



**U.S. CIVIL-MILITARY RELATIONS AFTER 9/11:
RENEGOTIATING THE CIVIL-MILITARY BARGAIN**

By Mackubin Thomas Owens

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There is no more important question facing a state than the place of its military relative to civil society and the roles that the military exercises. The reason is simple: on the one hand, the coercive power of a military establishment, especially a strong and effective one, makes it at least a potential threat to the regime. On the other, a weak military establishment also threatens the regime because of the likelihood that the former will fail to protect the latter. This is the central paradox of civil-military relations.

US Civil-Military Relations After 9/11 is primarily a work of synthesis that seeks to place events since September 11, 2001 in their proper historical context and to consider them in light of the character of American civil-military relations in general. Tensions in civil-military relations in America are not new. They have recurred periodically since the American Revolution.

Although the wars in Iraq and Afghanistan loom large in the book, U.S. Civil-Military Relations After 9/11 is not simply a rehash of the debates attending these conflicts. Questions concerning the actual conduct of these wars and who was responsible for various aspects of military planning have been addressed by several writers, including Bob Woodward, Tom Ricks, Bing West, Michael Gordon, and Bernard Trainor. The purpose of U.S. Civil-Military Relations After 9/11 is to examine the issues that these fine writers raise from the perspective of the theory and practice of civil-military relations, placing them in the context of the ongoing renegotiation of the civil-military bargain in America. The following essay is drawn from the book’s introduction.

The United States remains fortunate in that its military has defended the Republic successfully on the battlefield while avoiding threats to civilian control. The most extreme and dangerous threats are *coup d’état* and praetorianism. But tensions have always existed and demonstrate that periodically from the American Revolution to the present, civil-military relations in America essentially have constituted a *bargain* among three parties: the American people, the government, and the military as an institution.

The goal of this bargain is to allocate prerogatives and responsibilities between the civilian leadership on the one hand and the military on the other. Occasionally throughout U.S. history, certain circumstances—political, strategic, social, technological, among others—have changed to such a degree that the terms of the existing civil-military bargain become obsolete. The resulting disequilibrium and tension have led the parties to renegotiate the bargain to restore balance in the civil-military equation.¹

There are five questions that define the civil-military bargain. First, who *controls* the military instrument? Liberal societies often take civilian control for granted, but doing so begs several further questions: does civilian control refer simply to the dominance of civilians within the executive branch—the president or the secretary of defense? What is the role of the legislative branch in controlling the military instrument? Is the military establishment “unified,” that is, does it speak with anything like a single voice vis-à-vis the civil government? What is the nature of military advice? Should military leaders “insist” that their advice be heeded? What courses of action are available to military leaders who believe the civilian authorities are making bad decisions? In other words, is there a “calculus of dissent” that military leaders can invoke in cases where they believe civilian decisions are dangerous to the health of the country?

¹ I am indebted to Andrew Bacevich for this formulation of the problem in a comment on an early version of my proposal for a book tentatively titled *Sword of Republican Empire: A History of U.S. Civil-Military Relations*.

Second, what degree of *military influence* is appropriate in a liberal society such as the United States? The extreme form of military influence in society is militarism; a state of affairs in which military values predominate and the military devours a disproportionate share of society's resources. Although some authors have claimed that the United States has become more militaristic over the years, the evidence for this argument is thin. Nonetheless, it is still necessary to ascertain the proper scope of military affairs. In today's environment, what constitutes military expertise? Does it go beyond what Samuel Huntington, in his classic study of civil-military relations, *The Soldier and the State*, called the "management of violence?" Should it?

To what extent should the military influence foreign policy? Has American foreign policy become "militarized?" Do combatant commanders exercise too much power? Have they become the new "viceroys" or "proconsuls?" What is proper regarding the military and domestic politics? Should active duty officers be writing op-eds in support of particular programs or policies? Should retired officers get involved in partisan politics? What is the military's proper role in influencing the allocation of resources?

Third, what is the *appropriate role of the military*? Is the military establishment's purpose to fight and win the nation's wars or to engage in constabulary actions? What kind of wars should the military prepare to fight? Should the focus of the military be foreign or domestic? The United States has answered this question differently at various times and under different circumstances. For example, throughout most of its history, the United States Army was a constabulary force. It permanently oriented itself toward large-scale conflicts against foreign enemies only in the 1930s. The end of the Cold War and the attacks of 9/11 have suggested new answers, for example, a focus on "irregular warfare" (counterinsurgency and counterterrorism), as well as an openness to the use of the military in domestic affairs. What impact do such issues have on civil-military relations?

Fourth, what *pattern of civil-military relations best ensures the effectiveness of the military instrument*? All of the other questions mean little if the military instrument is unable to ensure the survival of the state. If there is no constitution, the question of constitutional balance doesn't matter. Does effectiveness require a military culture distinct in some ways from the society it serves? What impact does societal structure have on military effectiveness? What impact does political structure exert? What impact does the pattern of civil-military relations have on the effectiveness of strategic decision-making processes?

And finally, *who serves*? Is military service an obligation of citizenship or something else? How are enlisted members recruited and retained? How should the U.S. military address issues of "diversity" in the force? What about reserves, racial and ethnic minorities, women, and homosexuals?

Obviously, questions regarding military service have been answered differently by Americans at various times under different circumstances. Through most of its early history, the United States maintained a small regular peacetime establishment that mostly conducted limited constabulary operations. During wartime, the several states were responsible for raising soldiers for federal service, either as militia or volunteers.

Conscription was the norm in the United States from the eve of World War II until the 1970s. Today the U.S. military is a volunteer professional force. But even now the force continues to evolve, as debates over such issues as the role of the reserve components in the post-9/11 military force, women in combat, service by open homosexuals, and the recruitment of religious minorities—Muslims in particular—make clear.

The various patterns of American civil-military relations have generally worked well, but have occasionally exhibited signs of stress as the civil-military bargain has been renegotiated. Renegotiation has certainly been the case in the United States during the last two decades.

A substantial renegotiation of the civil-military bargain took place with the end of the Cold War. The change in the security environment occasioned by the collapse of the Soviet Union led to a lack of a consensus regarding what the U.S. military was expected to do in the new security environment. The resulting period of drift had a substantial impact on civil-military relations. As the brief summary below suggests, the civil-military bargain is still being negotiated.

CIVIL-MILITARY RELATIONS FROM CLINTON TO OBAMA

During the 1990s, a number of events led observers to conclude that all was not well with civil-military relations in America. These events generated an often acrimonious public debate in which several highly-respected observers concluded that American civil-military relations had become unhealthy at best and were "in crisis" at worst. For instance, distinguished military historian, Richard Kohn, viewed the state of civil-military relations during this period as "extraordinarily poor, in many respects as low as in any period of American peacetime history."

Most illustrative of the unhealthy states of civil-military relations during this period was the unprecedented hostility by the uniformed military toward President Bill Clinton, whose anti-military stance as a young man during the Vietnam War years did not endear him to soldiers. Many of the highly publicized disputes between the uniformed military and the Clinton

administration reflected cultural tensions between the military as an institution and liberal civilian society. Most of these disputes focused on issues such as women in combat and open homosexuals in the military.

The catalogue included the very public exchange on the issue of military service by open homosexuals between newly-elected President Bill Clinton on the one hand and the uniformed military and Congress on the other, “Tailhook,” the Kelly Flinn affair, and the sexual harassment scandal at a U.S. Army base in Aberdeen, Maryland. But civil-military tensions were not limited to social issues. Others included the charge that General Colin Powell, then-Chairman of the Joint Chiefs of Staff, was invading civilian turf illegitimately by publicly advancing opinions on foreign policy, and the military’s purported resistance to involvement in constabulary missions, motivated primarily by the fact that while the Clinton administration cut force structure by a third from the level of the “Base Force” of President George H.W. Bush, the pace of non-warfighting deployments increased by 300 percent from 1989 to 1999. Critics contended that such examples illustrated that the uniformed military had expanded its influence illegitimately into inappropriate areas and had succeeded in making military, not political, considerations paramount in the political-military decision-making process. This process, in effect, dictated to civilians not only how its operations would be conducted, but also the circumstances under which the military instrument would be used.

This purported attitude reflected the post-Vietnam view dominant within the military that only professional military officers could be trusted to establish principles guiding the use of military force. Taking its bearings from the so-called Weinberger doctrine, a set of rules for using force that had been drafted in the 1980s, the U.S. military did everything it could to avoid what came to be known—incorrectly—as “non-traditional missions”: constabulary operations required for “imperial policing,” such as peacekeeping and humanitarian missions.

The clearest example of a service’s resistance to a mission occurred when the Army, arguing that its proper focus was on preparing to fight conventional wars, insisted that the plans for U.S. interventions in Bosnia, Kosovo, and elsewhere, reflected the military’s preference for “overwhelming force.” Many interpreted such hostility as further indication that the military had become too partisan (Republican) and politicized.

Those who argued that U.S. civil-military relations had become problematic during this period claimed to have identified serious systemic problems affecting the interaction between the uniformed military and civilians, both government leaders and the society at large. These individuals argued, among other things, that:

- the U.S. military had become more alienated from its civilian leadership than at any time in American history;
- there was a growing gap between the U.S. military as an institution and civilian society at large;
- the U.S. military had become politicized and partisan;
- the U.S. military had become resistant to civilian oversight, as illustrated by the efforts to dictate when—and under what circumstances—it would be used to implement U.S. policy;
- officers had come to believe that they had the right to confront and resist civilian policymakers, to *insist* that civilian authorities heed their recommendations,
- the U.S. military was becoming too influential in inappropriate areas of American society.

The likely and very dangerous outcome of such trends, went the argument, was a large, semi-autonomous military so different and estranged from society that it might become unaccountable to those whom it serves. Those who advanced this view worried about the military’s expanding influence and were concerned about the possibility of a military contemptuous of American society and unresponsive to civilian authorities.

Most writers adopting this view acknowledge that the crisis was not acute; it did not, for instance, involve tanks rumbling through the streets or soldiers surrounding the Capitol or the White House. Instead, they said, it was subtle and subversive—like a lymphoma or termite infestation—destroying silently from within and appearing as mutual mistrust and misunderstanding, institutional failure, and strategic incapacitation. If the problem had not yet reached the danger point, they contended, that time was not too far off if something was not done soon.

Not all observers shared this assessment. Some argued that U.S. civil-military relations were not in crisis but in transition as a result of the Cold War’s end and changes in American society. And others contended that the civil-military tensions of the 1990s were a temporary phenomenon, attributable to the perceived antimilitary character of the Clinton administration.

However, civil-military tensions did not disappear with the election and reelection of George W. Bush. If anything, civil-military relations became more strained following clashes between the uniformed services and Bush’s first secretary of

defense, Donald Rumsfeld. These disputes focused on efforts to “transform” the military from a Cold War force to one better able to respond to likely future contingencies, and the planning and conduct of U.S. military operations in Afghanistan and Iraq. For one thing, the instances of military officers undercutting Secretary of Defense Rumsfeld and his policies in pursuit of their own goals—what Peter Feaver has called “shirking,” as in anti-Rumsfeld leaks to the press, “foot-dragging” and “slow-rolling”—that had plagued the Clinton administration, continued apace.

Public criticism of civilian leaders by military officers accelerated as well, peaking with the so-called revolt of the generals in the spring of 2006, when several retired Army and Marine Corps generals publicly and harshly criticized Secretary Rumsfeld. During this episode, much of their language was intemperate, indeed contemptuous. The seemingly orchestrated character of these attacks suggested that civil-military disharmony had reached a new and dangerous level.

Although the critics in this case were retired general officers, observers of this episode believed that these retired flag officers were speaking not only for themselves but for many active duty officers, as well. As Richard Kohn observed, retired general and flag officers are analogous to the Cardinals of the Roman Catholic Church. While there are no legal restrictions preventing retired members of the military—even recently retired members—from criticizing public policy or the individuals responsible for it, there are some important reasons to suggest that the public denunciation of civilian authority by soldiers, retired or not, undermines healthy civil-military relations.

With Rumsfeld’s departure and the apparent success of the “surge” in Iraq, some expressed hope that harmony might return to U.S. civil-military relations. And to be sure, his successor, Robert Gates, has done a great deal to improve the civil-military climate. But subsequent events—including Secretary Gates’ decision to fire two service secretaries and a service chief and forcing the retirement of a combatant commander—raised doubts for some. In addition there was the public disagreement on military strategy between President Obama and the ground commander in Afghanistan, General Stanley McChrystal and the latter’s subsequent relief. All these events make it clear that, while mutual suspicion and misunderstanding have abated some since Rumsfeld’s departure, the state of U.S. civil-military relations remains turbulent and potentially contentious.

RENEGOTIATING THE U.S. CIVIL-MILITARY BARGAIN INTO THE FUTURE

Is there a crisis in civil-military relations or are the alleged problems merely the manifestation of yet another search for a new equilibrium based on changing factors? What are the particular problems arising from a "post-modern" military, a relatively small, highly educated and professional force, reared to conduct constabulary operations rather than conventional inter-state wars? What impact will continued technological change have on American civil-military relations? What about social issues? What are the prospects for balanced, harmonious, and effective civil-military relations in the future, especially during times of war?

The Prussian military theorist Carl von Clausewitz crystallized the problem that the study of civil-military relations seeks to address when he wrote: “The first, the supreme, the most far-reaching act of judgment that the *statesman and commander* have to make is to establish [...] the kind of war on which *they* are embarking; neither mistaking it for, nor trying to turn it into, something alien to its nature. This is the first of all strategic questions and the most comprehensive” (emphasis added). This oft-quoted passage makes it clear that the decision for war and its subsequent conduct require the successful—if not always harmonious—collaboration of civilian policymakers and their military advisers, who will also be responsible for providing the instrument necessary for the conduct of war and the plans and decisions required to bring it to a successful conclusion.

However, the dysfunctional character of U.S. civil-military relations following 9/11 meant that the judgment that Clausewitz described was not properly made, especially with regard to the war in Iraq. For a variety of reasons, there was, in Colin Gray’s formulation, “a black hole where American strategy ought to [have resided].” The absence of strategy meant that all too often, military operations were not connected to policy considerations. Of course, this is not the first time that divided policy councils and dysfunctional relations between soldiers and statesmen have opened the door to strategic failure.

Thus, the most significant lessons of U.S. civil-military relations since 9/11 are not concerned primarily with the question of civilian control. Instead, they raise such issues as how informed civilian leaders are when they choose to commit the military, how well the civil-military pattern enables the integration of divergent and even contradictory views, and how this pattern ensures a practical-military strategy that properly serves the ends of national policy.

The lessons of post-9/11 U.S. civil-military relations also raise the issue of *trust*: the mutual respect and understanding between civilian and military leaders and the exchange of candid views and perspectives between the two parties as part of the decision-making process. The emphasis on civilian control in much of the civil-military relations literature obscures the fact that the real lessons of the post-9/11 era are less about the civilian authorities dictating policy to the military than about the tenor of the dialogue and the quality of the policy decisions and strategic plans that emerge from that dialogue.

Part of renegotiating the civil-military bargain in the future is to ensure that the dysfunctional confluence that has created America's strategic deficit is not repeated. Rectifying this situation requires that both parties to the civil-military bargain adjust the way they do business. On the one hand, the military must recover its voice in strategy-making while realizing that politics permeates the conduct of war and that civilians have a say not only concerning the goals of the war but also how it is conducted. On the other hand, civilians must understand that to implement both effective policy and strategy requires the proper military instrument. They must also insist that soldiers present their views frankly and forcefully throughout the strategy-making process.

The future security environment and the reality of American politics suggest the need to shift from the outdated "normal" theory of civil-military relations to one more historically grounded, a model that accounts for the overlapping and reciprocal interrelationships of ends, ways and means necessary for strategic success. This requires establishing new norms that create a decision-making climate that encourages candid advice and the rigorous exchange of views and insights.

It is important to reiterate that U.S. civil-military relations entail more than merely civilian control, as important as that may be. Civilian control is constitutionally grounded in the United States and the principle is accepted without question in the officer corps. The more important questions of American civil-military relations concern how to ensure effective strategies for the employment of the military instrument. To ensure this outcome to the benefit of U.S. security requires discipline, a deliberate process, and a continuous dialogue between the civilian leadership and the military.

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