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## From War Managers to Soldier Diplomats: The Coming Revolution in Civil Military Relations

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The irrelevance of International Relations theory to the conduct of foreign policy has received renewed attention since 9/11. Though lamented by a few, this state of affairs has been on the whole lauded by a profession by now unreflexively committed to evaluating the degree of “originality” of any academic research on one criteria only: its degree of policy irrelevance. (1)

Much less has been written on the irrelevance of civil-military relations theory for the conduct of military policy – and for a good reason: outside of military circles, few people are even aware of the existence of this obscure sub-field which has been an intellectual backwater for the past generation. If you like the proverbial insularity of IR theory, you have to love the intellectual in-breeding permeating a field cultivated by two dozen practitioners mono-maniacally obsessed with the “civilian control of the military,” and who keep plowing their ever-shrinking plot seemingly unaware of the law of diminishing returns.

In the academic pecking order, specialists of civil-military relations rank toward the bottom - somewhere between sports sciences and gender studies; yet, over the years, this little-known academic tribe has managed to yield a disproportionate influence on military culture through its role in the equally little-known domain of professional military education (PME).

The bastard child of political science and military sociology, civil-military relations theory showed distinct promise when Samuel Huntington inaugurated the field in 1957 with *The Soldier and the State* - an attempt to identify the optimal equilibrium between the “societal imperative” and the “functional imperative,” i.e. between civilian control and military effectiveness. Over time, the field has become the perfect illustration of what philosopher of science Imre Lakatos called a “degenerating research program.” (2)

If the pathology of the IR theorist today is to cultivate “policy irrelevance” as an end in itself, that of the civil-military theorist is to ignore everything that is not of immediate “policing relevance.” As the descriptive, explanatory or predictive value of the theory declined over the years, its normative value only increased in eyes of the ‘politically correct’ crowd, who quickly saw the unlimited potential of the theory to shape military culture well beyond the requirements of ‘civilian control’ as commonly understood.

Sublimating a prosaic *publish or perish* imperative into the civic imperative of *eternal vigilance*, the self-appointed guardians of the guardians were quick to posit that “civilian control is not a

*fact, but a process*” - a convenient axiom justifying the publication, at regular intervals, of *evergreen* articles warning about a “widening gap,” an “ominous politicization,” or an “impending crisis” in civil-military relations.

It would take the talent of a Michel Foucault to describe how, over time, such a tiny academic tribe came to “capture” a much larger military tribe through a strategy combining Liddel Hart’s “indirect approach” with Gramsci’s “long march through the institutions,” and how, as it migrated from political science to military sociology, this intellectually marginal subfield ended up having such disproportionate *disciplinary* effects in American military culture. In a nutshell:

As the research agenda was allowed to atrophy, an ideological agenda was gradually pushed to the forefront, to the point where today the theory provides intellectual cover for the constant surveillance, monitoring, micro-management and petty harassment of the military that go beyond *education* and *regulation* to include a *promotion* system rewarding risk avoidance in all its dimensions - be it in the form of “groupthink” at the intellectual level, of a “zero defect” mentality at the organizational level, of an obsession with “force protection” at the operational level, and of an excessive “docility” of flag officers vis-à-vis civilian leaders. (3)

Meanwhile, in an era when non-combat operations have now been officially given the same importance as combat operations, field grade officers are fast becoming “pentathlete leaders” (General Petraeus) whose newly-acquired political literacy ranges from “strategic lawyering” to “military governance.” In the context of a relative decline of the United States in the world, this kind of knowledge and experience guarantee that, when its time comes, this new generation of officers will be less willing than its elders to take at face value the “civilians-have-the-right-to-be-wrong” mantra. (4)

The changing nature of democracy, the changing character of warfare, and the changing conception of professionalism since 1957 make it today imperative to reassess the relations between the Soldier and the State in general and the importance of Professional Military Education in particular. In the age of Hybrid Wars, the role of the professional soldier will continue to shift from that of War Manager (Cold War) to that of Soldier Diplomat (Long War), at just about whatever level: regional viceroys, imperial grunts, and even week-end warriors. (5) This transformation, in turn, is leading to a revolution in civil-military relations which calls for a new research program more in tune with both the academic and military challenges of the twenty-first century.

### **“Exit, Voice, and Loyalty” in the Military**

Responses to decline in firms, organizations, and states alike, sociologist Albert O. Hirschman observed some forty years ago, can only take three forms: Exit, Voice, or continued Loyalty. Despite the apparent symmetry between Exit and Voice (for short, “flight vs. fight”), the former belongs to the realm of economics and is fairly straightforward, the latter, to that of politics, and is somewhat more complex. When the choice is Exit, the disgruntled employee simply resigns and relies on the labor market. Voice, by contrast, is a messier concept, in that “it can be graduated, all the way from faint grumbling to violent protest.” Examining the interplay between

the two options, Hirschman puts forward a no-nonsense proposition: namely, that, in certain situations, allowing for the institutionalization of greater Voice can help stem massive Exit. (6)

Today, in the midst of two seemingly endless wars, a stoic and often heroic Loyalty remains the dominant feature of the U.S. officer corps. Yes, there is no denying that, with nearly half of a West Point graduating class leaving the service after the required five years, the military is facing a major Exit problem. (7) In these conditions, it should not take a rocket scientist to realize that this massive Exit would be an even bigger problem had the active-duty military not found, in the community of retired officers, a proxy Voice to vent its many – and by and large justified – frustrations.

Las! Despite its status as an instant classic since 1970, Hirschman's study remains apparently unknown to the handful of academics who specialize in civil-military relations, and whose discourse is no longer that of *scholars*, but of *prosecutors*. (8)

One would think that, at the very top of the research agenda of *academic* specialists of civil-military relations would be the “academic-military gap” that has developed since the publication of *The Soldier and the State*. In 1956, 400 out of 750 in Princeton's graduating class went into the military; by 2004, the number had dropped to 9 students. In 1956, 1,100 Stanford students enrolled in ROTC; today, that number is down to 29. The graduates of today being the political leaders of tomorrow, this lack of experience with military affairs could reasonably be seen as a rather disturbing trend.

One would think that, at a time when the so-called “graduate level of war” (i.e. counterinsurgency) has unexpectedly taken center-stage, an equally important preoccupation would be the sorry state of professional military education (PME). As General Scales, the former Commandant of the U.S. Army War College remarked in 2006: “In World War II, 31 of the Army's 35 corps commanders taught at service schools. Today the Army's staff college is so short of instructors that it has been forced to hire civilian contractors to do the bulk of the teaching. After Vietnam the Army sent 7,400 officers to fully funded graduate education. Today that figure is 396, half of whom are studying to join the weapons buying community. The military school system remains an anachronism of Nineteenth Century pedagogy that fails to make best use of the dismally limited time available to soldiers for learning.” (9)

One would think that, when voicing concern about “civilian control,” our academic experts would mean to draw attention to the fact that the simplest way of exercising civilian control – namely, relieving flag officers of their command – has gradually fallen in disuse since 1945. As one military historian wryly pointed out recently, correlation is not necessarily synonymous with causation, but it is hard not to notice that relieving flag officers was routinely done during World War I (32 generals) and World War II (40 flag officers) – two victorious wars; it became the exception rather than the norm during Korea and Vietnam – two stalemates; and, except for the general in charge of Abu Graib, no one has ever been relieved in the course of the Iraq campaign, – one memorable fiasco. (10)

One would think that, when discussing “civilian control of the military,” our experts would also mean to highlight the lack of genuine civilian oversight of the military-industrial complex, and

the ensuing fraud, waste and mismanagement perpetrated by the proverbial “Iron Triangle” between Congress, the Pentagon bureaucracy and the defense industries. In the 60 years since Eisenhower first warned about the rise of a military-industrial complex, the Pentagon has managed to place itself – paradoxically enough for the premier national security agency – at the vanguard of a government-wide “outsourcing sovereignty” phenomenon. The result is a trillion dollar war in which, on one theater at least, the U.S. armed forces are unlikely to defeat 30,000 insurgents anytime soon, for a simple reason: as the Pentagon keeps outsourcing logistics to locals who in turn pay protection money to the Taliban who in turn use the money to buy weapons to fight U.S. soldiers, the Afghan war today threatens to resemble the self-defeating version of the proverbial self-licking ice cream cone. (11)

One would think that, when raising the issue of a “civilian-military gap,” our academics would mean to draw attention to the fact that America has become a society in which investment bankers get obscene bonuses in the midst of a financial crisis while military veterans go so neglected (150,000 vets are homeless on any given night) as to constitute a new Bonus Army. Now that the Iraq war has the dubious distinction of being the first war in history in which the number of veterans who die of suicide is higher than that of soldiers who die in combat, one would think that military sociologists would wonder whether this particularly tragic kind of “Exit” is not due in part to the fact that “politically correct” activism in the post-Cold war era has created a “Kinder, Gentler Military” that has left recruits psychologically unprepared for the harsh realities of war. (12)

Strangely enough, these all-important topics are among the most neglected by the discipline. For the most part, specialists of civil-military relations have been more interested in pontificating on Plato’s “who will guard the guardians” than, for instance, in meditating the old saying often attributed to Thucydides: “The nation that will insist upon drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking by cowards.” And the only “retention” problem that seems to be of any interest to them appears to be the retention of their own control over military indoctrination.

### **Political Commissars in Camouflage**

A psychoanalyst might argue that the irrational obsession with “civilian control of the military” is a way to compensate for the loss of professorial authority recently experienced by academics in the wake of the recent “corporate control of the faculty” in the post-modern, managerial university. This explanation is only half the story at best. While all academic tribes have lately experienced a common *declasserment* from professionals to proletarians, some tribes, like IR theorists, have managed to preserve a degree of scholarly autonomy (if only in the form of the “cult of policy irrelevance.”) Not so in the case of the civil-military relations tribe (a topic for which there is little student demand in the civilian world), whose role over the years insensibly evolved from that of “research scholars” in civilian universities to “norm enforcers” in the military-educational complex.

And so it is that the vocal proponents of the “civilians have the right to be wrong” mantra end up denying that same right to the very civilians who happened to have the greatest military expertise (i.e. retired officers) - an attitude totally out of line with U.S. public opinion, since more than 80

percent of the population support the (equally disturbing?) idea that “members of the military should be allowed to publicly express their political views just like any other citizen.”

Not only do our commissars castigate the retired community for allowing itself to function as a proxy Voice and fail to see the positive role played by such an institutional safety valve, but they also deny the moral right of active-duty officers themselves to choose the Exit option in protest of specific policies. In short, instead of playing the role of mediators in conflict resolution between the civilian and military worlds, our political commissars only exacerbate the tensions. (13)

Caught in a time warp, stuck in parochial paradigms, re-fighting yesterday’s battles, our experts are, at best, the Rip Van Wrinkles of academe. At worst, their lack of interest for real gaps, and their fixation on imaginary gaps, only confirm what Samuel Huntington argued fifty years ago: namely, that even if “objective control” through military professionalism was to someday reach the point of perfection, there would always be a variety of civilian groups eager to instrumentalize the “civilian control of the military” mantra to enhance their own power at the expense of other groups.

Back in 1957, Huntington’s claim that “today America can learn more from West Point than West Point from America” was a distinctly minority viewpoint. Today, if polls are any indication, Huntington’s view is shared by American society at large and, if there is any group that seems to be “out of control,” it is the specialists of civil-military relations.

Since Huntington himself bears some responsibility for this drift, it is time to revisit *The Soldier and the State*, if only to try to save the baby and throw the bathwater away.

### **The Soldier and the State Revisited**

Though totally unknown outside military circles, Samuel Huntington’s *The Soldier and the State* has become, since its publication in 1957, the closest thing to a Bible of civil-military relations in democratic countries. (14) Explicitly presented as a modest attempt to offer a theoretical framework for the then-under-theorized field of civil-military relations, Huntington’s treatise is in fact permeated throughout with a strong normative intent - and the resulting tension between stated and real intentions explains the at-first disconcerting Baroque architecture as well as the at-times maddeningly Byzantine argumentation. Despite a format that was not exactly user-friendly, *The Soldier and the State* managed to acquire over the years the status of official doctrine in America first, then, through the various NATO schools, in the West at large.

In retrospect, Huntington’s treatise was admirably suited for the context of the Cold War. When it came out in 1957, *The Soldier and the State* provided the best possible answer to the most important *societal* question of the moment: namely, what to think and what to do about the emergence of a large peacetime military establishment utterly alien to the American Liberal Tradition, and how to avoid the twin pitfalls of the Organization Man and the Garrison State. (15)

The centrality given to the “civilian control of the military” problematique was at the time justified, given both the emergence of a new Nuclear Age and the recent spat between Truman and McArthur. The argument equating “objective civilian control” with military professionalism, and military professionalism with the absence of participation in any way, shape or form, in politics, was at least plausible (16), though Huntington’s unfortunate wording (“rendering them politically sterile and neutral”) already prefigured the future emasculation of flag officers.

There was of course a price to be paid for the failure to distinguish between political *partisanship* and political *literacy*. The risk was to end up with an officer corps focused exclusively on tactical and operational matters, and so lacking in political literacy as to be unable to relate military means to political ends, i.e. to think *strategically*. It did not seem to matter much at the time for two reasons. In the nuclear age, strategic thinking was seen as being too important to be left to the military, and was therefore quickly taken over by civilians. In addition, those same civilians (including Huntington) tacitly shared the conviction famously expressed by Bernard Brodie in 1946: “Thus far the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them. It can have no other useful purpose.” And indeed, if the main *raison d’etre* of the military is not to win, but to avert, war, why take the risk of having officers develop an “unhealthy” interest in politics by emphasizing the strategic level of war?

The Vietnam War was to show the limits of an officer corps who had come to equate *war* with simply “killing people and breaking things.” In its aftermath, the lessons that the military institution chose to draw was that, never again would it get involved in something as messy as counterinsurgency. In that respect, the post-Vietnam deification of Clausewitz was first and foremost (especially in the form of the Weinberger doctrine) a *weaponization* of Clausewitz against hubristic civilian masters, in the context of this particularly ugly kind of jungle warfare known as Beltway warfare. Intellectually, *Vom Kriege* may have had little heuristic value for the understanding of modern conflicts, and psychologically, its five hundred pages of unresolved antinomies may have in fact contributed to create “analysis paralysis” among many officers; but politically, it did provide the military institution with a convenient rationale for both ever-expanding budgets (“decisive battle” calls for “overwhelming force”) and for an ever-growing reluctance to actually use force (the conditions are never “Clausewitzian” enough to intervene). As the 2003 Iraq war was to make apparent, though, neither Clausewitz nor Weinberger would turn out to be effective shields: at the end of the day, you just go to war with the SecDef you have.

There was also price to be paid for defining the professional soldier as a “manager of violence.” In the short term, the definition of the officer as *manager* had three major advantages. It allowed distinguishing between officership as a profession (*management* of violence) and the enlisted man’s mere trade (*application* of violence). It upgraded the status and autonomy of the officer compared to an earlier definition as a mere *technician of violence* (Lasswell). Last but not least, it provided an ideal image of the officer that avoided two undesirable alternatives: on the one hand, the dangerously *charismatic leader* (no room for flamboyant MacArthurs in the nuclear age), on the other hand, the uniformed version of the bland *organization man* of corporate America.

After 1961, though, the concept of *manager* would take a whole new meaning. A few months after Eisenhower had warned against the rise of a military-industrial complex, McNamara became Secretary of Defense, bringing along “managerialism” – an ideology presenting itself as a “meta-professionalism” of sorts that downplays the specific expertise associated with each profession. By the time McNamara left the Pentagon in 1968, it had become clear in Vietnam that the ‘war managers’ had developed greater expertise in managerial *efficiency* (“body counts” and other meaningless metrics) than in military *effectiveness*.

Over time, McNamara’s “managerialist” legacy would aggravate the existing imbalance in a military culture already long on logistics and short on strategy, and the concept of “war manager” would end up providing a convenient excuse for linking a promotion system to a culture of procurement. Whether in wartime or peacetime, and whether in the form of the bean-counting bureaucrat or the businessman-in-waiting, it would increasingly become apparent that the “professionalism” of the War Manager could easily deteriorate into “careerism” pure and simple.

In fact, it can be argued that political neutrality was achieved thanks to careerism as much as to professionalism, in the sense that the prospect of enjoying a second career in the military-industrial complex was the best incentive for abstaining from making political waves. To use an image from another classic by Hirschman: irrespective of his degree of indoctrination in “civilian control of the military,” the professional officer had all the good careerist reasons to trade political “passions” for economic “interests.” (17)

In the wake of the Iraq war, the military is now busy drawing all the consequences of these two fundamental truths: 1) irrespective of their intrinsic virtues, theories and doctrines can never be more than *papier mache* Maginot lines against determined political masters; 2) the definition of the officer as a “war manager,” coupled with a relentless emasculation in the name of “civilian control,” has created a confidence gap the size of the Fulda Gap between junior officers and flag officers.

In the past thirty years or so, Huntington’s treatise, for its part, has become increasingly problematic for three reasons: the changing nature of democracy, the changing character of warfare, the changing meaning of professionalism.

### **From Democracy to Juristocracy**

On the one hand, democratic *reality* has evolved to the point where it now bears little resemblance with the democratic *theory* on which Huntington’s doctrine was based. Back in 1957, when discussing the instrumentalization of the “civilian control of the military” mantra by various political actors, Huntington focused his analysis on the tug-of-war between the Executive and the Legislative, and had little of substance to say about a Judiciary still operating in Huntington’s time, as it had in Hamilton’s time, as “the least dangerous branch.”

Fast forward fifty years later. Of all the changes that have occurred in democratic societies, the one that has become the object of a cottage industry among political scientists and legal scholars

alike is without contest “the judicialization of politics and the politicization of law,” at both the domestic and international levels:

“Since World War II, there has been a profound shift of power away from legislatures and toward courts and other legal institutions. . . . Courts have been increasingly able and willing to limit and regulate the power of legislative institutions, which means courts have increasingly become places where substantive policy is made and where judges have become increasingly willing to regulate the conduct of political activity itself. This growing role of the courts both in policymaking and in politics means that a phenomenon that Tocqueville noted about American politics years ago has now turned global: the transformation of political questions into legal ones.” (18)

For some observers (mostly lawyers), this trend represents the triumph of the rule of law over politics. For others, in particular those who learned from Montesquieu that the blurring of legislative and judiciary powers is the very definition of *tyranny*, this emergence of “Juristocracy in America” (against which Tocqueville himself had warned in his day) is nothing short of a slow-motion judicial *coup d’etat*.

In 1957, for a population of 170 million, there were 343,000 officers and 248,000 lawyers; by 2007, for a population of 300 million, there were 217,898 officers, and 1,143,358 lawyers and, despite sporadic attempts by a handful of academics to argue that the officer corps is “out of control,” the main *societal* question in post-modern democratic societies is what to think and what to do about an “attorney corps” that has become “out of order.”

In lieu of the much-dreaded Garrison State, what quite unexpectedly emerged in the past thirty years is what could be called the Courthouse State, i.e. a Hobbesian-like litigious society engendered by the existence of an ever-expanding army of lawyers. In America today - a country that accounts for only 4.5 percent of the world’s population but for 70 percent of the world’s lawyers –, the proliferation and politicization of lawyers combine to create a legal imperialism which increasingly undermines the separation of powers principle that is at the basis of democracy. It may well be that, in the past thirty years, the politicization of the military has increased *arithmetically* (largely as a result of a forced socio-cultural civilianization by the politically correct crowd); but in the meantime, the politicization of judges has increased *exponentially* - with more serious consequences for the polity at large.

By and large, the military remains among the most trusted institutions in public opinion, and the question of “who will guard the military guardians” only elicit a yawn outside the Beltway. By contrast, “who will judge the judges” (i.e. who will restrain the judicial activism of the new self-appointed philosopher-kings) is a question increasingly heard in various segments of civil society - including among the best legal minds, who lament the passing of the Lawyer-Statesman and the rise of the Lawyer-Businessman (aka the “ambulance chaser”). For the past twenty years, mainstream debates on this ever expanding “legal-industrial complex” have ranged from assessing the true economic costs of the legal locusts on the U.S. economy (80 billion dollars a year according to some estimates), to whether the profession should be allowed to continue to regulate itself or whether, as in Europe, there should be greater “civilian control” (*numerus clausus* in law schools, etc.) from the executive. (19)



In fairness, Juristocracy in America today is as much the result of legislative abdication as of judicial activism. In the past thirty years, the legislative branch has delegated increasing *powers* to judges (directly, or through federal or state agencies), all the while devolving increasing *responsibilities* to the military (be it in the realm of domestic law enforcement, post-conflict reconstruction or para-diplomatic security cooperation). We have now reached the point where judges enjoy significant powers without concomitant responsibilities, while the military is burdened with responsibilities without concomitant powers - hardly the healthiest situation for a democracy.

Instead of exploring this judicial-military gap, our theorists of civil-military relations have opted to obsess about “civilian control of the military,” as if it was the cornerstone of the democratic order. It is not. As both Huntington and Finer have shown long ago, far from being specific to democracies, “civilian control” is in fact found in equal measure in authoritarian and totalitarian regimes. Put it this way: strict “civilian control of the military” would be perfectly compatible with the kind of “democratic despotism” that Tocqueville warned against in one of the most famous chapters of *Democracy in America*.

Memo to the vigilantes: in the past thirty years, the increasing “Hobbesianization” of American society has had a lot more to do with the rise of the “permanent campaign” in politics, of the winner-take-all mentality fostered by “casino capitalism,” of the pervasiveness of “adversarial legalism,” and of the “culture wars” manufactured by media and academia – than with some armed forces-induced “militarism”. (20) And to the extent there is a specter haunting America today, it is definitely that of Juristocracy, not Praetorianism.

*At ease*, then.

### **From Warfare to Lawfare**

In addition, the *character of warfare* itself has evolved to the point where it now bears little resemblance to the concept of war dominant in Huntington’s time. Interestingly, a mere five years after *The Soldier and the State*, Colonel William Kintner, in *The New Frontier of War*, was already developing theses on the future of war which anticipated by four decades what the Chinese today call “Unrestricted Warfare,” and the Pentagon, more tentatively, “Hybrid Warfare.” (21)

In the era of Hybrid Wars, civil-military relations cannot but differ from what they were in the age of the Fulda Gap. Two developments since 9/11 are of special interest here.

The first one is what could be called the “politicization of war and the militarization of diplomacy.” At the most obvious level, the politicization of war is synonymous with the return and increasing centrality of *counterinsurgency* (COIN) - an activity which, as the formula goes, is “20 percent military, 80 percent political.” Since civilian agencies are not equipped to handle the 80 percent, much of this political work will continue to take the form of “military governance” – prompting calls for the re-opening of the kind of Schools of Military Government that existed during World War II. (22)

At bottom, a COIN campaign (which lasts on average nine years) has always been essentially a “permanent campaign” (23) of sorts to win the hearts and minds of the local population. In addition, now that COIN-by-Coalition has become the norm rather than the exception, the theater commander today also has to win the hearts and minds of Allies, IGOs and NGOs on the ground. Better still: within the framework of a multinational ‘Comprehensive Approach’ in which a plethora of civilian actors work at cross-purposes and the only credible chain of command resides within the military, the theater commander actually finds himself exercising, however informally, what could be called “civilians’ control by the military.” It is safe to assume that some of the theater commanders who have developed a *savoir-faire* about “governing” and “campaigning” in Iraq or Afghanistan will consider running for office at home, assessing (not without reason) that they are at least as qualified as used cars salesmen, movie actors and professional wrestlers for the job of governor, senator, – or more. If you can do state-building in Afghanistan, surely you can do state-rebuilding in Louisiana.

In addition, *stability operations* and *security cooperation* (which cover a whole range of activities from foreign policy to capacity-building to tribal policing) are not just “non-combat” operations: they are *eminently political* activities. At the high-end, regional commanders have greater resources and influence than any ambassador, and in some parts of the world are genuine proconsuls who can bypass the whole diplomatic hierarchy. At the low-end, there is today a blurring between police and military (between “third-generation gangs” and “fourth-generation wars,” there is only a difference of degree), and the *savoir-faire* acquired in the Middle East today can easily be put to good use in “Mexifornia” tomorrow if need be. (24)

The second important feature is without contest the enlargement of the “battlefield” into a broader “battlesphere.” Though the mass media has tended quite naturally to focus on the increasingly centrality of the mediasphere itself in this transformation (“media is half the battle”), a more fundamental, if less reported, feature is what could be called “the judicialization of war and the weaponization of law”:

Once a bit player in military conflict, law now shapes the institutional, logistical and physical landscape of war...Jomini famously defined strategy as “the art of making war upon a map.” Maps are not only representations of physical terrains – they are also legal constructs. Maps of powers, jurisdictions, liabilities, rights and duties...If war remains, as Clausewitz taught us, the continuation of politics by other means, the politics continued by warfare today has itself been legalized...Law can often accomplish what we might once have done with bombs and missiles: seize and secure territory, send messages about resolve and political seriousness, even break the will of a political opponent... Indeed, law now offers the rhetorical – and doctrinal - tools to make and unmake the distinction between war and peace, allowing the boundaries of war to be managed strategically. (25)

On the one hand, the Pentagon’s ten thousand lawyers have become indispensable players in the planning and conduct of war at the tactical, operational and strategic levels. The media itself may be “half the battle” but, from Abu Graib to Guantanamo, well over half the media battles have

revolved around *law*-related issues, to the point where “strategic lawyering” has become a central component of strategic communications.

On the other hand, Islamist fundamentalists are never more effective than when they eschew violent extremism and “weaponize law” instead, be it at the individual level (Saudi princes and libel tourism) or at the state level (the OIC at the UN). Thus, the principle of “universal jurisdiction” promoted by Western transnational lawyers in the past two decades is now being cleverly exploited by Muslim authorities to criminalize any Western criticism of Islam. (26)

Until recently, neither the officer corps nor military intellectuals had shown much interest in these developments. Yet, the past few years have seen a growing realization that – to paraphrase Trotsky on war - “the military may not be interested in legal activism, but legal activism is interested in the military.” Concepts previously unheard-of like “strategic lawyering,” “judicial warfare,” and especially that of “lawfare” elaborated by General Dunlap, are no longer confined to JAG officers and are becoming increasingly part of the political self-education of the officer corps at large. (27)

The bottom line: the risk is not that the military is gaining greater political literacy, but that this political literacy (be it in the form of “military governance” or “strategic lawyering”) is being acquired through a haphazard self-education, and against the backdrop of increasing frustration against the political class. Back in 1992, then-Colonel Dunlap foresaw some of the developments mentioned above in a much-discussed essay on “The Origins of the American Military Coup of 2012.” (28) At the time, the article was greeted as a harmless, if brilliant, *jeu d’esprit*. In the current context marked by a deepening financial crisis and two seemingly never-ending wars, re-reading Dunlap’s article today is a rather unnerving experience.

Though, as with all fine arts, the technique of the *coup d’etat* has evolved over the years (from De Gaulle’s ‘indirect approach’ in 1958 to Turkey’s truly ‘post-modern’ coup of 1997), an American military coup does not appear to be on the horizon in any way, shape or form. Yet, in view of all the developments mentioned above, it is not too early to start thinking about a new theory of civil-military relations which would squarely confront the main challenge of the 21<sup>st</sup> century: namely, how to increase the political *literacy* of the officer corps while continuing to prevent political *partisanship*. This challenge, in turn, calls for a re-definition of military professionalism.

### **From War Manager to Soldier-Diplomat**

One would have expected a treatise on *civil*-military relations focusing on the ‘*civilian* control of the military’ to be entitled *The State and the Soldier*, and to start with an analysis of the State first, and of the Soldier second. Nowhere is Huntington’s *normative* intent more apparent than in his choice to reverse this logical order and to begin with a discussion of the modern professional soldier.

“The modern officer corps is a professional body and the modern military officer a professional man. This is, perhaps, the most fundamental thesis of this book....When the term “professional” has been used in connection with the military, it normally has been in the sense of “professional”

as contrasted with “amateur” rather than in the sense of “profession” as contrasted with “trade” or “craft.” The phrases “professional army” and “professional soldier” have obscured the difference between the career enlisted man who is a professional in the sense of one who works for monetary gain and the career officer who is professional in the very different sense of one who pursues a “higher calling” in the service of society.” (29)

In 1957, the mystique of “professionalism” was at an all-time high in American society, and lawyers (who were still thought to possess a “higher calling”) were at the top of the professional pyramid in terms of prestige. The positive image of the military in society was limited to that of the “citizen-soldier,” while the career officer ranked somewhere between high-school teacher and carpenter (i.e. far behind lawyers and physicians). Last but not least, the self-image of the career officer remained defined by narrow technicism and service parochialism (and for some, presumably, residual racial bigotry). Since Huntington’s two main concerns were to foster a genuine *esprit de corps* among officers, and to have civil society acknowledge officers as a full-fledged “professionals” entitled to a broad autonomy, his ideal-type of the professional soldier ended up excessively drawing on the lawyer as a model for what was said to be the three dimensions constitutive of professionalism (“expertise, responsibility, corporateness”).

The result was a rather contrived, unconvincing, and ultimately suboptimal image of the Soldier as a professional performing a “service” for a “client” identified at times as the State, at others, as Society. With the rise of the all-volunteer force in the 1970s, Huntington’s intellectual *bricolage* became even more problematic: between the officer and the enlisted man, there was now only a difference in degree, whereas between the career enlisted man and the citizen-soldier of the reserves (“week-end warrior”), there was a difference in kind. Whether the professional soldier by then still answered a “higher calling,” or considered the military career as just another “occupation,” became the subject of much dispute which does not concern us here.

It is clear, however, that since the end of the draft, a different kind of officer corps has emerged, one that is at once more “civilianized” (married-with-children, more racially integrated than the rest of society, etc.) and more aloof from civilian society. The military community in the past thirty years has not always avoided the temptation of what could be called, in Huntington-like fashion, societal “self-extirpation.” One of the unintended results for American society at large is that, as the Lawyer’s activism was turning into greater legal imperialism, the Soldier’s quietism was slowly drifting toward what could be called military solipsism.

Ever since Thomas Ricks’ alarmist articles in *The Atlantic* (30) in the mid-nineties, the image of the new professional soldier as a member of a self-selecting caste, having a high opinion of his virtues and living in a kind of internal exile, has been the frequent target of unsparing criticisms on the part of a chattering class who, if truth must be told, has an infinitely more inflated sense of its own importance (and who, at any rate, would never *dream* of putting its life on the line for the defense of a community whose values it often despises).

In truth, more disturbing than the *existential* insularity of the professional soldier was the *intellectual* insularity fostered by the military-educational complex – a major factor behind the closing of the American military mind in the 1990s. The disconnect between *insular* education and *imperial* mission was less due to a military *caste* mindset on the part of the students than to

the existence, in war colleges, of an educational *coterie* (whether house-grown or brought from the outside) more interested in cultivating its parochial interests than in leaving its intellectual comfort zone in the pursuit of the intellectual “strenuous life.” (31)

Be that as it may. The Cold War image of the professional soldier as a “war manager” had already become inadequate in the 1990s, in the age of Peace-Keeping Operations. It is even more inadequate today, in the age of Counterinsurgency, Stability Operations and Security Cooperation (32). The notion of the professional soldier as Manager of Violence has become all the more inadequate in the age of the Corporate Warrior – a character who did not exist at the time of *The Soldier and the State* - and was still a marginal figure during the 1991 Gulf War.

The increasing reliance on private security companies has led to the point where, in some theaters, “corporate warriors” now threaten to outnumber both active-duty “professional soldiers” and reservist “citizen-soldiers.” At worst, the post-modern corporate warrior, like the pre-modern tribal warlord in Afghanistan, is a “war entrepreneur,” and as such part of the problem rather than part of the solution. At best, the corporate warrior is a responsible “security provider”: but his very existence cannot but lead the active-duty soldier to think of himself as having become hardly more than the most underpaid and overworked “security provider” in an increasingly globalized “market for force.” The deleterious effects of this unhealthy competition – from personnel retention problems at the organizational level to unity of command problems at the operational level - are only beginning to be felt today. (33)

With the rise of corporate warriors, the professional officer no longer enjoys the monopoly of the management of violence which until now defined his identity. In the meantime, “managing violence” itself has become only half his job description which now includes “military governance.” Meanwhile, less than ever can the Officer look up to the Lawyer as a model now that the “lawyer-statesman” has given way to the “ambulance chaser” as the defining figure of the profession.

Since “non-combat” missions have now been officially given equal importance with combat missions (Directive 3000.5), a new conception of military professionalism is needed, one that no longer equates professionalism with the narrow “expertise” of private sector professionals (i.e. litigators and dentists), and emphasizes versatility instead. At the same time, a re-definition of military “corporateness” must avoid the twin pitfalls of transmogrification into a hieratic “caste” and sheer dissolution in bureaucratic “interagency-ness.”

General Petraeus’ idea of turning Pentagon Man into a Pentathlete Leader will be seen by some as overly ambitious. But just like, in the past decade, the NCO has become the tri-athlete leader of the Three-Block War, the commissioned officer should strive, in the next decade, to become the tri-athlete leader of the so-called Three-D Approach (Defense, Development, Diplomacy). With this imperative in mind, it is time to reexamine the professional figure who, though given short shrift in Huntington’s theory, has been the Soldier’s natural partner all along: namely, the Diplomat. (34)

While in 1957, Huntington could dismiss political-military “fusionism” as just another

*theory*, today a degree of military-diplomatic “fusion” is fast becoming a *reality*, whether in the domain of counterinsurgency or of security cooperation. The age of Hybrid Wars is creating a Hybrid Officer who is at once soldier and diplomat. Thus, in the domain of security cooperation, just as the State Department has significantly increased its “corps” of Political Advisers (POLAD) to regional combatant commanders (call it “diplomatic control of the military”), the military services have beefed up their Foreign Area Officers (FAO) programs in embassies. In the domain of counterinsurgency as well, there is today among both diplomatic and military practitioners a growing recognition of their mutual complementarity at the level of the Provincial Reconstruction Teams (PRT). (35) Last but not least, through its State Partnership Program, even the National Guard itself is involved in programs with 50 countries ranging from Romania (Alabama) to Tunisia (Wyoming) that go well beyond military-to-military relations and constitute an original kind of “citizen diplomacy” that generates significant public diplomacy dividends for America.

Like the soldier, the diplomat is a servant of the State. While the diplomat’s expertise squarely resides in his political literacy, possession of such an expertise has never led him to succumb to political partisanship (diplomats routinely implement foreign policies they thoroughly despise). In short, the diplomat is a *living refutation* of the unexamined assumption of most theorists of civil-military relations that greater political *literacy* must necessarily translate into greater political *partisanship*. This should not come as a total surprise: after all, the one officer who, to this day, remains the model of the apolitical officer - General Marshall - is also the very embodiment of the Soldier-Diplomat.

Between the Soldier and the Diplomat, there is only a difference of degree. In terms of organizational culture, to be sure, Defense is from Mars, while State often appears to be from Venus. In terms of expertise, though, there is a continuum between their respective field, i.e. strategy and statecraft. (36)

Between soldiers/diplomats and lawyers/doctors, by contrast, there will always be a difference in kind, in terms of ethics of “responsibility.” For one thing, while lawyers and doctors evolve in the Kantian world of domestic politics, soldiers and diplomats inhabit a global galaxy which, legal babble to the contrary notwithstanding, is likely to get more Hobbesian before it gets more Kantian. For another, and contrary to widespread perception, the Soldier, like the Diplomat, has been consistently less likely to succumb to military adventurism than either the political class or public opinion at large. (37)

In the context of a Cold War in which the main *raison d’etre* of the military was to avert war and keep the largest bureaucracy in the world running, it made sense to emphasize the Staff function of the officer, and define his identity as War Manager. Today, in the context of a Long War marked by never-ending operational deployments abroad (be it in the form of counterinsurgency or security cooperation), it is the Command role that must take precedence, and the Soldier-Diplomat which must constitute the core identity of the officer.

More than ever, General Marshall can be taken as the embodiment of the ideal professional soldier. But more than ever as well, one can dispense with the naive portrayal of Marshall as being nothing but a “good soldier” who just “happened” to have exceptional bureaucratic savvy.

Such a boy-scout view of Marshall can only lead junior officers to develop unrealistic expectations regarding the behavior of flag officers, and explains much of today's confidence gap between the two groups.

Let's be grown-ups. Marshall was no "accidental" statesman: through a lifelong self-education, he had managed to master high-level politics well beyond the interagency, to include media, Congress, White House, and alliance politics. If he remains the ideal soldier, it is because, rather than stay away from "politics" altogether, he chose to master it so fully as to be able to transcend it into something higher ("statecraft"), all the while managing to find the right balance between selflessness and self-promotion. Marshall's self-imposed challenge was to try to reconcile the highest ambition with the highest integrity. When you set yourself such an existential challenge, you can be excused for having the *coquetterie* – for it is nothing more than that - to abstain from exercising your right to vote.

### **Who Will Guard the "National Interest"?**

In 2002, Eliot Cohen – one of the few serious scholars in the field of civil-military relations - challenged the view, popularized by Huntington, that policy-makers should leave operational and tactical issues to the military. History shows that political leaders often demonstrate better *military* judgment than military leaders themselves, Cohen rightly argued. Not only should policy-makers today not hesitate to constantly "probe," they should also "immerse themselves in the conduct of their wars no less than in their great projects of legislation."

Las! By 2009, after a two-year stint as Counselor at the State Department, Cohen had come to acknowledge (if obliquely) that policy principals these days are simply too busy trying to avoid getting drowned in a myriad of issues to ever be in a position to "immerse" themselves in anything:

"Officials in the foreign policy and defense worlds go through vast quantities of official data, briefing papers and talking points. They meet urgently with one another. They fly to foreign capitals and back in a few days. They telephone and email incessantly. Every day in the office I spent hours reading a three- to six-inch stack of intelligence, plus all the other cables, messages and memoranda that are the lifeblood of the Department of State...Government resembles nothing so much as the party game of telephone, in which stories relayed at second, third or fourth hand become increasingly garbled as they crisscross other stories of a similar kind ("That may be what the Russian national security adviser said to the undersecretary for political affairs on Wednesday, but it's not how the Turkish foreign minister described the Syrian view to our ambassador to NATO on Thursday.") Add to this the effects of secrecy induced by security concerns, as well as by the natural desire to play one's cards close to one's vest, and the result is a well-nigh impenetrable murk of policy making." (38)

Simply put: the diplomatic *optempo* has become as insane as the military *optempo*. In Washington more than ever today, "the urgent crowds out the important." From the outside, the Ship of State can still manage to cut a majestic figure; from the inside, it resembles nothing more than the medieval Ship of Fools. From the level of deputy assistant secretary on up, policy-

makers today come across as disheveled, semi-permanently jetlagged, characters trying to surf the waves of global politics while juggling with a zillion issues and dodging various media bullets at the same time – a suboptimal *modus operandi* from the standpoint of rational choice theory. Add to that the fact that an increasing number of top-level positions go unfilled for an increasing number of months (the “confirmation clog”) and it becomes clear that, in such a working environment, even a Metternich, a Bismarck or a Churchill would be a shadow of his former self.

As if that was not bad enough, the past thirty years have seen the intrusion in the policy-making process of two new characters unknown in Huntington’s time: the Ballot-Box Warrior and the Transnational Lawyer. While both can be viewed as bona fide “professionals,” their professional *raison d’etre* is not the defense of the “national interest” as such, but the defense of the “presidential interest” for one, and of a more elusive “global interest” for the other.

- *The Ballot-Box Warrior*: Due to the increasing constraints of the electoral Permanent Campaign, the attention of the post-modern Prince and his Praetorian Guard of ballot-box warriors (who will guard *these* guardians?) will increasingly be confined to campaigning at the expense of governing. While “campaign management” is now a profession in its own right (39), not only does it have little in common with strategy and statecraft, but it tends to endow its practitioners with a tactical virtuosity only matched by a “trained incapacity” (Veblen) to develop a strategic vision.

In that respect, there was something unintentionally ironic in Madeleine Albright’s claim in the 1990s that America remains the Indispensable Nation “because we see further into the future”: It is precisely in the post-Cold War era that the time horizon of the American Prince and his courtiers, from pollsters to pundits, came to be reduced to the 24/7 news cycle, the quarterly Wall Street report, and the midterm elections. (40)

With such a myopic horizon, the Prince can quickly find himself enmeshed in a complex policy maze, the net result of which (not immediately apparent) is, for instance, to increase America’s dependence on peer competitor China by borrowing money from Beijing to wage wars increasing the price of oil, thereby empowering the very countries propagating the ideology against which these wars are being waged (if that qualifies as “grand strategy,” you have to wonder what “amateur hour” would look like).

Two hundred billion here, three hundred billion there, and pretty soon you’re talking real money – but who’s counting? Not the policy principals who, for all their impressive experience in government, never manage to find the time to step back and take the long view. Not the ballot-box warriors either, who as good professionals do what they are paid to do: namely, enlist the Long War in the service of the Permanent Campaign. Then one day, toward the end of the Prince’s tenure, the bill finally comes due in the form of a National Intelligence Estimate that says: “In terms of size, speed and directional flow, the global shift in relative wealth and economic power now under way – roughly from West to East – is without precedent in modern history. (41)



So much for the Politician's ability to "see further into the future." Today, only the Soldier and the Diplomat, who evolve in what historians call the *longue duree*, and whose time horizon is that of the "long cycles of world politics," can make such a claim in a credible way. In the context of a Long War in which chronopolitical literacy matters even more than geopolitical literacy, only the Soldier and the Diplomat can anticipate the potential second- and third-order effects of the various "brain farts" (Gen. Zinni) that come out of elected officials increasingly deficient in strategic literacy. (42)

- *The Transnational Lawyer*: Politics abhors a vacuum, and with elected officials in terminal campaigning mode, the post-modern, transnational lawyer is only too eager to step in to fill the governing gap. Whether a "true believer" or simply a "policy entrepreneur," the Transnational Lawyer is not just the very negation of what Anthony Kronman, the former Dean of Yale Law School, called the Lawyer-Statesman (43). He is also the latest embodiment of a recurring temptation in the West: the Philosopher-King.

Granted, the peddlers of "global governance" are often well-intentioned, and sometimes actually do some good. The best among them can even come up with the right *questions* concerning the so-called "governance dilemma." But the reasoning of transnational lawyers is flawed at three levels: description, prescription, prediction. For one thing, they tend to mistake for a New World Order what is at best the "organizational plumbing" of international society. For another, what they, as outsiders, are prone to tout as an answer (the "disaggregated state") is seen by insiders as only aggravating the problem ("the interagency mess"). Last but not least, they fail to realize that while inclusive transnational governmental networks do play a useful role in low politics, it is neither possible nor desirable to extend their reach to the realm of high politics, where exclusive intergovernmental *directoires* will always remain the most effective way of conducting business. (44)

As with anyone who takes as axiomatic the pre-existence of a global "harmony of interests," the transnational lawyer overlooks the fact that a *disaggregated* state is also an *a-strategic* state, and that the costs of the latter may outweigh the benefits of the former. The purveyors of the Brave New Judicial World cannot reconcile themselves with the fact that, e.g., Muslim transnational networks (governmental or not) have become quite good lately at instrumentalizing principles concocted by Western transnational lawyers (like "universal jurisdiction") to roll back the Western-inspired legal world order created after 1945. Rather than confront the fact that an unqualified enthusiasm for global *juristocracy* may lead them to play the role of "useful idiots" of the fundamentalist *ulema*, our transnational lawyers are tempted to make the problem disappear altogether: "We must be wary of equating terrorists with Islamic fundamentalists, jihadis, Islamists, or even Salafists or Taqfiris... *The best way to start is to take Islam itself out of the equation.*" (45) The problem of course is that, since the 1990 Cairo Declaration of Human Rights in Islam, the 57 member-countries of the Organization of the Islamic Conference have decided to increasingly *make Islam part of the geopolitical equation*. But our liberal institutionalists have been so absorbed in the study of Western evanescent entities (WEU, EMP, etc.) that they have failed to even notice (let alone analyze) the rise of the OIC galaxy.

Even when their ambition is confined to international *private* law, transnational lawyers remain curious animals: while fully cognizant of the fact that the hegemony of lawyers and the

pervasiveness of “adversarial legalism” are turning America into a Hobbesian litigious society, they nevertheless cling to the belief that globalizing this American disease could somehow lead to a Kantian universal peace. At best, “cognitive dissonance” among transnational lawyers is so severe as to be indistinguishable from Einstein’s definition of insanity (“doing the same thing over and over again, and expecting different results”). At worst, one begins to suspect that, behind the lofty rhetoric about “global governance” and the “sovereignty of law,” what actually motivates our legal activists is the promise of a global sovereignty of lawyers.

It has been now thirty years since postmodern lawyers began to simultaneously politicize legal education and organize into a transnational network. Today, this Invisible College (46) has reached critical mass, and its Gramscian-like “long march through the institutions” is beginning to be felt both in governments, international governmental organizations (IGOs) and nongovernmental organizations (NGOs) alike. Thirty years ago, Ronald Reagan still had the luxury to quip that the nine most frightening words he had ever heard were: “I’m from the government, and I’m here to help.” Today, the ten little words that would truly scare the bejesus out of the Gipper would be: “I’m from the Invisible College, and I’m here to help.”

The Ballot-Box Warrior and the Transnational Lawyer did not exist back in 1957. And the sociology of the professions at the time studied the various professions *in vacuo*. Today, the new sociology examines professions *in situ*, i.e. with an emphasis on what could be called *therealpolitik* of professional jurisdictions: “Jurisdictional boundaries are perpetually in dispute, both in local practice and in national claims. It is the history of jurisdictional disputes that is the real, the determining history of the professions. (47)

“Identity,” be it confessional or professional, is invariably defined in part in opposition to a designated “enemy.” In that respect, it is time for the Soldier and the Diplomat to realize that, from a professional standpoint at least, the Ballot-Box Warrior and the Transnational Lawyer constitute their common, double-headed “near enemy.”

### **Bringing Military Education Back In**

In 1957, the same year as Samuel Huntington published *The Soldier and the State*, John Masland and Laurence Radway published *Soldiers and Scholars: Military Education and National Policy*. Though totally forgotten today, the book is still worth reading since it represents “the road not taken” in civil-military relations. Whereas Huntington had begun by positing an ideal-type and claiming for the officer a universally-valid “expertise” (another claim that was seriously weakened over the years), Masland and Radway begin by an empirical description of the varieties of military “experience”:

“The traditional distinction between military and civilian affairs in American life has become less significant. Under present conditions at home and abroad, it is obviously not enough for the armed forces to provide good soldiers, sailors and airmen, and the leaders necessary to conduct them in battle. Today, many of these leaders...are required to understand, to communicate with, and to evaluate the judgment of political leaders...they are called upon to evaluate the motivations and capabilities of foreign

nations and to estimate the effects of American action or inaction upon these nations.”  
(48)

Far from equating military professionalism with knee-jerk abstention from politics, the two authors call for closer cooperation between soldiers and diplomats, and argue that political literacy (the ability to see the “big picture”) is the best way to create political self-restraint:

“Mere subordination, even when supported by constitutions, statutes, or systems of indoctrination, does not bring the professional warrior into an appropriate relationship with his government. Obedience to orders lawfully issued is only one part - the negative part - of total military responsibility. The other part is the positive or affirmative duty of officers to contribute their best judgments to the decision in which they, together with civilian leaders participate. The simultaneous discharge of these two forms of responsibility constitute creative service...Political sophistication is as desirable as technical *expertise*...the officer who “knows his business” but who can also read himself into the larger picture will appreciate that he can never finally master the total field on which public policy is made...”

Compared to the pitfalls associated with “objective control” and “subjective control” outlined by *The Soldier and the State*, *Soldiers and Scholars* presented a third way of sorts: self-control through Education (which should not be confused with either “training” or “indoctrination” and is in fact close to the German “Bildung.”)

Back in 1957 already, our two authors remarked that, though military affairs and civil-military relations had received increasing attention, “one important aspect has been largely neglected, namely the problem of higher education in the armed forces.” The same benign neglect continues to prevail fifty years later. As Eliot Cohen remarked in 2000: “Officers spend as much as a third of their career in classrooms. Yet what goes on there receives remarkably little attention from civilian leaders.” By 2005, the same author was trying, in no uncertain terms (if in vain), to draw attention to the “perfect storm” brewing in Professional Military Education:

“Recently, one defense official defended a proposal to shut down parts of the army’s advanced professional military educational system with the remarks, “Some of the experiences they are getting today are better than anything else they will get in the classroom.”...The stupidity of this last remark is depressing... It implies that knowing to maneuver a battalion through an urban fight is the same thing as crafting a strategy for winning a counterinsurgency...

A perfect storm is besetting professional education. A high operations tempo means that generals, understandably, strains every nerve to keep frontline units manned with the best people – even if that scants the educational system of teachers and top students. A stretched budget means that the revenue brought in by the sale of some valuable real estate leads defense officials to overlook the turmoil caused by relocating a war college. A lack of experience in delivering higher education makes officials – seeking to save money and cut down on family moves – eager to accept the claims of the purveyors of pedagogical patent medicines. Manpower economists, who think of management as putting round pegs in round holes, limit the exposure to higher

education in the social sciences and the humanities – although some of our most successful commanders in Iraq declare that their master’s and Ph.D. degrees in history, or political science or anthropology, provided some of the best preparation possible for the novel challenges of insurgent warfare. Senior military leaders, and a few civilians, acknowledge the existence of the problem but seem to lack the ability or the will to do something about it.” (49)

At the same time, in her *Beyond Goldwater-Nichols* report, Michele Flournoy, on the Democrat side, highlighted two other glaring deficiencies of Professional Military Education:

“Today, PME is delivered on a “calorie” model, in which as many students as possible are fed as much learning as possible, rather than the “vitamin” model that identifies each student’s needs and deliver content appropriate to those needs. One clear sign of inefficiency is that a large percentage – perhaps as high as 50 percent in the late 1990s – of senior service school graduates retire within one tour of graduation.” (50)

Does it matter in the grand scheme of things? You bet it does. In 1957, the American Century was still young, and though Soviet Russia appeared like a formidable challenge in the year of Sputnik, the generation that was in power in America happened to be the “Greatest Generation.” Today, we are witnessing the beginning of the end of the American Century; and in less than two decades, the rise of China as America’s peer competitor will coincide with the rise to power, in America, of what some observers already call the “Dumbest Generation”. (51)

This coming to power of the “Dumbest Generation” is the one subject that should concentrate the mind of today’s flag officers. It is worth remembering that General Marshall’s role as “Organizer of Victory” did not start with his appointment as chief of Staff in 1939, but as early as 1927, as a leading reformer of professional military education. Today, there is nothing more urgent that to re-think professional military education. As Defense Secretary Gates remarked in 2008: "For the kinds of challenges America faces and will face, the armed forces will need principled, creative, reform-minded leaders, men and women who, as [John] Boyd put it, want to do something, not be somebody. An unconventional era of warfare requires unconventional thinkers." (52)

As for academic specialists, there is little point in endlessly debating the optimal “balance” between civilian and military elites *in vacuo*, i.e., without giving proper attention to the education of both groups, and to the changing nature of their respective *political* and *strategic literacy*. Helping to transform the military-educational complex in such a way that it can produce more Marshalls *and* more Boyds is the kind of challenge that should keep academic specialists of civil-military relations busy today.

Despite eloquent pleas to put an end to the dysfunctional nature of U.S. foreign policy-making by recalibrating the respective resources of the Pentagon and the State Department and/or reforming the interagency strategic planning process, there is good reason to assume that it is unlikely to happen. To a significant extent, then, the “Pentagonalization” of U.S. foreign policy is a phenomenon that is here to stay: but it does not have to be synonymous with “militarization” (in the pejorative sense), so long as the Pentagon redefines the military profession (and with it, education, promotion, etc.) in such a way as to encourage the rise of more soldier-diplomats. Upon learning that the State Department was planning to hire 1,100 new Foreign Service

Officers next year, one four-star general reportedly exclaimed: “Eleven *hundred*? I need eleven *thousand*, and I need them *now*!” Needless to say, it is not going to happen, but the Pentagon should feel free to hire an additional 11,000 Foreign Area Officers. (53)

One thing is sure: what the U.S. military needs today is not greater “civilianization” so much as greater “diplomatization” – an altogether different proposition.

### **Who Will Educate the Educators?**

Is a new theory of the “Soldier and the State” needed today? Some will argue that it is not really indispensable, if only because old theories are not unlike old soldiers: they may never die, but they nevertheless eventually fade away. And after all, for the better part of the past two millennia, the West has lived quite well without a theory of civil-military relations.

For nearly a thousand years, from the Middle Ages to the Modern Era, the closest thing to a pre-modern theory of civil-military relations was the tripartite division of society between those who pray (*oratores*), those who fight (*bellatores*), and those who work (*laboratores*). More than just a socio-professional taxonomy, this trinity was constitutive of three social-political orders, each with its own privileges and responsibilities: Clergy, Nobility, and the Third Estate. (54)

In the modern age, a full-fledged theory of civil-military relations was bound to focus on other trinities: the relationship between Government, Military, People (Clausewitz), between the Officer Corps, the Executive and the Legislative (Huntington), or the differences between Professional, Praetorian, and Revolutionary armies (Perlmutter).

With the end of the Cold War and the emergence of America as the “lone remaining superpower,” not a few specialists began to think that the “end of history” had made it possible to focus exclusively on the “societal imperative” and dismissed the “functional imperative” altogether. Hence the temptation of the late-modern theorists to play the role of political commissars.

But the Unipolar Moment is now over. History is on the move again, we live in a “post-American world,” and finding a new balance between the two imperatives has become urgent. Back in 1957, Huntington remarked: “The functional imperative can no longer be ignored. Previously the primary question was: what pattern of civil-military relations is most compatible with American liberal democratic values? Now this has been supplanted by the more important issue: what pattern of civil-military relations will best maintain the security of the American nation?” Today, as the center of gravity of world politics (not just world economics) shifts from the West to the East, Huntington’s “more important” question remains more relevant than ever. In addition, bringing the “functional imperative” back in civil-military relations theory would go a long way toward putting an end to much political activism disguised as scholarship. (55)

In the post-modern age, a new theory would have to take as a point of departure two fundamental facts of life: 1) the coexistence of post-modern, modern, and pre-modern states, each with their specific societal imperative, and 2) the coexistence of great powers, regional powers, and small powers, each with their respective functional imperative. (56)

- While all post-modern states are, in various ways, confronted with the need to find the right societal balance between Corporate Warriors, Professional Soldiers, and Citizen Soldiers, they also have varying functional imperatives, depending on whether they are great, medium or small powers. It would be ludicrous to expect the U.S. to have the samekind of “post-modern military” as the EU.
- Irrespective of the nature of the state, one of the main axioms of a realistic civil-military relations theory should be: “at the highest level, politics is, always has been, and always will be, the continuation of war by other means.” Yes, Virginia, high-level political interaction tends to be slightly more “muscular” than a graduate seminar, and field grade officers are indeed right to expect their flag officers “to *insist* rather than merely *advise*” - if only because they are accountable in terms of human lives. And if flag officers happen to push the envelope too far, their civilian masters always have the option of relieving them.
- Post-modern democracies are not just juristocracies – they are also mediocracies. Not only has the political influence of electronic media increased exponentially since Huntington’s day, but the nature of the “media-state relations” (yes, there is a theory of that too) has experienced a 180 degree turn. Hard as it is to imagine today, at the time of *The Soldier and the State*, the media were still called the “Fourth Branch” of government. From the Vietnam War on, the Western media increasingly developed an adversarial relation with the state (be it in its political or military expression) to the point where today leading opinion-makers, from Bill Moyers on the left to Thomas Sowell on the right, are wondering out loud whether the Fourth Estate has gone from Fourth Branch to Fifth Column. Meanwhile, in the opinion of military operators themselves, the old Government-Military-People trinity of Clausewitz has become less policy-relevant than the new trinity Lawyer-Soldier-Reporter (57). Whereas a modern theory could focus on the Soldier’s relations to the Executive and the Legislative, a post-modern theory would have to give at least equal attention to the Soldier’s relations with the Third and “Fourth” branches.

In a post-modern theory of civil-military relations, the question “who will guard the guardians” becomes marginal (at least in the case of post-modern states), while the question of the “academic-military gap” takes center stage. In Huntington’s time, there was no academic-military gap to speak of: practically all leading intellectuals in the social sciences and humanities had served in the military, diplomatic or intelligence services during World War II, and were imbued with unreflexive patriotism. Today, we live in “interesting times” when professors claim to be outraged by the presence of ROTC on campuses or the funding of social research by the Pentagon (the Minerva Project), but see nothing wrong with universities prostituting themselves by welcoming Gulf states-funded Center of Islamic Studies whose main purpose is to avoid the constraints of the Foreign Agent Registration Act. (58)

The last time an American military sociologist raised the question of the “reconstruction of patriotism” was in 1983; since then, the trend in academia at large has been toward a deconstruction of patriotism (59). But if reconstructing patriotism in the Ivory Tower appears increasingly to be a “mission impossible,” military sociologists could at least attempt to come up with a concrete answer to that all-important question: Who will educate the educators about the

new realities of warfare? And to begin with: who will advise their colleagues in IR theory to give as much importance to Chinese conceptions of Unrestricted Warfare as to American visions of Global Governance?

Last but not least, in these times of suffocating political correctness, the spirit that should animate scholarly research is not that of the military *martinet* but, if anything, that of the philosophical *frondeur* - best captured by Admiral Mahan a century ago:

“Is militarism really more deadening to the spirit than commercialism or than legalism?”

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(1) See for instance Joseph S. Nye, “Scholars on the sidelines,” *Washington Post*, April 13, 2009; Barry Buzan and Richard Little, “Why International Relations has Failed as an Intellectual Project and What to do About it,” *Millennium: Journal of International Studies*, Vol.30, No.1, 2001; Bruce W. Jentleson, “The Need for Praxis – Bringing Policy Relevance Back In,” *International Security*, Vol.26, No.4 (Spring 2002); Monica Czwarno, “Misjudging Islamic Terrorism: the Academic Community’s Failure to Predict 9/11,” *Studies in Conflict and Terrorism*, 29, 2006; and Joseph Legpold and Miroslav Nincic, *Beyond the Ivory Tower: International Relations Theory and the Issue of Policy Relevance* (New York: Columbia University Press, 2001).

(2) Only the study of *non-Western* civil-military relations show signs that the field is still intellectually alive today. For a critique of the one-sided focus on civilian control, see Suzanne C. Nielsen, “Civil-military relations theory and military effectiveness,” *Public Administration and Management*, Vol. 10, n2, 2005. On the stagnation of military sociology, see Guy L. Siebold, “Core Issues and Theory in Military Sociology,” *Journal of Political and Military Sociology*, vol. 29, Summer 2001. For an overview of civil-military relations from the standpoint of political science, see Peter D. Feaver, “Civil-Military Relations,” *Annual Review of Political Science*, 1999.

(3) A major study in 2001 showed that civilian leaders and society at large held military culture in higher esteem than civilian culture (p.59), around 50% of civilians expressed a “great deal of confidence” in the military, but only 25, 11 and 8 percent did so for the Presidency, Congress and the Press (p.61), and that military officers are in fact much more supportive of “civilian control of the military” than the civilian world itself. See Peter D. Feaver and Richard H. Kohn, eds., *Soldiers and Civilians: the Civil-Military Gap and American National Security* (Cambridge: MIT Press, 2001)

(4) Paul Yingling, “A Failure in Generalship,” *Armed Forces Journal*, May 2007, and Frank G. Hoffman, “Dereliction of Duty *Redux*?: Post-Iraq American Civil-Military Relations,” *Orbis*, vol.52, Issue 2, 2008. Before the Iraq war already, only a third of military respondents said that

they believed that “when my Service’s senior leaders say something, you can believe it’s true.” *American Military Culture in the 21<sup>st</sup> Century* (Washington: CSIS, 2000).

(5) On the political games academic and military tribes play, see Tony Becher and Paul R. Trowler, *Academic Tribes and Territories* (New York: Open University Press, 2001); Carl Builder, *The Masks of War: American Military Styles in Strategy and Analysis* (Baltimore: The Johns Hopkins University Press, 1989). For an overview of military education, see Judith Hicks Stiehm, *The U.S. Army War College: Military Education in a Democracy* (Temple University Press, 2002). On military diplomacy, see Derek S. Reveron, ed., *America’s Viceroy: The Military and U.S. Foreign Policy* (Palgrave Macmillan, 2004); Robert D. Kaplan, *Imperial Grunts - The American Military on the Ground* (New York: Random House, 2005); on National Guard diplomacy, see Pablo Pagan, “The State Partnership Program: Vision to Reality,” *Joint Forces Quarterly*, issue 42, 3<sup>rd</sup> quarter 2006.

(6) Albert O. Hirschman, *Exit, Voice, Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge: Harvard University Press, 1970).

(7) Bryan Bender, “West Point Grads Exit Service at High Rate,” *Boston Globe*, 11 April 2007: “According to statistics compiled by West Point, of the 903 Army officers commissioned upon graduation in 2001, nearly 46 percent left the service last year -- 35 percent at the conclusion of their five years of required service, and another 11 percent over the next six months. And more than 54 percent of the 935 graduates in the class of 2000 had left active duty by this January, the statistics show.”

(8) See in particular Richard H. Kohn, “Out of Control: The Crisis in Civil-Military Relations,” *The National Interest*, Spring 1994; and again, “The Erosion of Civilian Control of the Military in the United States Today,” *Naval War College Review*, Summer 2002; and again, “Coming Soon: a Crisis in Civil-Military Relations,” *World Affairs Journal*, Winter 2008; and again, “Tarnished Brass: Is the U.S. Military Profession in Decline?,” *World Affairs Journal*, Spring 2009, etc.

(9) Kathy Roth-Douquet and Frank Schaeffer, *AWOL: The Unexcused Absence of America’s Upper Classes from Military Service and How It Hurts Our Country* (New York: Collins, 2006). Robert Scales, “Too Busy To Learn,” *military.com*, January 23, 2006.

(10) Robert L. Bateman, “Cause for Relief: Why Presidents no longer fire Generals,” *Armed Forces Journal*, June 2008. As the author points out, the only cause for relief today seems to be having an extra-marital affair.

(11) Paul R. Verkuil, *Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It* (Cambridge: Cambridge University Press, 2007). On PMCs, Peter W. Singer, *Can’t Win With ‘EM, Can’t Go to War Without ‘Em: Private Military Contractors and Counterinsurgency* (Washington: Brookings, September 2007); Tom Coghland, “Taleban Tax: allied supply convoys pay their enemies for safe passage,” *London Times*, December 12, 2008. As a former Indian Ambassador pointed out, almost 80 percent of all military supplies for Afghanistan pass through Pakistan, and “almost half of the US supplies



passing through Pakistan is pilfered by motley groups of Taliban militants, petty traders and plain thieves” M.K. Bhadrakumar, “Russia stops US on road to Afghanistan,” *Asia Times*, January 27, 2009.

(12) The U.S. Department of Veteran Affairs “estimates that 154,000 veterans are homeless on any given night. And approximately twice that many experience homelessness over the course of a year.” National Coalition for Homeless Veterans ([www.nchv.org](http://www.nchv.org)). “Veterans’ suicides toll dwarfs deaths,” *The Australian*, November 17, 2007). On the activities of the thought police in the military in the 1990s, see Stephanie Gutmann, *The Kinder, Gentler Military: How Political Correctness Affects Our Ability to Win Wars* (New York: Encounter Books, 2001).

(13) Richard Myers and Richard H. Kohn: “In other walks of life, professionals can resign, but a military leader sworn to defend the country would be abandoning it, along with the people under his or her care or command” (“Salute and Disobey,” *Foreign Affairs*, September/October 2007). This is plain silly. There is a priori no reason to ask military officers to be different from foreign service officers – who, too, are sworn to defend their country - who don’t hesitate to resign over policy disagreements. Here again, it should not take an Einstein to realize that if policy-motivated Exit is precluded, the result will simply be a louder Voice within the active-duty corps - as with the 2007 Appeal for Redress opposing the Iraq war and signed by more than 1,000 junior officers and NCOs. (Marc Cooper, “About Face,” *The Nation*, January 8, 2007).

(14) Samuel Huntington, *The Soldier and The State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press, 1957). It is unfortunate that the two bookends of professional military education, Huntington’s *The Soldier* and Clausewitz’s *On War*, happen to be equally “indigestible” from the standpoint of their intended audiences. On Clausewitz, see Tony Corn, “Clausewitz in Wonderland,” web special, *Policy Review*, September 2006.

(15) Huntington’s discourse is situated at the strategic intersection of these three then-influential works: Harold Lasswell’s *The Garrison State* (1941), Louis Hartz’s *The Liberal Tradition in America* (1955), and William H. Whyte’s *The Organization Man* (1956). A Marine officer who taught at Quantico before becoming a leading sociologist, Whyte, in his war memoirs, portrays the Marine Corps as the antithesis of the corporate “Organization.”

(16) The idea that professionalism guarantees apolitism was first weakened, at the theoretical level, by Samuel Finer’s *The Man on Horseback: The Role of the Military in Politics* (Pall Mall Press, 1962); then, a decade later, by Army Chief of Staff Creighton Abrams’ decision to play politics with force structure, i.e. and to integrate Reserve and Active Components in such a way as to ensure, after Vietnam, that “Presidents would never again send the Army to war without the Reserves and the commitment of the American people.” James Jay Carafano, *The Army Reserves and the Abrams Doctrine: Unfulfilled Promise, Uncertain Future*, Heritage Foundation, April 18, 2005.

(17) On Vietnam, three classics: Robert W. Komer, *Bureaucracy at War: U.S. Performance in the Vietnam Conflict* (Westview Press, 1986), Douglas Kinnard, *The War Managers: Thirtieth Anniversary Edition* (Newport: Naval Institute Press, 2007) and Edward N. Luttwak, *The Pentagon and the Art of War* (New York: Simon & Schuster, 1985). On the “war managers” and

the business of war, see James Fallows: “The culture of procurement teaches officers that there are two paths to personal survival. One is to bring home the bacon for the service as the manager of a program that gets its full funding...the other path that procurement opens leads outside the military, toward the contracting firms.” *National Defense* (New York: Random House, 1981). On passions and interests, see Albert O. Hirschman’s classic *The Passions and the Interests – Political Arguments for Capitalism before its Triumph* (Princeton University Press, 1977).

(18) John Ferejohn, “Judicializing Politics, Politicizing Law,” *Policy Review*, no1, 2003 ([www.hoover.org/publications/digest/3063071.html](http://www.hoover.org/publications/digest/3063071.html)). See also Leslie Friedman Goldstein, “From Democracy to Juristocracy,” *Law and Society Review*, September 2004.

(19) Among the numerous studies on the judicialization of politics and politicization of law, see Philip K. Howard, *The Death of Common Sense: How Law is Suffocating America* (New York: Grand Central Publishing, 1996); Robert F. Nagel, *Judicial Power and American Character: Censoring Ourselves in an Anxious Age* (New York: Oxford University Press, 1997); Robert H. Bork, *The Tempting of America: The Political Seduction of the Law* (New York: Free Press, 1997); Stephen Powers and Stanley Rothman, *The Least Dangerous Branch? Consequences of Judicial Activism*, (Westport: Praeger, 2002); Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism* (Cambridge: Harvard University Press, 2007); Benjamin Wittes, *Confirmation Wars: Preserving Independent Courts in Angry Times* (Bowman & Littlefield, 2007). At the international level, see Carlos Guarnieri, *The Power of Judges: A Comparative Study of Courts and Democracy* (New York: Oxford University Press, 2002); Martin Shapiro and Alec Sweet Stove, *Law, Politics, and Judicialization* (New York: Oxford University Press, 2002); C. Neal Tate, ed., *The Global Expansion of Judicial Power* (New York: NYU Press, 1997); Robert H. Bork, *Coercing Virtue – The Worldwide Rule of Judges* (Washington: AEI Press, 2003), and Jose Alvarez, *International Organizations as Law-Makers* (New York: Oxford University Press, 2006).

(20) Norman J. Ornstein and Thomas E. Mann, *The Permanent Campaign and its Future* (Washington: AEI Press, 2000); Susan Strange, *Casino Capitalism*, (St Martin’s Press: 1997); Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Cambridge: Harvard University Press, 2001); James Davison Hunter, *The Culture Wars: The Struggle to Control the Family, Art, Education, Law, and Politics in America* (Basic Books, 1992); Richard Kohn, “The Danger of Militarization in an Endless “War” on Terrorism”, *The Journal of Military History*, January 2009.

(21) In *The New Frontier of War* (Chicago: Henry Regnery, 1962), co-authored with former Comintern member Joseph Z. Kornfeder, William Kintner anticipated the increased centrality of political warfare and went as far as to suggest: “It is conceivable that in time political warfare, as the new frontier of war, will completely replace military warfare between nations and become the primary weapon in international struggles for power.” On unrestricted warfare and hybrid warfare, see respectively Qiao Liang and Wang Xiangsui, *Unrestricted Warfare* (Pan American Publishing Company, 2002), and Frank G. Hoffman, *Conflict in the 21<sup>st</sup> Century: The Rise of Hybrid Wars* (Arlington: Potomac Institute, 2007), and *Hybrid Threats: Reconceptualizing the Evolving Character of Modern Conflict*, Strategic Forum 240 (Washington: INSS-NDU, April 2009).

(22) While a welcome addition, the interagency Civilian Response Corps launched by the State Department in 2008 (with an active and stand-by components of, respectively, 250 and 2,000 people) is unlikely to ever reach critical mass. On counterinsurgency, see David Kilcullen's indispensable *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (New York: Oxford University Press, 2009). On military governance, Brent C. Bankus and James O. Kievit, "Reopen a Joint School of Military Government and Administration?," *Small Wars and Insurgencies*, Vol.19, issue 1, March 2008, and Michael J. Metrisko, *The American Military Advisor: Dealing with Senior Foreign Officials in the Islamic World* (Carlisle: Strategic Studies Institute, 2008).

(23) On COIN as a "permanent campaign" of sorts, as Samuel Huntington pointed out as early as 1962: "The decisive aspect of revolutionary war thus is the struggle for the loyalty of the vulnerable sector. In a sense, the war is conducted like an agonizing and bloody electoral campaign." *Changing Patterns of Military Politics* (The Free Press, 1962).

(24) On third-generation gangs, see John P. Sullivan, "Future Conflict: Criminal Insurgencies, Gangs, and Intelligence," *Small Wars Journal*, May 2009; on fourth-generation warfare, see Thomas X. Hammes, "Insurgency: Modern Warfare Evolves into a Fourth Generation," *Strategic Forum*, NDU, January 2005. See also, Derek Lutterbeck, "Between Police and Military: The New Security Agenda and the Rise of Gendarmeries," *Cooperation and Conflict*, Vol 39 (1), 2004.

(25) David Kennedy, "Law Has Become a Military Instrument," *Times Online*, October 25, 2006, available at ([www.timesonline.co.uk/tol/comment/article613078.ece](http://www.timesonline.co.uk/tol/comment/article613078.ece)). A Harvard Law School professor, Kennedy observed in a remarkably concise *tour d'horizon*: "It is customary to relate changes in modes of warfare to the political history of ideas about sovereignty and the nation, and to changes in the material and technological capacities of the military profession. But the changing nature of warfare is also a function of the changing ideas about laws....Law now offers an institutional and doctrinal space for transforming the boundaries of war into strategic assets, as well as a vernacular for legitimating and denouncing what happens in war." *Of War and Law* (Princeton: Princeton University Press, 2006). See also Benjamin Wittes, *Law and the Long War: The Future of Justice in the Age of Terror* (New York: Penguin, 2008). For recent examples of, respectively, government-sponsored lawfare and judicial imperialism, see James Kraska and Brian Wilson, "China Wages Maritime Lawfare," *ForeignPolicy.com*, March 11, 2009, and Jeremy Rabkin and Mario Loyola, "The New Spanish Inquisition," *Weekly Standard*, 04/13/2009.

(26) Elizabeth Samson, "Criminalizing Criticism of Islam," *Wall Street Journal*, September 10, 2008: "In an unprecedented case, a Jordanian court is prosecuting 12 Europeans in an extraterritorial attempt to silence the debate on radical Islam. The prosecutor general in Amman charged the 12 with blasphemy, demeaning Islam and Muslim feelings, and slandering and insulting the prophet Muhammad in violation of the Jordanian Penal Code. The charges are especially unusual because the alleged violations were not committed on Jordanian soil." On libel tourism, Arlen Specter and Joe Lieberman, "Foreign Courts Take Aim at our Free Speech," *Wall Street Journal*, July 14, 2008; on the Organization of the Islamic Conference, see David G.

Littman, "Creeping Dhimmitude at the United Nations," Counter- Jihad Brussels 2007 Conference, at <http://counterjihadeuropa.files.wordpress.com/2007/11/littman-brussels-final-03-nov-07.pdf>.

(27) Kelly D. Wheaton, *Strategic Lawyering: Realizing the Potential of Military Lawyers at the Strategic Level* (Carlisle: U.S. Strategic Studies Institute, 2006); Harvey Rishikof, "Judicial Warfare: The Neglected Legal Instrument," *Joint Forces Quarterly*, January 2008; Geoffrey S. Corn, "Developing Warrior Lawyers: Why It's Time to Create a Joint Services Law of War Academy," *Military Review*, May-June 2006. Charles J. Dunlap, "Lawfare Today: A Perspective," *Yale Journal of International Affairs*, Winter 2008, (available at [www.nimj.com/documents/Lawfare&20Today.pdf](http://www.nimj.com/documents/Lawfare&20Today.pdf)), and "Lawfare: A Decisive Element of 21<sup>st</sup>-century Conflicts?", *Joint Forces Quarterly*, issue 54, 3<sup>rd</sup> quarter 2009. On the weaponization of law by Jihadists, see Jamie Glazov, "Islamist Lawfare," *FrontPageMagazine*, May 12, 2008.

(28) Charles J. Dunlap, "The Origins of the American Coup of 2012," *Parameters*, Winter 1992-1993 ([www.carlisle.army.mil/usawc/parameters/1992/dunlap.htm](http://www.carlisle.army.mil/usawc/parameters/1992/dunlap.htm))

(29) Huntington, *The Soldier and the State*, pp. 8-9. Because of his decision to focus on the officer corps as such rather than either 'flag officers' or the 'military institution' at large, Huntington had little use for either the elite paradigm of Gaetano Mosca or the bureaucratic paradigm of Max Weber. In 1957, the legal profession appeared to offer a better paradigm for the officer corps. By the 1990s, though, the best law professors acknowledged that the "higher calling" had all but disappeared among lawyers. See for instance Harvard professor Mary Ann Glendon, *A Nation Under Lawyers* (Cambridge: Harvard University Press, 1996).

(30) Thomas E. Ricks, "The Great Society in Camouflage," *The Atlantic*, December 1996 [www.theatlantic.com/issues/96dec/military/military.htm](http://www.theatlantic.com/issues/96dec/military/military.htm), and "The Widening Gap between Military and Society," *The Atlantic*, July 1997 [www.theatlantic.com/issues/97jul/milisoc.htm](http://www.theatlantic.com/issues/97jul/milisoc.htm). While real, the existential insularity of military families is due not so much to ideological as to pragmatic reasons – namely, the insane frequency of relocations (in peacetime) and rotations (in wartime).

(31) Interestingly, the 1990s were the time of the closing of both the military mind and the academic mind in America. On the former, see Martin Van Creveld's blunt *The Training of Officers: From Professionalism to Irrelevance* (New York: Free Press, 1990). On the later, Allan Bloom's classic *The Closing of the American Mind* (New York: Simon & Schuster, 1988). The 2008 Joint Operating Environment report pointed out that the Chinese People's Liberation Army "has more students in America's graduate schools than the U.S. military, giving the Chinese a growing understanding of America and its military." (JFCOM, *Joint Operating Environment*, 2008, p.27). Meanwhile, only 1.3 percent of the U.S. officer corps has a doctoral degree (Tom Ruby, "Flying High, Thinking Big," *The American Interest*, May-June 2009).

(32) On the "war manager vs. peacekeeper" debate in the 1990s, see Marina Nuciari, "Models and Explanations for Military Organizations: An Updated Reconsideration," in Giuseppe Caforio, ed., *Handbook of the Sociology of the Military* (Springer, 2006). The *constabulary* model developed by Morris Janowitz is, however, equally inadequate today since the "soldier-

policeman” paradigm by definition cannot take into account the “soldier-diplomat” dimension. On the range of activities of combatant commanders today, see the testimony of General Zinni, the former head of CENTCOM, in Lloyd J. Matthews, “The Uniformed Intellectual and his Place in American Arms,” *Army Magazine*, July-August 2002.

(33) On private security companies, Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*, updated edition (Ithaca: Cornell University Press, updated edition, 2007); Deborah D. Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005).

(34) In Europe, by contrast, where the existence of a large peacetime establishment was nothing new, the Soldier and the Diplomat continued, as in the past, to be seen as natural partners. See e.g. Raymond Aron’s classic *War and Peace: A Theory of International Relations*, 1962 (new edition, New York: Transaction Publisher, 2003). On the officer as a pentathlete leader, see David H. Petraeus, “Beyond the Cloister,” *The American Interest*, July-August 2007.

(35) See Dan Green, “Counterinsurgency Diplomacy: Political Advisors at the Operational and Tactical Levels,” *Military Review*, May-June 2007, and Reyes Cole, “The Military Diplomat,” *Armed Forces Journal*, February 2009).

(36) On the difference in organizational culture, Rickey L. Rife, *Defense is from Mars, State is from Venus: Improving Communications and Promoting National Security*, U.S. Army War College, 1998 (<http://smallwarsjournal.com/documents/marsvenus.pdf>). On the continuum between strategy and statecraft, see Carnes Lord, *The Modern Prince: What Leaders Need to Know Now* (New Haven: Yale University Press, 2003), 24.

(37) On the military’s reluctance to use force, see Peter D. Feaver and Christopher Gelpi, *Choosing Your Battles: American Civil-Military Relations and the Use of Force* (Princeton: Princeton University Press, 2004).

(38) Eliot Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime*, (New York: Free Press, 2002), and “How Government Looks at Pundits,” *Wall Street Journal*, January 23, 2009. Cohen’s candid testimony is all the more telling that the Counselor is the one State Department principal who has by far the greatest freedom to “immerse” himself in dossiers.

(39) James A. Thurber and Candice J. Nelson, *Campaign Warriors: Political Consultants in Elections* (Washington: Brookings, 2000); Robert V. Friedenberg, *Communication Consultant in Election Campaigns: Ballot-Box Warriors* (Westport: Praeger, 1997).

(40) The term “courtier” is simply meant here as a reminder that the 5,900 people in the 125 offices collectively known as the “White House staff” serve at the pleasure of the President and cannot be expected to have anything other than the *presidential* interest in mind during their short (two years on average) tenure. See Daniel P. Franklin, “Washington and/or Versailles: The White House as a Court Society,” in Ryan J. Barilleaux, *Presidential Frontiers: Underexplored Issues in White House Politics* (Westport: Praeger, 1998), and Bradley H. Paterson, Jr., *The White House Staff – Inside the West Wing and Beyond* (Washington: Brookings, 2000).

(41) Joe Klein, “The Perils of the Permanent Campaign,” *Time*, October 30, 2005. National Intelligence Estimate, *Global Trends 2025: A Transformed World*, Directorate of National Intelligence, 2008.

(42) On historical *longue duree* and institutional continuity, see respectively George Modelski, *Long Cycles in World Politics* (Seattle: University of Washington Press, 1987) and Hugh Heclo’s classic *Government of Strangers: Executive Politics in Washington* (Washington: Brookings, 1977) – a book curiously neglected by theorists of civil-military relations. On the importance of *sequencing*, see Frederick H. Hartmann, *The Conservation of Enemies: A Study in Enmity* (Greenwood Press, 1982). On the decline of strategic literacy among Western political elites, see Tony Corn, “The Revolution in Transatlantic Affairs: Perils and Promises of a Global NATO,” web special, *Policy Review*, August 2007.

(43) Anthony Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession* (New York: Belknap Press, 1995).

(44) Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton University Press, 2005) - a book actually more interesting than the overblown title suggests (for two thorough deconstructions, see Peter Berkowitz, “Law of Nations,” *Policy Review*, April-May 2005, and Kenneth Anderson, “Squaring the Circle? Reconciling Sovereignty and Global Governance through Global Government Networks,” *Harvard Law Review*, vol. 118, 2005). In high politics, the role of a network like the NATO Parliamentary Assembly does not begin to compare with that of a *directoire* like the NATO Quad (that said, a greater *public diplomacy* role for the PA would definitely be a positive development). On the sensitive subject of the Quad, the only academic study is Helga Haftendorn, “The ‘Quad’: Dynamics of Institutional Change,” in Robert O. Keohane, ed., *Imperfect Unions: Security Institutions over Time and Space* (Oxford University Press, 1999).

(45) G. John Ikenberry and Anne-Marie Slaughter, eds., *Forging a World of Liberty under Law – U.S. National Security in the 21<sup>st</sup> Century*, the Princeton Project Papers, 2006 (emphasis added). Now that Anne-Marie Slaughter is head of Policy Planning at the State Department (a position once held by George Kennan), it is to be hoped that she will try to reconcile the “governance dilemma” with the older “security dilemma,” and author a report on *Forging a World of Liberty in the Age of Lawfare*.

(46) See the manifesto of Harvard Law School professor Duncan Kennedy, one of the founders of the Critical Legal Studies (CLS) movement, “First Year Law Teaching as Political Action,” *Law and Social Problems*, 47, 1980; Oscar Schachter, “The Invisible College of International Lawyers,” *Northwestern University Law Review*, 1977, and Jose E. Alvarez, “The Democratization of the Invisible College,” *The American Society of International Law*, November 8, 2007 ([www.asil.org/ilpost/president/pres071108.html](http://www.asil.org/ilpost/president/pres071108.html)).

(47) Andrew Abbott, *The System of Professions – An Essay on the Division of Expert Labor*, University of Chicago Press, 1988, p.2. In addition, the best way for the State Department to show a serious commitment to interagency “jointness” would be to create a special lateral-entry

program for mid-level military officers who, for family or other personal reasons, decide to leave the service.

(48) John W. Masland and Laurence I. Radway, *Soldiers and Scholars: Military Education and National Policy* (Princeton: Princeton University Press, 1957).

(49) Eliot Cohen, “Defending America in the Twenty-First Century,” *Foreign Affairs*, Nov/Dec 2000, and “Neither Fools nor Cowards: Barriers between Military Service and Higher Education Do a Disservice to Both,” *Wall Street Journal*, May 13, 2005.

(50) Michele A. Flournoy, ed. *Beyond Goldwater-Nichols Phase Two Report* (Washington, CSIS, 2005). See also Derek S. Reveron and Kathleen A. Mahoney-Norris, ““Military-Political” Relations: The Need for Officer Education,” *Joint Forces Quarterly*, issue 52, First Quarter 2009. In the past thirty years, there has been practically no book-length studies on the subject. Despite its title, Morris Janowitz and Stephen D. Westbrook’s *The Political Education of Soldiers* (London: Sage, 1983) does not deal with the political literacy of officers in relations to strategic effectiveness, but essentially with the civic education (i.e. indoctrination) of NCOs in relation to combat effectiveness.

(51) Marc Bauerlein, *The Dumbest Generation: How the Digital Age Stupefies Young Americans and Jeopardizes Our Future* (New York: Tarcher 2009).

(52) Larry I. Bland, “George C. Marshall and the Education of Army Leaders,” *Military Review*, October 1988. Robert M. Gates, Speech at the U.S. Air Force Academy, April 21, 2008. On Boyd the maverick, see Grant T. Hammond, *The Mind of War: John Boyd and American Security* (Washington: Smithsonian Books, 2001).

(53) Robert Gates, “Beyond Guns and Steel: Reviving the Nonmilitary Instruments of National Power,” *Military Review*, January-February 2008; Daniel Drezner, ed. *Avoiding Trivia: The Role of Strategic Planning in American Foreign Policy* (Washington: Brookings, 2009).

(54) George Duby, *The Three Orders: Feudal Society Imagined* (Chicago: University of Chicago Press, 1982). While the modern era may have begun around 1789 for a few countries, the Old Regime managed to survive in most of Europe until 1914. See Arno J. Mayer, *The Persistence of the Old Regime: Europe to the Great War* (New York: Pantheon, 1982).

(55) Contrary to the claim of sociologists-activists trying to enforce a politically correct agenda on the U.S. military (Charles Moskos, John Allen Williams, David R. Segal, eds., *The Postmodern Military: Armed Forces after the Cold War*, New York: Oxford University Press, 2000), nowhere - not even in Europe - is there an “androgynous” post-modern model to which the U.S. military ought to conform.

(56) For a first cut on the post-modern, modern, and pre-modern states, see British diplomat Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (New York: Atlantic Monthly Press, 2003). For a first cut on great, medium and small powers, written at a time when the “unipolar moment” was still around, see Barry Buzan, *The United States and*

*the Great Powers – World Politics in the Twenty-First Century* (Cambridge: Polity Press, 2004). On the passing of the unipolar moment, see Fareed Zakaria, *The Post-American World* (New York: W.W. Norton & Co, 2008).

(57) Douglass Cater, *The Fourth Branch of Government* (New York: Vintage, 1959. Bill Moyers, “Is the Fourth Estate a Fifth Column?: Corporate Media Colludes with Democracy’s Demise,” *In These Times*, July 11, 2008; Thomas Sowell, “Western Media: Fourth Estate or Fifth Column?” *Capitalism Magazine*, January 28, 2005. See also Robert Kaplan, “The Media and Medievalism,” *Policy Review*, December 2004-January 2005.

(58) Peter Berkowitz, “U.S. Military: 8; Elite Law Schools: 0,” *Weekly Standard*, March 20, 2006, and Lee Kaplan, “The Saudi Fifth Column on Our Nation’s Campuses,” *FrontPageMagazine.com*, April 5, 2004.

(59) Morris Janowitz’s *The Reconstruction of Patriotism: Education for Civic Consciousness* (Chicago: University of Chicago Press, 1983) is regrettably not so much a scholarly study as an old-fashioned jeremiad and, as such, not nearly as interesting from a purely academic standpoint as the manifesto that launched the “deconstructive” fashion that same year, Benedict Anderson’s *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London: Verso, 1983; revised edition, 2006). Future historians may well conclude that the beginning of the end of the Anderson era (i.e. the hyper-constructivist conception of the Nation) began with the publication of Robert Putnam’s much-discussed “*E Pluribus Unum: Diversity and Community in the Twenty-first Century*,” *Scandinavian Political Studies*, vol.30, n2, 2007 (<http://www3.interscience.wiley.com/cgi-bin/fulltext/118510920/PDFSTART>)



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