CHAPTER 8

Conclusion

This book explores how civilians control the military in theory and how that theory plays out in practice in the United States. In this concluding chapter, after summarizing the main argument of the book and the basic outlines of agency theory, I briefly consider what agency theory has to say about civil-military relations after the Clinton era and then suggest avenues for future research that would build on the argument and findings I have presented. The agency model is intended to be only a first cut at a general institutional theory of civil-military relations. While the simplified model presented here yields interesting results, there are obvious ways to expand on the research. Finally, I wish to consider a normative question that my empirical and theoretical analysis has left begging: although civilian control of the military is the distinguishing hallmark of democratic politics, is it necessarily a good thing for the polity? Put another way, what are the costs of maintaining civilian control?

Agency Theory's Contribution

Agency theory is a worthy alternative to the reigning institutional paradigm of civil-military relations, Huntington's model of civilian control. Huntington's theory confronts a puzzle: the United States violated Huntington's model and yet did not suffer the consequences predicted by the model. As explained in Chapter 2, at the outset of the Cold War Huntington derived prescriptions for the United States from his model of civil-military relations, warning that if the United States did not follow those prescriptions it would risk losing the Cold War. With the Cold War over, it is clear that the United States prevailed even though it did not follow Huntington's prescriptions of a conservative shift in civilian values coupled with objective civilian control

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

over the military. This central empirical challenge calls into question Huntington's general model of civil-military relations and opens the door for alternative explanations, including agency theory.

As explained in Chapter 3, agency theory treats civil-military relations as a special case of the more general phenomenon of political principals seeking to monitor and influence the behavior of their political agents. The phenomenon is ubiquitous in politics, but is especially important in democracies. Democratic theory establishes that the citizen is the ultimate political principal—as a body, the citizenry chooses its leaders, who in turn establish the government to fulfill the wishes of the electorate. Faithful political agents work and do not shirk. Just as voters seek to ensure that the politicians they elect follow their wishes, so too do politicians seek to ensure that the subordinate arms of the government—bureaucracies or, in this case, the military—follow their wishes. The political agents, for their part, have preferences of their own, and these preferences can diverge from those of their political masters, leading them to consider shirking instead of working. The day-to-day business of civil-military relations, then, is a game of strategic interaction, with civilians monitoring their military agents and military agents determining whether to work or shirk based on expectations the agents have about the likely consequences: will shirking be discovered and, if so, will it be punished?

This interaction can be represented in a simplified formal game, explained more fully in Chapter 4. Civilians choose the monitoring mechanisms, relatively intrusive or relatively nonintrusive, and the military chooses whether to work or shirk, based in part on expectations of an exogenously determined likelihood of punishment. Under different conditions, then, the civil-military relationship can yield one of four basic outcomes: military working under civilian nonintrusive monitoring; military working under civilian intrusive monitoring; military shirking under nonintrusive monitoring; and military shirking under intrusive monitoring. Viewed this way, the agency model subsumes Huntington's theory, which yields only the "military working under civilian nonintrusive monitoring" outcome. Since Huntington, however, does *not* explain well the actual Cold War record of U.S. civil-military relations, it begs the question whether the United States followed one of the other possible outcomes anticipated by agency theory (but not by Huntington).

In fact, as I argue in Chapter 5, the Cold War pattern of U.S. civil-military relations is best understood as a case of "military working under civilian in-

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

trusive monitoring." Agency theory expects that this will be the outcome when the costs of monitoring are relatively low and when the military's expectation of punishment is relatively high. Although these factors are difficult to measure precisely, the evidence presented in Chapter 5 seems to confirm that these conditions were met for most of the Cold War. Importantly, the few instances of shirking seem to be correlated with a significant case-specific change either in the costs of monitoring or the expectations of punishment.

Finally, as demonstrated in Chapters 6 and 7, agency theory explains the early post–Cold War friction in U.S. civil-military relations as an instance of "military shirking under civilian intrusive monitoring." Agency theory thereby subsumes the factors highlighted by other explanations of the post–Cold War friction, such as the changed threat environment, the persistent gap between the preferences of military agents and civilian principals, and the idiosyncratic weakness of the Clinton administration vis-à-vis the military. Moreover, agency theory provides a rich heuristic by which to interpret civil-military relations in the most important post–Cold War uses of force.

Agency theory, then, makes several distinctive contributions to our understanding of civil-military relations. First and foremost, it reconceptualizes civil-military outcomes beyond the stale coup/no-coup dichotomy and replaces it with a working-shirking continuum that captures rich variation in patterns of civil-military interaction even in the absence of coups. In so doing, it turns U.S. civil-military relations into a variable rather than a constant.

Second, agency theory brings material incentives back into the story and in particular highlights military expectations of punishment. In retrospect, it is rather surprising that strategic interaction and cost-benefit calculations were essentially absent in the literature before agency theory. The idea that the military may adjust its behavior based on material incentives has great intuitive appeal and resonates with anyone who has worked in day-to-day U.S. civil-military relations at a responsible level. And yet that basic insight is at best implicit and more often totally ignored in existing theoretical treatments. Huntington and Janowitz make essentially no allowance for military shirking and, consequently, for civilian-imposed punishment. Other theories that do admit of shirking, for example Avant's principal-agent account and Desch's structural-threat theory, give scant attention to civilian responses to military behavior. Civil-military relations theory has always emphasized that the quality of the civilian principal and the quality of the mili-

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

tary agent are crucial to preserving a proper civil-military balance. Thus, an early Cold War analysis concluded, "civilian supremacy is going to depend essentially (as trite as it may sound) on the quality of the Government's civilian leadership" (Sapin and Snyder 1954, p. 57). And although Huntington did not use the jargon, his emphasis on the norm of professionalism was essentially consistent with the claim from the principal-agent literature that adverse selection (picking the right agent) trumps moral hazard (the quality of efforts to monitor the agent) (Brehm and Gates 1997). Agency theory does not rebut the importance of these factors but suggests that material incentives be added (or retained) for consideration. Thus, it matters what types of punishments military agents can expect. It matters how monitoring mechanisms function—whether fire alarms like the free press are adequate or not and whether technological constraints limit the kinds of intrusive monitoring that are possible. Even noble political actors are sensitive to the likely costs and benefits of their actions.

Third, agency theory provides a logically coherent way of grounding observations that have prominence in historical accounts of civil-military relations, such as President Clinton's idiosyncratic relations with the military, into a systematic theory. There has been something of a theory-practice gap in the U.S. civil-military relations literature to the effect that what matters for the theoretician does not seem to matter for the practitioner. To be sure, a practitioner will find the jargon of agency theory off-putting, but the core logic should not be foreign. Agency theory provides a bridge between the academic theoretical understanding of civil-military relations and the observations of experts who watch those relations unfold on a day-to-day basis.

Fourth, agency theory suggests a conclusion that there are multiple solutions to the civil-military problematique and that there is no such thing as perfect civilian control. The challenge for democratic civil-military relations is thus to minimize what civilian principals must concede to the military agent, recognizing that this decision is revisited and tested every day in multiple dimensions and issues.

Finally, the deductive rationalist core of agency theory allows for ready expansion, revision, or contrast with other theories. Agency theory is thus more flexible than existing alternatives. Indeed, agency theory explains a large portion of basic civil-military relations in the United States and does so even though it uses a spare model. But the spareness of the model points to obvious ways of adding complexity to get still richer explanations. The rationalist baseline, resting primarily on material factors, can also be used as a foil

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

for future explanations that depend on nonrationalist factors or relax rationalist assumptions. I sketch out several such promising avenues for future research below.

At the same time, the civil-military relationship constitutes an especially interesting case for the principal-agent framework. First, and most obviously, this is a case in which the agent can sometimes overtake the principal. The U.S. focus of this book has put this aspect of civil-military relations into the background, but follow-on work could take this up more explicitly. Nevertheless, even within the context of generalized military subordination to civilian rule, shirking at the margins is still possible. This leads to a second important insight exported from the study of civil-military relations to the principal-agent literature: shirking is multifaceted and must encompass more than merely disobeying orders. The military can engage in behavior that constitutes shirking even if it is technically following the explicit orders of a civilian principal. The military can shirk by shading its advice so the civilian principal chooses to give an order contrary to the one that he would have given had the military advice been more sincere—the "Washington monument" tactic in which underlings inflate cost estimates to dissuade a principal from adopting an unwanted course of action. And the military can shirk while obeying if it ties the hands of civilians for follow-on decisions, or practices excessive foot-dragging or other dilatory tactics that undermine the civil-military relationship. Moreover, civil-military relations make clear that the principal can also shirk, by giving inadequate direction or uncertain guidance. These aspects of agency have not been as prominent in the principal-agent literature as they should be.

Civil-Military Relations and Agency Theory after Clinton

President Clinton obviously played a central role in post–Cold War civil-military relations, and this begs the question of the significance of his departure from office.[1] If President Clinton were the entire problem, then one would expect a return to civil-military comity, especially under an avowedly pro-military president like George W. Bush. However, many prominent assessments of post–Cold War civil-military relations identify long-term factors—such as the changed threat environment and a decades-long erosion of professional norms in the military—that should continue to shape relations in much the same way long after Clinton (Desch 1999, Kohn 2002).

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

Agency theory suggests a middle-ground view: civil-military relations after Clinton will improve, but some of the structural factors and contexts mean the corrosive effects will linger. On the one hand, Clinton's personal baggage conspired to give extreme values to factors that shape the relationship. It is hard to imagine a president with a weaker hand vis-à-vis the senior military leadership than President Clinton; that weakness translated into extremely low expectations of punishment and, consequently, strong incentives for shirking. Replacing a weak commander in chief with a potentially stronger one should change the expectations of military agents and result in stronger incentives for the military to work. On the other hand, agency theory suggests that over time the principal can shape the outlook of the military by preferentially promoting some officers over others and creating a cadre of like-thinking military leaders. Thus, when the White House changes hands, and especially when it changes parties, the gap between the senior-most civilian and military ranks can widen, at least until the promotion process brings about a natural readjustment. At the same time, there is no reason to believe that the departure of President Clinton per se had any discernible effect on another key variable in the agency model, the costs of monitoring; nevertheless, the slowness of the transition, an unintended consequence of the way the 2000 election played out, temporarily hampered the efforts of the incoming Bush administration to assert intrusive control in the Pentagon. The 2000 election, therefore, produced cross-cutting changes to several key factors in the agency model: the arrival of a potentially stronger civilian principal who has broad support among the ranks, but one whose agenda will diverge at points from that of the established military leadership.

Once the electoral mess of 2000 was resolved,[2] the initial transition from Clinton to Bush followed something like an agency theory script, as if the new team were determined to correct what were identified by the theory as mistakes in the previous administration. President Bush and his team arrived with an explicit and expressed contempt for the quality of civilian control under President Clinton (Gertz and Scarborough 2002). Bush appointed Donald Rumsfeld, an especially strong and experienced insider, to be secretary of defense. Rumsfeld gave particular stress to the need to "restore" strong civilian control, and this was a prominent theme in his "Rumsfeld's Rules," a list of maxims he had assembled from his years in government service (Rumsfeld 2001). The "Rules" were promoted throughout the early days of his tenure, and the implications of the change in leadership were not

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

lost on the military. According to press reports, early in the Bush tenure the senior air force staff were concerned that Secretary of Defense Rumsfeld might peremptorily fire an air force general to send a message that disobedience would not be tolerated (No author 2001b). Even so, senior civilians in the Pentagon believed that still more drastic measures were needed to correct for "eight years of no discipline." According to one official: "If you think of a generation of officers as coming along every three years then we are in our third-generation of officers who experienced no discipline" (Gertz and Scarborough 2001). Another report led with a quote attributed to "one of President Bush's top advisors," who said that the only way to reform the Pentagon was "to fire a few generals" (Richter 2001, p. A1). The invocation of agency theory logic could hardly be more explicit.

The arrival of a Republican president probably had cross-cutting effects on the gap between military and civilian preferences. On the one hand, the gap narrowed in the sense that there was now a Republican administration presiding over a largely Republican officer corps. On the other hand, the Clinton administration had had eight years to narrow the gap, at least at the very top. Even an administration that is weak in civil-military terms can have a significant effect over time just by handpicking officers for promotion to the senior-most slots. The fact that Rumsfeld was dealing with Clinton-picked generals was given high prominence throughout the first year of the Bush administration (Whitworth and Watson 2001, Waller 2001, Gertz and Scarborough 2001).

On the one hand, the effect of this dynamic was in fact an early honeymoon for the Bush team that even outlasted initial reports of a lower-than-expected increase in defense spending (Curl and Scarborough 2001). During this period there was great enthusiasm among even the senior military for the Bush arrival; in the words of one observer, even the Clinton-picked chiefs of staff "were dying to have these guys back" (Duffy 2001).

On the other hand, the same dynamic probably ended the honeymoon. Rumsfeld was determined to push reforms in force structure and strategy, loosely lumped together under the heading of "transformation," and, in so doing, overturn the interservice compromises that had been extracted from the civilians over successive reviews dating back to the Base Force. While there were proponents for this within the military, they were not by and large at the senior-most ranks, and within months Rumsfeld's reviews were bogged down by extensive leaks and congressional criticisms about the chaotic and poorly coordinated nature of the effort.[3] The rancor was qualita-

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

tively different from what had transpired eight years earlier under Clinton. For instance, President Bush was largely above the fray, and the military's resistance was never as open nor as bitterly personal—almost certainly due to changed expectations of punishment. Nevertheless, it was serious enough to qualify as shirking, and certainly this was how Rumsfeld and his team viewed the military's end runs to Congress (No author 2001b, Calmes 2001). It also made Rumsfeld a prominent target of speculation about whether he would be the first Bush cabinet official to be sacked (Duffy 2001, Donnelly 2001). Frustrated civilian leaders in the Pentagon, borrowing a page from agency theory, traced the problem directly back to military leaders who had come of age under weak civilian control (Gertz and Scarborough 2001, Waller 2001).

From the standpoint of agency theory, what was surprising was not military opposition to the Rumsfeld reviews that threatened the status quo, but rather that, on several dimensions, the military seemed to prevail over Rumsfeld. In late August 2001, Rumsfeld announced that, contrary to hints emanating for months from the DoD, he would not seek deep cuts in the force structure. This move was treated as surrendering—as in "Rumsfeld sued for peace" (Duffy 2001)—"retreating" (Shanker 2001), or simply deferring to the military (Loeb 2001, Weisman 2002). Of course Rumsfeld himself insisted that no such reversal had taken place, that he had merely conducted a review with an open mind and come to the conclusion that more modest reform was the appropriate course of action. If this is an accurate depiction, it is easier to square with agency expectations. If not, it is puzzling why a strong civilian could not prevail over the military. One answer is that Rumsfeld ran afoul of Congress, thus his problems were partly the old divided-principal challenge. But his biggest problem on the Hill was with his fellow Republicans, which raises the question of why the principals had such difficulty reaching a consensus. The most common explanation focuses on Rumsfeld's style, which emphasized making decisions and giving orders over consulting and building coalitions of support. Ironically, in an effort to undo the perceived weaknesses of earlier civilian leadership, Rumsfeld may have overcompensated and provoked a backlash that produced a comparable paralysis in civilian control.

The civil-military relations picture, as with so many other things, changed dramatically on September 11. For the first time since the end of the Cold War, the vital national interest was threatened, and the Department of Defense immediately moved to a war footing. In terms of the agency model,

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

the heightened national interest lowered the policy costs of monitoring. The early reporting suggested that the traditional hawk-dove debate over how to respond militarily played out with some distinctive twists. The debate over what to do in Afghanistan was not that rancorous, and President Bush quickly approved the use of extensive military force to destroy Al-Qaeda and bring down its Taliban sponsors. In so doing, Bush explicitly sought to distance himself from his predecessor, whose excessive caution in the use of military force had contributed to the terrorists' image of the United States as a paper tiger (Woodward and Balz 2002c). The debate over whether to go beyond Afghanistan and perhaps attack Iraq, in contrast, did provoke more of a schism, this time with Secretary of State Powell teaming with the military against the civilian leadership in the Pentagon (Kagan and Kristol 2001a, 2001b; Woodward and Balz 2002a, 2002b, 2002c; Balz, Woodward, and Himmelman 2002; Ricks 2002a, 2002b). According to one report, Powell even approached General Shelton and urged Shelton to restrain his civilian superiors and somehow "get these guys back in the box" (Balz, Woodward, and Himmelman 2002). Of course, the fact that the secretary of state was Colin Powell, the famously cautious former general, is probably not irrelevant.

Reports are contradictory as to whether the war in Afghanistan was micromanaged or not, although the lowered costs of monitoring (because of higher stakes) would suggest that civilians had greater incentive to monitor. On the one hand, President Bush clearly delegated considerable authority to his deputies, both military and civilian (Waller 2002). On the other hand, Secretary of Defense Rumsfeld used very intrusive monitoring mechanisms to manage the war; however, the assertive civilian control produced little backlash from the military operators, and Rumsfeld was even credited with letting the senior military "run the war."[4] In some areas, for instance ensuring that collateral damage was minimized, the available evidence suggests that the war in Afghanistan was every bit as micromanaged as any preceding use of force (Schrader 2002). There were few reports of operational shirking, although it appears that some civilian leaders were frustrated by the caution of General Franks, the senior military commander (Hersh 2001; Kaplan 2001; Ricks 2001c; Kagan and Kristol 2001a, 2001b).

The war certainly changed the conventional wisdom on how civilian control was faring in the Bush administration. Rumsfeld even became a cult hero, enjoying some of the most flattering press coverage of the entire war and sparking discussions about his sex appeal (Donnelly 2001, Nordlinger

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

2001, Mazzetti and Newman 2001). Nevertheless, the war only delayed some of the tough choices that confront the post–Cold War United States, and so challenges certainly remain (Waller 2002). Moreover, the debate over Iraq has followed a very familiar civil-military script (Ricks 2002a, 2002b). Above all, there is no evidence that September 11 repealed the basic working of agency theory. Civil-military relations in the United States continued to reflect the strategic interaction of civilian principals and military agents, each playing out a role, pursuing preferences, and responding to the shifting costs of monitoring and expectations of punishment. The new war on terrorism altered the stakes but did not otherwise constitute a fundamental change in the logic of how civilians and the military interact to provide for the common defense.

Avenues for Future Research

The most obvious avenue for future research is to explore the generalizability of the argument by expanding the cases considered—looking at civil-military relations in other countries altogether and looking at more civil-military issue areas in the U.S. case. Although developed in the context of the American case, agency theory should be useful in comparative contexts, especially for other advanced democracies where civil-military relations are no longer primarily a matter of avoiding coups d'état. Much of the literature in comparative politics on civil-military relations concerns coup prevention and the transition from military-led regimes to functioning democracies (Feaver 1999). That literature, in other words, ends where agency theory begins, and so as democratic institutions take root in those countries, the previous theoretical paradigms may lose their analytical utility.

Agency theory may even make some contributions to the study of civil-military relations in countries where the threat of coups is real. After all, a coup represents the ultimate in shirking—reversing the principal-agent relationship so that the old agent (the military) becomes the new principal (the dictator). Pathological civil-military interactions within the agency framework could end up in a coup. Of course, once a military has seized power, the agency problems immediately reemerge, only this time the intragovernment agency relationship has both principals and agents wearing uniforms and the extragovernment agency relationship has the civilian polity as agents. It is likely, however, that modifications to the principal-agent framework are necessary in studying coup-ridden states. Agency interactions can-

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

not be analyzed within the principal-agent model unless the principal can commit in advance to "buying" what the agent produces; if the agent has no way of developing an expectation of how the principal will act, then the selection, monitoring, and punishment qualities of the principal-agent framework cannot function (Bendor 1988). Does the model obtain when the *agent* cannot commit in advance because he has the ability to reverse the relationship?

Agency theory could also be used to flesh out U.S. civil-military relations, only this time looking at other issue areas, including force structure and strategy. For instance, one could code shirking as the fate of "orphan missions," the things that are necessary for combat but which fall outside of the services' organizational essence and so are traditionally unfunded. The more orphaned these missions are, the more clearly services are pursuing their own agenda rather than the broader civilian one. The better the missions are cared for, the more the agent is faithfully fulfilling the principal's desires. Other topics, such as personnel and training policy (policies on race, gender, and sexual orientation, for example) are also obvious places where the agency dynamic of monitoring, working or shirking, and punishment come into play.

In this vein, the agency model could be employed in a more detailed look at civil-military relations during combat, which this book considered in broad-brush strokes. When a military force deploys in combat, its behavior is determined by literally thousands of standard operating procedures (SOPs) governing everything from how to dig a foxhole to how to destroy vital equipment before surrendering. In theory, if civilians want to direct unequivocally how the military will function in combat, they must determine each of these procedures. Collectively, the SOPs are known as doctrine, and civilian control over at least general features of doctrine is an enduring theme in the study of civil-military relations (Posen 1984, Van Evera 1984, Snyder 1984, Avant 1994, Kier 1997).

Certain SOPs, however, are especially significant for civilian control over the conduct of military operations: rules of engagement. Rules of engagement "are written to provide guidance to military commanders in the field on appropriate action under peacetime circumstances, in crises, and in the event of war" (Sagan 1991, p. 80). The agency theory model developed in Chapter 3 suggests that rules of engagement serve three sometimes contradictory functions: (1) as means of constraining military agents with more explicit orders (also anticipated by traditional theory); (2) as an enhanced

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

information-gathering mechanism for civilian principals to monitor military agents even on the chaotic battlefield, because requests to change the rules of engagement alert civilians to how the battle is progressing; and (3) as an "interest in the residual," an incentive to reluctant military agents to go along with missions they might otherwise not want to carry out. Which role the rules are actually playing may itself be a function of the different monitoring-cost environments. Thus, when information from the battlefield is essentially impossible to get, rules of engagement cannot be used as an information source; even if the civilians want to glean information from requests to change the rules, the communications technology will not allow it. In those cases, the only function for rules of engagement is to make orders more explicit. When communications technology allows some limited reporting from the field, the rules may serve to enhance the quality of information, allowing civilians to understand whether the conflict is expanding or not. When communications technology is fully advanced, rules of engagement may no longer be needed in the information-gathering role, and the other functions of constraint and incentive may come to the fore. Follow-on studies could assess this argument by comparing how rules of engagement functioned in three different monitoring-costs environments: (1) the pre-telegraph era, when timely information from the battlefield was largely nonexistent; (2) the early telegraph and radio era, when some timely reporting was possible but limited; (3) the current era, when communication is so good that it leads almost to a surfeit of information from the battlefield.[5]

The simple model presented in Chapter 4 made numerous assumptions that could be revised in future extensions of agency theory. Most obviously, reducing civil-military relations to a two-actor game abstracts from the reality that, in the American case, civilian principals and military agents are in fact numerous and diverse. Indeed, a key aspect of American civil-military relations is the explicit decision, enshrined in the Constitution, to divide the civilian control responsibility between the executive and the legislative branches, creating at a minimum two competing principals. In practice, the executive and legislative branches do not always disagree and do not always compete directly for day-to-day control of the military, but in important cases they can—as for instance when Congress opposed President Clinton's efforts to lift the ban on gays serving openly in the military—and this can have obvious implications for the conduct of civil-military relations. Most treatments of American civil-military relations (mine included) privilege the

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

executive branch because of the primacy of the president as commander in chief, but the legislative branch is important as well. In the empirical applications of agency theory presented in Chapters 5, 6, and 7, this central fact was incorporated into the model as one of the exogenous factors that affect the likelihood of civilian punishment: when civilian principals are in agreement, the military has a higher expectation of punishment for shirking but when civilian principals disagree, the military has the opportunity to play one principal off the other and thereby get away with behavior that, from the perspective of one of the principals, would constitute shirking.

Future extensions of the agency model might incorporate more directly the idea of split principals. The unified-principal assumption could be relaxed in future versions to consider strategic interaction among more players, although such a step might make the model intractable to formal analysis. There might be ways to differentiate systematically between the various preferences of the civilian players. For instance, executive civilians might care more about efficient delegation when it comes to the use of force than do members of Congress, thus making the legislative players less concerned about civilian monitoring that would sabotage an operation. Once differentiated, the constellations of civilian preferences could be aggregated (which would be the functional equivalent of replicating the unitary-principal assumption) or perhaps be modeled as a prior game in a larger, nested principal-agent game.

Another simplifying assumption that could be relaxed in future research is the game's requirement that the military agent consider only pure strategies (shirk or not shirk) for any given monitoring condition. In practice, the military agent probably considers a mixed strategy, shirking part of the time and working part of the time, for instance as a way of testing a new president. Although the formal analysis in Chapter 4 considered only pure strategies, the empirical applications in Chapters 5, 6, and 7, allowed for something of a mixed strategy by way of a loose coding system for working and shirking. Thus *instances* rather than generalized patterns of shirking were considered; when the military was said to shirk, for example, on gays in the military, the coding was limited to that issue area even though in strict terms the formal model would expect generalized shirking. Future extensions of agency theory may want to formalize the mixed strategy option to see what analytical insights result.

Future analysis might also revisit the simplifying assumption that civilians never punish working. A further assumption is embedded within this: that

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

civilians always know when the military has worked, but when the military does not work, the civilian does not know whether this is (punishable) shirking or some other (nonpunishable) behavior. In this way, the agency model assumes away a plausible outcome that may deserve closer scrutiny in follow-on work: the possibility that the civilian will punish the military even though it is working. One could treat the game as if the uncertainty over unobservable behavior were even more profound. The civilian might not be sure whether the military worked *or* shirked. This would leave open the possibility that the civilian might think the military had shirked and so punish even though in fact the military had not. It is not clear what the implications for agency theory would be in expanding the players' uncertainty in this way, but it could capture the well-known political phenomenon of scapegoating—punishing an actor when something bad happens, regardless of whether it is clear that the unfortunate actor deserves the punishment.[6]

The use of economics jargon encourages thinking of the civil-military relationship at least partly in economic market terms, and this suggests other interesting extensions of the model. Is the military agent really a monopoly supplier, and is the principal really a monopsony buyer? If so, does this change the bargaining relationship? In fact, traditional civil-military relations theory has noted that the military is not a monopoly supplier; military services compete with each other, and service rivalry has the advantage of avoiding what Huntington called strategic monism, or undue reliance on one narrow military approach to national security (Huntington 1961a, pp. 369–381). When civilians want to do something, they can let the market of services bid for the mission. This helps explain why Special Forces are more popular with civilians than they are with the regular military. Special Forces usually underbid the regular forces for military missions, offering to do the job with fewer troops, fewer casualties, and thus lower political capital at risk. Likewise, changes in the threat environment—which have the effect of changing the demand for military services—along with changes in the supply of military services—through the presence of other agencies like the CIA, the Drug Enforcement Agency, and the like—may increase market pressure on the military to adapt. The regular military has an incentive to control the "pricing" of missions. To what extent are civilians and military aware of these latent market forces in what is often assumed to be a nonmarket relationship?[7]

The foregoing suggests considering other costs of delegation in future extensions of the model. In Chapter 3, I treated the costs of delegating more or

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

less in terms of "intentional" disobedience on the part of the military. Drawing on the transaction-cost analogy, it is also instructive to consider the costs of inefficient outcomes that result not from disobedience but rather from market conditions. The economics literature has shown that the costs of bargaining (and therefore the costs of buying on the market) are a function of coordination costs—that is, the difficulty actors have in coming to a mutually acceptable contract (Milgrom and Roberts 1990). These costs, in turn, increase when there is less competition in the market; the less competitive the market, the greater the likelihood that mutually self-interested actors will settle on a contract that is suboptimal in terms of overall economic efficiency. In the civil-military context, competition is a function of service rivalry. The more the military is unified, the less service rivalry or "competition" there is before the civilian decisionmaker. Thus, the more unified the military, the more likely delegating to the military (buying the policy rather than making the policy) will produce a suboptimal outcome, hence the greater the costs of delegating; the greater the costs of delegating, the less likely it is that civilians will delegate. This produces the counterintuitive hypothesis that the more joint the U.S. military is, the less civilians will delegate to the military (or at least the greater the incentive civilians will have *not* to delegate). Of course a more unified military is able to act more strategically and so is better able to resist assertions of civilian control. Empirically, it could produce the same de facto level of delegation, although it would be a result of greater military resistance to greater efforts by civilians *not* to delegate. *Ceteris paribus,* this means greater jointness could lead to greater civil-military friction.

Still another extension to the game would involve making punishment endogenously derived in the model. Currently, the likelihood of punishment is determined by exogenous factors such as the relative strength of the civilian leader and the salience of the issue at stake. The punishment move could be made endogenous to the game, perhaps as a function of the type of monitoring adopted by civilians. For instance, choosing intrusive monitoring could be an indication that the civilians are more likely to punish any shirking detected—civilians who bear the costs of conducting this intrusive monitoring are signaling that they are particularly sensitive to shirking. Alternatively, intrusive monitoring by Congress may simultaneously increase the likelihood that shirking is exposed but decrease the likelihood that the shirking is punished. The public nature of congressional oversight increases the likelihood that the punishment process will be politicized. This, in turn,

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

could modify our expectations of the conditions under which the military will work or shirk.

In sum, one of the virtues of the method on which agency theory rests is that the assumptions that drive the model are more explicit than would be the case in an informal or inductively derived argument. Thus, it is easy to see how to build on the argument through normal social-scientific procedures: tweaking assumptions, exploring the logical implications of those changes, testing those implications against historical evidence, and returning to the model to revisit the assumptions and internal logic. I hope that the agency model will be developed and improved upon in this fashion.

Normative Concerns: Revisiting the Problematique

The application of agency theory I have presented focuses on just one side of the problematique, namely the mechanisms for implementing civilian control over the military, and has paid relatively less attention to the other side, how civilian control might affect the ability of the military to carry out its functional role to defend and advance the national interest. One must begin somewhere, and this is a reasonable place to begin the development of a new theory of civil-military relations. Moreover, this focus has the virtue of hewing to one of the bedrock foundations of democratic theory: voters should get the leaders they elect, even if the leaders they elect are less desirable than the alternatives they rejected. Civilian principals are to be obeyed even when they are wrong about what is needed for national security. Civilians have the right to be wrong. But in what ways can the civilians turn out to be wrong, and how wrong are they likely to be? What are the costs of civilian control?

The principal-agent literature has long understood the perverse aspects of any agency relationship. Agents have incentives to try to waste time influencing or even manipulating decisionmakers rather than doing the job asked of them (Milgrom and Roberts 1988). These efforts can be costly and can lower the overall utility achieved by the political enterprise. But these are largely costs imposed by recalcitrant agents. At least in the civil-military context, there are also potential costs imposed by foolish principals. And even nominally wise principals impose costs because of potentially perverse side effects of civilian control measures.

One of the goals of healthy civil-military relations is providing adequate security for the polity. As discussed in Chapter 3, however, working means

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

doing what civilians ask, and this is not synonymous with meeting the security needs of the polity. Foolish civilian principals can ask for things that will have the ultimate effect of undermining national security. A prime debate during the early post–Cold War era was over whether President Clinton's avowed desire to lift the ban on gays serving openly in the military would harm national security by undermining military cohesion and military effectiveness. It was relatively clear what the president wanted, that is, what was working and what was shirking. It was less clear whether what the president wanted was good for the military and for national security. Indeed, just such a rhetorical defense could probably underlie every instance of military shirking—"We must not do what civilians want because that would be bad for the country." Every coup leader frames his seizure of political control as an effort to rescue the state from the predations of an inept government. And even relatively wise requests and faithful working can come a cropper if some external enemy is lucky or somehow more capable.

The means by which civilians exercise control can influence the likelihood of ultimate success or failure in the provision of adequate national security. Concerns on this point were the motivating force behind Huntington's theory of civilian control. The "requisite" for national security in the Cold War, Huntington argued, was a change in America's national ideology that would allow for objective civilian control (Huntington 1957, p. 464). Huntington understood that there is a perverse side to control mechanisms. Intrusive civilian monitoring can become micromanagement, interfering with the military function perhaps at a crucial time. Shirking and working have several different components, both functional, concerning what civilians want, and relational, concerning the preservation of the civilians' prerogative to decide for themselves what they want. Control measures aimed at one might adversely affect others. Thus, the intrusive monitoring may create an incentive for the military to obey but may interfere with its ability to obey. Nonintrusive monitoring can become so delegative, ceding so much autonomy to the military, that basic civilian prerogatives are undermined. More fundamental even than these concerns is the fact that control mechanisms must balance what I have elsewhere called the always/never dilemma—the need for the military to function both safely and reliably (Feaver 1992, pp. 12–28). Measures designed to make the military operate more safely may undermine the reliability of the military, and vice versa.

These problems are in some sense unavoidable, but what Eliot Cohen has called the "normal theory of civil-military relations" goes a step further and

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

claims that these problems are more likely when civilians monitor intrusively (Cohen 2000, 2001). Civilians, it is argued, are less knowledgeable about military matters than are the uniformed military experts, and so more likely to be wrong about military affairs. The civil-military challenge, from this point of view, is for military experts to educate civilian amateurs before civilian ignorance damages national security—and to do so without undermining the role of the civilian as principal.

Are civilians more likely than the military to be wrong on the important matters of national security? This is an article of faith, at least among American military officers and possibly even in the traditional literature on civil-military relations. One can trace the theme from Emory Upton through Samuel Huntington to recent literature on the Vietnam War and the Gulf War (Upton 1917, Huntington 1957, McMaster 1997, Johnson 1996).[8] The normative implication is clear: delegative control, nonintrusive monitoring, gives the military the necessary free hand to translate civilian orders into successful national security (and if necessary, to improve on them so as to achieve it). Cohen shows, however, that delegative control is not always the best model for battlefield success. Moreover, the proper limits of delegation are best determined not by military expertise but by political calculation (Cohen 2001; Brodie 1973, pp. 416–419, 456–457). Civilians are better positioned to judge the political underpinnings of military policy. Even in areas of obvious military expertise, tactics and operations, the best performance on the battlefield may come as the result of the very questioning, probing, auditing, and even hectoring that an intrusive monitoring regime would entail. Civilians ought to listen to military advice and weigh it, but military advice will improve with a vigorous give-and-take led by activist civilian principals.

This truth may not be sufficiently well appreciated even in relatively healthy civil-military systems like the one the United States enjoys. Yes, the principle of civilian control is well established in the United States, but what that principle means may be contested (Feaver and Kohn 2000a). We may be seeing the emergence of a norm among American military officers that civilian control does not mean that civilians have the right to be wrong. At least concerning decisionmaking on the use of force, officers see no inconsistency between endorsing civilian control and endorsing an "insist" role for the military, where "insist" implies "accept our advice or else we will shirk or resign in protest." The reason for this is not contempt for the principle of civilian control but rather concern that to do otherwise would be to risk

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

national security.[9] But the effect is pernicious for the principle of civilian control and, if history is any guide, is not a more sure path to better national security. Shirking undermines democracy. Even resigning in protest, if generalized, is a troubling reaction, for it threatens to hold the civilian principal hostage to the preferences of the military agent. On the battlefield and at the tactical level, resigning in protest is called mutiny, and it is punished severely. At the strategic-political level, would not mass or highly salient resignations in protest be almost as poisonous for civil-military relations?

This does not mean that the military obligation to work is absolute. The military has an obligation to shirk illegal orders. But this is exceedingly narrowly circumscribed. The military has only very limited competence to adjudicate the legality of civilian orders. There must be a very strong presumption that an order from the national command authority is legal.[10] And the military has an obligation to advise strenuously against legal but foolish orders—in fact, at some point individual military agents may be compelled by conscience to offer up their resignation if they can no longer faithfully execute a policy. But this action should be rare and very carefully circumscribed, lest it undermine the ability of civilians to be the principals in the civil-military relationship.[11]

In yet another way, agency theory suggests that the military's ability to avoid shirking faces some structural limits, at least in a democracy. In a democracy, the ultimate principal, the voter, relies on various political agents—the executive branch, the legislative branch, and the judiciary—to monitor each other and also to monitor the military. The checks and balances are built into the American system of civilian control, requiring the military to answer to all three branches but, on a day-to-day basis, especially to the executive and legislative branches. The historical record suggests that this divided-principal arrangement may be a necessary part of *democratic,* as opposed to merely *civilian,* control of the military. Likewise, in a healthy democracy the media play a vital watchdog role that involves investigating and reporting on the doings of all these agents. If the foregoing is accepted, then it may be impossible to eliminate entirely the opportunity for shirking.[12] Shirking involves end runs around the chain of command to Congress, but at some level this may be an inevitable consequence of democratic control. Shirking involves leaks to the media, but the media are hard-pressed to perform their watchdog function without leaks. This paradox is not a problem for agency theory as an explanation, but it does point to a limit to agency theory as a prescription. From an agency perspective, the military may at

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

times find itself trapped in a dirty-hands dilemma in which any choice amounts to shirking.

Of course, the more ably the principal performs its function, the fewer of those instances there are likely to be. If the military has an obligation to work, civilians have even more of an obligation to fulfill their role responsibly. If civilian leaders are not responsibly managing the military, then the ultimate civilian principal, the electorate, has an obligation to punish its agents, the elected officials. This requires that voters monitor how civilian leaders are conducting civil-military relations and vote accordingly. Unfortunately, in the U.S. case, neither civilian leaders nor, especially, voters are likely to give civil-military relations the attention it deserves (Kohn 1997). Sometimes the system works, albeit imperfectly, late, and at great cost; the voters punished President Lyndon Johnson, forcing him to forgo a run for reelection, because of Johnson's Vietnam policies. A special challenge in recent civil-military relations in the United States was the feeling on the part of many military agents that their civilian principal, President Clinton, was not held responsible for his civil-military mismanagement by *his* principals, the electorate and public opinion. Civil-military relations will undoubtedly improve with better civilian leaders and deteriorate with worse leaders. A priority for observers of civil-military relations must be an effort to hold civilians accountable with the same or greater vigor with which military agents are held accountable.

But in the final analysis, the health of the democracy depends as much on the health of the institutions as it does on the quality of the people running the institutions—as much on respect for the process of democratic politics as on the substance of the policies that process yields. Civilian control of the military is a crucial democratic institution, and agency theory shows how that process works in practice. History shows that the military is not as "right" in civil-military disputes as the military triumphalists might suppose. But even when the military is right, democratic theory intervenes and insists that it submit to the civilian leadership that the polity has chosen. Let civilian voters punish civilian leaders for wrong decisions. Let the military advise against foolish adventures, even advising strenuously when circumstances demand. But let the military execute those orders faithfully. The republic would be better served even by foolish working than by enlightened shirking.

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

Abbreviations

AFS	*Armed Forces and Society*
APSR	*American Political Science Review*
LAT	*Los Angeles Times*
NYT	*New York Times*
TNR	*The New Republic*
USNI	*Proceedings of the U.S. Naval Institute*
WP	*Washington Post*
WSJ	*Wall Street Journal*
WT	*Washington Times*

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.

Copyright © 2003. Harvard University Press. All rights reserved.

Feaver, Peter D.. Armed Servants : Agency, Oversight, and Civil-Military Relations, Harvard University Press, 2003. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/nuim/detail.action?docID=3300565.
Created from nuim on 2025-10-06 10:32:06.