves formed in the vicinity of his

home. Twice during this four-year period each soldier in the Organized Reserves would be required to attend maneuvers for two weeks with his company.¹⁵

General Marshall also fervently believed that UMT should form the cornerstone of U.S. military policy after World War II. He considered it the key to harmonizing a new military establishment with American political traditions. "The entire idea," one historian has aptly written, "resembled the old nineteenth-century militia program, except it would be run by the national government rather than the states."¹⁶

By the end of World War II, Marshall had persuaded President Truman, himself a former citizen-soldier from Missouri, to sign on. Dwight D. Eisenhower, who succeeded Marshall as army chief of staff, concurred, albeit with reservations. But the idea went nowhere in Congress; UMT was stillborn. The United States instead chose the course that spelled the demise of the citizen-soldier tradition: that is, rather than a peace establishment, Americans opted for a war establishment. Over time, the concept of a standing army lost its negative connotations. Moreover, creating an impregnable defense was no longer enough. The phrase *national security*, which was displacing *national defense* in the lexicon of everyday political discourse, implied more expansive and ambitious requirements. The prospect of creating "an invincible offensive military force" that "could win any political argument" found favor with many Americans.

Why did efforts by Palmer and Marshall to revise and sustain the citizen-soldier concept fail? Two factors stand out as especially important. First, in spite of its merits in forging a harmonious relationship between the armed forces and

society, UMT could not satisfy immediate military requirements. As World War II came to an end, the United States had to station large occupation forces in Europe and the Pacific. UMT could not have fulfilled this mission. The onset of the Cold War further emphasized this shortcoming as the forward deployment of U.S. forces became a core element of national security policy.

Second, although proponents described UMT as inherently democratic and a safeguard against militarism, wary Americans did not necessarily subscribe to that view. After all, UMT implied compulsion. In the eyes of critics, it looked like a backdoor way of impressing the entire male population into military service, making permanent the system of conscription that Americans had accepted as a wartime emergency measure. In short, UMT was hard to explain and hard to sell; thus, Congress rejected it. Responding to the perceived imperatives of the Cold War, it opted instead for "Selective Service," a system of peacetime conscription that was not universal and eventually proved to be anything but democratic.

Selective Service provided federal authorities with mechanisms to manage the entire military-age male population. The prospect of being drafted spurred some young Americans to volunteer for military service; meanwhile, General Lewis Hershey, director of the Selective Service System, protected others with deferments and augmented the supply of willing recruits by adjusting monthly draft quotas upward or downward. In this guise, a vestige of the citizen-soldier tradition survived through the 1950s and into the 1960s (this was the era of Sergeant Elvis Presley, after all). Yet it was a system that neither George Washington nor Emory Upton would likely have found completely satisfactory.

Whose
Army?

Then came Vietnam. Under the strain of an unpopular and protracted war, the entire system collapsed. Vietnam handed Emory Upton a belated triumph and dealt John McAuley Palmer a seemingly decisive defeat. President Richard M. Nixon killed the citizen-soldier tradition once and for all. Disregarding concerns voiced by the Joint Chiefs, he persuaded Congress to terminate the draft.

Out of the wreckage of Vietnam emerged the so-called all-volunteer force. This was a standing army par excellence, existing apart from American society. For a time, divorcing the American military from the American people seemed a masterstroke. Rather than harmonizing military policy with political values, the all-volunteer force appeared to resolve a much thornier issue. It reconciled American culture, which had come to celebrate unencumbered individual autonomy, with political elites' dogged insistence that exercising global leadership made it essential for the United States to have available for immediate use immensely capable armed forces. Rather than a state-based militia activated in emergencies, the National Guard became an adjunct of the standing military. In the Pentagon's view, guardsmen were part-time regulars, expected to conform fully to professional standards. This, at least, was the premise informing the so-called Total Force doctrine.

The creation of a new class of warrior-professionals made everyone happy. Those residing outside the Beltway could live their lives, unbothered by the prospect of receiving a telegram from the likes of General Hershey. Inside the Beltway, meanwhile, elites could still find satisfaction in sending American soldiers to Beirut, Panama, Somalia, or elsewhere. By the 1990s, something close to unanimity existed: the military created after Vietnam was perhaps the most successful

federal innovation since the self-adhesive postage stamp.

In 2004 and 2005, after 9/11 and in the wake of two unpopular and protracted wars – one in Iraq and another in Afghanistan – Americans began awakening to the real implications of having deep-sixed the citizen-soldier. Inside the Beltway, it became apparent that the United States faced the problem of having too much war and too few warriors. To ease the burden on a badly overstretched force, and with few allies stepping up to the plate to help, the Pentagon turned increasingly to mercenaries, referred to euphemistically as “private security firms.” No one much cared for the result except the contractors who raked in huge profits at taxpayer expense. Even then, sending troops back for a third or fourth combat tour became commonplace, and the sustainability of the situation seemed precarious.

Outside the Beltway, the American people retained negligible say in the employment of an army over which they had forfeited any ownership. Long since cast as spectators, citizens found that they had little voice in deciding when Team America suited up or where it played. If there remained any doubts on that score, President Barack Obama's decision to escalate the Afghanistan War in December 2009 ended them. Having promised to “change the way Washington works,” Obama instead conformed to the dictates of standard practice.

“We the People” need to understand: it's no longer *our* army; it hasn't been for years; it's *theirs* and they intend to keep it. The American military belongs to Bill Clinton and Madeleine Albright, to George W. Bush and Dick Cheney, to Hillary Clinton and Robert Gates. Civilian leaders will continue to employ the military as they see fit. If Americans do not like the way the army is used, they

should reclaim it, resuscitating the tradition of the citizen-soldier and reasserting the connection between citizenship and military service. Bluntly, Americans should heed the counsel of George Washington, George Marshall, and John McAuley Palmer.

The likelihood of such an outcome is nearly nil. With rare exceptions, members of the national security establishment remain wedded to the all-volunteer force and adamantly oppose any measure that would increase popular influence on policy. Worse, American civic culture continues to evince a very low tolerance for anything that smacks of collective obligation. The few willing to entertain the notion that military service should constitute an obligation tend to be long in the tooth – aging veterans of World War II, mostly.

Yet as long as the tradition of the citizen-soldier remains moribund, reversing the militarization of U.S. foreign policy will be a pipe dream. In the nation's capital, the halls will resound with calls for peace, but war is likely to remain a permanent condition. In Washington, people will wring their hands over the unseemly state of relations between civilian and military elites, as brass hats and politicians maneuver against the other for advantage. That's *their* problem.

The problem for the rest of us is a far greater one: grasping the implications, moral as well as political, of sending the few to engage in endless war while the many stand by – passive, mute, and yet, whether they like it or not, deeply complicit.

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The Military-Industrial Complex

Charles J. Dunlap, Jr.

Abstract: In his 1961 farewell address, President Eisenhower cautioned against a future in which a powerful military-industrial complex manipulated policy to the detriment of American interests. Dunlap argues that, fifty years later, Eisenhower's fears have not been realized; in fact, the military-industrial enterprise is in decline. Certainly, the U.S. military owes its continued preeminence to both the quality of its combatants and the superiority of its weaponry. Yet as the manpower-centric strategies in Afghanistan and Iraq replaced technology-centric operations; as complicated defense acquisitions laws deterred companies from obtaining contracts; and as the economic downturn and rising national deficit have strained budgets, the defense industry has become less robust than it was in the Cold War era. Consequently, the services are constrained by aging equipment and outdated technology, even as other countries are strengthening their defense capabilities. While it is important to keep U.S. military and industrial power in check, we should also be concerned about the weakening of innovative collaborations between our nation's military and industrial sectors.

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[The] conjunction of an immense military establishment and a large arms industry is new in the American experience. . . . [W]e must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes.

—President Dwight D. Eisenhower (1961)¹

When President Eisenhower uttered this warning in his farewell address, he forever fixed in the public mind the idea – in its most histrionic manifestation – of an ever-present menace posed by grasping arms merchants in league with war-mongering generals. This cabal, so the theory goes, lurks in the shadows waiting for an unguarded moment in which to subvert the American way of life for its own venal purposes. To writer James Ledbetter, the stereotype of the shady arms merchant is still alive and well. In a *New York*

Times article from late 2010, he contends, “It is not a stretch to believe that the armaments industry – which profits not only from domestic sales but also from tens of billions of dollars in annual exports – manipulates public policy to perpetuate itself.”²

With total annual U.S. defense expenditures now exceeding \$700 billion, Eisenhower’s celebrated caution seems to many observers to be as apt today as ever. Indeed, in the November/December 2010 issue of *Foreign Affairs*, political commentator William Pfaff argues that the full-time, professional military – “supplemented by a nearly equivalent number of civilian mercenaries” – substitutes for the “citizens’ army” he believes conscription produced in the past. The result, he declares, is a force “directly accountable only to the Pentagon [and one that] exists primarily to augment the national ‘military-industrial complex’ against which President Dwight Eisenhower warned.”³

Pfaff’s concerns are hardly limited to the “military” portion of Eisenhower’s dictum. He also asserts that “defense and security industries,” “the most important” components of the U.S. manufacturing sector, are positioned to “dominate Congress, as well as an inexperienced administration” via the industries’ “corporate interests.” To Pfaff, the United States is “a state owned by its army.”⁴

Ledbetter and Pfaff are not alone in their critique of the interplay between military money and American policy and stature abroad. In a May 2010 speech, Republican Representative Ron Paul of Texas railed against “blank checks to the military-industrial complex,” which, he maintains, does little to defend against authentic threats. Paul contends that costly overseas military operations “in many cases foment resentment that does not make us safer, but instead makes us

a target.” Further, if military spending is inadequately examined, he argues, it will exacerbate the U.S. budget crisis that is “bankrupting the nation and destroying our own currency.”⁵

To what extent do the concerns raised by Ledbetter, Pfaff, and Paul reflect Eisenhower’s original thinking? If America’s powerful military is popular and trusted by the electorate, does its reputation indicate the “proper meshing” of military and industry that the farewell address calls for? Or should we be as concerned today as Eisenhower was five decades ago?

Eisenhower was apparently thinking of the future, not accusing contemporary institutions of malevolence. Referring to “unwarranted influence” both “sought” and “unsought,” he took care not to cast aspersions on anyone. In fact, recent scholarship reveals that Eisenhower deliberately toned down his language from that of more antagonistic earlier drafts.⁶ As the former five-star general who led the allied effort to defeat the Nazis, he, of all people, appreciated the need for a powerful military buttressed by a strong and creative industrial infrastructure.

Rather than criticizing either the military or the arms industry, Eisenhower merely pointed out that the Cold War had created for the first time in American history a need to maintain, in a period of putative peace, a very large military establishment as well as an equally sizable arms industry. To Eisenhower, this unprecedented phenomenon required constant scrutiny by the electorate. An “alert and knowledgeable citizenry,” he said, was necessary to ensure “the proper meshing of the huge industrial and military machinery of defense . . . so that security and liberty may prosper together.”⁷

The prescription for an “alert and knowledgeable citizenry” is perhaps the strongest rationale for the continuing vitality

of Eisenhower's speech – albeit for reasons he may not have anticipated. In truth, a robust “military-industrial complex” remains an essential element of a democracy facing diverse and existential threats in a dangerous world. In the twenty-first century, however, America's citizenry needs to be alert not just to the risk of capitalism cum militarism run amok, but also – paradoxically – to the perils of a declining military-industrial enterprise. Surprisingly, accumulating evidence shows that the complex's once-feared power is rapidly and dangerously ebbing. Virtually all experts agree that America's armed forces have achieved – and continue to maintain – their martial dominance not just because of the quality of their combatants, but also because of the superiority and abundance of their weaponry and equipment. Those attributes, in turn, are the result of the creativity and productivity that a highly competitive free-enterprise system generates.

In the defense sector, however, that competitiveness is evidently waning. In 2008, the Defense Science Board glumly noted how the military-industrial complex had transformed since Eisenhower expressed his qualms:

The U.S. Defense industrial base changed significantly . . . since the end of the Cold War. . . . From fifty major defense contractors at the beginning of the 1990s, the defense industry consolidated into six large defense firms by the end of the decade. While competition still occurs between a few firms in each sector, the Government buyer can no longer benefit from a highly competitive defense market.⁸

In its 2010 report to Congress on industrial capabilities, the Pentagon insists that it still relies on market forces to maintain the vitality of the industrial base. At the same time, it reiterates concerns about the loss of competition to consoli-

dation over the past decade, conceding further that “the pace of these consolidations does not seem to be slackening.”⁹ Consolidation does not, as Eisenhower's admonition might have supposed, translate into an even more powerful and united military-industrial establishment; to the contrary, consolidation reflects the complex's declining fortunes.

Decline? With a budget of over \$700 billion? How can the military-industrial complex be eroding given that the U.S. share of defense spending amounts to nearly 48 percent of the worldwide total? While these figures may seem remarkable, military spending as a percentage of GDP has dropped strikingly since the Eisenhower era. In 1961, defense spending constituted 9.4 percent of GDP¹⁰; by 2010, it had fallen by half, to 4.7 percent, and much of that is not headed to arms makers' coffers.

This shift is caused in part by changes in how the Pentagon identifies and responds to threats. In the latest version of the congressionally mandated Quadrennial Defense Review, the Pentagon declares that “America's interests and role in the world require armed forces with unmatched capabilities”; nevertheless, it narrows that globally oriented perspective by defining its top objective as prevailing in “today's wars” in Afghanistan and Iraq.

The focus on Iraq and Afghanistan has significant implications for the defense industry because the strategy employed in those wars is manpower-intensive and inclined toward low-tech solutions. Based on the highly acclaimed counterinsurgency doctrine authored largely by the popular and politically savvy General David Petraeus, the strategy eschews technology, arms, and equipment. Instead, the approach favors deploying masses of foot soldiers, each one prepared to become a “social worker, a civil engineer, a

school teacher, a nurse, a boy scout.”¹¹ Embraced by liberals and conservatives alike, the doctrine justified a huge expansion of American ground forces.¹²

A manpower-centric strategy is, however, extremely costly. The military spends about \$1 million to deploy a single soldier to Afghanistan for one year.¹³ Moreover, the cost of military personnel, deployed or not, is soaring. With expenditures for military health care alone now topping \$50 billion a year, Defense Secretary Robert Gates understandably claims that such expenses are “eating the Defense Department alive.” Unlike Eisenhower’s era of poorly compensated conscription forces, today the Department of Defense (DOD) must fund a growing panoply of benefits and inducements enacted to support the all-volunteer military since the draft ended in 1973.

Financing this new kind of military is creating what one Pentagon official has called a looming “fiscal calamity.” The consequences for the arms industry are clear: an unnamed official told *The Washington Post* that the “government’s generosity [toward military personnel] is unsustainable” and that such expenses will leave the Pentagon with “less money to buy weapons.”¹⁴ Few of what dollars remain will be allocated to the expensive “Cold War” weaponry and missiles that concerned Eisenhower.¹⁵

The producers of intercontinental ballistic missiles, for example, are unlikely to acquire the “misplaced power” Eisenhower feared. To the contrary, Ilan Berman of the American Foreign Policy Council warns: “[P]ractically every declared nuclear weapon state is engaged in a serious modernization of its strategic arsenal. The United States, by contrast, has allowed its strategic infrastructure to atrophy since the end of the Cold War.”¹⁶

Sophisticated weaponry does not appear to be a Pentagon priority, notwith-

standing the influential status supposedly enjoyed by arms makers. Secretary Gates plainly states that “any major weapons program, in order to remain viable, will have to show some utility and relevance to the kind of irregular campaigns that . . . are most likely to engage America’s military in the coming decades.”¹⁷ Irrelevant, it seems, are the big-ticket, high-technology air and naval platforms that enriched many defense firms in Eisenhower’s day.

To be sure, equipment still plays a vital role in irregular warfare. Retired Army General Barry McCaffrey argues that the combined effects of such developments as unmanned drones and hyper-accurate munitions have “fundamentally changed warfare.”¹⁸ However, many of those advances do not necessarily reflect new programs that stimulate industry to produce particularly inventive or revolutionary technologies. Rather, these innovations more often represent a repurposing of existing equipment designed and built for use against Cold War adversaries.

Notably, one of the largest new equipment programs specifically designed to address the “irregular campaigns” that Secretary Gates refers to did not emanate from the machinations of the military-industrial complex or, for that matter, the Pentagon. Congress initiated the \$35 billion Mine Resistant Ambush-Protected (MRAP) vehicle program in response to constituent complaints about horrific injuries to soldiers from improvised explosive devices (IEDs) in Iraq and, later, in Afghanistan. In terms of impact on the industrial base, the MRAP venture produced few new or dramatic innovations.

Why did the program fail to encourage technological advancement? The urgency of the acquisition program required it to rely “only on proven technologies and commercially available products.” Further, in order to rapidly “expand lim-

ited production capacity,” contracts were spread to nine commercial sources.”¹⁹ Even with these precautions, the program is not without difficulties. Indeed, the Congressional Research Service recently reported that “almost 5,000 MRAPs in Afghanistan are not being used because of their size and weight” as well as “possible redundancies” with other equipment.²⁰ This excess inventory all but guarantees that the manufacturers will not coalesce into a permanent military-industrial entity capable of the overreaching Eisenhower feared.

Initially, contractors providing services seemed to fare better than arms makers in profiting from Gates’s “irregular campaigns.” Counterinsurgency expert T. X. Hammes argues that the extensive use of such contractors – including those that provide armed security services – in conflict areas “aligned with previous decisions and the administration’s faith in the efficiency and effectiveness of private business compared to governmental organization.”²¹ However, widely reported allegations of abuse and fraud obliged Congress to intervene. Beginning with the creation, in 2004, of the Office of the Special Inspector General for Iraq Reconstruction,²² Congress used investigations, hearings, and new laws to rein in contractors in war zones.²³ With more regulation likely to be forthcoming, it seems clear that even if this assemblage of contractors had designs on “unwarranted influence,” recent events have conspired to prevent such an outcome.

Additionally, the halcyon days for service support and advisory contractors stationed away from the battlefield appear to have ended as well. Secretary Gates concludes that the DOD has “grown over-reliant on contractors.” He suggests they “may be performing functions that should be done by full-time

government employees, including managing other contractors.” Consequently, Gates directed the DOD to “reduce funding for service support contractors by 10 percent each year for the next three years.”²⁴ Accordingly, much of the work formerly done by outside contractors is being in-sourced to DOD employees.²⁵ All this activity portends the weakening influence of contractors in the Pentagon and elsewhere.

The complexities of defense acquisition laws and regulations put in place since 1961 also diminish the cohesion that would facilitate the accumulation of “unwarranted influence” by the military-industrial complex. According to Patrick Wilson, the director of government affairs for the Semiconductor Industry Association, the “defense acquisition process is so cumbersome that many high-tech firms shun government sales.” The bureaucracy of the procurement system, he says, is “ridiculous.”²⁶

Calling the acquisition system “ridiculous” may be an exaggeration, but not by much – even when the stakes are very high. For example, the Air Force has been trying since 2002 to replace its aging aerial tanker fleet, whose aircraft, on average, are more than forty-seven years old. Yet a variety of legal and technical issues stymied the project for years, despite its being valued at as much as \$35 billion.²⁷ A sophisticated military-industrial complex endowed with treacherous proclivities toward excessive influence would be expected to have greater success in bringing such a lucrative opportunity to fruition sooner.

Another factor diminishing the ability of major defense firms to accrete unbounded power is the maze of legally mandated acquisition polices intended to serve social purposes as much as strengthen national security. For instance, *The Washington Post* reports that a

“tiny, inexperienced firm” received a \$250 million contract “without competition, under special set-aside exemptions granted by Congress to help impoverished Alaska natives.” At the time of the contract award, the company had only eighteen employees and \$73,000 in revenue the previous year.²⁸ However one views the wisdom of set-asides, adherence to such exemption policies seems to counteract concerns about the dangerous influence of huge corporate monoliths.

Of all the factors emasculating America’s military-industrial complex, however, none is as significant as current economic conditions. The arms industry is caught in the throes of forces vastly more powerful than it could aspire to wield: the severe global economic downturn; the near meltdown of the U.S. financial system; and the ballooning deficit all combine to spark calls on both sides of the political aisle for sharp cuts in discretionary spending – a major portion of which is the defense budget.

Military spending distressed and frustrated Eisenhower. His melancholia is captured in a 1953 remark that, though less well known than his farewell address, is powerful and thought-provoking:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.²⁹

Although the American people have generally endorsed expanding military budgets since 9/11, that support may be flagging – especially with respect to war costs in Afghanistan. According to a USA Today/Gallup poll in late November 2010, 60 percent of Americans worry that “costs

of the war in Afghanistan will make it more difficult for the government to address the problems facing the United States at home.”³⁰ Likewise, an ABC News/Washington Post poll in early December 2010 found support at historic lows, with 60 percent of Americans characterizing the war, in fiscal terms, as “not worth fighting.”³¹

Secretary Gates, who gamely insists that “the truth of the matter is when it comes to the deficit, the Department of Defense is not the problem,”³² supports a series of cost-saving initiatives to address potential defense spending reductions, including cuts in selected weapons systems. Although he wants to invest the savings in fewer but higher-priority systems, hopes are dimming in the defense industry that arms purchases of *any* kind will escape the budgetary ax, especially given that the president’s highly influential National Commission on Fiscal Responsibility and Reform recommends applying any savings generated by the DOD to deficit reduction, not weapons.³³

While “despondent” would be too strong a word, there is little evidence that arms manufacturers are bullish about the future of arms sales. They are likely to embrace the blunt advice issued by defense analyst Loren Thompson in late 2010. Commenting on a recent solicitation for a new Army ground combat vehicle, Thompson surmised:

[D]efense companies need to start thinking seriously about diversifying their product mix away from a capricious government customer. Diversification is the “D” word defense investors are loathe to voice, but look at what General Dynamics accomplished by its foray into business jets and you begin to see a way forward for defense companies in what could be a very bleak decade.³⁴

Clearly, the *industrial* part of the military-industrial complex has not developed in a way that might have caused Eisenhower great alarm. Given the relative impotence of the defense industry, then, how wary are the American people today of the *military's* potential for perfidy? Not very, it seems.

While no formal assessments of the views of the U.S. body politic have asked this question explicitly, several polls shed some light. For example, among the institutions in which Americans had the most confidence in 2010, small business ranked second only to the military.³⁵ However, *big* business – the type one would associate with Eisenhower's admonition – ranked almost at the bottom. Military officers also headed the list of institutional leaders in whom the public had the most confidence, with small-business managers right behind them.³⁶ The executives of major companies, meanwhile, trailed both groups significantly.

On values, a November 2010 Gallup poll found that only nurses were more highly rated in the public's esteem than military officers. Indeed, 73 percent of Americans rated the honesty and ethical standards of officers in the armed forces as high or very high. Only 15 percent of the public gave business executives such high marks.³⁷ Ironically, despite high confidence in – and deep respect for – the military, a majority of Americans also said in 2010 that they do not believe the United States will be the top military power in twenty years. Strikingly, many hold this view alongside the further belief that the nation “will continue to have combat troops regularly involved in fighting around the world over the next two decades.”³⁸ How to reconcile these two predictions is unclear; nonetheless, the survey results suggest that the public does not foresee an ascent of U.S. military power.

Furthermore, affection for and confidence in those serving in uniform does not necessarily translate into political power. General Wesley Clark's 2004 presidential campaign foundered despite exemplary military service, including successful leadership of NATO forces in the 1999 Kosovo conflict. Recent elections, including the November 2010 midterms, have witnessed a growing number of congressional candidates who were veterans of the wars in Iraq and Afghanistan; most, however, have lost their bids.³⁹ Perhaps the veterans' electoral inexperience plays a role in these losses, but the results nevertheless intimate an electorate that readily distinguishes between the qualifications of uniformed military personnel and those of political leaders.

Additionally, a series of laws and regulations enacted in the aftermath of Watergate and other scandals pose significant obstacles to the kind of military-industry collusion that underpinned Eisenhower's 1961 warnings. The 1978 Ethics in Government Act⁴⁰ and accompanying regulations formalized conflict-of-interest rules and financial disclosure requirements designed to limit untoward influences. In a celebrated case, a senior civilian Air Force acquisition official was convicted for giving Boeing, a major defense contractor, “preferential treatment in exchange for a job.”⁴¹

Rules limiting the activities of retired officers were expanded in Fall 2010. A series of reports in *USA Today* and other media highlighted the role of “military mentors,” retired generals who provide consultation services for defense programs. *USA Today* claimed that 89 percent of the mentors it found “also had financial ties to defense contractors, who could profit from the mentors' connections.”⁴² As a result of those findings, Secretary Gates – who himself made a

Charles J.
Dunlap, Jr.

fortune in his post-CIA career⁴³ – imposed a series of new rules that limited the annual DOD compensation of retired generals for mentoring services to \$179,000. The policy further obliges them to publicly disclose their financial information and business connections to the same degree that those still serving on active duty are obliged to do.⁴⁴

What do all the developments of the past half-century mean after the fiftieth anniversary of Eisenhower’s exhortation? Ledbetter claims that the warning “is as urgent today as ever.” He points not only to the “mounting long-term costs” of defense but also – somewhat disconnectedly – to the alleged “use of martial power” for the detention of terrorism suspects at Guantánamo Bay and wiretaps of Americans.⁴⁵ While Eisenhower *might* have been disturbed by such events, Ledbetter seems to conflate these contemporary issues with the gravamen of Eisenhower’s concern: that is, the emergence of a near-conspiratorial alignment of military leaders and their analogues in the arms industry.

That combination does not exist. Indeed, one might say that Eisenhower’s warning was heard and heeded – with unintended consequences. The fading of the American military-industrial complex impacts U.S. military capability; the effect on America’s Air Force is but one illustration. Whatever influence the Air Force may have enjoyed in Eisenhower’s day is long gone. Consider Air Force Lieutenant General David Deptula’s dismal assessment from Fall 2010: “[W]e have a geriatric bomber force,” Deptula concludes, and “a geriatric fighter force. We have a geriatric Air Force, quite frankly.”⁴⁶

Aircraft age is not the only issue; numbers and sophistication are also a concern. For example, *Defense News* surmised that America’s current bomber fleet con-

stitutes a “puny force against any serious adversary.”⁴⁷ Even so, historian Michael Auslin of the American Enterprise Institute says that today’s budget restrictions are hitting airpower especially hard; consequently, he says, “[S]ome of the stunning joint creations of the Air Force and America’s defense industrial base . . . will likely never be repeated.” If budgetary trends are not reversed, he warns, the Air Force’s “future will look even grimmer than it does now.”⁴⁸

The deterioration of America’s defense infrastructure has captured the attention of Congress. During hearings on the defense industrial base in Fall 2010, Congress acknowledged “the security challenges posed by a shrinking defense industrial base and domestic supply chain.”⁴⁹ Furthermore, Congress recognized that U.S. arms makers face the “proliferation of foreign-made and counterfeit parts, outdated technology, and a depleted manufacturing workforce.”⁵⁰ But there are still too few tangible indications that “an alert and knowledgeable citizenry” will compel the necessary steps to ensure the appropriate level of military-industrial muscle is met and maintained.

Meanwhile, we must not ignore the fact that other nations – including potential adversaries – are strengthening their industrial base. The Pentagon’s 2010 report reveals that China’s defense industries have undergone a “broad-based transformation” since the 1990s. In fact, “[a]ugmented by direct acquisition of foreign weapons and technology, these reforms have enabled China to develop and produce advanced weapon systems that incorporate mid-1990s technology in many areas, and some systems – particularly ballistic missiles – that rival any in the world today.”⁵¹ Ominously, China’s industry is developing air capabilities to a degree that suggests China’s

intention to challenge “U.S. air power in the region.”⁵²

In other developments that show the internationalization of the arms industry, Russia and India have signed a deal to build hundreds of new “fifth generation” warplanes designed to best America’s most advanced fighters.⁵³ In light of such reports, many experts are concerned that any additional cuts in U.S. defense spending “will dangerously erode the technological edge that America’s armed forces depend upon, and deserve.”⁵⁴ As Ilan Berman puts it, “Stagnation [in the defense industry] threatens U.S. arms superiority.”⁵⁵ Some analysts go further. According to political commentator Zbigniew Mazurak, “[T]he U.S. is no longer unrivalled in terms of conventional weapons. Conventional threats are real and growing.”⁵⁶

The problem, however, may run deeper. Some analysts observe an “anti-modern warfare prejudice” within the U.S. military itself.⁵⁷ Perhaps an outgrowth of the manpower-intensive counterinsurgency strategy in vogue today, this trend runs counter to the “high-technology” emphasis that strategist Colin Gray calls “the American way in warfare.” Indeed, Gray contends, American society “cannot possibly prepare for, or attempt to fight, its wars in any other than a technology-led manner.”⁵⁸ But the ability to maintain such an approach depends on the existence of a vigorous, innovative, and profitable military-industrial enterprise.

Eisenhower’s dictum will always serve as a useful bellwether for the disquieting prospect of an unchecked confederation of military and industrial power. Still, in twenty-first-century America, the importance of context is becoming ever more evident. During Eisenhower’s presidency, a robust industrial base working effectively (if not always efficiently) with its

military counterparts addressed the imperatives of the Cold War confrontation with the Soviet Union. That the perils of “misplaced power” were largely avoided is a critically important lesson. That is, inevitability need not be part of the lexicon of this issue.

Were he alive today, Eisenhower undoubtedly would have recognized that dismissing the military-industrial complex as the inveterate enemy of democracy is wrong and dangerous. Thanks largely to Eisenhower’s eloquent expression of caution, the United States has shown that it can effectively limit the reach of the military-industrial establishment. Now the question may be whether controlling influences – “sought or unsought” – have taken us too far.

Writing in *The Wall Street Journal* in late 2010, novelist Mark Helprin warns:

[History] tells us that, entirely independent of economic considerations, although not a dime should be appropriated to the military if it is not necessary, not a dime should be withheld if it is. The proof of this, so often and so tragically forgotten, is that the costs of providing an undaunted defense, whatever they may be, pale before blood and defeat.⁵⁹

Even the most ardent advocate of Eisenhower’s farewell address would be wise to ponder that sentiment.

Charles J.
Dunlap, Jr.

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Defending America in Mixed Company: Gender in the U.S. Armed Forces

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Abstract: Women have voluntarily served to defend America since the birth of our nation, often driven by necessity or the fight for equal opportunity, but always limited by law or policy grounded in accepted gender roles and norms. Today, women compose 14 percent of the total active-duty military, and more than 255,000 have deployed to combat operations in Iraq or Afghanistan. Despite their exemplary service and performance in combat, women are still restricted from serving in more than 220,000 military positions solely because of their sex. Women also continue to be exempt from the Selective Service System, for which their male counterparts are required by law to register. Are these continued inconsistencies between the sexes in the area of national defense incongruent with democratic tenets? Have we gone too far or not far enough in allowing or compelling women to defend the nation if required?

May all our citizens be soldiers and all our soldiers citizens.

–A toast by Sarah Livingston Jay, the wife of John Jay, at a ball celebrating the end of the Revolution (Fall 1783)¹

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Women have served as volunteers in the defense of America since the birth of our nation, often driven by necessity or the fight for equal opportunity, but always limited by law or policy grounded in accepted gender roles and norms. Today, women make up more than 14 percent of the active-duty military force; since 2001, more than 255,000 have deployed to Operation Enduring Freedom or Operation Iraqi Freedom, in which more than 130 have been killed and almost 700 wounded.² As of April 2011, despite their exemplary performance in direct combat roles in the air, sea, and on the ground, women as a group are still banned by Department of Defense (DOD) policy from being assigned to more than 220,000 of the 1.4+ million authorized active-duty positions – regardless of their individual abilities and qualifications.³ While every American male is required by law, as a basic obligation of

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citizenship, to register for Selective Service within one month of his eighteenth birthday (or potentially suffer fines, imprisonment, and denial of educational and employment opportunities),⁴ women continue to be exempt from this responsibility of citizenship.

Current DOD policies are rife with inconsistencies and inefficiencies, resulting in confusion, inflexibility, and outright violations of the self-imposed restrictions by the military. The male-only Selective Service law and DOD policies are also incongruent with three of America's democratic tenets: 1) a fundamental obligation of full citizenship is the requirement to defend the nation if needed; 2) the armed forces, whether conscripted or volunteer, should reflect the society they defend; and 3) the U.S. Constitution is now interpreted to prohibit discrimination or lack of equal opportunity based solely on gender.⁵

U.S. national security is not being pursued in mixed company consisting of all qualified American citizens; instead, existing restrictions have limited women's full participation in the military.⁶ This essay will explain the gender norms that continue to curtail women's rights and obligations to national defense; elaborate on the three democratic tenets that should drive the composition of America's armed forces; review the history of women's participation in U.S. defense and consideration for Selective Service in light of these tenets and gender norms; discuss the current gender situation in the U.S. military; and make recommendations for the future.

* * *

Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of

the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood....The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator.

—U.S. Supreme Court Justice Joseph Bradley, *Bradwell v. State of Illinois* (1873)⁷

War and the military ethos required to fight and win wars have traditionally been considered masculine in nature, with peace and the need to be protected defined as feminine. Men take life and women give life. Men protect and women are protected. Men are strong and courageous and women are weak and emotional. Men are responsible to the state and women to their family. Men are motivated to function in the horror of war by the thought of returning to the normalcy of home as symbolized by mother, wife, sweetheart, and the nurses who care for them in battle. The increasing integration of women in the military has confused and contradicted these gender norms and roles. Nonetheless, female Americans' participation in defense has been and is still limited by these generalizations about what women as an entire class *could* and *should* do.⁸

Take, for example, statements by Kathleen Teague of the Eagle Forum. Testifying before a House Armed Services Committee in 1980 on women's potential inclusion in Selective Service registration, Teague said, "We expect our servicemen to be tough enough to defend us against any enemy – and we want our women to be feminine and human enough to transform our servicemen into good husbands, fathers, and citizens upon their re-

Martha E.
McSally

turn from battle.” She also warned that “she and her colleagues were not about to give up the right to be free from a military obligation ‘just because a handful of women, unhappy with their gender, want to be treated like men.’”⁹

In 1991, General Merrill McPeak, then chief of staff of the U.S. Air Force, testified to a Senate Armed Services Committee (which was deliberating potential repeal of the law that excluded women from flying combat aircraft) that he would pick a less-qualified male pilot over a more-qualified female pilot for a combat mission. He conceded that his view did not make much sense, but it was simply the way he felt. A year later, he told a House Committee: “I believe the combat exclusion law is discrimination against women. And second, that it works to their disadvantage in a career context. ... And I still think it is not a good idea for me to have to order women into combat. Combat is about killing people.... Even though logic tells us that women can [conduct combat operations] as well as men, I have a very traditional attitude about wives and mothers and daughters being ordered to kill people.” At the time, McPeak was responsible for organizing, training, and equipping the Air Force to fly, fight, and win in defense of America, yet he was willing to accept a less-capable force to fit with his personal attitudes on the proper role of women.¹⁰ These are just two illustrations from the last thirty years of how gender norms drive opinions (even ones from otherwise educated professionals) of women’s place in national defense.

* * *

It may be laid down as a primary position and the basis of our system, that every citizen who enjoys the protection of a free government, owes . . . even of his personal services to the defense of it, and conse-

quently, that the Citizens of America (with few legal and official exceptions) from 18 to 50 Years of Age should be borne on the Militia Rolls, provided with uniform Arms, and so far accustomed to the use of them.

–General George Washington, “Sentiments on a Peace Establishment” (May 1783)¹¹

The democratic tenet that binds the rights of citizenship with the obligation to defend the state is rooted in the writings of America’s founding fathers and reflected in our Constitution and laws. This relationship was central to the suffrage and civil rights movements, grounding the arguments that women and African Americans served in defense of the United States and should therefore be granted all rights of citizens.¹² The principle remains strongly present in immigration law: past applicants for citizenship, male and female alike, had their applications rejected if they refused to take an oath that they would bear arms to defend the nation. The current law mandating males ages eighteen to twenty-five to register for Selective Service requires even those males living in the United States as aliens to register as a reflection of obligations of residency and a possible path to citizenship.¹³ Indeed, honorable service in the military is today a guaranteed road to citizenship,¹⁴ further evidence of our belief in the link between military service and citizenship.

The citizen-soldier connection is reinforced in contemporary discussion of whether to continue required Selective Service registration for American males. In 1999, Congress debated the elimination of the Selective Service System (SSS) and the requirement for registration. During the debate, the late Charles Moskos, a well-known military sociologist, stated that if registration was not mandatory for all American eighteen-

year-old male citizens, “it will mean a cut-off of citizenship responsibility. This is the one time in a man’s life he has to sign a document saying he has citizen obligation.” The SSS 2009 Annual Report to Congress struck a similar chord: “By registering with Selective Service, every young man is reminded of his potential obligation to serve our Nation in an emergency.”¹⁵ There is little serious discussion about exactly how American women express this citizen obligation.¹⁶

* * *

[M]y fundamental belief is that we, as a military, must represent our country. We must represent the demographics of it. It is the greatest strength of our country.

—Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff (2009)¹⁷

Another democratic tenet posits that a military force should reflect the society it defends. Women are now almost 51 percent of the U.S. population, but just over 14 percent of the all-volunteer force and only 6 percent of senior officers. In 2009, Congress directed the creation of the Military Leadership Diversity Commission to address the reality that military power structure and leadership in a volunteer force consist predominately of white men and to make recommendations for developing more diversity in the force and leadership.¹⁸

An additional consideration regarding the composition of the armed forces as a full reflection of society is the “business model.” In order to have the most capable force, standards should be set for the positions, and individuals should be recruited from the widest pool possible across society. These efforts result in higher overall aptitude and the flexibility to pick the best individual for any position, regardless of sex.¹⁹

In 2009, the Pentagon reported that 75 percent of young American men and women are ineligible for entering military service based on minimum health, weight, educational, and aptitude standards, as well as other restrictions including criminal records and parenthood. Of the 25 percent eligible, 15 percent go on to college, leaving approximately 10 percent of the young population as potential military recruits. In 2005–2006, the Army significantly lowered educational, medical, aptitude, and criminal standards to meet its recruitment goals during a strong economy and while fighting two wars.²⁰ To fill an all-volunteer force or to guarantee a high-quality conscripted force, it is logical to recruit and select from the largest pool of applicants to ensure the highest aptitude of those responsible for defending America. Setting realistic standards, removing restrictions on whole classes of people, and recruiting people as individuals who can be placed where they are best qualified to serve raises the overall quality of the force.

* * *

There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of “romantic paternalism” which, in practical effect, put women, not on a pedestal, but in a cage.

—U.S. Supreme Court, *Frontiero v. Richardson* (1973)²¹

The Fifth Amendment of the Constitution guarantees that no citizen be “deprived of life, liberty, or property, without due process of law.” The Fourteenth Amendment bars states from the same actions, adding a prohibition against denying citizens equal protection of the laws. The courts have extended the equal

Martha E.
McSally

protection principle to cover the federal government as well, usually under the Fifth Amendment due process clause. In applying the principle to federal or state gender discrimination, the courts now employ “intermediate scrutiny” to decide whether discrimination based on gender classifications is lawful. Under this level of scrutiny, the government must provide an “exceedingly persuasive justification” that a gender classification is designed to meet “important governmental objectives” and that “the discriminatory means employed are substantially related to the achievement of those objectives.”²²

Although scrutiny and judicial opinions have evolved over time, the courts are now especially likely to strike down a gender classification that seems to be based on faulty generalizations or stereotypes about the varying abilities and interests of the two sexes. The most recent Supreme Court opinion on the matter, the 1996 ruling that Virginia violated the Fourteenth Amendment by prohibiting women from attending the Virginia Military Institute, stated, “Generalizations about ‘the way women are’ or estimates of what is appropriate for ‘most women’ do not justify denying opportunity to women whose talent and capacity place them outside the average description.” Furthermore, the government’s justification for discrimination “must not rely on over-broad generalizations about the different talents, capacities, or preferences of males and females”; the government has “no warrant to exclude qualified individuals based on ‘fixed notions concerning the roles and abilities of males and females.’”²³

Some critics erroneously assume that equal opportunity and military effectiveness have an inverse relationship. They argue that inclusion of minorities such as African Americans, women, and homosexuals in the military is “social experi-

mentation,” which only results in a less effective military.²⁴ This argument is based on the alleged importance of high *social cohesion* (that is, male bonding) among white male heterosexuals, especially in combat units. Studies of cohesion in general and the performance and cohesion of integrated military units in particular have disproved this assumption. Diversity in the force can potentially be challenging for leadership, but ultimately it is found to have a positive effect on mission success across civilian and military organizations. Studies have shown, and experts agree, that *task cohesion* – a shared commitment to the group’s mission or goals – is most important for mission effectiveness. In fact, too high a level of social cohesion can be detrimental to performance.²⁵

In September 2010, the U.S. District Court for Central California ruled that the ban on homosexuals serving openly in the military was unconstitutional, rejecting the inverse relationship between equal opportunity and military effectiveness. Based on empirical evidence to the contrary, the court strongly rejected the government’s argument that homosexuals need to be excluded from the military to protect unit cohesion.²⁶ In December 2010, Congress then repealed the law that banned homosexuals from serving openly – also rejecting the premise that “[t]he presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.” In contrast to previous justification, at the signing of the new bill into law later that month, President Obama stated, “This law ... will strengthen our national security and uphold the ideals that our fighting men and women risk their lives to defend.”²⁷

Despite this change in understanding of the positive relationships between diversity, equal opportunity, and national security, many of the cohesion arguments continue to be used to justify the exclusion of women from full participation in the military. Just as homosexuals in the military were successfully, but invisibly, performing their duties under “Don’t Ask, Don’t Tell,” women are involved in ground combat and are necessary to the success of the mission, but are denied the open acceptance of their service in this capacity.

In this next section, I move chronologically through U.S. history, summarizing women’s key contributions to the military during various eras.²⁸ At the same time, I explore these contributions in light of the legal and social practices that defined and circumscribed gender at different points in American history.

The Revolutionary War to Pre-World War I. In the Revolutionary War and Civil War, women served not only as cooks, laundresses, and nurses but also as spies and saboteurs. Some, like Deborah Sampson of Massachusetts, also disguised themselves as men and fought in battles. A few earned pensions and many earned awards for their service, including the Congressional Medal of Honor. In the Spanish American War, 1,500 women were contracted as nurses (without military status) due to the typhoid outbreak. Congress authorized permanent Army and Navy Nurse Corps as a result of these women’s contributions.

Although women were called citizens from the birth of the Republic, most of the early citizen rights and obligations were reserved for white male landowners. At the time, the justification for not allowing women to vote, not calling on women to serve on juries, and not requiring women to register for the militias was based on

the concept of *coverture* that the revolutionaries brought with them from England. Coverture rationalized that women could be called citizens but left out of the new social contract between the governed and those who govern because the man has an obligation to the state; the woman has an obligation only to the man by whom she is “covered”: her husband or father, if she is unmarried. Once married, a woman’s civic identity transferred from her father to her husband. The concept of *coverture* was “incompatible with Revolutionary ideology” but was justified and defended by male decision-makers.²⁹ Ideas about *coverture* and the primary obligation of women to the family continue to shape American laws, lifestyles, and military policy.

World War I through World War II. Thirty-four thousand U.S. women wore the uniform in World War I; four hundred of these women died while serving their country, despite not yet having obtained the right to vote. Coverture logic and the connection between citizenship rights and obligations came to a head in the suffrage movement. Some men argued that women did not have the right to vote because they did not have the obligation to risk their lives in defense of the state. Meanwhile, some suffragists argued that women served in the military in World War I and therefore deserved the right to vote.³⁰ The suffragists eventually prevailed; however, even after earning the right to vote, women continued to be exempt from the right and obligation to defend the nation if capable and required.

Out of sheer necessity, World War II resulted in an unprecedented utilization of volunteer women in uniform. More than four hundred thousand women served; eighty-five became prisoners of war (POWs) and more than five hundred women lost their lives, sixteen of whom were killed in action. Although not trained to

fight, be under fire, or to survive as a POW, many women demonstrated courage in all theaters during this war. However, the United States struggled with the limits of women's military functions, wrestling with how to adapt as women proved successful in an expanding number of roles. Women flew all aircraft in the inventory as ferry pilots, instructor pilots for men, and target-towing for anti-aircraft (AA) gunner training, but unlike Russia, the United States would not allow women to fly in combat.³¹ After the British began to train and utilize women to operate land-based AA guns (they were allowed to do everything but fire the weapon, a role left to men), the United States conducted a secret experiment to see if American women could fill these positions. The mixed-gender units performed better than all-male units, but the experiment was terminated because it was "not believed that national policy or public opinion [was] yet ready to accept the use of women in field force units."³²

Although most women were demobilized quickly after World War II, the Armed Forces Integration Act of 1948 formally authorized a permanent cadre of women in the military for the first time. The law, however, severely restricted the number of women, the number of officers, the rank they could achieve, and the roles in which they could serve. Women were banned from serving in combat aircraft and all ships except transport/hospital ships; they were not specifically banned from ground combat because this was an assumed restriction. During congressional testimony, General Eisenhower expressed that women would be critical in any future war and should therefore be subject to conscription. His views were dismissed.³³

The 1950s through 1990. Women's opportunities in the military were curtailed in the 1950s and 1960s due to cultural views

of proper gender roles and the reliance on the draft. The tide began to turn in the late 1960s. Restrictions on the number of women and the rank they could achieve were lifted by Congress in 1967. By 1972, both the House and the Senate passed the equal rights amendment to the U.S. Constitution (although it was never ratified by enough states), which had an enormous impact on the roles of women in America. In 1973, as it was recovering from the Vietnam War and the draft, the United States transitioned to the all-volunteer force. As a result, more women were aggressively recruited in order to fill the ranks without lowering the standards. Military leaders acknowledged that female recruits were performing better on aptitude tests and had fewer discipline problems than male recruits. Both military necessity and the equal rights movement had an impact on women in the military. Several important court cases and congressional mandates required the military to abandon the "business as usual" stance they failed to adjust to in the wake of the all-volunteer force.

In 1973, the Supreme Court ruled in *Frontiero v. Richardson* that the military policy that denied equal housing and medical benefits to families of service-women violated the Fifth Amendment due process clause. In 1975, Congress directed all military service academies to open their doors to women. In 1976, a U.S. court of appeals ruled that discharging women for pregnancy violated the Fifth Amendment due process clause since it was founded on the impermissible assumption that pregnant women were permanently unfit for military duty.³⁴ In 1978, a group of Navy women filed a suit challenging the law that banned women from serving on ships. The judge ruled that the exclusion statute violated the Fifth Amendment and "was premised on the notion that duty at sea

is part of an essentially masculine tradition” and suggested “a statutory purpose more related to the traditional way of thinking of women than to the demands of military preparedness.”³⁵ By the end of the 1980s, women could attend the military academies, earn a Reserve Officer Training Corps (ROTC) scholarship, serve on a noncombatant Navy ship, be assigned to a Titan missile crew, and become military pilots again for the first time in more than thirty years. However, they were still excluded from serving in combat roles in the air, sea, or on land.

In 1980, President Carter announced in his State of the Union address that he would reauthorize the Selective Service, in accordance with the Military Selective Service Act (MSSA) of 1948.³⁶ Registration had been discontinued since 1975, but the Soviet invasion of Afghanistan provided the political impetus for reinstating the practice. Although President Carter requested funds from Congress to include women in the registration process, Congress authorized funds for a male-only registration.

In March 1981, the Supreme Court ruled in *Rostker v. Goldberg* that the male-only draft registration did not violate the equal protection principle. In its decision, the Court expressed the need for “healthy deference to legislative and executive judgments in the area of military affairs.” The Court sidestepped a full equal protection analysis of the male-only draft restriction, reasoning that because women were not eligible to serve in combat, men and women were not “similarly situated” for the purposes of the registration exemption.³⁷ The MSSA never specified that the purpose of registration was to draft only combat troops: in fact, its focus is to deliver untrained manpower and trained health care personnel in the event of a national emergency.³⁸ Additionally, even though women were then (and still are)

banned from ground combat positions, actual combat troops (versus combat support) are a significant minority of the total force.³⁹ Some constitutional experts have strongly criticized the Supreme Court’s ruling on the grounds that the deference to the legislative and executive branch on military affairs should not have applied in this case because the issue was about rights of civilians, not internal policies of the military. Interestingly, congressional justification for the exclusion of women was filled with statements about the stereotypical role of women in society and family, statements previously ruled as an unacceptable basis for discriminatory legislation by the courts.⁴⁰

In the 1980s and 1990s, the military increased opportunities for women but continued to justify restrictions by saying women would not be “in combat.” The Army coded all their positions based on the probability of being in direct combat and prohibited women from being assigned to those with the highest probability. In 1988, the DOD adopted the so-called risk rule, which stated that the “risks of exposure to direct combat, hostile fire, or capture are proper criteria for closing noncombat positions or units to women, provided that ... such risks are equal to or greater than experienced by combat units in the same theater of operations.”⁴¹ These policies endeavored to draw clean lines between *combat* and *noncombat*, keeping women in jobs away from the risks of combat.

On the battlefield, these lines were not so clearly drawn. In 1989, 770 women deployed to Panama, serving in various “combat support” positions as then defined by the DOD. They included Army helicopter pilots who earned air medals for *combat missions* and the commander of a military police company who led her team in firefights. In 1990 and 1991, more than forty thousand U.S. military wom-

en deployed for Operation Desert Shield/Desert Storm, constituting 7 percent of the total deployed force. Two women in combat support jobs were captured as POWs, and thirteen women were killed. Predictions that there would be public outcry when women were taken as POWs or came home in body bags did not materialize.

1991 through the Present. Based on women's performance in Panama and Desert Storm, Congress repealed the law that prohibited women from flying combat aircraft (enacted December 5, 1991) and serving on combat ships, except submarines (enacted November 30, 1993). Congress also directed the DOD to provide ninety-days notice for any changes to its ground combat exclusion policy, including analysis of implications for the male-only draft. The DOD then removed restrictions on women flying combat aircraft or serving on combat ships, rescinded the risk rule, and adopted a new ground combat exclusion policy. This policy is still in effect today; it states, "Service members are eligible to be assigned to all positions for which they are qualified, except that women shall be excluded from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground." The policy goes on to define direct combat as "engaging an enemy on the ground with individual or crew served weapons, while being exposed to hostile fire and to a high probability of direct physical contact with hostile force's personnel. Direct ground combat takes place well forward on the battlefield while locating and closing with the enemy to defeat them by fire, maneuver, and shock effect."⁴²

The decision "to keep Army combat units closed to women was justified in terms of the 'unique bonds' necessary for mortal combat, which are 'best developed in a single gender all male environment.' The U.S. Army Chief of Staff said in 1993

that 'cohesion is enhanced by uniformity, by adherence to a common sense of values and behaviors.'"⁴³ The success of mixed-gender units in combat since then,⁴⁴ the decision to allow homosexual individuals to serve openly in the military, and the results of studies on task cohesion discussed earlier all make these arguments suspect.

In 2005, while the all-volunteer military was stretched thin fighting two wars and was lowering standards as it struggled to meet recruitment goals in a strong economy, Republican Representatives Duncan Hunter, of California, and John McHugh, of New York, introduced an amendment to the annual defense bill that would have codified a ground combat exclusion for the first time in U.S. history and prohibited women from serving in Army forward support companies. If the measure had passed, the Army estimates that 21,925 positions currently open to women would have been closed. The amendment gained immediate public attention and provoked strong objections from Army and DOD leadership as well as many members of Congress. In the end, Hunter and McHugh's efforts were thwarted; the final amendment was a significant compromise, only mandating that the DOD notify Congress of any opening or closing of positions or units under the ground combat exclusion policy or any change that opened or closed a career field related to military operations on the ground.⁴⁵ As during World War II and with the recruitment of the all-volunteer force in the 1970s and 1980s, the need to fill the ranks in order to fight two wars drove the final decision not to decrease women's participation in uniform, despite a desire by many to do so because of their views of proper gender roles.

* * *

We are a nation that says “out of many, we are one.” We are a nation that welcomes the service of every patriot. We are a nation that believes that all men and women are created equal. These are the ideals that generations have fought for. These are the ideals we uphold today.

—President Barack Obama, remarks before signing the repeal of “Don’t Ask, Don’t Tell” (December 2010)⁴⁶

In 2008, the DOD informed Congress that the Marines planned to open counterintelligence and human intelligence specialties to women, and in 2009, the DOD informed Congress that it intended to open submarine duty to women, negating the previous argument that privacy issues prohibited qualified women from serving in jobs requiring close quarters and little privacy.⁴⁷ However, women today are still excluded from more than one hundred thousand positions in combat-arms career fields (for example, infantry, armor, pararescue, combat engineers, and special forces) and support positions within ground combat battalions (for example, medic, logistics, and intelligence). Also, women cannot be assigned to combat support units that are “required to collocate” with ground combat units. This policy accounts for nearly one hundred thousand additional positions being closed to women.⁴⁸

The current restrictions on women in combat are gamed by commanders on a daily basis. The prohibition states that women cannot be “assigned” to these units, but they can be “attached” or “employed” virtually anywhere. At a time of strained resources, the Army is going to great lengths to assign women to positions that, on paper, meet the restrictions, when in reality women are being attached or employed in any way re-

quired for the mission.⁴⁹ This accounting practice degrades combat efficiency and effectiveness. As one prior combat arms battalion commander explained, “[T]he policy is legal fiction . . . and while it is useless, it is not harmless.”⁵⁰ Commanders and human resources personnel must make significant efforts to assign women only to positions open to women. Combat cohesion is also degraded: assigning women to a “legal” position on paper, and then deploying and employing them ad hoc with combat units, precludes these mixed-gender teams from training together prior to deployment, a necessity for building the trust and teamwork required in a complex combat environment. After one female medic earned the Silver Star for her valor in battle in Afghanistan, she was sent home due to elevated publicity about her role and actions, despite her importance to the mission and her unit. Female combat veterans have also suffered from inadequate veterans benefits and services upon returning from war because they are technically prohibited from being in ground combat.⁵¹

In 2007, the RAND Corporation conducted a study on whether the Army was actually complying with its own policies and those of the DOD in Iraq. Because the policies focus on what positions women are assigned to instead of where and how they are employed, RAND concluded that the Army is complying with its prohibition on assigning women to ground combat positions and units. RAND also concluded that the Army is probably violating its own collocation policy, depending on how it is interpreted. The report recommended that the DOD and the Army re-craft the policy or rescind it altogether based on current realities and lessons – and clearly state its actual objective, which is not obvious to most of the leaders tasked to enforce it.⁵²

Martha E.
McSally

Not only have women been necessary to fill the ranks, the nature of combat in Iraq and Afghanistan specifically requires women to do some jobs, such as searching women and children. This requirement resulted in the creation of “Lioness” teams that accompany all-male combat soldiers to perform this function. Women troops are also critical in winning the population over as part of counterinsurgency strategy. Previously, U.S. military efforts focused on engaging with local men only, ignoring 50 percent or more of the population they were trying to protect, engage, and empower. The U.S. military recently formed “female engagement teams” to interact with local Afghan women in order to understand concerns, gain critical information, help meet their needs, and empower the locals. These are roles that military men cannot fill due to cultural sensitivities.

There is no line between combat and noncombat, no place called “well forward” on the battlefield, and no sanctuary from combat risks in Iraq and Afghanistan (or in foreseeable future combat operations). Although women are not officially assigned to positions under the seventeen-year-old DOD ground combat exclusion policy, they are employed every day in combat: as truck drivers, gunners, military police, medics, and other support roles that make them vulnerable to attack and require them to be trained and equipped to fight. They are demonstrating their ability to lead and fight under fire, kill the enemy, and show courage in battle. Arguments that women and men cannot be together in small teams in a combat environment because of privacy or cohesion issues have proved fictitious. Many commanders and service members report that the current ground combat exclusion policies are either confusing or unknown.

Despite these realities, there is little political will to repeal the restrictions owing to the ultimate impact it would have on

gender norms and the potential that women would be required to register for Selective Service.⁵³ In 2010, Democratic Representative Loretta Sanchez, of California, introduced an amendment to the annual defense authorization bill aimed not at directly repealing the combat exclusion policies, but rather allowing commanders in the field the flexibility to assign women to combat positions if they were qualified to accomplish the mission. Even though the amendment did not seem to differ much from current realities, it did not survive a Democrat-controlled Armed Services Committee. Democratic Representative Ike Skelton of Missouri, a consistent supporter of the ground combat exclusion and then-chairman of the House Armed Services Committee, replaced it with another amendment that directed the DOD to review military occupations and policies on servicewomen.⁵⁴ Although there was no such provision in the Senate version, the final bill contained additional language requiring the secretary of defense to “review applicable law, polices, and regulations ...that may restrict the service of female service members and determine whether changes are needed to ensure that female members have an equitable opportunity to compete and excel in the armed forces.” The bill called for the secretary to report the results to Congress by April 15, 2011.⁵⁵

The Military Leadership Diversity Commission made a recommendation to Congress in March 2011 that the DOD should completely repeal the ground combat exclusion policy, but it is not yet clear what weight that will have.⁵⁶ Liberal and feminist interest groups united with significant manpower, resources, and political pressure to help repeal “Don’t Ask, Don’t Tell.” Perplexingly, they are providing little to no effort to remove the remaining restrictions on women.⁵⁷

* * *

There was a time when African-Americans weren't allowed to serve in combat. And yet, when they did, not only did they perform brilliantly, but ... they helped to change America, and they helped to underscore that we're equal. And I think that if women are registered for service – not necessarily in combat roles, and I don't agree with the draft – I think it will help to send a message to my two daughters that they've got obligations to this great country as well as boys do.

–Senator Barack Obama, answering a question about whether women should register for Selective Service, Democratic Presidential Debate (July 23, 2007)

“Women are already serving in combat [in Iraq and Afghanistan] and the current policy should be updated to reflect realities on the ground,” said Wendy Morigi, Mr. Obama's national security spokeswoman. “Barack Obama would consult with military commanders to review the constraints that remain.”

–*Pittsburgh Post-Gazette* (October 13, 2008)⁵⁸

Women have served and continue to serve in the defense of America, never under compulsion, despite often being treated as second-class troops and citizens without the same benefits of service or obligations of citizenship. By and large, gender roles have driven the historic and contemporary restrictions on American women in uniform. Nonetheless, the arguments that women are not capable of fighting or enduring the stresses of combat have been disproved.

It has been almost three decades since Americans have engaged in any serious national discussion about the male-only nature of Selective Service registration. Nearly twenty years have passed since any review of the rationale behind ex-

cluding women from more than two hundred thousand jobs in the military. The recent repeal of the ban on homosexuals in the military was driven by democratic tenets of equal opportunity and the “business case” for ensuring the highest quality force. It is time for America to decide that its democratic philosophy should also shape the role of women in the military and national security decision-making, rather than archaic beliefs about proper gender norms. With that in mind, I make the following recommendations:

Martha E.
McSally

- 1) The DOD should notify Congress that it will rescind the current ground combat exclusion policy for women and modify its accessions, placement, and other policies as required for a gender-neutral assignment system.
- 2) If the DOD itself does not rescind the exclusions (historically, the DOD has not taken this kind of initiative until directed to do so by the president, Congress, or courts), Congress should direct the repeal.
- 3) If neither the DOD nor Congress acts to repeal the ground combat exclusion policy in FY 2011, qualified and capable females aspiring to serve in combat roles should file litigation based upon the equal protection principle. Such a suit has never been filed and would require the government to justify exclusion of all women from these roles.
- 4) Congress should amend the MSSA to require female citizens and those females living in the United States as aliens, ages eighteen to twenty-five, to register for Selective Service and should authorize the funding and personnel for the SSS to administer this change.⁵⁹

If these actions are taken, the toast that Sarah Jay gave 228 years ago will finally be fulfilled, and America's national defense will indeed be fully pursued in mixed company.

- ¹ The title of this essay derives in part from the statement “national defense can be pursued in mixed company,” as included in Mary Ann Tetreault, “Gender Belief Systems and the Integration of Women in the U.S. Military,” *Minerva Quarterly Report on Women and the Military* 6 (1) (1988): 44–62. Toast from Sarah Livingston Jay quoted in Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), 236.
- ² Information on women serving active duty provided by Lory Manning at the Women’s Research and Education Institute, July 2010. Due to the increase in Army and Marine combat units since 2002, and the prohibition on women serving in those units, the total percentage dropped from 15 percent in 2002 to 14.3 percent in 2009. Information on women serving in Afghanistan and Iraq from the National Defense Authorization Act for Fiscal Year 2011, HR 5136, 111th Cong., 2nd sess., Congressional Record (June 28, 2010): sec. 534. For updated numbers, see http://www.msnbc.msn.com/id/41083172/ns/us_news-life/.
- ³ See “Direct Ground Combat Definition and Assignment Rule,” a memorandum from Secretary of Defense Les Aspin to the Secretaries of the Army, Navy, Air Force, et al., January 13, 1994; and General Accounting Office (GAO), National Security & International Affairs Division, *Gender Issues: Information on DOD’s Assignment Policy and Direct Ground Combat Definition* (Washington, D.C.: GAO, 1998), <http://www.gao.gov/archive/1999/ns99007.pdf>. Because the Army and Marines have increased their numbers of combat units since this GAO study, the number of positions closed to women is now higher.
- ⁴ Military Selective Service Act (as amended), 50 USC Appendix 451–472. Although no one has been prosecuted for failure to register since the mid-1980s, denial of federal employment and financial assistance is still enforced at the federal level, and several states have laws mandating denial of benefits as well.
- ⁵ On this third tenet, see the Fourteenth Amendment’s equal protection clause. Gender was not always considered as a class covered by the equal protection clause, and the failure of the equal rights amendment to be ratified resulted in women having no constitutional protection from discrimination for almost two hundred years. The courts have only recently included gender under the Fourteenth Amendment, with less stringent scrutiny than classifications such as race. Gender is now covered under “intermediate scrutiny.” The most recent Supreme Court guidelines on this issue will be addressed later in this essay.
- ⁶ The United Nations Security Council Resolution on Women, Peace and Security (UNSCR 1325) was passed in October 2000; among other recommendations, it urged “member states to ensure increased representation of women at all decision-levels in national, regional, and international institutions and mechanisms for prevention, management, and resolution of conflict.” In the declaration at the Lisbon Summit in November 2010, twenty-eight NATO members agreed to an action plan to mainstream UNSCR 1325 into NATO-led operations and missions. Currently, NATO’s focus is on gender training and deployment of gender advisors. These often awkward efforts would be less necessary if there simply were more women serving in the military and security sector in all ranks throughout the power structure. They would then naturally and competitively earn seats at the decision-making tables at all levels.
- ⁷ *Frontiero v. Richardson* 411 U.S. 677 (1973) (citing *Bradwell v. State of Illinois*, 16 Wall. 130, 141 [1873]).
- ⁸ For more detailed analysis and discussion of gender and war, see Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge: Cambridge University Press, 2001). For more detailed discussion of the arguments against women in the military, see Lorry M. Fenner, “Moving Targets: Women’s Roles in the U.S. Military in the 21st Century,” in Lorry M. Fenner and Marie E. deYoung, *Women in Combat: Civic Duty or Military Liability?* (Washington, D.C.: Georgetown University Press, 2001).
- ⁹ Quoted in Kerber, *No Constitutional Right to Be Ladies*, 286–287.

- ¹⁰ See Jeanne Holm, *Women in the Military: An Unfinished Revolution*, rev. ed. (Novato, Calif.: Presidio Press, 1992), 483; and “Military Resisting Women Top Officers, Cite the Male ‘Combat Spirit,’” *Los Angeles Times*, July 31, 1992. In April 1993, I stood next to General McPeak at a press conference, where he announced that the Air Force would remove the restrictions barring women from flying combat (fighter/bomber) aircraft and introduced three of us who would now become fighter pilots based on our performance in pilot training. He was queried about his earlier testimony and simply replied, “There is always a small chance I was wrong.” Today, the Air Force has more than ninety female active-duty, reserve, and Air National Guard combat pilots who have completed gender-blind training and certifications, flown thousands of combat missions in the Balkans, Iraq, and Afghanistan, earned hundreds of combat medals, and served as instructor pilots and commanders of combat units without issue – proving that McPeak was in fact wrong.
- ¹¹ George Washington, “Sentiments on a Peace Establishment,” a letter to Alexander Hamilton, written from Newburgh, New York, May 1, 1783; George Washington Papers, Library of Congress, 1741–1799: Series 3a Varick Transcripts, Letter Book 7, image 69, http://memory.loc.gov/cgi-bin/ampage?collId=mgw3&fileName=mgw3a/gwpage007.db&recNum=70&tempFile=./temp/~ammem_aQSS&filecode=mgw&next_filecode=mgw&itemnum=1&ndocs=100.
- ¹² For detailed analysis of the relationship between gender, civic obligations, and military service, see Kerber, *No Constitutional Right to Be Ladies*. See also Fenner and deYoung, *Women in Combat*, 54–55.
- ¹³ See 50 USC Appendix Sec. 453. The Selective Service Agency website encourages even illegal male immigrants to register for Selective Service as a potential path to future legal status; see <http://www.sss.gov/default.htm>. See also Kerber, *No Constitutional Right to Be Ladies*, 246–250.
- ¹⁴ See 8 USC Sec. 1439.
- ¹⁵ Charles Moskos, as quoted in Jessica Lee, “Draft Agency’s Number May Be Up, Some Question Need for Selective Service,” *USA Today*, August 24, 1999. See Selective Service Agency, *Annual Report to the Congress of the United States Selective Service System Fiscal Year 2009*, <http://www.sss.gov/PUBLIC.HTM#anrepcon> (accessed December 7, 2010).
- ¹⁶ Kathleen Teague’s congressional testimony from 1980 (mentioned above) represents a different tenet that somehow women as a class have a right to be exempt from this obligation. She stated that the right to be excused from the draft was a “right which every American woman has enjoyed since our country was born and wanted to know what they would get for giving up their ‘constitutional right to be treated like American ladies’”; see Kerber, *No Constitutional Right to Be Ladies*, 287. In my limited study of the U.S. Constitution, I have not been able to locate a reference to this right.
- ¹⁷ Michael Mullen, speech to the Military Leadership Diversity Commission, September 17, 2009; transcript at <http://mldc.whs.mil/index.php/activities/meeting-september09> (accessed December 10, 2010).
- ¹⁸ See Duncan Hunter National Defense Authorization Act for FY2009, Public Law 110-417, 110th Cong., 2nd sess. (2008), 596. Information on the proportion of women in the United States taken from the U.S. Census Bureau, <http://www.census.gov/popest/national/asrh/2008-nat-res.html>; figures on women in the military from Admiral Mullen’s speech to the Military Leadership Diversity Commission.
- ¹⁹ On the topic of standards and aptitude, opponents of opening ground combat positions to women focus on the physical strength requirements for ground combat and the fact that women, on average, are not as strong as men. While this is true, the argument fails to treat people as individuals. It also neglects the fact that an effective soldier is not one who possesses just brute strength, but a combination of qualities and skills, including strength, endurance, agility, intellect, aptitude, judgment, courage, restraint when required, and, more recently, cultural and language skills. In the contemporary age of the “strategic corpo-

ral” fighting a “three block war,” skills other than strength can be more significant. For more discussion of these issues, see Martha McSally, “Women in Combat: Is the Current Policy Obsolete?” *Duke Journal of Gender Law and Policy* 14 (2007).

²⁰ See Curtis Gilroy, testimony before the House Armed Services Personnel Subcommittee, *Recruitment, Retention, and End Strength*, 111th Cong., 1st sess., March 3, 2009; Associated Press, “Lower Standards Help Army Meet Recruiting Goal,” *USA Today*, October 9, 2006, http://www.usatoday.com/news/washington/2006-10-09-army-recruiting_x.htm?csp=34; and Joint Chiefs of Staff, Directorate for Manpower and Personnel (JCS/J1), *Recruiting, Retention, and End Strength Report* from October 11, 2006 (on file with author). The JCS/J1 produces this report weekly and monthly for the chairman of the Joint Chiefs of Staff.

²¹ *Frontiero v. Richardson*, 411 U.S. 677 (1973).

²² *United States v. Virginia*, 518 U.S. 515 (1996).

²³ *Ibid.* Despite this recent judicial ruling related to a state-funded military school and gender, the courts often defer to Congress and the military in cases of specific military policies touted as necessary for combat capability. For example, the courts have deferred to Congress and the military in all challenges to the male-only Selective Service registration, as discussed later in this essay.

²⁴ For example, see Martin Van Creveld, *Men, Women, and War* (London: Cassell, 2001).

²⁵ *Social cohesion* refers to the nature and quality of the emotional bonds of friendship, liking, caring, and closeness among group members. A group is socially cohesive to the extent that its members like each other, prefer to spend their social time together, enjoy each other’s company, and feel emotionally close to one another. *Task cohesion* refers to members’ shared commitment to achieving a goal that requires the collective efforts of the group. A group with high task cohesion is comprised of members who share a common goal and who are motivated to coordinate their efforts as a team to achieve that goal. See Laura L. Miller and John Allen Williams, “Do Military Policies on Gender and Sexuality Undermine Combat Effectiveness?” in *Soldiers and Civilians: The Civil-Military Gap and American National Security*, ed. Peter D. Feaver and Richard H. Kohn (Cambridge, Mass.: MIT Press, 2001); and Admiral Mullen’s speech to the Military Leadership Diversity Commission.

²⁶ *Log Cabin Republicans v. United States*, Case No. CV 04-08425-VAP (Ex).

²⁷ See 10 USC 654 (15). For the quote from President Obama, see <http://www.whitehouse.gov/the-press-office/2010/12/22/remarks-president-and-vice-president-signing-dont-ask-dont-tell-repeal-a>.

²⁸ For the most detailed book on women in the U.S. military, see Holm, *Women in the Military*. Unless otherwise cited, all historical information presented in this section was derived from Holm’s book. See also Darlene Iskra, *Women in the United States Armed Forces: A Guide to the Issues* (Santa Barbara, Calif.: Praeger, 2010).

²⁹ Kerber, *No Constitutional Right to Be Ladies*, 12.

³⁰ Some also argued that women’s obligation to the family puts them at high risk of death during childbirth; therefore, all citizens risked their lives in some way for the perpetuation of the nation, and accordingly, women should gain the right to vote. See *ibid.*, 244 – 245.

³¹ In Russia’s case, national survival and defense took precedence over gender norms in World War II. After the German invasion in 1942, women fought in startling numbers in all capacities in the air and on the ground. For example, Russia trained three regiments of pilots: the 586th regiment of fighter pilots, the 587th bomber pilots, and the famous 588th night bombers, nicknamed the “night witches” due to their effectiveness in hitting their targets. According to Soviet records, these women flew “a combined total of more than 30,000 combat sorties, produced at least 29 Heroes of the Soviet Union (of the 33 female aviators and 93 total women who received that medal) and included in their ranks at least three fighter aces.” Russian women also fought extensively in ground combat. See Reina Pennington,

- “‘Do Not Speak of the Services You Rendered’: Women Veterans of Aviation in the Soviet Union,” in *A Soldier and A Woman: Sexual Integration in the Military*, ed. Gerald J. DeGroot and Corinna Peniston-Bird (New York: Longman, 2000), 152 – 153.
- ³² D’Ann Campbell, “Women in Combat: The World War Two Experience in the United States, Great Britain, Germany, and the Soviet Union,” *Journal of Military History* 57 (2) (1993): 305.
- ³³ Kerber, *No Constitutional Right to Be Ladies*, 265.
- ³⁴ *Seaman Anna Flores v. Secretary of Defense*, 355 F. Supp. 93 (N.D. Fla. 1973).
- ³⁵ *Owens v. Brown*, 455 F. Supp. 291, 306 (1978).
- ³⁶ Kerber, *No Constitutional Right to Be Ladies*, 278.
- ³⁷ *Rostker v. Goldberg*, 453 U.S. 57 (1981).
- ³⁸ Military Selective Service Act of 1948, sec. 451, 62 Stat. 604 (80th Cong., 2nd sess. 1948).
- ³⁹ GAO, *Gender Issues*. Only approximately one hundred thousand of the 1.4 million positions in the active-duty military are closed due to classification as “direct combat” roles.
- ⁴⁰ See Ellen Oberwetter, “Rethinking Military Deference: Male-Only Draft Registration and the Intersection of Military Need with Civilian Rights,” *Texas Law Review* 78 (1) (November 1, 1999): 191 – 192, 195, n.129.
- ⁴¹ Holm, *Women in the Military*, 433.
- ⁴² The policy also provides guidance to the military services on the establishment of their specific regulations on the matter: “These policies and regulations may include restrictions on the assignment of women: where the Service Secretary attests that the costs of appropriate berthing and privacy arrangements are prohibitive; where units and positions are doctrinally required to physically collocate and remain with direct ground combat units that are closed to women; where units are engaged in long range reconnaissance operations and Special Operations Forces missions; and where job related physical requirements would necessarily exclude the vast majority of women service members”; see “Direct Ground Combat Definition and Assignment Rule.”
- ⁴³ Goldstein, *War and Gender*, 195.
- ⁴⁴ Steven Lee Meyers, “Women Transform Life on U.S. Military Bases; Women Transform Combat: A Preserve of Men Gives Way, and Without Worst Fears Materializing,” *International Herald Tribune*, August 18, 2009.
- ⁴⁵ National Defense Authorization Act for Fiscal Year 2006, Public Law No. 109-163, 119 Stat. 336 (2006).
- ⁴⁶ See <http://www.whitehouse.gov/the-press-office/2010/12/22/remarks-president-and-vice-president-signing-dont-ask-dont-tell-repeal-a>.
- ⁴⁷ Lance Corporal Stefanie C. Pupkieicz, “Counter, Human Intel MOS Opens to Female Marines,” *United States Marine Corps News*, September 12, 2008; Jennifer Grogan, “Female Future Submariners Say They’re Eager to Get the Job Done,” *The Day* (New London, Conn.), May 7, 2010.
- ⁴⁸ GAO, *Gender Issues*.
- ⁴⁹ RAND, *Assessing the Assignment Policy for Army Women* (Santa Monica, Calif.: RAND Corporation, 2007).
- ⁵⁰ Lieutenant Colonel Paul Yingling, email message to author, December 6, 2010. For a compilation of articles on the issue of women in combat and how the policies are employed in the field from the perspective of contemporary Army officers, see Michele M. Putko and Douglas V. Johnson II, eds., *Women in Combat Compendium* (Carlisle, Penn.: Strategic Studies Institute, U.S. Army War College, 2008), <http://www.strategicstudiesinstitute.army.mil/pdf/files/pub830.pdf>.

⁵¹ See Ann Scott Tyson, “Woman Gains Silver Star – And Removal from Combat,” *The Washington Post*, May 1, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/30/AR2008043003415.html> (accessed September 23, 2010); Meg McLagan and Daria Sommers, “The Combat Ban and How It Negatively Affects Women Veterans,” <http://www.pbs.org/pov/regardingwar/conversations/women-and-war/the-combat-ban-and-how-it-negatively-affects-women-veterans.php>.

⁵² RAND, *Assessing the Assignment Policy for Army Women*, 63 – 66, 68.

⁵³ There are some who believe that the DOD and Army would be open to doing away with restrictions on women in order to increase combat efficiency and flexibility but are concerned that sending notification to Congress to repeal restrictions could spark new efforts like Representatives Hunter and McHugh’s to further limit women. (McHugh is now Secretary of the Army, so he would not be likely to pursue such a tactic.) Recruitment and retention have improved since 2005 (most likely due to the economic crisis), and women are being employed in combat with no backlash; thus, the status quo seems the road of least resistance. In October 2010, Secretary of Defense Robert Gates stated that he foresees a day when women will be admitted into special operations, speaking as if he were not the one who could make that decision now: the prohibition is his policy.

⁵⁴ National Defense Authorization Act for Fiscal Year 2011, HR 5136. See also Dena Bunis, “Sanchez: Let Women into Combat: Current Rules Limit Advancement in the Military Ranks, Lawmaker Says,” *Orange County Register*, May 20, 2010.

⁵⁵ Joint Explanatory Statement of the Committees of Armed Services of the U.S. Senate and House of Representatives on HR 6523, Ike Skelton National Defense Authorization Act for Fiscal Year 2011, <http://thomas.loc.gov/cgi-bin/bdquery/D?d111:2:./temp/~bdPRse:./home/LegislativeData.php?n=BSS;c=1111>. April 15 has now come and gone, with no sign of the requested report.

⁵⁶ Military Leadership Diversity Commission, “From Representation to Inclusion, Diversity Leadership for the 21st Century,” March 15, 2011, <http://mldc.whs.mil/index.php/final-report>.

⁵⁷ In my view, this is because women’s groups are not united on this issue, and radical feminists strongly object to women serving in combat or registering for the draft. While some groups or politicians have taken a position that the ground combat exclusion should be repealed, they often include the caveat that women would be placed in combat positions only if they qualified and *desired* to do so. Critics then argue that even in a volunteer force where an individual can enlist with a guarantee of a specialty, once a man takes an oath to enlist in the Army or Marines, he has the potential of being ordered to a combat arms job if required, regardless of his desires. Thus, if women want equal opportunity, they need to be subject to the same risk. Should the ground combat exclusion policy be rescinded, then women should also be subject to Selective Service registration and the potential for individual women to be drafted into ground combat if required. This final clash between full integration of women in the military and gender norms remains a barrier for any change from the status quo.

⁵⁸ Democratic Presidential Debate, July 23, 2007; transcript at <http://www.cnnstudentnews.cnn.com/TRANSCRIPTS/0707/23/se.01.html>; Jerome L. Sherman, “Candidates Differ on Female Draft,” *Pittsburgh Post-Gazette*, October 13, 2008, <http://www.post-gazette.com/pg/08287/919582-470.stm?cmpid=elections.xml>.

⁵⁹ In 1998, the GAO studied the requirements to register women for Selective Service. It concluded that the MSSA would naturally have to be amended to direct women to register, which at that time would have increased the number of personnel in the registry from 13 million males to 27.4 million citizens; see GAO, *Gender Issues: Changes would be Needed to Expand Selective Service Registration to Women*, GAO/NSIAD-98-199 (Washington, D.C.: GAO, 1998), <http://www.gao.gov/archive/1998/>.

Military Law

Eugene R. Fidell

Abstract: Military justice – the system for ensuring good order and discipline within the armed forces – remains the military legal establishment’s bedrock activity. Court-martial and nonjudicial punishment rates are down, but major breaches of discipline arising both on deployment and at home continue to demand attention by civilian leaders, commanders, and judge advocates. Important legal and public policy issues remain to be resolved with respect to the limited availability of review by the Supreme Court, the exercise of court-martial jurisdiction over civilians, the use of military commissions to prosecute unlawful belligerents, increasing reliance on high-tech weaponry, and repeal of the Don’t Ask, Don’t Tell policy. As technology, national policy, and expectations of proper treatment (of our own personnel, of civilians, of enemies of various kinds) evolve, this will be an increasingly dynamic era for law and legal institutions in the realm of national defense.

Two recent events dramatically highlight the complexity of Americans’ vision of military law. In one, Congress enacted legislation to make the senior uniformed lawyers of the Army, Navy, and Air Force three-star officers.¹ In the other, the Chief Justice of the United States, writing for himself and three other justices, dismissed military justice as “a rough form of justice.”²

Chief Justice Roberts’s comment was both a disservice to the military and a sign of how easy it is to fall prey to incorrect preconceptions. In fact, he could not have been further from the truth, not only as to courts-martial but as to the role of law in general within the armed forces.

Law plays a powerful role in the conduct of military affairs. Difficult issues lurk, such as the constitutionality of subjecting government contractors and other civilians to courts-martial for offenses committed during contingency operations. But these will be resolved through the orderly and transparent processes of the law and a balance struck between the insistent call of operational needs, on the one hand, and the constraints imposed by the Constitution and laws, on the other. While the tension

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between the two may at times be worrisome, and while in important respects American military justice differs from civilian federal criminal justice³ and is out of step with contemporary international norms, military law and lawyering have never stood taller than they do today as bulwarks of our democracy.

Military justice – the system for ensuring good order and discipline – is the core legal activity within the military establishment. Its current record is impressive. Despite, or perhaps because of, the fast tempo of current operations in Iraq and Afghanistan, court-martial and nonjudicial punishment⁴ rates are down significantly from where they were ten years ago (see Figure 1).

There are three kinds of courts-martial. Summary courts-martial are intended for minor offenses, and are not viewed as criminal proceedings. They can impose only one month's confinement. Special courts-martial are misdemeanor-level courts, and can impose a year's confinement and a bad-conduct discharge. General courts-martial are felony-level courts and can impose any punishment up to and including the death penalty.⁵ In the fiscal year ending September 30, 2010, the services tried 2,816 special and general courts-martial and 2,840 summary courts. A decade earlier, the comparable data were 4,723 and 2,699, respectively. At the second appellate stage, during the Term of Court that ended on August 31, 2010, the court of appeals received 721 petitions for discretionary review and decided a mere 43 cases by full opinion. The comparable data for ten years earlier were 753 and 110, respectively. Even allowing for the use of administrative separations to weed out men and women not suited to military service, our current military is widely viewed as a highly disciplined force. Despite a well-regarded Army offi-

cer's cogent argument against doing so,⁶ a new maximum security military prison was constructed at Fort Leavenworth, Kansas, in 2002. As of November 29, 2010, the prison, which has a capacity of 460, housed 433 men.⁷ (Women who are convicted by courts-martial are confined elsewhere.)

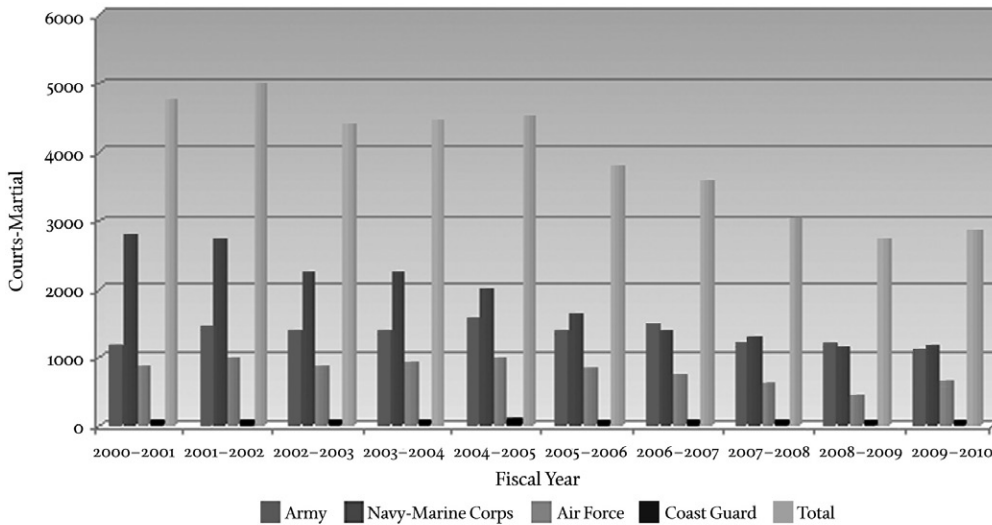
The picture, however, is far from perfect. Sadly, a handful of military members continue to get into very serious trouble. At present, six men are on military death row at Fort Leavenworth, and additional capital cases are in the pipeline. All these cases involve extremely violent acts, and it is not surprising that they wound up with capital sentences. How many of these men will in the end be executed remains to be seen. Under the Uniform Code of Military Justice (UCMJ), no execution can occur without the personal affirmative approval of the president,⁸ and our chief executives have been in no hurry to grant that approval, perhaps in part because a surprising number of military death row inmates have been members of racial minorities. President George W. Bush approved a death sentence (that of Army Specialist Ronald A. Gray) in 2008, but all the others are still in the review process. To put military capital punishment in perspective, the U.S. armed forces have not conducted an execution since April 13, 1961, when Private John A. Bennett was executed for the rape and attempted murder of a young girl in occupied Austria. President Eisenhower approved the sentence, and President Kennedy declined to interfere after taking office.

Even after approval, military death cases remain subject to habeas corpus review in the federal courts; one such case is now pending. Habeas corpus review can consume as much time in military death penalty cases as it does in civilian capital cases. For example, Private Dwight J. Loving,

Figure 1

General Courts-Martial and Bad-Conduct Special Courts-Martial in the United States, 2000 to 2010

Eugene R. Fidell



Source: Clerk of the United States Court of Appeals for the Armed Forces.

one of the current death row inmates, was convicted in 1989. Another, Master Sergeant Timothy Hennis, was convicted in 2010.⁹ When the time comes for the next military execution, as one must assume it will, the method of execution will be lethal injection¹⁰ and the place of execution will likely be the Federal Correctional Complex at Terre Haute, Indiana.

Capital cases, invariably involving terrible crimes of violence, represent only a small part of the business of courts-martial. The system adjudicates a range of noncapital cases as well. Sex crimes, offenses against children, drug offenses, and cases involving child pornography loom large in the military justice dockets. There have also been serious noncapital cases of violence directed at citizens of Iraq and Afghanistan. A number of these, from places such as Haditha, Hamdaniya, and Mahmudiyah, have understandably attracted substantial attention and at times raised questions as to whether the so-called fog of war was supplanting the

Rule of Law. Outcomes, from charging decisions, to verdicts, to sentences, have been puzzling. Initial steps have been taken,¹¹ but a full analysis of the administration of justice in these combat settings remains to be done.

Happily, despite the political divide in which the country finds itself, no commissioned officers have been charged with speaking contemptuously of either President George W. Bush or President Obama,¹² although dismissive treatment of President Obama led to the early retirement of General Stanley W. McChrystal and, presumably, adverse evaluations for officers on his staff.¹³ There have been high-profile cases involving members who have resisted deployment either for political reasons or because of family responsibilities, and one “birther” officer – an Army doctor – has been prosecuted for refusing to deploy without proof that President Obama met the constitutional eligibility requirement of native birth.¹⁴ A military justice investigation has been

opened as a result of apparently political-ly motivated leakage of classified documents and combat video.¹⁵ Only a few in-service conscientious objector cases have gone to court; most have been resolved within the military personnel and record-correction systems.

Most courts-martial are resolved by guilty pleas involving pretrial agreements. While this is desirable because it reduces costs and uncertainty, it has the undesirable side-effect of reducing the overall courtroom experience level of judge advocates. Conviction rates in contested courts-martial remain high.

In addition to the traditional core of military justice – that is, cases involving uniformed personnel – two other categories have received attention in recent years, although in each instance it remains uncertain whether they will play a significant role. The first of these involves the exercise of jurisdiction over civilians. In a series of cases beginning with *United States ex rel. Toth v. Quarles*,¹⁶ the Supreme Court rejected efforts to subject former military personnel, dependents, and civilian employees to trial by court-martial. Courts-martial for civilians for offenses committed in Vietnam were rejected on the basis that that was not a declared war.¹⁷ In 2006, Congress modified the UCMJ to permit courts-martial for persons serving with or accompanying an armed force in the field in time of declared war or contingency operation,¹⁸ a term that includes U.S. operations in both Iraq and Afghanistan. This power has almost never been used, and it remains unknown what would happen if such a prosecution were subjected to constitutional challenge under the earlier Supreme Court jurisprudence.

Contractors have played an enormous role in Iraq and Afghanistan. Like uniformed personnel, the vast majority of contractor personnel are highly respon-

sible and law-abiding. Nonetheless, a certain amount of contractor misconduct – some of it very disturbing both to Americans and to local nationals – has occurred. Given the constitutional cloud hanging over court-martial jurisdiction for these individuals, Congress has looked to other means to ensure their accountability, such as expanding the “Special Territorial and Maritime Jurisdiction”¹⁹ and passage of the Military Extraterritorial Jurisdiction Act of 2000.²⁰ However, those measures have rarely been put to the test, and have already been shown to suffer from serious loopholes. Since it appears improbable that the United States will be fully able to wean itself from reliance on contractors in the foreseeable future, further attention to contractor indiscipline is warranted.

The second unusual category of military criminal prosecutions is the military commission system. These tribunals – unlike courts-martial – are concerned with crimes committed by persons other than American forces and civilians working with them.²¹ Military commissions have been controversial in the past, as, for example, when used during the Civil War to prosecute Confederate sympathizers in the North even though the civilian courts remained open.²² Commissions were always recognized in the UCMJ, but until President George W. Bush revived them in 2001,²³ they had not been used since World War II, when one was convened, for example, to try German saboteurs.²⁴ The first generation Bush administration commissions were invalidated by the Supreme Court in *Hamdan v. Rumsfeld*,²⁵ leading Congress to enact Military Commissions Acts in 2006 and 2009.²⁶ The resulting commissions have produced only an unimpressive handful of convictions, none of them (so far) involving so-called high value detainees, such as Khalid Sheikh Moham-

med. Even the few convictions that have been obtained have been severely criticized. One case, involving Omar Khadr, a Canadian national who pleaded guilty to killing a U.S. soldier with a grenade in Afghanistan, was resolved with a plea agreement requiring that he be turned over to Canadian authorities in a year's time. The case proved especially controversial because Khadr was underage at the time of the offense, thus raising an issue of international law.²⁷

The Obama administration has devoted considerable attention to establishing criteria for deciding which Al Qaeda cases should be tried by military commission and which in the federal district courts. Ahmed Khalfan Ghailani was initially set to be tried before a military commission²⁸ but wound up being prosecuted in the U.S. District Court in Manhattan.²⁹ Controversy continues to rage over where other Guantánamo detainees should be tried, prompting legislation that would preclude the transfer of detainees into the United States even for the purpose of trial.³⁰ In 2011, the administration announced that several high-value detainees would be tried by military commission after all.

In recent years, under pressure from the Reporters Committee for Freedom of the Press and the National Institute of Military Justice,³¹ the armed forces have taken steps to make information about pending military justice cases available to the public in order to facilitate media coverage and public attendance. On the other hand, the Defense Department ignored requests for notice-and-comment rule-making when it issued a new *Manual for Military Commissions* in 2010.³² It also needlessly added to doubts about the military commission system by barring from Guantánamo four journalists who reported the name of a witness, Sergeant Joshua Klaus, who had been an interroga-

tor, even though he had previously given a newspaper interview and, indeed, had been prosecuted for misconduct as an interrogator.³³

But if the U.S. military justice system continues to enjoy an excellent reputation, it remains imperfect³⁴ and suffers from a lack of sustained, knowledgeable oversight by Congress.³⁵ As more Iraq and Afghanistan veterans attend law school and enter public life, the number of knowledgeable federal legislators can be expected to increase from its current low level.

It has been said that “due process enhances discipline.”³⁶ But what process is due? In a number of respects, the U.S. military justice system does not comport with contemporary international standards. Those standards disfavor the use of military courts to try civilians or retired military personnel. Similarly, they disfavor the use of military courts to try civilian-type offenses that lack service connection, even if the offenses are committed by active-duty military personnel.³⁷ The military justice system is “command centric” in that key decisions as to who should be prosecuted, on which charges, and at which level of court-martial are in the hands of commanders rather than prosecutors or independent court administrators. The Supreme Court found that the Constitution does not require military judges to have the protection of fixed terms of office.³⁸ They in effect serve *as judges* at the pleasure of the service, with “the needs of the service” as the controlling consideration. Although the Army and the Coast Guard have voluntarily instituted judicial terms of office,³⁹ their regulations have significant loopholes, and the other branches have not even done that.⁴⁰

This interservice disparity is itself a useful reminder that, despite its name, the UCMJ does not provide a uniform sys-

tem; in important respects the administration of military justice is organized and regulated on a service-by-service basis. A remarkable example is the fact that the services cannot even agree on a single burden of proof for nonjudicial punishment⁴¹ or a single set of rules of professional responsibility. The services continue to maintain separate major training facilities for judge advocates. These are located at Charlottesville, Virginia (Army), Newport, Rhode Island (Navy-Marine Corps), and Montgomery, Alabama (Air Force). That Congress continues to tolerate such an extravagance is astounding, especially in an era of austerity. As long as the central governing document of military law purports to establish a uniform system, judge advocate instruction should be “purple” – that is, truly integrated.

Perhaps the UCMJ’s most glaring deficiency is the fact that most courts-martial are never eligible for review by the U.S. Supreme Court. Until Congress provided for direct Supreme Court review of court-martial cases in the Military Justice Act of 1983, courts-martial could only reach the highest court by the circuitous means of habeas corpus petitions or other forms of collateral review in the federal courts. This changed in the 1983 Act, but that measure excluded from direct Supreme Court review cases in which the then-Court of Military Appeals had exercised its power under the UCMJ to deny discretionary review.⁴² That limitation distinguishes courts-martial from all other criminal cases decided by the federal and state courts and should be repealed. The U.S. situation is not as dismal as, for instance, that of Pakistan, where the government has thwarted access to that nation’s supreme court by refusing to release the necessary court-martial records of trial in sensitive cases.⁴³ Nonetheless, it is in-

defensible that the U.S. system denies persons who have served the country the same chance – slight though it may be – as any other American of having the highest court of the land review their case.

Management of the military legal program has had its ups and downs in recent years, but for the most part, it has enjoyed success. The Defense Department has benefited from a tradition of highly qualified attorneys called from private life to serve as general counsel. That tradition was violated during the Bush administration, with devastating effects in connection with the use of torture on detainees. To their credit, the judge advocates general stood firm, although perhaps too discreetly, in resisting the then-general counsel’s efforts to secure their agreement to interrogations that violated Common Article 3 of the Geneva Conventions⁴⁴ as well as the Convention Against Torture.⁴⁵ None of them resigned in protest, but they still deserve credit: their efforts helped protect American service members by permitting us to argue to others that as a matter of policy and principle we do not abuse prisoners. Unfortunately, Congress has effectively granted impunity to those who violated both policy and principle and did torture detainees in the country’s name.⁴⁶ There is no serious congressional or executive branch movement to ensure a full accounting (much less punishment).

In 2008, Congress provided that judge advocates general would serve in the grade of lieutenant general and vice admiral,⁴⁷ on the theory that this would afford them a stronger voice in the highest councils of their branch. Even though the number of flag and general officers seems to rise inexorably, this change reflects the constructive role these officers played in fending off what might have been an

even more catastrophic injury to America's international reputation as a result of the Bush administration's willingness to indulge in torture under the euphemism of "enhanced interrogation techniques."

For many years, controversy smoldered over the respective roles of the judge advocates general and the civilian service general counsels. Which of these officials was the service secretary's primary legal advisor?⁴⁸ This was the subject of a congressionally directed⁴⁹ panel cochaired by former Secretary of the Army John O. Marsh and former Secretary of the Air Force F. Whitten Peters. The resulting report had a calming effect, but its only specific recommendations were to elevate the judge advocates general to three-star rank and retain the requirement that general counsels be appointed by the president and confirmed by the Senate.⁵⁰ Congress also mandated a review of the provision of legal services within the Navy and Marine Corps.⁵¹ The results of that review remain under study.

Recruitment and retention of judge advocates appear to be satisfactory. In part, this clearly reflects patriotic sentiment. To some extent, however, it also reflects the general economic downturn and reduced professional opportunities for attorneys in the private sector.

With respect to personnel-related legal issues within the force as a whole, the "Don't Ask, Don't Tell" (DADT) statute Congress enacted in 1993 was controversial until its repeal at the end of 2010. It caused unimaginable pain to serving personnel and the loss of more than twelve thousand members, many of whom possessed urgently needed language and other skills, or fine combat records, or both. In addition to the direct impact on the services, DADT was an enduring source of friction with the legal academy. Despite the Solomon Amendment's provision for cutting off federal funds to non-

compliant institutions of higher learning,⁵² some law schools refused to permit military recruiting through normal placement channels on the grounds that DADT made the military a discriminatory employer. The government ultimately prevailed in the Solomon Amendment litigation,⁵³ and it is to be hoped that relations between these two important institutions will continue to improve. Part of the healing process may lie in the increasing flow of talented recent veterans into law schools – as students and, in a few cases, as faculty. The number of schools offering courses in military law is increasing. This is an important development because, in a democratic society, the military should not have a monopoly on learning in the field of military justice.⁵⁴

The military is a microcosm – albeit a big one – of American society. As a result, many of the legal issues that confront Americans generally also appear within the armed forces. For example, legal issues are likely to emerge within the services as a result of such broader societal phenomena as large-scale gangs⁵⁵ and other forms of extremism; the continuing upsurge in religious (especially, but not only, Evangelical) fervor; and the sudden appearance of the Tea Party. At times, these developments may interact in powerful ways. In the next several years, we may face resistance by chaplains from some faith groups to the repeal of DADT. Reconciling personal belief systems with the need for a disciplined, cohesive fighting force will continue to occupy the military lawyers on whom commanders increasingly rely.

Operational law is "[t]hat body of domestic, foreign, and international law that impacts specifically upon the activities of U.S. forces in war and operations other than war... It is a collection of diverse legal and military skills, focused on

military operations. It includes military justice, administrative and civil law, legal assistance, claims, procurement law, national security law, fiscal law, and international law.⁵⁶ Operational law can no longer be described as “a growth area.” It has grown. With the years-long conflicts in Iraq and Afghanistan, vast numbers of judge advocates have supplemented their training at service and civilian law schools with practical experience advising commanders at all levels of their duties under the law of armed conflict. In operational settings as volatile as those in which the United States and its allies have been engaged since 9/11, utmost care is critical in targeting and other decisions, since the slightest miscue can have devastating and virtually immediate effects not only on the battlefield but around the world as a result of contemporary instantaneous communications. New ways of exerting military force, such as drones operated at an enormous remove from the traditional battle space, have triggered heated debate, especially if the operators are not uniformed personnel.⁵⁷ The decision to employ drones to target an American citizen has raised additional concerns.⁵⁸

Two important developments in operational law highlight the partnership between the government and universities. The first of these, the *Manual on International Law Applicable to Air and Missile Warfare* (and its accompanying *Commentary*) was developed by the Program on Humanitarian Policy and Conflict Research at Harvard University. The second is the long-awaited *Department of Defense Law of War Manual*, the product of a decade-long effort spearheaded by Colonel W. Hays Parks.⁵⁹ Together, the publications mark a new chapter in which – notwithstanding the many changes that warfare and the law of armed conflict have witnessed in recent decades – commanders in the field and their legal advisors will be

better equipped to uphold the United States’ commitment to meticulous compliance with international law.

A further aspect of operational law concerns *lawfare*. Major General Charles J. Dunlap, Jr., the concept’s leading expositor, describes it as a “strategy of using – or misusing – law as a substitute for traditional military means to achieve an operational objective.”⁶⁰ The virtues of this form of power include reduced risk to the wielder and to human life in general. It is also likely to decrease the taxpayers’ burden. A major question surrounding lawfare is its impact on the division of labor and authority between the commander and the commander’s legal advisor. Unless carefully monitored by both attorney and client, there could be a danger of legal mission creep.

Military operations also have post-operational aspects. One is the obscure but important task of examining and paying claims and making *ex gratia* payments. The timely and intelligent performance of this largely thankless task can pay handsome dividends in mitigating the hard feelings that inevitably arise from the collateral damage caused by military operations, even where local sentiment favors those operations.

A final indicator of the role of law within the military ironically takes us outside the military. It concerns the extent to which the federal courts defer to military decision-making. Congress long ago excluded certain military actions from the Administrative Procedure Act.⁶¹ Decisions on security clearances remain off-limits.⁶² Nonetheless, a good deal of military decision-making is subject to judicial review for compliance with the Constitution, statutes, and agency regulations, or to ensure that decisions are supported by substantial evidence and are not arbitrary and capricious, or an abuse of

discretion.⁶³ Important personnel matters, such as the correction of military records or discharge upgrades, remain subject to judicial review, although the courts have in recent years tended to adopt a highly deferential standard.⁶⁴ While the extent of deference varies from circuit to circuit and, on the Supreme Court, from justice to justice,⁶⁵ it is ever-present and works powerfully in the government's favor. Barring the kind of grave issues that have repeatedly been presented in the Guantánamo detention and military commission cases,⁶⁶ the military typically has little to fear from the federal courts.⁶⁷ And when it does lose, some powerful reason is almost certainly at work.⁶⁸

The end of the Cold War did not bring an end to military law any more than it brought an end to military readiness or operations. The new era is one in which new challenges have already arisen with remarkable rapidity and kaleidoscopic variety. As technology (including weapons and intelligence-gathering systems, cyberwarfare, ubiquitous Internet access, digital photography, cellular telephones, and the blogosphere), national policy, and expectations of proper treatment (of our own personnel, civilians, and enemies of various kinds) evolve, this will be an increasingly dynamic era for law and legal institutions in the realm of national defense.

ENDNOTES

¹ National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, 110th Cong. (2008), sec. 543, 122 Stat. 3, 114.

² *United States v. Denedo*, 129 S. Ct. 2213, 2225 (2009) (Roberts, C.J., dissenting) (quoting *Reid v. Covert*, 354 U.S. 1, 35–36 (1957) (plurality opinion)). At issue was whether a former Navy enlisted man who was a Nigerian citizen could invoke the ancient writ of error coram nobis in order to obtain review of his claim that he had been misadvised about the immigration implications of pleading guilty in a special court-martial. The Chief Justice's dismissive characterization of military justice prompted one of the judges of the U.S. Court of Appeals for the Armed Forces to respond in another case. *Loving v. United States*, 68 M.J. 1, 28 n.11 (C.A.A.F. 2009) (Ryan, J., dissenting). In the interest of full disclosure, I should state that I was one of Petty Officer Denedo's attorneys in the Supreme Court.

³ See U.S. Const. amend. 5 (no requirement for indictment by grand jury for cases arising in the land and naval forces and in the militia when in actual service in time of war or public danger). Article 36(a) of the Uniform Code of Military Justice (UCMJ) states that except as otherwise provided in the statute, court-martial procedures shall, so far as the president considers practicable, apply the principles of law and the rules of evidence generally recognized in civilian federal criminal trials; see 10 U.S.C. sec. 836(a).

⁴ *Nonjudicial punishment* is summary discipline imposed by commanders for minor offenses. It is authorized by article 15 of the UCMJ; see 10 U.S.C. sec. 815. Depending on the branch of service, it may be called "NJP," "Article 15," "captain's mast" (as it is referred to in the Navy and Coast Guard), or "office hours" (as it is known in the Marine Corps). It is not a criminal proceeding, although it can only be imposed for offenses under the UCMJ.

⁵ Each level of court-martial may also impose additional kinds of punishments. See generally arts. 16, 18–20, UCMJ, 10 U.S.C. sec. 816, 818–820; *Manual for Courts-Martial, United States* (2008 edition), Rule for Courts-Martial 1003.

- ⁶ Lawrence J. Morris, "Our Mission, No Future: Closing the United States Army Disciplinary Barracks," *The Kansas Journal of Law & Public Policy* 6 (1996): 77.
- ⁷ Email message to the author from U.S. Army Colonel Shawn Shumake, Director of the Office of Legal Policy, Office of the Under Secretary of Defense for Personnel and Readiness, November 30, 2010. The original plan, in 1994, was for a facility with the slightly higher capacity of 510. See Peter J. Grande, *Images of America: United States Disciplinary Barracks* (Charleston, S.C.: Arcadia, 2009), 8. Lieutenant Colonel (ret.) Peter Grande is Chief of Staff of the U.S. Disciplinary Barracks.
- ⁸ Art. 71(a), UCMJ, 10 U.S.C. sec. 871(a).
- ⁹ I am indebted to Colonel Dwight H. Sullivan, the leading expert on the military death penalty, for information about past and current military capital cases.
- ¹⁰ Military Police, *U.S. Army Corrections System: Procedures for Military Executions*, Army Regulation 190-55 (Washington, D.C.: Headquarters, Department of the Army, January 17, 2006), sec. 3-1.
- ¹¹ See Major Franklin D. Rosenblatt, "Non-Deployable: The Court-Martial System in Combat from 2001 to 2009," *The Army Lawyer*, Department of the Army Pamphlet 27-50-448 (September 2010), 12, 15 n.14. Major Rosenblatt discusses analyses by the Army Center for Law and Military Operations of after-action reports.
- ¹² See art. 88, UCMJ, 10 U.S.C. sec. 888.
- ¹³ Where the fault lies remains a matter of dispute; see Thom Shanker, "McChrystal Article Inquiry Leaves Questions Open," *The New York Times*, September 23, 2010, http://www.nytimes.com/2010/09/23/world/asia/23military.html?ref=stanley_a_mcchrystal.
- ¹⁴ Associated Press, "Maryland: Obama-Doubting Army Doctor Sentenced," *The New York Times*, December 17, 2010. See U.S. Const. art. II, sec. 1, cl. 5.
- ¹⁵ On the arrest of Army Specialist Bradley Manning, see Elisabeth Bumiller, "Army Leak Suspect Is Turned In, by Ex-Hacker," *The New York Times*, June 8, 2010. To see the full video of civilians killed in Baghdad that was released by WikiLeaks, visit http://www.youtube.com/verify_age?next_url=http%3A//www.youtube.com/watch%3Fv%3Dis9sxRfU-ik. Subsequent leaks have involved vast quantities of U.S. diplomatic reports. Reactions to the leaks have included pursuit of WikiLeaks founder Julian Assange, efforts by various governments and private entities to thwart fundraising and further dissemination of the leaked documents, and threatened as well as actual retaliation by WikiLeaks supporters. See, for example, Ravi Somaiya, "Activists Say Web Assault for Assange is Expanding," *The New York Times*, December 11, 2010.
- ¹⁶ 350 U.S. 11 (1955).
- ¹⁷ *United States v. Averette*, 19 U.S.C.M.A. 363, 41 C.M.R. 363 (1970).
- ¹⁸ Art. 2(a)(10), UCMJ, 10 U.S.C. sec. 802(a)(10).
- ¹⁹ 18 U.S.C. sec. 7.
- ²⁰ 18 U.S.C. sec. 3261 et seq.
- ²¹ General courts-martial may also try "any person who by the law of war is subject to trial by a military tribunal"; see art. 18, UCMJ, 10 U.S.C. sec. 818, but they have not been used for this purpose since the UCMJ took effect in 1951. Military commissions now have their own statute and procedural manual and are subject to appellate review by courts other than those established by the UCMJ.

- ²² *Ex parte Milligan*, 71 U.S. 2 (1866). After prevailing in the Supreme Court, Milligan won nominal damages against those responsible for his arrest, trial, and imprisonment; *Milligan v. Hovey*, 17 F. Cas. 380 (Cir. Ct. D. Ind. 1871). He was represented in that case by Benjamin Harrison, who later served as twenty-third president of the United States.
- ²³ Military Order of November 13, 2001, 66 Fed. Reg. 57,833 (2001).
- ²⁴ *Ex parte Quirin*, 317 U.S. 1 (1942).
- ²⁵ 548 U.S. 557 (2006).
- ²⁶ The current statute is codified at 10 U.S.C. chap. 47A.
- ²⁷ See *United States v. Khadr*, 1 M.C. 223 (2008) (denying motion to dismiss for lack of jurisdiction).
- ²⁸ See *United States v. Ghailani*, 1 M.C. 387 (2009) (amended trial schedule).
- ²⁹ *United States v. Ghailani*, Crim. No. S10 98-1023 (S.D.N.Y. 2010). See generally Charlie Savage, “Terror Verdict Tests Obama’s Strategy on Trial,” *The New York Times*, November 18, 2010.
- ³⁰ Charlie Savage, “Holder Denounces a Bill to Bar Detainee Transfers,” *The New York Times*, December 10, 2010.
- ³¹ The Reporters Committee for Freedom of the Press, “Military Dockets: Examining the Public’s Right of Access to the Workings of Military Justice” (Arlington, Va.: RCFP, August 2008), <http://www.rcfp.org/militarydockets/whitepaper.pdf>.
- ³² Jonathan Tracy, “Revise Army Manual in Public,” *The Miami Herald*, March 31, 2010, <http://www.miamiherald.com/2010/03/31/1555969/revise-army-manual-in-public.html>.
- ³³ “Veteran Reporter Barred from Guantanamo,” *On the Media*, NPR, May 14, 2010, <http://www.onthemedias.org/transcripts/2010/05/14/01>.
- ³⁴ See, for example, Kevin J. Barry, “A Face Lift (And Much More) for an Aging Beauty: The Cox Commission Recommendations to Rejuvenate the Uniform Code of Military Justice,” *Law Review of Michigan State University – Detroit College of Law* 57 (2002).
- ³⁵ Donald N. Zillman, “Where Have All the Soldiers Gone II: Military Veterans in Congress and the State of Civil-Military Relations,” *Maine Law Review* 58 (2006): 135.
- ³⁶ Lieutenant General Richard C. Harding, Judge Advocate General, U.S. Air Force, “A Revival in Military Justice,” *The Reporter* 37 (2) (Summer 2010): 4–5.
- ³⁷ See, for example, Commission on Human Rights, *Draft UN Principles Governing the Administration of Justice Through Military Tribunals*, E/CN.4/2006/58, January, 13, 2006. The Supreme Court abandoned the service-connection requirement in *Solorio v. United States*, 483 U.S. 435 (1987). The decision overruled *O’Callahan v. Parker*, 395 U.S. 258 (1969).
- ³⁸ *Weiss v. United States*, 510 U.S. 163 (1994). This ruling dramatically highlights the stark distinction between military justice and civilian criminal justice. Justice Scalia observed in his concurring opinion:
- [N]o one can suppose that similar protections against improper influence [as provided in the UCMJ] would suffice to validate a state criminal-law system in which felonies were tried by judges serving at the pleasure of the Executive. I am confident that we would not be satisfied with mere formal prohibitions in the civilian context, but would hold that due process demands the structural protection of tenure in office, which has been provided in England since 1700, see J. H. Baker, *An Introduction to English Legal History* 145–146 (2d ed. 1979), was provided in almost all the former English colonies from the time of the Revolution, see Ziskind, *Judicial Tenure in the American Constitution: English and American Precedents*, 1969 S. Ct. Rev. 135, 138–147, and is provided in all the States today, see National Center for State Courts, *Conference of State Court Administrators, State Court Organization* 1987, pp. 271–302 (1988). (It

- is noteworthy that one of the grievances recited against King George III in the Declaration of Independence was that “he has made Judges dependent on his Will alone, for the tenure of their offices.”) Id. at 198 – 199 (Scalia, J., concurring in part and in the judgment).
- ³⁹ Legal Services, Military Justice Army Regulation 27-10, sec. 8-1g, 13-13 (November 16, 2005) (“AR 27-10”); U.S. Coast Guard, Commandant Inst. M5810.1E, Military Justice Manual sec. 6.E (May 2011). The disparity was upheld in *Oppermann v. United States*, 2007 U.S. Dist. LEXIS 43270 (D.D.C.), aff’d mem., 2007 U.S. App. LEXIS 26169 (D.C. Cir. 2007).
- ⁴⁰ The disparity was upheld in *Sanford v. United States*, 586 F.3d 28 (D.C. Cir. 2009).
- ⁴¹ Only the Army requires proof beyond a reasonable doubt (the standard for civilian criminal trials and courts-martial) in Article 15 proceedings; AR 27-10 secs. 3-16d(4), 3-18l, and Appendix B-2 n.2. Another discrepancy is that because of the “vessel exception,” Navy and Coast Guard personnel often lack the right to reject nonjudicial punishment. See art. 15(a), UCMJ, 10 U.S.C. sec. 815(a); see generally Major Dwight H. Sullivan, “Overhauling the Vessel Exception,” *Naval Law Review* 43 (1996): 57. A recent proposal would also deny the refusal right to those serving in a combat zone. Rosenblatt, “Non-Deployable,” 32 – 34.
- ⁴² 28 U.S.C. sec. 1259(3); art. 67a(a), UCMJ, 10 U.S.C. sec. 867a(a). The UCMJ still requires “good cause” for the Court of Appeals for the Armed Forces to grant review; art. 67(a)(3), UCMJ, 10 U.S.C. sec. 867(a)(3). This is in sharp contrast to the geographical courts of appeals, whose appellate jurisdiction is not discretionary: a litigant in those courts need not show good cause to secure review of final judgments in criminal cases; 28 U.S.C. sec. 1291; Federal Rules of Appellate Procedure 4(b) (criminal appeals as of right).
- ⁴³ See *Akram v. Federation of Pakistan*, S.P. Nos. 04/1/1993, 44/1/1993 (Pak. Fed. Shariat Ct. 1993) (directing government to amend rules to ensure right of court-martial defendants to copies of case records). The case is discussed in Umar Cheema, *Military Courts vs. Supreme Court?, Commandos Seek Supreme Court’s Intervention*, <http://forum.pakistanidefence.com/index.php?showtopic=89239>. The journalist who prepared this story was later abducted, beaten, and publicly humiliated; see Bob Dietz, “The Significance of Umar Cheema’s Abduction,” Committee to Protect Journalists, September 9, 2010, <http://cpj.org/blog/2010/09/the-significance-of-umar-cheemas-abduction.php>; Jane Perlez, “Pakistani Journalist Speaks Out After an Attack,” *The New York Times*, September 25, 2010. See also “Who Attacked Umar Cheema?” *The New York Times*, September 29, 2010. In *Anderson v. Harrison*, Misc. Dkt. No. 20051419 (A.C.C.A. Feb. 2, 2006) (dismissed as moot), a soldier confined at the U.S. Disciplinary Barracks had to seek an extraordinary writ in order to be able to retain his art. 54(d), UCMJ, 10 U.S.C. sec. 854(d), copy of the record of trial in his cell.
- ⁴⁴ Geneva Conventions of 1949, Common Article 3.
- ⁴⁵ UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984); entered into force June 26, 1987.
- ⁴⁶ Detainee Treatment Act of 2005, Public Law 109-148, sec. 1004, 119 Stat. 2740 (2005), codified at 42 U.S.C. sec. 2000dd-1. This provision for the “Protection of United States Government personnel” “relates to actions occurring between September 11, 2001, and December 30, 2005.” See Military Commissions Act of 2006, Public Law 109-366, sec. 8(b), 120 Stat. 2636 (2006), reproduced in 42 U.S.C. sec. 2000dd-1 note.
- ⁴⁷ See National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, 122 Stat. 3, 114 (2008).

- ⁴⁸ See generally Lieutenant Commander Kurt A. Johnson, “Military Department General Counsel as ‘Chief Legal Officers’: Impact on Delivery of Impartial Legal Advice at Headquarters and in the Field,” *Military Law Review* 139 (1) (1993). Eugene R. Fidell
- ⁴⁹ See Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, sec. 574, 118 Stat. 1811 (2004).
- ⁵⁰ See Independent Review Panel to Study the Relationships Between Military Department General Counsels and Judges Advocates General, *Legal Services in the Department of Defense: Advancing Productive Relationships*, September 15, 2005, 68 and 68 n.189, http://www.wilmerhale.com/files/Publication/35196dbc-fad7-45ad-bc44-5c27d03b4897/Presentation/PublicationAttachment/745b0324-5de9-4d69-8d6f-5fec9cf3761f/Preston_DODReport_0905.pdf. The senior uniformed lawyer position in the Marine Corps – the Staff Judge Advocate to the Commandant – would be elevated to Major General.
- ⁵¹ National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, sec. 506, 123 Stat. 2190, 2274 (2009).
- ⁵² 10 U.S.C. sec. 983(b)(1).
- ⁵³ *Rumsfeld v. F.A.I.R.*, 547 U.S. 47 (2006).
- ⁵⁴ See generally Eugene R. Fidell, “Military Justice Instruction in Civilian Law Schools,” *Journal of Legal Education* 60 (1) (2011).
- ⁵⁵ See Gustav Eyler, “Gangs in the Military,” *Yale Law Journal* 118 (2009): 696.
- ⁵⁶ International and Operational Law Division, The Judge Advocate General’s School of the Army, *Operational Law Handbook A-1* (1994).
- ⁵⁷ Peter Singer identifies some of the thorny legal questions that may arise from the use of robotics for military purposes in Peter W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century* (New York: Penguin, 2009), chap. 20.
- ⁵⁸ See *Al-Aulaqi v. Obama*, 727 F. Supp. 2d 1 (D.D.C. 2010).
- ⁵⁹ See generally W. Hays Parks, Senior Associate Deputy General Counsel (International Affairs), Department of Defense, “National Security Law in Practice: The Department of Defense Law of War Manual,” remarks at a meeting of the American Bar Association Standing Committee on Law and National Security, University Club, Washington, D.C., November 18, 2010, http://www.abanet.org/natsecurity/hays_parks_speech11082010.pdf.
- ⁶⁰ Charles J. Dunlap, Jr., “Does Lawfare Need an Apologia?” remarks at the Frederick K. Cox International Law Center War Crimes Research Symposium on Lawfare, Case Western Reserve School of Law, September 10, 2010. General Dunlap’s remarks are published in *Case Western Reserve Journal of International Law* 43 (March 2011). See also U.S. Army Brigadier General Mark Martins, “Reflections on ‘Lawfare’ and Related Terms,” *Lawfare*, November 18, 2010, <http://www.lawfareblog.com/2010/11/reflections-on-%E2%80%99Lawfare%E2%80%99D-and-related-terms>. General Martins notes alternative meanings, such as *unfair*, “War”-*fare*, and *counterinsurgency*.
- ⁶¹ 5 U.S.C. sec. 551(1)(F)–(G) (courts-martial, military commissions, military authority exercised in the field in time of war or in occupied territory).
- ⁶² *Department of the Navy v. Egan*, 484 U.S. 518 (1988).
- ⁶³ 5 U.S.C. sec. 706. At times, the Constitution can even stand in the way of what seems to be the clear demand of military personnel legislation. Thus, in *Dysart v. United States*, 393 F.3d 1303 (Fed. Cir. 2004), and its progeny, what certainly seemed to be a requirement of the

Defense Officer Personnel Management Act that promotions improperly or unduly delayed would take effect by operation of law, see 10 U.S.C. sec. 624(a)(2), fell afoul of the Supreme Court's treatment of the Appointments Clause, U.S. Const. art. II, sec. 2, cl. 2, in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 155–156 (1803).

⁶⁴ See, for example, *Kreis v. Secretary of the Air Force*, 866 F.2d 1508 (D.C. Cir. 1989).

⁶⁵ See generally Eugene R. Fidell, "Justice John Paul Stevens and Judicial Deference in Military Matters," *UC Davis Law Review* 43 (2010): 999.

⁶⁶ See, for example, *Rasul v. Bush*, 542 U.S. 466 (2004); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006); *Boumediene v. Bush*, 553 U.S. 723 (2008).

⁶⁷ See, for example, *Winter v. NDRC*, 555 U.S. 7 (2008) (effect of antisubmarine warfare exercises on marine mammals). The Supreme Court shows no signs of overruling its own decision in *Feres v. United States*, 340 U.S. 135 (1950), which effectively immunizes the government from tort claims by military personnel. Efforts to secure corrective action from Congress have also fallen on deaf ears despite the terrible facts of a number of cases (involving, for example, medical malpractice) in which it seems impossible to justify denying conventional tort damages.

⁶⁸ See generally John F. O'Connor, "Statistics and the Military Deference Doctrine: A Response to Professor Lichtman," *Maryland Law Review* 66 (2007): 668.

Casualties

Jonathan Shay

Abstract: Privation and disease have mainly killed soldiers until very recently. Now that enemy action predominates, faster and better control of bleeding and infection before and during evacuation spares ever more lives today. This essay focuses on psychological war wounds, placing them in the context of military casualties. The surgeon's concepts of "primary" wounds in war, and of wound "complications" and "contamination," serve as models for psychological and moral injury in war. "Psychological injury" is explained and preferred to "Post-Traumatic Stress Disorder," being less stigmatizing and more faithful to the phenomenon. Primary psychological injury equates to the direct damage done by a bullet; the complications – for example, alcohol abuse – equate to hemorrhage and infection. Two current senses of "moral injury" equate to wound contamination. As with physical wounds, it is the complications and contamination of mental wounds that most often kill service members or veterans, or blight their lives.

The veterans I served for twenty years were rigorous, generous, and patient teachers on what had wrecked their lives and what might be done to protect the new generation of American kids who go into harm's way for our sakes.¹ They made me their missionary to the U.S. forces on prevention of psychological and moral injury. So, practicing full disclosure, this essay has the veterans' missionary agenda as its energy source, and speaks with my personal voice, not detached, god-speak from the edge of the universe.

Some history puts current *physical* casualties in context. In 1861, the French civil engineer Charles Minard published a brilliant, if misleading, graphic of losses from Napoleon's army during its hellish round trip from the Polish border to Moscow and back, 1812 to 1813. Most non-historians today know of this chart through Edward R. Tufte's classic, *The Visual Display of Quantitative Information*. The subzero cold prevailing during the retreat from Moscow rivets attention, both because of the black, dramatically thick, but rapidly thinning line drawn westward across a map of Russia to graphically represent troop strength during the winter retreat, and

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Casualties the prominent temperature scale linked to this ever-dwindling line. However, in his “Combat Trauma Overview” for the *Anesthesia and Perioperative Care* volume of the *Textbook of Military Medicine*, Colonel Ronald F. Bellamy, a retired U.S. Army Medical Corps surgeon,² points out that Napoleon lost two-thirds of his 400,000-plus army, primarily to *heat*, disease, and starvation before reaching Borodino, not far from Moscow. You can see this staggering attrition during the approach march in Minard’s graphic, if you look for it past the eye-catching, “it was not Bonaparte’s fault” visual narrative.

But one needn’t go so far back as Napoleonic warfare to see what a hostile physical environment can do to an army: during World War II in North Africa, far-famed Rommel had twice as many troops in hospital for sickness as killed, wounded, or missing.

It is hard for us in the twenty-first century to recall that the main killers of troops throughout history have been the privations of the nonhuman physical environment: heat, cold, dehydration, hunger, and above all, disease. The fact that Homer’s *Iliad* opens with a plague – “and the funeral pyres burned day and night” – is entirely realistic, not merely the poet’s evocation of the gods’ heavy hands. Americans are brilliant and culturally lavish at logistics, provisioning our troops with *everything material* they need to stay functional and whisking them away from danger when they are hurt or sick. Today’s ever more abundant supply of safe drinking water and food to U.S. troops deployed in the harsh environments of Iraq and Afghanistan probably improves their fate over Rommel’s troops in North Africa far more than antibiotics and air evacuation when the enemy has inflicted wounds. Still, as of early 2008, the number of service members evacuated from the current theaters

of war by air for “diseases/other medical” roughly equaled the number evacuated for physical injuries. War zones *remain* dangerous, unhealthy places.³

But the enemy *does* matter, and in past centuries many, many more eventually died from wounds than died immediately on the battlefield. Homer’s portrayal of virtually every wound as instantly fatal is one of the very few glaring untruths about war in the *Iliad*. The true medical “miracle” of today’s military medicine is how few of the wounded die, if they can be brought alive out of the fight. This miracle continues to evolve, with developments in the ability to call for help; speed of evacuation to comprehensive treatment; prevention of exsanguination, wound contamination, and hypothermia; and concentration on the tedious basics of “damage control” surgery and resuscitation, even while airborne en route to a fully equipped and staffed surgical hospital. To this specialized military medical progress one must above all add recent progress in training *all* troops to be life-savers, providing them with means to stop bleeding; training, equipping, and empowering the lowest echelon medics/corpsmen to make critical next steps before the wounded service member’s physiology has completely collapsed. As brilliant as American forces are at the logistics of supplying what soldiers need to stay fit in harsh environments, and moving the wounded quickly to surgical treatment and physiological support, there may be no “golden hour” on the battlefield, maybe only a golden five minutes during which self- and buddy-care make all the difference.

Even laymen know that when a high-velocity bullet or shell fragment takes off a soldier’s or marine’s arm, severing arteries, it is not the primary wound that kills, but the *complication* of hemorrhagic

shock. If the bleeding is controlled, but nothing further is done, the *complication* of wound infection in this contaminated wound, loaded with foreign bodies and devitalized tissue, will bring death a few days or weeks later. Napoleon's troops knew enough to stop bleeding if they could, as did Agamemnon's troops. Achilles was revered by the troops for his *surgical* knowledge, in addition to his fighting prowess. But Homeric or Napoleonic, the wounded were largely doomed by infection.

I draw this distinction between complications and primary injury to segue from physical wounds of war to the psychological wounds of war, where complications and "wound contamination" take greater tolls than the primary injury.

For years I have agitated against the diagnostic jargon, Post-Traumatic Stress Disorder (PTSD), because transparently we are dealing with an injury, not an illness, malady, disease, sickness, or disorder. My insistence comes from awareness that within military forces it is entirely honorable to be injured, and that if one is injured and recovers well enough to be fit for duty, there is no real limit to one's accomplishments, even if a prosthesis is employed. Witness the honored career of General Eric Shinseki, who lost a foot in Vietnam, and eventually retired from the U.S. Army as chief of staff. We do not describe him as suffering "Missing Foot Disorder."

To fall ill in the service of one's country is not *dishonorable*, but it sure is *unlucky*. Nobody wants to share a fighting hole or vehicle with an unlucky soldier or marine, a ship's watch with an unlucky sailor, or aircraft with an unlucky airman. It is stigmatizing in that culture. Among other reasons as well, my agitation has been against the gratuitous stigma conferred in the diagnostic name by its location in the semantic range of disease – Post-

Traumatic Stress Disorder – rather than of *Jonathan Shay*

Wound. What is the primary psychological wound of war? Here I mean *primary* not as "most important," but rather, in the sense of "no complications." Recall how the primary traumatic amputation did not kill the service member, but the complications of hemorrhage and infection did.

In this sense, the primary psychological injury from war is the persistence into civilian life (or life in garrison) of the valid physiological, psychological, and social adaptations that promoted survival in the face of other human beings trying to kill you. Measured against the descriptive criteria for a diagnosis of PTSD, the fit is pretty good: the mobilization of the mind and body for lethal danger, the shutting down of activities, thoughts, and emotions that do not directly support survival in the fight, the intrusive hyper-remembering of what the danger looks, smells, or sounds like, to never be taken unprepared.

For example, a primary psychological injury from the current theater in Iraq: A valid survival strategy against roadside improvised explosive devices (IEDs), while driving a vehicle in Iraq, is to drive down the center of the road as fast as possible. This is a rational survival strategy: a fast-moving vehicle is harder to hit with a command-detonated explosion than a slow-moving vehicle; it is impossible for a driver to know on which side of the road the bomb might be; explosive force declines as the inverse square of the distance; the largest average maximum distance from both roadsides is the center of the road. Upon return to garrison at, say, Camp Lejeune or Fort Hood, a service member who, while driving (especially if sleep-deprived), momentarily loses the distinction between here-and-now and there-and-then may well die in a high-

Casualties speed head-on collision on the roads around Jacksonville or Kileen. The valid adaptation is, in a post-danger setting, no longer adaptive, and in this instance fatal, not only to the service member! Such examples abound, especially when the outcome is less dramatic, often resulting only in inconvenience, other people's puzzlement, or embarrassment.

In the absence of complications, primary psychological injuries from war usually do not wreck veterans' lives. Many adapt to the injury in much the same way as physically injured veterans adapt to injury: they learn skills and workarounds; they use prostheses. For example, I had a patient who was a Vietnam War Marine infantry veteran who had a non-negotiable aversion to showing up in the open in a crowd because it read as "bunching up": that is, making oneself a target for enemy snipers and mortarmen. He could not sit in the stands to watch his son's Little League games, even though he rationally knew there were no snipers. He was simply too uncomfortable to endure it. So his workaround was to watch the game from his truck parked far out the third baseline off left field. This same veteran worked for the gas company. His direct supervisor was also a veteran and made a "workplace accommodation" to my patient's disability: instead of requiring him to muster in the open truck yard at 7 a.m. with the other gas service-technicians to receive work orders, the supervisor would leave my patient's work orders in a box where he would pick them up at 5 a.m. when no one was around. He would then have breakfast and begin his day's work.

The most common and disastrous complications of primary psychological injury from war flow directly from persistence of combat sleep patterns. A soldier's vigilant sleep – a light doze, instantly ready to

respond to danger – is an obviously valid adaptation to an active war zone. If it is not safe to shut out sounds and shadowy movements, they are not shut out, but instead are acknowledged in the soldier's sleep. When this adaptation persists afterward and disrupts sleep, two extremely common complications supervene: first, use, then abuse of alcohol to promote sleep, and second, loss of emotional and ethical self-restraint and of social judgment. The disastrous pharmacology of alcohol as a sleep medicine is widely known. Less known is impairment of frontal lobe function by sleep loss, per se, which does terrible damage to the lives of veterans and their families. Sleep is fuel for the frontal lobes of the brain. When you are out of gas in your frontal lobes you become a moral moron and unable to control your behavior in the face of emotions such as anger. Alcohol problems and loss of authority over emotion can thus be seen as complications – akin to hemorrhage and infection – of the primary injury. As with physical wounds, the complications may be far more destructive than the primary injury, such as fatalities connected with alcohol and fatalities in fights connected with loss of authority over anger. Repetitive combat nightmares are prodigious destroyers of sleep. I view traumatic nightmares as an evolutionarily ancient form of remembering about lethal danger, a "primary injury." These nightmares themselves, avoidance of going to sleep because of them, and self-medicating with alcohol to suppress them are further examples of complications to a primary injury.

One category of psychological injury – moral injury – has recently lit up both in military professional circles and in the clinical literature. I adumbrated the concept in *Odysseus in America: Combat Trauma and the Trials of Homecoming*:

When I speak of prevention of moral injury in military service, this Homeric episode [Agamemnon's public dishonor of his most effective and revered subordinate, Achilles, in *Iliad* Book 1] is an example of what I want to prevent: betrayal of "what's right" in a high stakes situation by someone who holds power. The consequences for those still on active duty range from a loss of motivation and enjoyment, resulting in attrition from the service at the next available moment, to passive obstructionism, goldbricking, and petty theft, to outright desertion [for example, Achilles in the *Iliad*], sabotage, fragging [Achilles almost kills Agamemnon in Book 1], or treason. In a war, the consequences are catastrophic.⁴

I devote the final fifty pages of *Odysseus in America* to prevention of psychological and moral injury in military service. My current most precise (and narrow) definition has three parts: moral injury is present when (1) there has been a betrayal of what's right (2) by someone who holds legitimate authority (3) in a high-stakes situation. When all three are present, moral injury is present and the body codes it in much the same way it codes physical attack.

I emphasize the element of *leadership malpractice* because it is something we can *do* something about. The prevalence of leadership malpractice⁵ is extremely sensitive to policy, practice, and culture in a military organization. My activities with military forces have been directed that way. They have given me a hearing and appear somewhat receptive,⁶ largely because they recognize that ethical leadership is a combat strength multiplier. When a leader betrays "what's right," he or she demotivates vast swaths of troops and detaches whole units from loyalty to the chain of command. Stated positively, troops *do* want to know that what they are doing has a constructive purpose, that

their direct leaders know their stuff and know their people. Sacrifice falls most heavily on their people. Jonathan Shay

While I have had bully pulpits before receptive military groups, I cannot point to much change in policy and practice that would significantly reduce the prevalence of leadership malpractice. Some examples of changes not made: change "up-or-out" to "up-or-stay" (subject to rigorous performance evaluation), broaden the who and the how of performance evaluation (for example, "360-degree evaluation"), stop imagining officership as a form of "general management," where no specific functional expertise is required.⁷

When the term *moral injury* has surfaced in recent psychological research literature, it has been used somewhat differently: "Potentially morally injurious events, such as perpetrating, failing to prevent, or bearing witness to acts that transgress deeply held moral beliefs and expectations may be deleterious in the long-term, emotionally, psychologically, behaviorally, spiritually, and socially."⁸ The cited clinicians/researchers have shown an elevated risk of domestic violence and suicide, if moral injury is present. Our two meanings of moral injury differ mainly in whether leadership malpractice is part of the definition. The view of the above researchers could be paraphrased as what happens (1) when someone "betrays what's right" and (2) the violator is the self (3) in a high-stakes situation. I have focused where the betrayer of what is right holds legitimate authority. Moral injury in my meaning can lead to moral injury in the above clinicians/researchers' meaning. An example would be for a soldier or marine to be ordered to murder civilians or disarmed, unresisting prisoners (likely a moral injury in my sense), and then, feeling compelled to carry it out, to incur moral injury in their

Casualties sense. Our junior enlisted fighters do *not* want to know themselves to be murderers.

Ethical philosophers such as Bernard Williams and Martha Nussbaum have addressed the situation that these clinicians/researchers and I report on, under the somewhat opaque term *moral luck*. Nussbaum has written with great force on the deteriorating impact of (bad) moral luck on good character and connection to others, particularly in her classic, *The Fragility of Goodness*: “Annihilation of [ethical] convention by another’s acts can destroy...stable character.”⁹

Unfortunately, war itself creates an abundance of “moral (bad) luck” that cannot be completely prevented short of ending the human practice of war – which many combat veterans in and out of uniform long for. A recent incident, told to me as having happened in Fallujah, involved a Marine scout-sniper who was supporting an engaged infantry unit, which had losses to a very effective, well-concealed enemy sniper. When the Marine sniper finally discovered and positively identified the enemy sniper, the marine could see that he had a baby strapped to his front in what we would call a Snuggli baby carrier. The marine interpreted this as use of the baby as a “human shield.” Regardless of whether that was true, the marine understood the Law of Land Warfare and the Rules of Engagement permitted him to fire on the enemy sniper, and he understood his duty and his loyalty to his fellow marines to do so. He did fire, and saw the round strike. He will live with that for the rest of his life.

One of my former patients, a well-educated Roman Catholic, opened with the words, “I led them into sin,” when he became willing to tell the clinical team the most tenaciously painful experience he had had in Vietnam. He and his three-man Marine fire team were left in charge

of seventeen disarmed and nonresisting Vietnamese prisoners. As the sergeant was leaving the scene he said over his shoulder, “We don’t need no prisoners,” which my patient understood to be an instruction to kill them. My patient discovered that the other marines were reluctant to murder the prisoners. My patient egged them on and was the first to open fire. He calmly carried the certainty that he personally was damned (his understanding of his religious tradition), but found it impossible to live with the knowledge that he had led the other marines into mortal sin.

What does leadership malpractice add to the elements visible in betrayal of what’s right by the self in a high-stakes situation? Primarily, it *destroys the capacity for social trust* in the mental and social worlds of the service member or veteran. I regard this as a kind of wound contamination in the mind, preventing healing and leaking toxins.

When the capacity for trust is destroyed, its place is filled by the active expectancy of harm, exploitation, or humiliation. We do not learn one iota more about the human being before us by hanging the psycho-jargon word *paranoid* on this expectancy.

There are three common strategies for dealing with a situation in which harm, exploitation, and humiliation are foreseen: strike first, get away to complete isolation from others, develop effective deception and concealment. All three of these strategies are formidable destroyers of a flourishing human life. They are also barriers to service members or veterans ever obtaining or keeping meaningful mental health care. In the modern medical setting, this means trusting a clinician on the basis of his or her *credentials* and *institutional position*. The credentials and institutional position of the original military perpetrator of moral injury were often impeccable, so

the situation of being asked to trust someone purely on that basis (“Hello, I’m Dr. Shay. I’m a Staff Psychiatrist here . . .”) is likely to be a traumatic trigger, a new danger. And if the strike first, run away, or deceive strategies are not enough of an obstacle to obtaining and keeping care, the clinician often takes offense at *not* being automatically trusted, and chases the veteran away or retaliates.

Many of the veterans I worked with had histories of having done great harms to others, some with heavy criminal careers since Vietnam, often carrying prior diagnoses such as “sociopath,” “borderline personality disorder,” or “character disorder.” The general consensus of American mental health has been that no bad experience in adulthood can turn someone with good character into someone with bad character. This is a broadly and deeply held philosophic position, which has a brilliant pedigree going back to Plato, through the Stoics, to Kant, and to Freud. Plato said that if you make it out of childhood with good breeding (we would say “good genes”) and good upbringing, then your good character, your virtuous behavior will form as hard, unbreakable, and immovable as rock. American psychiatry has consistently rejected attempts to diagnostically recognize deformities of personality or character arising from bad experience. The American Psychiatric Association (APA) has rejected two attempts to get such phenomena recognized in the nosology: “Persistent Personality Change after Catastrophic Experience” and “Disorders of Extreme Stress, Not Otherwise Categorized.” The former is part of the World Health Organization nosology; the latter, under the less opaque label “complex PTSD,” is very widely accepted by clinicians who work with morally injured populations, such as survivors of incest or political torture, despite its lack of official blessing. “Post-Traumatic Embitter-

ment Disorder,” a phenomenon defined and proposed as a diagnostic construct by Professor Michael Linden and his colleagues at the Charité in Berlin, has not (yet) been exposed to the Platonic filter of the APA.

The key to clinical success in working with such veterans and service members is their *peers*. This is a post-service parallel to the psycho-protective benefit *in* the service of *cohesion*. Cohesion is military-speak for the concrete face-to-face familiarity, mutual love, reliance, obligation, and visceral sense of being part of each other’s future that arise spontaneously in a stable, well-trained, and well-led unit that has been through hard things *together*. Credentialed mental health professionals, myself included, have no business taking center stage in the drama of recovery from moral injury. We can be good stagehands and bit players, but the real stars are other veterans who have walked in their shoes. Working with veterans carrying such injuries is a constant lesson in humility. We clinicians *earn* trust; we learn to go naked; we listen with the heart as well as the head.

Before finishing, a public policy item relating to moral injury deserves thoughtful debate. Morally injured veterans are vulnerable to recruitment by tight criminal, or coercive religious or political groups. This is not a “liberal anti-military” riff on a supposed association between military service and right-wing extremism. The historical record is clear: German World War I front veterans who were demobilized *together* and returned together to the town in which their division was raised, generally settled peacefully back into civilian society, even when their home towns were now on the *other* side of newly drawn national borders. They rarely gravitated to the *Freikorps*, extremist political gangs of *both* the Left and the Right that sometimes functioned as “death squads.”

Jonathan
Shay

Casualties Instead, an “elective affinity” for such groups was discovered by veterans of special *Reichsheer* formations, such as the Jaegers and the Naval Infantry, which recruited individual volunteers from regular army units. Members of these elite units were demobilized *as individuals* and scattered to the winds.

Why raise this historical curiosity here? Because we have a sociologically analogous situation with repatriated “trigger-puller” contractors from the current theaters of war, who have neither home station to return to nor military unit association nor clear-cut VA eligibility for health care and disability pension benefits. The fact that many, or most, have prior military service will prove a most capricious entitlement to call upon. The essay by Deborah Avant and Renée de Nevers in this issue gives an up-to-date overall picture of military contractors in Iraq and Afghanistan, although the number carrying and using firearms remains very hard to come by.

Who will offer social support and mental health services to trigger-puller contractor veterans? I am not saying that I know that the Weimar Republic would still exist today, with all that implies about a different course to history, if Germany had had Vet Centers and VA Mental Health Clinics. But historians generally agree that the *Freikorps* contributed to the weakening of the new German political fabric in the immediate aftermath of World War I. Obviously, not all psychologically and morally injured trigger-puller military contractors will ask for help. But as a matter of public policy, it will be a *very* good investment to make them eligible to receive it, without a lot of hoops to jump through. This is not a handout to the contracting firms, who might be supposed to be obligated to provide medical benefits to injured former employees. Whether or not current law can be construed to com-

pel these firms to provide mental health coverage, I regard that as *very* imprudent for us as a nation to rely upon. The Vet Centers, even more than the VA, have the peer-tradition to offer meaningful support to this demographic group, although some VA facilities have developed significant peer support and community-of-experience based programming.

To conclude, I want to dispute the habitual mind-body distinction that I myself implicitly made early in this essay by distinguishing physical from psychological injuries. This distinction is often useful, but at its root, incoherent. “The body keeps the score,” as traumatologist Bessel van der Kolk has so resonantly said. The body codes moral injury as physical attack and reacts with the same massive mobilization. If you doubt that, try the following very unpleasant thought-experiment: Imagine, as vividly as you can, a situation that applies to *your* life circumstances that fits my definition of moral injury: a betrayal of what’s right, by someone with legitimate authority, in a situation with high stakes *to you*. I guarantee that your heart rate and guts will respond. We are just one critter: brain/body, mind, social actor, and culture inhabitant at every instant. None of these has ontological priority.

¹ In addition to my experience working as a psychiatrist for veterans, I have served in various capacities for the U.S. military, including Commandant of the Marine Corps Trust Study (1999–2000); Chair of Ethics, Leadership, and Personnel Policy in the Office of the U.S. Army Deputy Chief of Staff for Personnel (2004–2005); and 2009 Omar Bradley Chair of Strategic Leadership, U.S. Army War College (2010). I have also worked with Canadian Forces, U.K. Royal Marines, U.K. Royal Navy, Bundeswehr, other NATO, and Israel Defense Force personnel.

² The *Textbook of Military Medicine* is a vast multivolume, periodically updated work published by the Army Surgeon General. I commend the reader to the whole U.S. Army Medical Department Borden Institute website, <http://www.bordeninstitute.army.mil/>, where the following are available in their entirety as free downloads: all the massive current volumes of the *Textbook of Military Medicine*; various monographs, such as *Water Requirements and Soldier Hydration and War Surgery in Afghanistan and Iraq, A Series of Cases, 2003–2007*; and *Emergency War Surgery*, 3rd rev. ed. (2004).

³ The data in this paragraph were current as of January 5, 2008. The number wounded in action (that is, by enemy action) in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) was 9,801. This number represents only those injured severely enough to require medical air transport out of theater, which I take as a proxy for the severity of injury. (The number is 2.3 times higher when taking into account those wounded by hostile action, but whose wounds could be treated within theater without evacuation. However, this latter proportion applies only to OIF; the “more austere” medical facilities of OEF have meant that the wounded there are, proportionally, evacuated more frequently.) Adding roughly an equal number of nonhostile injuries severe enough to require medical air transport brings the number of those injured in OIF and OEF, as of January 5, 2008, to a combined total of 19,522. Adding “diseases/other medical” requiring medical air transport roughly doubles the combined total, as of January 5, 2008, from OIF and OEF to 46,751 (that is, the total of all who have been medically air transported out of theater for medical/surgical reasons).

Lest the reader speculate that the number of “diseases/other medical” has been inflated by *mental health* evacuations, note two facts: First, current military medical doctrine calls for treating combat stress reactions as close as possible to the service member’s unit, using brief and simple interventions such as “Three Hots and a Cot”: that is, physiological replenishment of food and water (three hots) and sleep (the cot). The doctrine discourages evacuation from theater because evacuation is believed to freeze the psychological injury in place, at a time when it is still reversible. This view has some empirical foundation. Second, a January 30, 2005, report from MHAT II (OIF-11 Mental Health Advisory Team) estimated that all mental health diagnoses together accounted for 6 percent of evacuations, and of these 11.7 percent were Post-Traumatic Stress Disorder (PTSD) and Acute Stress Disorder (ASD), narrowly and strictly diagnosed. $46,751 \times 0.06 \times 0.117 = 499$. A narrow definition of PTSD used by the Department of Defense Task Force on Mental Health produced an estimate that 10 percent of those deployed in OIF and OEF had PTSD; see Department of Defense Task Force on Mental Health, *An Achievable Vision: Report of the Department of Defense Task Force on Mental Health* (Falls Church, Va.: Defense Health Board, 2007). Using the Dole-Shalala Commission’s round number of 1.5 million of service members deployed (the number is now larger), this yielded 150,000 with narrow PTSD. The broad definition, encompassing all significant psychological injuries, produced an estimate by the DOD Task Force on Mental Health of 38 percent, or 570,000.

If the above number of those evacuated for “diseases/other medical” is inflated at all, it is more likely that it is from the policy of evacuating service members for diagnosis and treatment of conditions for which no appropriate specialist or sub-specialist had been deployed in the theater.

⁴ Jonathan Shay, *Odysseus in America: Combat Trauma and the Trials of Homecoming* (New York: Scribner, 2002), 240.

⁵ Within military circles, the tag “toxic leadership” is commonly used.

⁶ I still get goose bumps when I recall that during the break at a Commanders’ Conference at the 101st Airborne, where I spoke, several battalion commanders came up to me and told me that they had required their troopers to read my book *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (New York: Atheneum, 1994) prior to deployment, and that they could overhear admonishments among them, “Don’t betray what’s right!”

⁷ Rivers of ink have been spilled on the Officer Personnel Management System and related practices and culture. My most important teachers have been Faris Kirkland, Carl Bernard, Bruce Gudmundsson, Donald Vandergriff, Franklin “Chuck” Spinney, James N. Mattis, Donn Starry, Walter Ulmer, Richard Trefry, Greg Pickell, John Tillson, Dan Moore, Chet Richards, Mick Trainor, Chris Yunker, and John Poole.

⁸ Brett T. Litz, Nathan Stein, Eileen Delaney, Leslie Lebowitz, William P. Nash, Caroline Silva, and Shira Maguen, “Moral Injury and Moral Repair in War Veterans: A Preliminary Model and Intervention Strategy,” *Clinical Psychology Review* 29 (8) (December 2009): 695–706.

⁹ Martha C. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (New York: Cambridge University Press, 1986), 417.

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Inside back cover: Recruitment poster for the U.S.
Army, Navy, and Marine Corps, circa 1914 – 1918.
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