

**The Hidden Promise of Huntington’s *The Soldier and the State*:
Military Professionals as Guardians of the Republic**

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If the civilians permit the soldiers to adhere to the military standard, the nations themselves may eventually find redemption and security in making that standard their own.

Samuel P. Huntington, *The Soldier and the State*²

These precepts will guarantee not only their own integrity, but also the integrity of the community which is in their safekeeping.

Plato, *The Republic*³

You, the officers, the men and women of the Armed Forces of today, are the nation’s Guardians, Guardians of today.

Gen. John W. Vessey, Jr., *A Concept of Service*⁴

Abstract

This paper is the first step in developing a neo-classical theory of the military officer corps as a functionalist profession. It unpacks the central paradox of Samuel P. Huntington’s *The Soldier and the State*: Why does an account that begins with a call for a highly professionalized officer corps to obey the orders of any legally legitimate civilian regime end with the promise that humanity can achieve both security and redemption if all the nations of the world adopt core military values? How can “militarize the military,” Huntington’s solution to the classical question of civilian/ military relations – Plato’s “Who guards the guardians?” – come to mean “militarize the civilian”? The answer is that military values, seen as a proper subset of functionalist professional values, come to the same as the values of classical

¹ Greenspoon Marder Professor of Law, Florida State University. My particular thanks to Brandon Smoot, J.D., F.S.U. College of Law, 2014, for his research assistance.

² SAMUEL P. HUNTINGTON, *THE SOLDIER AND THE STATE* 465-66 (1957).

³ PLATO, *THE REPUBLIC* 122 (Robin Waterfield trans., Oxford 1993).

⁴ Gen. John W. Vessey, Jr., *A Concept of Service*, *NAVAL WAR C. REV.*, Nov.-Dec. 1984, at 13, 15.

republicanism: the fullest and widest possible development of all forms of human excellence or, in a more modern phrase, no child left behind.

Table of Contents

Introduction: The First of Two Classic Answers to the Classical Question 4

I. Professional Soldiers for Westphalian States: Huntington’s Officer Corps as a Functionalist Profession. 11

 A. Twin Imperatives in Tension: Guarding the Republic and Guarding the Guardians. 12

 1. The Fundamental Problem: Guarding the Republic. 12

 2. The Derivative Problem: Guarding the Guardians. 12

 B. The Dual Solution: Military Professionals’ Knowledge and Virtue..... 14

 C. The Two Missing Halves: The Public-Protective Virtue of Officers and the Parallel Profession of Statesmen..... 16

 1. The “Public-Protecting” Virtue of Military Officers..... 16

 2. “Statesmen” with Parallel Knowledge and Virtue..... 17

II. Functional States for Professional Soldiers: From Many Good to One Best..... 18

 A. Huntington’s Second-Best Twentieth Century Situations: Multiple Pressures Toward a First-Best Solution. 20

 1. The One Second-Best Regime That Had to Fail (But Might Have Succeeded): Huntington’s Nazi Reductio ad Absurdum 21

 2. The Two Second-Best Regimes that Had to Coexist (But Didn’t): Huntington’s Hoped-for Cold War Convergence of American Liberalism and Soviet Communism into Civilian Conservatism..... 28

 a) The Conservative Convergence Foreseen..... 29

 b) The Conservative Duality Revealed. 30

 (1) The Conservatism of Means..... 31

 (2) Conservatism of Ends..... 34

 3. Narrowing the Scope of Acceptable States Toward Civilian Conservatism. 37

 B. Huntington’s Hunt for the First-Best, from History through Myth to Metaphor: Multiple Pressures Toward Plato’s Republic. 37

 1. History: Canvassing Conservative Precedents..... 38

 a) Burke, Calhoun, and the Modern Military’s Societal Imperative..... 39

 b) Anti-Modernism and the Modern Military’s Functional Imperative. 40

 (1) European Anciens Regimes. 41

 (2) American Alternatives..... 43

 (a) Hamilton and the Federalist Founders..... 44

 (b) Calhoun and the Antebellum South..... 45

c)	In the Net: No Precedents, Important Insights.....	49
2.	From History to Myth: Receding into Re-Imagined Pasts.....	49
a)	The Old South.....	50
b)	The Founders’ Republic.....	50
c)	The Roman Republic.....	51
d)	History, Myth, and Insight.....	52
3.	From Myth to Symbol: Re-Constructing an Icon of Coherence.....	53
a)	A Diptych of Modern Multiplicity and Medieval Unity: The Worst of the Worse, The Best of the Better.....	54
b)	The Third Panel of Huntington’s Picture: The Best of All.....	59
(1)	The Public and Political in Highland Falls: From the Curb to the Courthouse.....	60
(2)	The Civilian and Secular in West Point: From Medieval Monastery to Modern University.....	63
c)	Another View of the Chapel: From Gothic Chapel to Neo-Classical Pantheon.....	63
(1)	The Successful Religious Synthesis of the First Amendment: From Many, All -- or None.....	65
(2)	The Fraught Political Synthesis of a Democratic Republic: All Electing the Wise.....	67
(3)	From Icon to Book to Author and Reader.....	68
III.	Professional Officers Serving a Neo-Classical Republic: Bringing Huntington and Plato Together.....	69
A.	Moving Huntington toward Plato: Military Officers and Civilian Authorities Knowing and Serving the Common Good.....	71
1.	Finding the Flawed Premises.....	71
a)	Competence in Achieving State Ends.....	73
(1)	The False Premise of Greater Civilian Competence.....	73
(2)	The False Premise of Lesser Military Competence.....	77
b)	Competence in Choosing State Ends.....	80
2.	Expanding the Limits of Military Obedience.....	82
a)	The Legality Exception: Officers’ Obligation to Disobey Illegal Civilian Orders..	82
b)	The Morality Exception: Officers’ Option to Disobey Immoral Civilian Orders..	86
3.	Subordinating Both Military Professionals and Civilian Authorities to the Common Good.....	93
B.	Moving Plato towards Huntington: Guardians and Auxiliaries Sharing Functional Military Values.....	94
1.	A Firmer Foundation: Functional Military Values as Ideal Social Values.....	95
2.	A Better Second-Best.....	97
3.	A Better First-Best: Same Destination, Better Directions.....	99
a)	Plato’s Rule of the Wise, Supposedly Derived from the Idea of the Good.....	99

b)	Huntington’s Guardianship of the Guardians, Demonstrably Based on Military Preparedness.	99
c)	The Common Ground: Dialogue With Future Rulers.....	99
C.	The Hiding of Huntington’s Promise.....	100
1.	Looking Back for the Bait and Switch.....	100
2.	Hiding What from Whom.	100
a)	<i>From</i> Huntington Himself, <i>by</i> the Pervasive Civilian Liberalism of his Time?	100
b)	<i>By</i> Huntington Himself, <i>from</i> the Pervasive Civilian Liberalism of his Time?	101
c)	A Middle Ground.....	101
	Conclusion: Huntington’s The Soldier and the State and Plato’s Republic.	102

Introduction: The First of Two Classic Answers to the Classical Question

But are not these spirited natures apt to be savage with one another, and with everyone else? ... Whereas, I [Socrates] said, they ought to be dangerous to their enemies, and gentle to their friends; if not, they will destroy themselves without waiting for their enemies to destroy them. ... [H]ow shall we find a gentle nature which is also a great spirit, for the one is the contradiction of the other?

Plato, *The Republic*.⁵

The Founders’ Constitution acknowledged in its very preamble the twin needs “to ensure domestic tranquility” and “to provide for the common defense.”⁶ Our fundamental law has thus always recognized a pre-condition of any civil society: security against violent attack, from within or without. But, as the body of the Constitution itself implicitly acknowledges,⁷ meeting that pre-condition immediately poses a problem noted as least as long ago as Plato’s *Republic*: How best to guard our guardians, more precisely, how to ensure the loyalty of those of our guardians whom we authorize to use violence to keep the peace, at home as well as abroad?

This question has, of course, continued to bedevil political societies, republican and otherwise, both in theory and in practice, right down to our own day. Just past the middle of the

⁵ PLATO, 2 THE REPUBLIC 374B (Benjamin Jowett trans., Oxford 3d ed., 1908) (interlocutor’s responses omitted); cf. John Nagl & Paul Yingling, *The Army Officer as Warrior*, in THE FUTURE OF THE ARMY PROFESSION 146, 150 (Lloyd J. Matthews ed., 2d ed. 2005) (asserting that “[f]aced with this paradox, Socrates despaired of founding a republic that was both secure and just” and that “[t]he American republic has proved Socrates wrong”).

⁶ U.S. CONST. pmb1.

⁷ See U.S. CONST. art. I, § 8, cls. 11-14 (granting Congress the power “[t]o raise and support Armies,” “[t]o provide and maintain a Navy,” and “[t]o make Rules for the Government and Regulation of the land and naval Forces”); *id.* at art. II, § 2, cl. 1 (making the President “Commander in Chief of the Army and Navy”); see also HUNTINGTON, *supra* note 2, at 177-89 (explaining how these constitutional clauses allow for only a limited degree of civilian control of the military).

last century, two American theorists, Samuel P. Huntington⁸ and Morris Janowitz⁹, gave a pair of answers that, together, have dominated discussion ever since, if not as thesis to antithesis, then as theme to counterpoint.¹⁰ Many other perspectives have, of course, been offered since theirs, but Huntington and Janowitz have framed the debate, and any adequate answer today must take the insights of both fully into account.¹¹

Reduced to its essence, their debate comes to this: Huntington takes military professionalism as the path to proper military/ civilian relations, the way to keep the military subservient to the state without diminishing its capacity to defend the state against violent attacks. Janowitz sees military professionalism as impaling us on both horns of that very liberty/ security dilemma. Unless the values of military professionalism are supplemented with divergent civilian values, in his view, the military will not only threaten civilian values, but also suffer in its core defensive mission.

Since Janowitz answered Huntington in 1960, most commentators on civilian/ military relations in America and the rest of the West have sided with one or the other, subject to various refinements, or have come down somewhere in the middle, in favor of some sort of synthesis, on the same basic assumptions.¹² This paper anticipates a very different synthesis, which questions

⁸ HUNTINGTON, *supra* note 2.

⁹ MORRIS JANOWITZ, *THE PROFESSIONAL SOLDIER: A SOCIAL AND POLITICAL PORTRAIT* (2d ed. 1971).

¹⁰ See Risa A. Brooks, *Militaries and Political Activity in Democracies*, in *AMERICAN CIVIL-MILITARY RELATIONS: THE SOLDIER AND THE STATE IN A NEW ERA* 212, 213 (Suzanne C. Nielsen & Don M. Snider eds, Johns Hopkins University Press 2009) (“Today, the culture of the officer corps of the United States military is infused with these ideas [about an apolitical military, from Huntington’s analysis].”); Peter Feaver, *The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control*, 23 *ARMED FORCES & SOC’Y* 149 (1996); Lloyd J. Matthews, Introduction to *Part V: The Army Profession and the Army Ethos* of *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 385 (referring to “the traditional Huntingtonian view of military professions” as “still the dominant view within the Army”); Suzanne C. Nielsen, *Rules of the Game? The Weinberger Doctrine and the American Use of Force*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 627, 632 (describing *The Soldier and the State* and *The Professional Soldier* as “the acknowledged classics of American civil-military relations”); Suzanne C. Nielsen & Don M. Snider, *Conclusions* to *AMERICAN CIVIL-MILITARY RELATIONS*, *supra*, at 290, 308 (“Huntington – and a few years later Morris Janowitz with *The Professional Soldier* (1960) – played a leading role in the move after World War II by political scientists and sociologists to broaden their focus from individual soldiers and small groups to the corporate organization of the military and its relationship to the state and the society it serves.”); David R. Segal & Karin De Angelis, *Changing Conceptions of the Military as a Profession*, in *AMERICAN CIVIL-MILITARY RELATIONS*, *supra*, at 195, 195 (“The publication of Samuel P. Huntington’s *The Soldier and the State* in 1957 and Morris Janowitz’s *The Professional Soldier* in 1960 altered the way American social science views the military profession, the armed forces more generally, and the nature of civil-military relations.”) (citation omitted); *id.* (“[I]t is time to update the foundations that Huntington and Janowitz provided for the study of military professionalism.”).

¹¹ See Peter D. Feaver & Erika Seeler, *Before and After Huntington: The Methodological Maturing of Civil-Military Studies*, in *AMERICAN CIVIL-MILITARY RELATIONS*, *supra* note 10, at 72, 73 (“[I]t is almost impossible to think or write about civil-military relations without engaging Huntington.”); *id.* at 77 (“Most subsequent research in civil-military relations can be traced to one or both of these intellectual bloodlines, Huntingtonian and Janowitzean.”); Suzanne C. Nielsen & Don M. Snider, *Introduction* to *AMERICAN CIVIL-MILITARY RELATIONS*, *supra* note 10, at 2 (“... Huntington’s work remains a useful starting point for an urgently needed review of the realities and challenges facing American civil-military relations.”).

¹² See, e.g., SAM C. SARKESIAN & ROBERT E. CONNOR, JR., *THE US MILITARY PROFESSION INTO THE TWENTY-FIRST CENTURY* (1999); *SOLDIERS AND CIVILIANS: THE CIVIL-MILITARY GAP AND AMERICAN NATIONAL SECURITY* (Peter D. Feaver & Richard H. Kohn eds., 2001); Jon Rahbek-Clemmensen et al., *Conceptualizing the Civil-Military Gap:*

the two basic premises that Huntington and Janowitz shared: First, that our military, like all militaries, is essentially “conservative” in ways that place its values fundamentally at odds with the West’s distinctively “liberal” civilian values. Second, that “professionalizing” the military means inculcating in its officers their occupation’s “conservative” values to the virtual exclusion of their broader culture’s “liberal” values, which, in turn, entails having officers obey, rather than question, civilian authorities’ assessments of those values.

Looking back to Plato, this paper suggests both a new analysis of civilian/ military relations and a neo-classical synthesis of civilian and military values. In this analysis, the basic conflict in Western societies is not between civilian “liberalism” and military “conservatism,” but rather between the military’s “conserving” of “positive liberty,” the “liberty of the ancients,” in the face of the West’s drift toward “negative liberty,” the “liberty of the moderns.” On this view, populism and consumerism, the economic and political aspects of the “negative liberty” of the moderns, threaten to undermine the foundation of “positive liberty,” grounded in a rational understanding of the public good, which both our military and our civilian culture share with classical republicanism.¹³ On that common ground we can build a synthesis that relieves current conflicts between military officers and civilian authorities by properly coordinating the one with the other.

This paper takes the first step toward that new synthesis, a critical re-assessment of Huntington’s original thesis. It unpacks the basic paradox of Huntington’s great study: Why, setting out to show how all societies, whatever their civilian values, can best subordinate military power to civilian authority, Huntington comes around to the view that humankind’s best hope is for the civilian authorities of all national regimes to embrace universal military values? How, beginning with a proposal to “militarize the military,” can he end with a proposal to “militarize the civilian”? The answer is at least as great a paradox. Huntington’s solution to the problem of civilian/ military relations classically posed by Plato is, at bottom, a brilliant modernization of Plato’s own solution: Military officers and civilian authorities must be parallel professions serving the same common good in a society that, as a matter of military necessity, offers all of its citizens the greatest possible opportunity for the fullest human flourishing.

Part I shows how Huntington’s solution to the classical problem, “militarize the military,”¹⁴ entailed an ingenious application of the functionalist sociologists’ theory of professionalism to the military officer corps. Basically, military officers’ professional knowledge would ensure their ability to guard the homeland against violent attack, even as their professional virtue ensured that they themselves would never become the attackers. And this would be the optimal relation between military officers and civilian authorities, according to Huntington, even if civilian authorities do not share the military’s functionally conservative professional values. This is the keystone of his model; in his own words: “A highly professional

A Research Note, 38 *ARMED FORCES & SOC’Y* 669 (2012); Suzanne C. Nielsen, *Civil-Military Relations Theory and Military Effectiveness*, 10 *PUB. ADMIN. & MGMT.* 61 (2005).

¹³ ISAIAH BERLIN, *Two Concepts of Liberty*, in *FOUR ESSAYS ON LIBERTY* 118 (1970).

¹⁴ HUNTINGTON, *supra* note 2, at 83 (“Objective military control achieves its end by militarizing the military, making them the tool of the state.”).

officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state.”¹⁵

But this sounds suspiciously like the Nuremberg “defense,” and Huntington is no friend of the Nazis. Something is surely amiss. This is not quite simply too good to be true; it is quite too good to be true this simply. Huntington’s dual solution, military competence and obedience, entails a double mistake: He over-emphasizes one aspect of professional virtue, even as he wholly overlooks a second, equally important, aspect. Counter-balancing professionals’ basic duty, to use their knowledge for their principals’ purposes, not their own, is the professionals’ coordinate duty: to ensure that their principals do not themselves abuse the power of their professional agents’ knowledge. Huntington’s model rightly implies that military officers have a distinctly professional duty not to disobey civilian authority for reasons of their own, even as it wrongly implies that military officers have no distinctly professional duty to disobey civilian authorities who violate their own duties and thus abuse their own public trust. Huntington seems to have missed General Vessey’s point, and Plato’s: Ultimately, military officers are not servants of the state, but guardians of the republic.

Huntington’s model works well enough, in its own terms, when professional military officers are matched with what he calls “statesmen,” civilian authorities who know and serve the public good. Huntington’s model would work best, to paraphrase Plato, when philosophers are kings (or kings, philosophers);¹⁶ it works very badly when civilian authorities are merely politicians. And it works worst, sometimes to the point of genocide or nuclear Armageddon, when civilian authorities are mad, or bad, or both.

Part II shows the problems, but also the promise, of putting Huntington’s theory through its paces, in two distinct sets of circumstances that Huntington himself identifies: The first-best situation, in which civilian authorities share the military’s functionally conservative values and match their professionalism, and the second-best situation, in which civilian authorities lack common values, equivalent professionalism, or both. Because all of Huntington’s second-best situations press him toward his first-best, we begin with them. Where military and civilian values differ, as Huntington shows with Germany fascism, American liberalism, and Soviet communism, the mismatch threatens either the military success of a distinctly unsavory regime, as in the case of Nazism, or the mutually assured destruction of both contenders, as in the case of the Cold War between American liberalism and Soviet communism.

This is the classic problem of the second best: Actions that would produce optimal outcomes in the ideal situation – here, military obedience to proper civilian authority -- necessarily produce suboptimal outcomes in any other, non-ideal situation.¹⁷ Stated less formally, the best is the enemy of the good. In Huntington’s case, this means that a system proposed as the best possible means for all civilian value systems to secure a loyal and effective military presses inexorably toward a system in which civilian authorities and their military share the same value system, and that value system is the military’s functional conservatism. This

¹⁵ *Id.* at 84.

¹⁶ PLATO, *supra* note 3, at 157 (“Unless . . . philosophers bear kingly rule in cities, or those who are now called kings and princes become genuine and adequate philosophers . . . there will be no respite from evil . . .”).

¹⁷ See R.G. Lipsey & Kelvin Lancaster, *The General Theory of Second Best*, 24 REV. ECON. STUD. 11 (1956).

sounds, at bottom, more than a bit paradoxical: surrendering civilian values in order to save them.

What's more, when we turn to Huntington's first-best situation, in which the military and civilian authorities share the military's conservative values, we find two more paradoxes, one at the level of practice, the other at the level of theory. At the practical level, all of Huntington's historical examples of "conservative" political regimes prove either politically unappealing, like Bismarck's Prussia, militarily ineffective, like squirarchical England, or both, like the unreconstructed American South. Huntington's military conservatism is supposed to be deeply historically conscious¹⁸; all his historical examples of political conservatism raise at least as many problems of military/ civilian relations as they solve.

At the theoretical level, the paradox is even more profound. The military's chief values, Huntington tells us at the outset, are loyalty and obedience to civilian authority; the only real solution to the problem of military/ civilian relations, he tells us at the end, is for civilian authorities to embrace military values. But who, then, will they both obey, and to whom will their common loyalty lie? One prospect, surprisingly, is God; that is at least a little odd, not only for a secular republic like ours, but also for a military that eschews all mysticism and traditionalism alike in the name of instrumental reason.

But a paradox is not a contradiction.¹⁹ As we will see in Part III, the ultimate paradox of Huntington's analysis, moving from "militarizing the military" to having the entire world embrace military values, may very well be, even as he says in his final sentence, humanity's best hope, not only for security, but also for redemption. Following Huntington's lead, we unpack this paradox in three steps. The first is to see that the functional values of the military provide both a minimum and an optimum for civilian politics. The minimum, security, is very low indeed: Nothing that threatens the destruction of the nation, as Nazism did, or the world, as nuclear holocaust has since the Cold War. But the optimum, redemption, is quite high: Nothing less than human excellence in all its imaginable forms, to the greatest extent possible. This social optimum, we will see, derives from the functional demands of the military itself: The nation is militarily strongest whose citizens are healthiest and best educated, irrespective of economic or ethnic background, race, color, creed, or sex.

The second step in unpacking Huntington's "militarize civilian society" paradox is to see that what both military and civilian leaders obey is this imperative: The proper job of any civilian regime that wants to be militarily strong is to ensure the greatest possible opportunity for excellence to the greatest number of its citizens. The ultimate military value is thus not to obey any legally legitimate civilian authority, but rather to look to the same set of values to which proper "statesmen" would look: the common good. This, in turn, produces a very different second-best: Military officers are always to act under two coordinate criteria: First, so as to

¹⁸ HUNTINGTON, *supra* note 2, at 64 ("The military ethic thus places unusual value upon the ordered, purposive study of history.") (footnote omitted).

¹⁹ Cf. Richard H. Kohn, *Building Trust: Civil-Military Behaviors for Effective National Security*, in AMERICAN CIVIL-MILITARY RELATIONS, *supra* note 10, at 264, 265 ("From the very beginning of its extraordinary scholarly life, *The Soldier and the State* contained numerous contradictions and errors that undermined its argument.").

produce, under current conditions, the outcome most like that which would be produced by optimum conditions and, second, so as to move current conditions toward optimum conditions.

This brings us to the third and final step in unpacking Huntington's paradox; here we cross the critical threshold into Plato's *Republic* from an unexpected direction. Huntington's own first-best, remember, is rule by civilians who match military professionals in both their values and their expertise in realizing those values; this is but another way, we will see, of saying that the wise should rule for the good of all. In Plato's *Republic*, "good" is left, at best, a bit ambiguous, except on two points: All children, male and female, must be educated to their fullest individual potential; the fullest human potential is serving as the guardian of just such a regime. In Huntington's *The Soldier and the State*, we have the grounding of these fundamental civilian values in optimal military function.

And this means, finally, that military officers play an even more important role for Huntington than for Plato. For Plato, military officers are secondary guardians, auxiliaries who carry out the orders of the proper guardians, the wise who rule for the good of all²⁰; for Huntington, properly professional officers are those who press civilian authorities themselves to be all that they should be. For Huntington, then, it is the military officers, in a very real sense, who ultimately guard the guardians. For Plato, society will be just only when philosophers become kings, or kings, philosophers. For Huntington, it is military officers, as experts in the common good, and thus philosophers, who will both prevent civilian authorities from destroying society and press civilian authorities toward justice itself. And thus, in a very real sense, the universal embrace of military values, as Huntington reveals them, may be our best hope for not only security, but also redemption.

This, of course, is a long way from where Huntington himself began: How to keep the military subordinate to any legitimate civilian authority, whatever the state's values. Part III briefly considers a nagging question raised in the paper's title: Why, for all its promise, has Huntington's position been hidden for over half a century? Here we consider two basic possibilities. Perhaps, ironically, because the civilian "liberalism" Huntington saw as antithetical to military "conservatism" has been even more pervasive in America than he realized; perhaps, thoroughly imbued with that civilian liberalism himself, he simply could not see beyond it to the neo-classical republicanism that his own model of military professionalism implies. This irony, Huntington's inability himself to escape the liberalism he sees as both pervasive and corrosive, may well be the answer.

But the answer more likely lies elsewhere, not in irony, but in paradox, the deepest, if not the greatest, of Huntington's many paradoxes: Perhaps Huntington's position has been hidden in plain view. Perhaps it has been appreciated, from the very beginning, by those who have read him most carefully; perhaps, at some level, he realized that he was leading us to a position that,

²⁰ PLATO, THE REPUBLIC 94 (A.D. Lindsay trans., Everyman's Library 1993) ("Then it is really most correct to give these the name of perfect guardians, inasmuch as they watch over both enemies without and friends at home, taking care that the first shall be unable, and the second unwilling, to do harm; and to call the young men, whom we formerly counted as guardians, auxiliaries, and upholders of the doctrines of the rulers?"); see also Carl Ceulemans & Guy van Damme, *The Soldier and the State: An Analysis of Samuel Huntington's View on Military Obedience Toward Political Authority*, 10 PROF. ETHICS 7, 8 (citing this passage as anticipating Huntington's subordination of military officers to civilian authorities).

in his time and place, he could not explicitly state: Properly professionalized military officers must truly be the ultimate guardians of any republic, particularly a republic that rests on positive liberty, the liberty of the ancients.

Let me put it another way, a way that at least some modern liberals themselves, those of Rawls's school²¹, might like: If you were the least advantaged child born in America, the civilian liberal values embodied in our law would impose no impediments to your eventually being elected President of the United States; what's more, by the grace of our democracy, you would almost certainly have enough to eat, and you would even be offered an nearly free education. But it would not be the education needed to command a modern armed force, and you almost certainly would not be elected President.

If you were that least advantaged child, then, you might well want more; with the "conservative" military values implicit in Huntington's *The Soldier and the State*, you would get it. Huntington's conservatism is not "Burkean," as he would sometimes have us believe, but neo-classically republican; he would make the state's chief end, not preserving the status quo, whatever it is, but preparing you, whoever you are, to be appointed to West Point or Annapolis or the Air Force Academy, and eventually, perhaps, to the Joint Chiefs of Staff.

Huntington's military conservatism is, indeed, antithetical to one kind of liberalism, the libertarianism of liberalism's right wing.²² But Huntington's military conservatism is also antithetical to a certain kind of conservatism; by his own insistence, his is not the laissez-faire conservatism of Herbert Hoover.²³ On the other hand, Huntington's military conservatism is quite close to another liberalism, the republicanism of liberalism's left wing.²⁴ It is thus also close to the liberty of the ancients, a liberty that leading theorists Huntington's own time tended to tar with the brush of both the fascist far right and the communist far left.²⁵

But Huntington's military conservatism is most like the paradoxical conservatism that Clinton Rossiter said was most American: A conservatism that conserves a radical tradition.²⁶ For Rossiter, that radicalism tended toward classical liberalism, the nemesis of Burkean, *ancien regime* conservatism. Huntington's conservatism, again, is neither of these. His military conservatism conserves the liberty of the ancients, but that makes his conservatism not less American, but more. As we saw at the outset, the preamble of the Founders' Constitution acknowledges the need both to provide for the common defense and to preserve domestic tranquility. But the Founders also saw, as Huntington saw, that not only those twin tasks, but also that a greater task, securing the blessing of liberty to ourselves and our posterity, requires that our republic do more: promote the general welfare, establish justice. The Founder's

²¹ See JOHN RAWLS, A THEORY OF JUSTICE (1971); JOHN RAWLS, POLITICAL LIBERALISM (1993). [cite focus on the status of the least well off]. I'll find this one.

²² See Darrell W. Driver, *The Military Mind: A Reassessment of the Ideological Roots of American Military Professionalism*, in AMERICAN CIVIL-MILITARY RELATIONS, supra note 10, at 172, 184 ("Huntington employs the term [conservative] to describe the philosophy of British parliamentarian Edmund Burke, an Old World aristocratic plea for traditional order from a time when liberal ideas provided justification for capitalist expansion.").

²³ HUNTINGTON, supra note 2, at 93.

²⁴ PHILIP PETTIT, REPUBLICANISM: A THEORY OF FREEDOM AND GOVERNMENT (1997).

²⁵ BERLIN, supra note 13; KARL POPPER, THE OPEN SOCIETY AND ITS ENEMIES (1945).

²⁶ CLINTON ROSSITER, CONSERVATISM IN AMERICA (1955).

Republic requires its statesmen of today to say to every citizen, even the least well off, what its military officers have already said: *Be all that you can be -- a force for good in the world.*²⁷

Surely Huntington, lover of both theory and history that he was, would have delighted in this final, double paradox: His conservatism is far more conservative than Rossiter's, precisely because it conserves a radicalism that is far more radical. Huntington's is not the *laissez-faire* liberalism of England's early nineteenth century's Anti-Corn Law League, trying to remove feudal restrictions, economic and political, from an emerging middle class; his is the liberalism of liberal education, the education of Plato's *Republic*, insisting that the wisest rule so as to realize the fullest human capabilities of all. He himself never quite said so, perhaps wisely, given the darkness of his day. I cannot presume to be wiser than he, but I have to hope that our day is brighter than his.

I. Professional Soldiers for Westphalian States: Huntington's Officer Corps as a Functionalist Profession.

A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state.

Huntington, *The Soldier and the State*.²⁸

Huntington significantly sharpened the classical question of civil-military relations posed by Plato: How to keep a society's military subservient to, not subversive of, the society's fundamental values? Huntington explicitly recognized what Plato implied: Different societies, at different times and places, could embrace different fundamental values; he wrote from the perspective of the America's liberal democracy, in the ruins of the Fascism and Nazism and in the immediate shadow of Soviet and Chinese Communism. He believed that the professionalization of the military along functionalist lines would answer not only the particular problem of civilian/ military relations in American liberal democracy, but also in all other contemporary political cultures as well. No other arrangement, he was convinced, could strike the necessary classical balance under modern conditions: A military best prepared to defend the regime it served, but least tempted to overthrow that regime.

To understand how he proposed to re-strike the classical balance, then, we must look first at why he thought the modern military had to be professionalized to perform its essential protective function, then at how he thought that same professionalization would prevent the military from turning on its civilian masters. This was an extraordinary theoretical advance, both in re-framing the classical question and in suggesting what may well be the most viable modern answer.

²⁷ These are, for anyone immune to popular culture, recent recruiting slogans of the Army and the Navy, respectively.

²⁸ HUNTINGTON, *supra* note 2, at 84.

A. Twin Imperatives in Tension: Guarding the Republic and Guarding the Guardians.

The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security and a societal imperative arising from the social forces, ideologies, and institutions dominant within the society. ... The degree to which they conflict depends upon the intensity of the security needs and the nature and strength of the value pattern of society.

Samuel P. Huntington, *The Soldier and the State*.²⁹

The inherent tension between the necessary strength of the military and the relative vulnerability of the civilian society it protects is, for Huntington as for Plato, universal. Huntington analyzed that tension in terms of a two vector schema. On one axis he plotted the magnitude of forcible threats to the civil society; on the other, the nature and strength of the society's civilian values. Within that matrix, Huntington formulated the universal tension between military and civilian values with particular reference to American culture and the threats it faced in his own time. In mid-twentieth century America, he found the challenge to be very great indeed.

1. The Fundamental Problem: Guarding the Republic.

The functional imperative of every military is to protect its society from violent overthrow. The particular context in which Huntington situated the American military's "functional imperative" was the Cold War. America and the western alliance faced a diametrically opposed, officially expansive opponent, the Soviet bloc, which was armed with weapons of mass destruction that could be delivered to the heartland in a matter of minutes. The functional imperative, then, was at its most acute. America had to have a stronger military than ever in its history; that military had to receive an unprecedented level of social support, both moral and material. That made the second imperative, preserving broader social values, all the more problematic.

2. The Derivative Problem: Guarding the Guardians.

For Huntington as for Plato, the basic need of every society to ensure its own survival, by force if necessary, posed a derivative problem: How to keep the necessarily strong military from threatening the regime? Sometimes, both Huntington and Plato recognized, striking a balance would be impossible: To meet internal threats, as in the case of ancient Sparta, or strong and hostile neighbors, as in the case of modern Prussia, the entire society would have to be militarized. As Huntington noted, many of his contemporaries worried that America itself was at risk of becoming a "garrison state."³⁰ In other cases, as Plato implied and Huntington

²⁹ *Id.* at 2.

³⁰ See JANOWITZ, *supra* note 9, at 440 ("The strain on democratic forms under prolonged international tension raises the possibility of the garrison state...."); Christopher P. Gibson, *Enhancing National Security and Civilian Control of the Military: A Madisonian Approach*, in AMERICAN CIVIL-MILITARY RELATIONS, *supra* note 10, at 238, 241 ("If

elaborated, the difficulty of striking the balance would turn, not only on the nature of the external threat, but also on the compatibility of universal military values and particular civilian values.

In contemporary American society, Huntington found military and civilian values in acute conflict. As he saw it, the essential values of any successful modern military, including our own, were fundamentally at odds with the core values of our particular civilian society. In his terms, military culture is essentially “conservative”; American civilian society, fundamentally “liberal.” To understand why Huntington thought the divide between military “conservatism” and American “liberalism” to be especially deep, we must see how Huntington used both of those key terms.

Consider, first, the “conservatism” of Huntington’s military culture. Every military, he theorized, must derive a distinctly conservative ethos, or mind, from its basic function, national defense.³¹ To anticipate and repel violent challenges to the society in its charge, the military must assume that human nature, for whatever reason, inclines to war³²; to be ready to meet force with force, every military must routinely and rigorously subordinate the each individual in its ranks to their common military purpose, even if it means his or her own death.³³ And, to ensure obedience even unto death, military culture has to instill an unquestioning obedience to hierarchical authority.³⁴ Thus, for Huntington, the military ethos had to be conservative in three related ways³⁵: pessimistic rather than optimistic about human nature, collectivist rather individualist about the relationship of the individual and the society, and deferential to, rather than questioning of, legitimate authority.³⁶

On each of these points, Huntington saw the particular values of post-war American civilian society as decidedly different from, even opposed to, the universal functional values of military conservatism. In his view, our civilian society tends to assume that human nature is ameliorable, if not perfectible, perhaps even to the point that war itself can be eliminated. It tends to elevate the individual above the collective, placing rights against the state above duties to the state. And it tends to foster dissent rather than conformity, questioning authority over

remaining armed to the teeth was required to prevent communist takeover, some feared that the country would be unable to retain its ‘Americanness.’”) (citation omitted).

³¹ HUNTINGTON, *supra* note 2, at 61 (“The military mind... consists of the values, attitudes, and perspectives which inhere in the performance of the military function and which are deductible from the nature of that function.”).

³² *Id.* at 63; *see also* JANOWITZ, *supra* note 9, at 26 (“[M]ilitary traditionalism implies... a belief in the inevitability of violence in the relations between states...”); Sir John Winthrop Hackett, *The Military in the Service of the State, in WAR, MORALITY, AND THE MILITARY PROFESSION* 105 (Malham M. Wakin ed. 1986) (“Until man is a great deal better than he is, or is ever likely to be, the requirement will persist for a capability which permits the ordered application of force at the instance of properly constituted authority.”).

³³ HUNTINGTON, *supra* note 2, at 63-64.

³⁴ *See id.* at 73 (“For the profession to perform its function, each level within it must be able to command the instantaneous and loyal obedience of subordinate levels.”).

³⁵ Note that Huntington identifies other aspects of military conservatism; as we will see, these can either be subsumed under the essential three or shown to be extraneous.

³⁶ Darrell W. Driver, *supra* note 22, at 172, offers strong, if not compelling, survey-based evidence that contemporary American officers do not, in fact, maintain the kind of conservative beliefs Huntington and others associate with the “military mind.” Richard H. Kohn, *supra* note 19, at 266, takes Driver’s point and adds his own historical support. Even if this is true as a matter of fact, Huntington would surely respond, this does not follow, as Kohn concludes, *id.* at 267, that the conservative values he identifies are not functionally necessary. And as we shall see below, the truth most likely lies somewhere between. *See infra* Part III.

obeying authority. In a word – Huntington’s word – America’s civilian culture is distinctly liberal.³⁷

This fundamental civilian liberalism makes the military’s social imperative particularly problematic in the case of the United States. Our military, like all militaries, must be essentially conservative, in order to protect our broader society; that society itself is fundamentally liberal, and thus opposed at several critical points to the essential ethos of its military. “Guarding the guardians” has, accordingly, been a problem throughout the history of the American republic.³⁸

What is more, Huntington observed, America’s traditional solutions to that conflict would not work in the post-World War II era. For much of its history, Huntington skillfully recounts, the United States had ensured the subordination of its military by two principal devices. First, as an institutional matter, the Constitution of 1789 placed the military services under the civilian authority of both elected branches of government, the President and Congress.³⁹ Second, as a practical matter, the United States had kept its military in a position of exceptional weakness, expanding its size and effective power only in times of national crisis like the Civil War, and only for the duration of the crisis.⁴⁰ But this second tactic, Huntington observed, became impossible after the advent of the Cold War, when threats from the Soviet bloc became constant and when ICBM’s rendered America’s geographic isolation an inadequate defense. And the first tactic, relying on Constitutional limits and civilian cultural constraints, he feared, would not be sufficient to ensure the modern military’s subordination. Accordingly, Huntington looked for another reliable means of balancing the functional and social imperatives he had identified. What is more, he looked for a solution that would resolve the twin problem of civilian/ military relations, not just in the particular context of the United States, but in all contemporary national regimes.

B. The Dual Solution: Military Professionals’ Knowledge and Virtue.

Objective civilian control not only reduces the power of the military to the lowest possible level vis-à-vis all civilian groups; it also maximizes the likelihood of achieving military security.

Huntington, *The Soldier and the State*⁴¹

³⁷ HUNTINGTON, *supra* note 2, at 144-63.

³⁸ See Michael C. Desch, Hartz, *Huntington, and the Liberal Tradition in America: The Clash with Military Realism*, in AMERICAN CIVIL-MILITARY RELATIONS, *supra* note 10, at 91 (arguing that the conflict Huntington described is the best way to account for civil-military conflicts in both the Clinton and the second Bush administrations); Suzanne C. Nielsen, *The Army Officer as Servant and Professional*, in THE FUTURE OF THE ARMY PROFESSION, *supra* note 5, at 161, 168 (“Because of the violence inherent in the military function, the values which are necessary in a military context cannot be expected to mirror the values of the society from which [the] U.S. Army stems.”).

³⁹ HUNTINGTON, *supra* note 2.

⁴⁰ *Id.*

⁴¹ *Id.* at 85.

Huntington found his answer to both military imperatives, the functional and the societal, in his analysis of the officer corps as a functionalist profession.⁴² In the functionalist's view, professions provide socially essential services that entail special knowledge; the military, Huntington realized, could be seen as performing just this kind of essential, knowledge-based service.⁴³ A professionalized military, then, would be the means of meeting the military's functional imperative. But knowledge, of course, is power, and special professional knowledge, the functionalists argued, poses the risk that professionals may abuse their power to take advantage of those they purport to serve.

This, Huntington realized, was very like the problem every military poses to the society it purports to protect. In the face of both market and government failures to curb abuses of professional power, functionalists argued that professions offer a viable alternative: Professional virtues, maintained by professional institutions.⁴⁴ Just so, Huntington argued, professionalizing the military could make it harmless to its civilian masters, thus meeting its social imperative. Professional knowledge, then, would enable the military to meet its functional imperative, adequate defense; professional virtue would ensure that it met its social imperative, subordinating the use of military's professional knowledge to the good of its civilian masters. To suspect that this answer is too good to be true is not to say that it is not very good.

Huntington's original model of civilian/ military relations has proved extraordinarily resilient. Without too much tugging and hauling, it can accommodate several factors that he himself failed adequately to take into account⁴⁵ -- the rise of insurgency movements and asymmetrical warfare, the need for Janowitz's "constabulary role" -- as well as subsequent developments that he could not have foreseen -- the collapse of the Soviet Union and the rise of global terrorist movements.⁴⁶ So, too, it can accommodate a range of new theoretical

⁴² See Driver, *supra* note 22, at 172, 174 ("The single answer, then, to the dual requirements of maintaining a strong military and maintaining civilian control was to cultivate an intense professionalism in the military.").

⁴³ See Lloyd J. Matthews, Introduction to *Part III: The Expert Knowledge of the Army Profession* of *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 211 ("The social-trustee type of vocational professional provides a needed service to the society it serves, one that is based on the application of an expertise generally beyond the capacity of citizens in that society.").

⁴⁴ See Don M. Snider, *The U.S. Army as a Profession*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 1, 25 ("No matter how extensively the Army must transform nor how much of the profession must be redefined, ... one foundation must remain unchanged: by the nature of the Army profession, only individuals of firm moral character could discharge adequately their professional obligations to the nation and to the soldiers they are called upon to lead..."); John Mark Mattox, *The Moral Foundations of Army Officership*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 387, 389 (same); see also Tony Pfaff, *The Officer as Leader of Character: Leadership, Character, and Ethical Decision-Making*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 153, 157 ("A virtue ethics approach to officership can help resolve dilemmas that consequence- and rule-based theories cannot."); Segal & De Angelis, *supra* note 10, at 197 ("In contrast to the theme of capitalist occupations, *caveat emptor* (let the buyer beware), the service ethic of the professions could be characterized as *credat emptor* (let the taker believe in us).").

⁴⁵ See Nielsen & Snider, *supra* note 11, at 1 ("Huntington's work retains tremendous value in the present day."); Nadia Schadlow & Richard A. Lacquement, Jr., *Winning Wars, Not Just Battles: Expanding the Military Profession to Incorporate Stability Operations*, in *AMERICAN CIVIL-MILITARY RELATIONS*, *supra* note 10, at 113, 114 (arguing for an expansion of Huntington's understanding of the military profession to "place[] stability operations squarely within the military's required area of expertise").

⁴⁶ See Richard K. Betts, *Are Civil-Military Relations Still a Problem?*, in *AMERICAN CIVIL-MILITARY RELATIONS*, *supra* note 10, at 11, 12 ("Huntington's opposition to subjective control remains persuasive in the twenty-first century."); see also George B. Forsythe et al., *Professional Identity Development for 21st Century Army Officers*, in

developments, expanding to incorporate the insights of some, like Abbott's theory of professions in competition,⁴⁷ and showing fundamental weaknesses of others, like the more radical aspects of dominance theory, at least as applied to the military. Indeed, it is not too much to say that Huntington offers the most compelling modern solution to the classic problem of civilian/military relations, how civilian society is to guard its military guardians. What he offers, indeed, is a model that not only modernizes Plato's vision, but also universalizes it.

But something is wrong here. The shadow of Auschwitz has to cast at least a little doubt on making absolute military obedience the ideal solution to any problem, that of civilian/military relations chief among them.

C. The Two Missing Halves: The Public-Protective Virtue of Officers and the Parallel Profession of Statesmen.

Huntington's dual solution to the tension between his twin imperatives suffers a double omission: First, the need for military officers, as professionals, to guard against incompetent or abusive civilian authorities, and, second, the need for civilian authorities themselves to be a kind of parallel profession.

1. The "Public-Protecting" Virtue of Military Officers.

In his account of military officer's professionalism, Huntington over-emphasizes one aspect of professional virtue, even as he wholly overlooks a second, equally important, aspect. Counter-balancing professionals' basic duty, to use their knowledge for their principals' purposes, not their own, is the professionals' coordinate duty, to ensure that their principals do not themselves abuse the power of their professional agents' knowledge.⁴⁸ The fundamental problem with Huntington's emphasis on the first virtue and omission of the second becomes immediately apparent when we consider this statement of the other duty:

The professional ideology of service goes beyond serving others' choices. Rather, it claims devotion to a transcendent value which infuses its specialization with a larger and putatively higher goal which may reach beyond that of those they are supposed to serve.... [I]t is because they claim to be a secular priesthood that serves such

THE FUTURE OF THE ARMY PROFESSION, *supra* note 5, at 189 ("Since 1989, what's been at risk has been our Army's professional center of gravity, its sense of self."); Segal & De Angelis, *supra* note 10, at 206 (arguing for the expansion of military professionalism to include not only regular officers, but also non-commissioned and reserve officers).

⁴⁷ See Snider, *supra* note 44, at 6 (noting reliance on Abbott's theoretical framework).

⁴⁸ See WILLIAM H. SIMON, *THE PRACTICE OF JUSTICE: A THEORY OF LAWYERS' ETHICS* 123, 125 (1998) (noting that the self-regulatory regime of the "Progressive-Functionalist project" enforced two basic norms, which "are primarily concerned with the adequacy of service to clients, and secondarily concerned with fairness to third parties"); Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 66 (1992) ("Good lawyers ... must sometimes ignore their own self-interest, or the self-interest of their clients"); see also Snider, *supra* note 44, at 59 n.48 ("The expertise of the military professional must be grounded in a moral understanding of what justifies and is justified by the use of force.").

transcendent and self-evidently desirable values that professionals can claim independence of judgment and freedom of action rather than mere faithful service.⁴⁹

This classic statement of professional virtue in general obviously poses a profound problem for Huntington's invocation of the virtue of military professionals in particular: According to the general statement, professionals must sometimes invoke values above those for whom they work; ultimately, it is those higher values, not any particular human masters, that professionals ultimately serve. According to Huntington's statement of the particular case of military professionalism, by contrast, "A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state."⁵⁰ "Objective military control achieves its end by militarizing the military, making them the tool of the state."⁵¹

2. "Statesmen" with Parallel Knowledge and Virtue.

Huntington had, we must appreciate, an implicit answer to this problem. Military professionals, unlike most civilian professionals, do not serve lay people. They serve, instead, other experts, whom Huntington calls "statesmen." This arrangement looks strikingly like Plato's classical answer to the question of civilian/ military relations, our second epigraph:

Then it is really most correct to give these the name of perfect guardians, inasmuch as they watch over both enemies without and friends at home, taking care that the first shall be unable, and the second unwilling, to do harm; and to call the young men, whom we formerly counted as guardians, auxiliaries, and upholders of the doctrines of the rulers?⁵²

Huntington's military officers, like Plato's auxiliaries, defer to civilian statesman, the equivalents of Plato's guardians. The former are experts in the application of military means for the achievement of the latter's social ends. His military officers need not concern themselves with state ends, because state ends are the occupational province of another kind of expert, the statesmen.

But with this neo-classical move Huntington only pushes his problem of professional military virtue back a step. What if statesmen themselves lack the necessary professional knowledge and virtue? In Plato's *Republic*, remember, military commanders obey civilian

⁴⁹ ELIOT FREIDSON, PROFESSIONALISM: THE THIRD LOGIC 122 (2001) (internal citation omitted); see also Martin L. Cook, *Army Professionalism: Service to What Ends?*, in THE FUTURE OF THE ARMY PROFESSION, *supra* note 5, at 683, at 688 (concluding, following Friedson's analysis, that "the view that the military is *merely* obedient is incompatible with retention of any meaningful sense in which military officership truly is a *profession*," though conceding that Friedson's ideal must be qualified "in the case of the military profession or any other profession embedded deeply in the bureaucracy of government and in an ethic of subordination to civilian control"); Michael Walzer, *Two Kinds of Military Responsibility*, in THE PARAMETERS OF MILITARY ETHICS 67-72 (Lloyd J. Matthews & Dale E. Brown eds., 1989) (distinguishing "hierarchical responsibilities," which run upward to superiors and downward to subordinates, from "non-hierarchical or outward" responsibilities, which run especially to enemy civilians); cf. Snider, *supra* note 44, at 59 n.48 ("Sociological theories of the professions – and of the military profession in particular – have failed to consider the importance of morality for determining the legitimate use of professional expertise and the legitimate jurisdictions within which that jurisdiction is applied.").

⁵⁰ HUNTINGTON, *supra* note 2, at 84.

⁵¹ *Id.* at 83.

⁵² PLATO, *supra* note 20, at 94.

authorities who are philosopher/ kings, a situation that the Platonic Socrates concedes may never obtain; in Huntington's model, by contrast, "A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state."⁵³

Huntington, to his credit, faces the worst-case scenario: The situation of Germany's generals in World War II, fully professionalized soldiers serving a genocidal civilian regime. And he carves out several exceptions to his general rule of military obedience: Illegal orders and immoral orders. But, as the next part shows, these exceptions tend to devour the basic rule of military obedience, even as they point back, with increasing insistence, toward Plato's own solution.⁵⁴ And ultimately, the mis-match of civilian authority with military professionalism pushes Huntington, in the very last sentence of his book, to the startling promise with which this paper began:

If the civilians permit the soldiers to adhere to the military standard, the nations themselves may eventually find redemption and security in making that standard their own.⁵⁵

From a solution to the classic problem of military/ civilian relations that calls for "militarizing the military," a solution that is supposed to work for every society, Huntington comes to call, ultimately, for what looks like the militarizing all of society, and every society. This, again, is nothing if not a paradox, but it is a most promising paradox indeed. Before we can see the promise, the subject of Part III, we must see how Huntington comes to the paradox, the subject of Part II.

II. Functional States for Professional Soldiers: From Many Good to One Best.

The spirit of West Point is in the great, gray, Gothic chapel, starting from the hill and dominating the Plain, calling to mind Henry Adams' remark at Mont St. Michel on the unity of the military and religious spirits. But the unity of the Chapel is even greater. There join the four great pillars of society: Army, Government, College, and Church.

Huntington, *The Soldier and the State*.⁵⁶

Any schoolboy could see that man as a force must be measured by motion, from a fixed point. . . . The movement might be studied at once in philosophy and mechanics. Setting himself to the task, he began a volume which he mentally knew as "Mont Saint Michel and Chartres: a study of thirteenth-century unity." From that point he proposed to fix a position for himself, which he could label: "The Education of Henry Adams: a study of twentieth-century multiplicity." With the help of these two points of relation, he hoped to

⁵³ HUNTINGTON, *supra* note 2, at 84.

⁵⁴ *See infra* Part II.

⁵⁵ HUNTINGTON, *supra* note 2, at 465-66.

⁵⁶ *Id.* at 465.

project his lines forward and backward indefinitely, subject to correction from anyone who should know better. Thereupon, he sailed for home.

Henry Adams, *The Education of Henry Adams*.⁵⁷

The first step toward understanding how Huntington's solution of a professionalized military to serve any legitimate regimes presses him toward a single regime compatible with a professionalized military is to notice that, by his own account, his solution has a first-best and a second-best. Huntington hardly needed Henry Adams to teach him the French proverb that neatly states the problem with his theory: The best is the enemy of the good. And he was forewarned by the challenge Adams encountered in trying to reconcile unity with multiplicity. Huntington, as we have seen, derives the military's unique value system from its universal functional imperative: In order to provide the best possible defense, every military's values must be conservative. But existing civilian value systems can, and do, vary across a wide spectrum; they are nothing if not a multiplicity.

In attempting to bring the unity of his solution to the problem of civilian/ military relations to bear on this multiplicity of civilian regimes, Huntington effectively reversed Adams' course. He first identified four possible twentieth century political systems: Fascism, Communism, Liberalism, and Conservatism. The basic values of the first three systems, he argues, are fundamentally at odds with the functionally essential conservative values of the military. This is the conflict that military professionalism must resolve. But this is, in its very nature, never more than a second-best solution; it always entails an imperfect equilibrium between a conservative officer corps and civilian authorities with a more or less divergent set of values. This equilibrium might tip in either of two directions: The officer corps might interfere in the affairs of politicians, which are the ends of state action, or the politicians might interfere in military matters, one particular means by which state ends are achieved.

Military professionalism prevents the balance from tipping against civilian authority; to prevent the balance from tipping against military function, every state must be, in effect, conservative *enough*, not so devoted to its own non-conservative ideology as to undermine the military's proper function. Huntington's system, that is to say, will work for any political regime, but only if that regime's values are not fundamentally at odds with military conservatism. In his analysis of the three twentieth century non-conservative regimes, he hopes to show that each must move toward conservatism or risk being destroyed, as in the case of the Nazis, or destroying each other, as in Soviet Communism and American liberalism.

Under closer analysis of his second-best examples, however, we find that they all prove either more or less than Huntington seems to want. With respect to Nazism, Huntington wants to show that, where the civilian regime departs far enough from the values of universal military conservatism, that departure will lead to its collapse. But this example proves too much because the Nazi regime might well have worked out, consistent with Huntington's premises, in either of two very different ways. On the one hand Nazism might have accommodated itself to military

⁵⁷ HENRY ADAMS, *The Education of Henry Adams*, in DEMOCRACY, ESTHER, MONT SAINT MICHEL AND CHARTRES, THE EDUCATION OF HENRY ADAMS 1117 (Library of America 1983).

values well enough, not only to avoid collapse, but also to achieve triumph. On the other hand, had Hitler issued, and his generals followed, a set of orders wholly consistent with Nazism's own victory-or-death ethos, Germany might have collapsed all too spectacularly. A much better second-best, in the case of a regime like Nazism, is not a civilian regime minimally compatible with military values, but an officer corps that will refuse to implement the values of the regime.

With respect to Russian communism and American liberalism, Huntington's second-best analysis proves, not too much, but too little. Huntington wants to show that, unless both these civilian regimes move closer to military conservatism, they risk mutual nuclear destruction. But, as a matter of fact, American-led liberalism did triumph over Soviet communism without moving toward a permanent acceptance of communism in its sphere, which Huntington believed that military conservatism implied. And even if communism and liberalism had reached the conservative "rapprochement" he seemed to think necessary to avert nuclear holocaust, that might have counted as "security," but it would hardly meet his other standard, "redemption," at least for those on the Soviet side. That would seem to require a civilian regime on the American side conservative enough to sustain a functioning military, but not conservative enough to accept the international status quo.

But that, of course, would still leave Huntington his first-best, a regime optimally, not just minimally, compatible with military conservatism, the regime that adopts military values as its own. But what, we must wonder, would such a regime look like? Oddly enough, Huntington gives no example of a late twentieth century conservative regime over against his non-conservative examples: German fascism, American liberalism, and Soviet communism. To offer that example he must look back toward earlier conservative regimes, none of which bear up very well under close scrutiny. This takes him all the way back to Henry Adams's thirteenth century unity, symbolized in the church at Mont St. Michel. He admits the need for an even greater unity in the twentieth century, which he finds in the gothic chapel at West Point. But this chapel proves only a symbol; we see the four elements that must be unified, but not how that unity is actually to be achieved.

To understand the problem of the second-best that Huntington's model produces, then, we must look more closely at both of its forms, his first-best and second-best solutions. We begin, as he does, with his second-best model; there we see how Huntington's universal solution to the problem of modern military/ civilian relations presses him toward a first-best solution that entails a definition of the ideal state. We then turn to his search for first-best solution, which takes us from history, through myth, only to end in a symbol.

A. Huntington's Second-Best Twentieth Century Situations: Multiple Pressures Toward a First-Best Solution.

Huntington's three paradigmatic non-conservative regimes – German Nazism, American liberalism, and Soviet communism – are hardly surprising choices for him to analyze. Defeating fascism, especially Nazism, was the great challenge at the end of the first half of the twentieth century; preventing apocalyptic war between the rival victors, led respectively by the US and the USSR, seemed the great challenge of the century's second half. Addressing these second-best situations, then, was vitally important to Huntington's theory, practically as well as theoretically.

We consider, first, the reasons why Huntington believed that his ideal of military professionalism failed to solve the problem military/ civilian relations in Nazi Germany, then why he believes that this very professionalism is the best hope for the peaceful coexistence of Soviet Communism and American liberalism. What we find is an odd convergence: Both the reasons Huntington gives for the failure of Nazism and the hope he holds out for the peaceful coexistence of the American liberalism and the Soviet communism press him, from multiple directions, past his various second-best solutions toward a single, first-best solution.

1. The One Second-Best Regime That Had to Fail (But Might Have Succeeded): Huntington's Nazi *Reductio ad Absurdum*.

Huntington analyzes the failure of Nazi Germany as a case study in the break-down of proper military/ civilian relations owing to fundamental inconsistencies between universal military values and a particular set of civilian values. More specifically, he means for his analysis of military/ civilian relations in the Nazi regime to show that military obedience to a civilian regime with inconsistent values can lead to ruin, the failure of both imperatives, functional and societal. He treats this as an unavoidable tragedy for truly military professionals. It is, from his perspective, a limited case that his model cannot cover, but can explain: Sometimes the divergence of military and civilian values is too great for military professionalism to work, even as a second-best.

Upon closer examination, however, the Nazi example reveals a very different conclusion: Sometimes the values of a civilian regime are so vile that anyone with values other than the regime's own would not want it to survive. To tolerate Nazism as an actual political regime, one must have a more encompassing tolerance than most of us can tolerate in ourselves. Beyond that, any theory of military/ civilian relations that takes as its highest good the military's successful service to the values of such a regime is, at best, very odd. Yet that is precisely what Huntington's second-best solution, as applied to Nazi Germany, seems to do. As we shall see, a fuller application of Huntington's solution might have served Nazi values all too well, in either of two ways, a perverse first-best and second-best from the Nazis' own perspective: Total domination of the world, as vindication of Nazi ideology, or, failing that, total destruction of the German people, as unworthy of their Fuhrer. Either way, Nazi regime becomes, in Huntington's hands, an example, not of how incompatible military and civilian values must lead to regime collapse, but of how military professionals might serve some civilian values all too well. The relationship of German generals and Nazi authorities, then, proves less an exception that proves Huntington's rule and more a *reductio ad absurdum*.

Just to read Huntington's treatment of the German generals of World War II is doubly jarring: On the one hand, he cannot quite bring himself to condemn, on professional grounds, those generals who sought to obey Nazi orders; on the other hand, he cannot quite stop himself from commending, on political grounds, those generals who sought to overthrow Nazism. This double shock, together with Huntington's dual ambivalence, reveals both the critical flaw of his second-best model and the minimal outline of first-best model toward which it points.

In the Nazi example Huntington makes explicit what he believes to be two basic corollaries of his general theory of military/ civilian relations: Acting on political principles is always militarily unprofessional; acting professionally need never be politically principled. On these principles, Huntington divides Hitler's generals into two camps, those who took political positions and those who remained professionally aloof. Those who acted politically, rather than professionally, he logically subdivided into two groups, pro-regime and anti-regime:

One clique succumbed to Nazi temptations, abandoned the professional outlook, adopted Nazi views, and were suitably rewarded by the government. Another group... also assumed political roles[,] actively opposing Hitler and his policies.⁵⁸

How, then, are we to judge these politically active generals, pro-Nazi and anti-Nazi? *Ex hypothesi*, since both groups actively engaged in politics, they both fail together under professional standards. But Huntington declines to draw quite that conclusion. Instead, he maintains, "Since both these groups abandoned professionalism for politics, it is appropriate to judge them, not by professional, but by political, standards."

Under those standards, Huntington's judgments are hardly surprising, much less disturbing:

The former [the pro-Nazi generals] share in the guilt of National Socialism; the latter [anti-Nazi generals] were usually motivated by the highest humanitarian and Christian ideals.⁵⁹

The innocuousness, even orthodoxy, of this conclusion neatly masks the move Huntington is making here, and the extent to which it undermines his own model. Huntington's model, remember, offers to solve the problem of civilian/ military relations for all regimes, implicitly ignoring the moral or political merits of those regimes. From that perspective, it makes sense neither to condemn the pro-Nazi generals to "guilt" for their Nazi sympathies nor to commend the anti-Nazi generals for having "the highest ... ideals." What his model purports to judge is how well a professionalized military serves the values of whatever regime it finds itself serving.

In the abstract, that sounds innocent enough. But it is at least a little surprising, even a bit disturbing, when the particular regime under analysis is Nazi Germany. Nor is that the worst of it: Although Huntington explicitly declined to evaluate either kind of politically active generals, pro- or anti-Nazi, under professional standards, he nonetheless leaves no doubt that the actively anti-Nazi generals fare no better than their pro-Nazis colleagues: "... the German officers who joined the resistance to Hitler... forgot that it is not the function of military officers to decide questions of war and peace."⁶⁰ Thus, with respect to the politically engaged generals, Huntington's analysis is doubly odd: It cannot permit, in its own terms, praise of the anti-Nazi generals for their politics; it must, indeed, condemn them, along with their pro-Nazi counterparts, for their unprofessionalism.

⁵⁸ HUNTINGTON, *supra* note 2, at 121.

⁵⁹ *Id.* at 121.

⁶⁰ *Id.* at 77. I should note that the ellipses omit nothing but an assimilation of MacArthur's conduct in the Korean War to that of the German generals in World War II.

And Huntington's account of politically engaged generals is still only half the story. What is truly surprising, and deeply disturbing, is Huntington's assessment of the other group, the German generals who eschewed politics, whether pro- or anti-Nazi, and tried to act according to purely professional standards. As he points out, these a-political, properly professional, generals were by far the largest group; "The great bulk of the officer corps had no political yearnings one way or the other and simply desired to follow the proper professional course."⁶¹ The triumph of Nazism in Germany and its total intrusion into military affairs placed these officers, as professionals, in what he sees an impossible double bind:

The invasion of the authority of the officer corps and the destruction of its autonomy produced an insoluble conflict. The military code did not permit either total obedience or total resistance. Professional duty to obey the leaders of the state clashed irreconcilably with the professional responsibility for the security of the state.⁶²

Here Huntington is not just saying that Hitler's generals faced a dilemma between the military duty to obey and the civilian norms of humanitarianism; that was the dilemma of the anti-Nazi generals he has already faulted for their lapse in professionalism. The politically neutral generals faced a dilemma worse than that, at least in Huntington's model, because this latter dilemma lay within military duty itself: "Professional duty to obey the leaders of the state clashed irreconcilably with the professional responsibility for the security of the state."

Nor was that the worst; Huntington continues:

"I am a soldier; it is my duty to obey," argued Brauchitsch. Others with equally good military logic disagreed: "The highest commanders in time of war," commented Speidel, "have not always been able to differentiate between the obedience due to God and conscience and the obedience due to men."⁶³

This is not merely a dilemma, a choice between equally distasteful alternatives; it is an antinomy: equally compelling arguments lead from equally valid premises to contradictory conclusions. Thus, for Hitler's generals, "arguments with equally good military logic" lead from the two fundamental imperatives of military professionalism— defer to civilian authorities, defend civilian authorities -- to diametrically opposed professional imperatives: Obey civilian orders on the one hand; disobey those same orders on the other. More precisely, in terms of Huntington's model: Obey, in order to serve the civilian regime, the societal imperative; disobey, in order to save the civilian regime, the functional imperative.

This is a crucial point; what are we to make of it? First, notice that it is not an embarrassment to Huntington's basic theory of military professionalism: Obedience to legitimate civilian authority is the best way to ensure that the military fulfills both of its dual imperatives, the functional and the societal, *if those two imperatives can, in fact, both be met*. With the antinomy of the German generals, Huntington seems simply to underscore that essential

⁶¹ *Id.* at 121-22.

⁶² *Id.* at 122.

⁶³ *Id.*

caveat and give us a vivid example of the conditions, originally stated in the abstract, when it cannot be met: When a particular set of civilian values are too much at odds with functionally essential military values. The Nazi antinomy, then, is, for Huntington, an example that proves the exception he has built into his basic rule.

But, even as the orthodoxy of Huntington's moral condemnation of Nazi generals and commendation of anti-Nazi generals masks the inconsistency of this move with the structure of his system, so, too, do historical accidents soften the dual shock of a fully consistent application of his system. Huntington's antinomy proves more than he admits and, ultimately, too much. His own further analysis reveals two more aspects of this antinomy, both consistent with his general theory, but both disturbing. The first is his assessment of the professionalism of the apolitical German generals in facing their antinomy; the second is a way out of that antinomy.

To see why, we need to see how Huntington himself sharpens that antinomy with a distinction he draws elsewhere in his analysis with this hypothetical: "What does the military officer do when he is ordered by a statesman to take a measure which is militarily absurd when judged by professional standards *and which is strictly within the military realm without any political implications?*" The italics are mine; Huntington adds his own emphasis in the next sentence: "This situation, provided that the last qualification holds and that it is completely removed from politics, represents a clear invasion of the professional realm by extraneous circumstances." Accordingly, "Here the existence of professional standards justifies military disobedience."

As an example, Huntington cites a conflict between Hitler and his generals: "The statesman has no business deciding, as Hitler did in the later phases of World War II, whether battalions in combat should advance or retreat." Thus, by Huntington's logic, Hitler's generals may have been in a tragic bind, personal or political: To obey was unprofessional; to disobey, little short of suicidal. But their professional obligation, from Huntington's perspective, is clear enough: Disobey militarily absurd orders, in order at least to save the regime and, at best, to advance the regime's values (even if those values are Nazi global domination). If the militarily absurd orders from the civilian authority are not politically motivated, then the military officer faces no antinomy; that officer faces, instead, an unambiguous professional obligation to disobey.⁶⁴

If there is to be an antinomy of professional duty, then, it must lie with the other half of Huntington's hypothetical: What is an officer to do in the face of militarily absurd orders from civilian authorities that do, in fact, have "political implications"? Here Huntington leaves us hanging. Somewhat surprisingly, Huntington does not trace out this logical alternative⁶⁵; this silence is all the more surprising, because Nazi officers did, in fact, face just such orders. When

⁶⁴ Disobey is what the apolitical generals sometimes did, with Huntington's apparent approval. *See id.* (noting that these generals "sabotag[ed], where possible, impossible policies").

⁶⁵ *See* James Burk, *Responsible Obedience by Military Professionals*, in *AMERICAN CIVIL-MILITARY RELATIONS*, *supra* note 10, at 149, 160 ("In general, Huntington approaches them [hard cases] by asking whether the end sought falls strictly in the domain of military action, with no political implications (which would be quite unusual)."); Ceulemans & van Damme, *supra* note 20, at 13 ("If the statesman decides to interfere [in a matter of military expertise], such a decision will most likely be motivated by some political implication he perceives in following a certain military course.").

Germany defeat seemed inevitable, Hitler famously ordered his officers to destroy Germany itself as unworthy of National Socialism and its Führer.

As we consider the Führer's final orders, we must bear in mind the distinction that Huntington's own hypothetical makes critical: Militarily absurd civilian orders *without* political purpose, and militarily absurd civilian orders *with* political purpose. Sometimes, Huntington would very well have known, "scorched earth" orders are not militarily absurd. They worked for two very different Russian regimes, first for the Czar against Napoleon, then for Stalin against Hitler himself. Had Hitler's generals faced orders such as these, scorched earth orders with a chance of military success, then they, under Huntington's theory, should have had no professional problem obeying them. If Nazi civilian authorities had ordered scorched earth tactics with no change of success, the German generals would have faced a special case of the dilemma Huntington's hypothetical raises and resolved: If civilian orders are militarily absurd, and are without political implications, military officers must disobey them, perhaps even subvert them.

But those were not the final orders Hitler's generals faced, or might very well have faced: the infamous "Nero Orders" of March 1945. Those orders "envisaged a scorched earth policy that implied the complete destruction of Germany's infrastructure."⁶⁶ Hitler may well have had it in mind, not a plan for the Nazi regime to retreat and re-group, as the Russians retreated in the face of both Napoleon and Hitler, but a mandate for the German nation's self-annihilation. This would have been entirely consistent with the thinking, not only of Hitler himself, but also of other high Nazi civilian officials. As Niall Ferguson has recently argued,

Not surrendering, it appears, mattered more to Hitler than victory.... Yet honorable defeat, which for Hitler meant nothing less than a Wagnerian finale, was itself desirable, perhaps even preferable, to victory.⁶⁷

Huntington, again, does not examine this half of his hypothetical, either in the abstract or in the historical case of the Hitler's final orders.

But neither omission is necessary; Huntington's model implies an unambiguous answer in both cases: Obey, and destroy. In the abstract, if military officers receive civilian orders that, though "militarily absurd," nonetheless entail the highest possible "political implications," they must obey. This conclusion flows ineluctably from the Huntington's understanding of the military's functional and societal imperatives. What those imperatives produce is not, as he implies elsewhere, an antinomy; it is, rather, a *reductio ad absurdum*. Had they faced unambiguous "Nero Orders" from civilian Nazi officials, the German generals would not have faced a conflict between their functional imperative, save the regime, and their societal imperative, obey the regime. They would have faced an unambiguous, if paradoxical, imperative: Destroy your country's civilian society, on the orders of your country's civilian regime, in order to advance the highest values of the regime. The civilian orders are not, it is important to note, absurd by civilian standards because, as the John Goodman character in *The*

⁶⁶ NIALL FERGUSON, *THE WAR OF THE WORLD: TWENTIETH CENTURY CONFLICT AND THE DESCENT OF THE WEST* 555 (2006).

⁶⁷ *Id.* at 554-55.

Big Labowski points out in his mock-defense of Nazism against the charge of nihilism: Say what you want about the tenets of National Socialism, at least it's an ethos.⁶⁸

The Nazi ethos, of course, had an even more sobering aspect than what we have just seen, the *Gotterdamering* of the German nation; that aspect, we now need to notice, was its downside. Its upside, conveniently for Huntington's analysis, is almost literally too awful to contemplate: The Nazis might well have won.⁶⁹ Had any one of a number of historical variables been different – had American isolationism kept the US from helping the UK and the USSR, had Germany been later invading Russia or Japan later attacking the US, had the V2 been developed sooner, or the A-Bomb by Heisenberg's team and not Oppenheimer's – the Axis, empowered by the competence of its officer corps, might very well have won the war. We Americans, of course, might still be free behind the Atlantic and Pacific Oceans, but all of Europe would be under the Third Reich, perhaps for the next millennium, and Asia would have been part of the Japan's co-prosperity Zone.

In that event, Huntington's theory would have put him in the embarrassing position of congratulating the politically neutral generals for vindicating the values of the civilian regime they served, even as he bemoaned the evils of that regime itself. It is awkward enough, as we have seen, to admire Hitler's a-political generals for the "glory" of their professional excellence, even as we heave a sigh of relief at the "tragedy" of their defeat. It would be quite another to admire those generals' professionalism as we suffered, or died, under the burden of their victory, the vindication of their regime's values.

Had Hitler's generals acted as proper military professionals under Huntington's model, then, that model might have suffered either of two very large embarrassments: Nazi victory over the world, or Nazi destruction of Germany nation. Notice, significantly, that these embarrassments are of a special sort, *reductios ad absurdum*. They do not reveal any internal inconsistencies in Huntington's theory; they merely show that, presented to its logical conclusion in the case of the Nazis, that theory would produce results that, presumably, only a Nazi would embrace.

Having thus noted how embarrassing for Huntington the application of his theories to Nazi Germany really is, we must now note how easily he could avoid that embarrassment, at no real cost to his theory's internal consistency, with respect to both of the unacceptable results it produces, both Nazism's global triumph and Nazism's total German immolation. Consider the latter first. Huntington would only need to amend his statement of the military's two

⁶⁸ BIG LABOWSKI (Polygram Filmed Entm't 1998); *see also* Nielsen, *supra* note 10, at 627, 639 ("Given that significant actions will rarely be free from any political implications, the window opened here [at this point in Huntington's analysis] is either small or nonexistent.").

⁶⁹ Lest this counterfactual be dismissed, not as fanciful, but as unfair, note that it is not only possible, but also consistent with Huntington's own views, for two related regards. First, he holds, as part of the essential military conservatism he embraces, that wars are extraordinarily risky undertakings; he can, accordingly, hardly fault those who ask him to consider a different outcome in a particular case. Second, he is not claiming that a divergence between military and civilian values always results in disaster, merely that it increases the risk of disaster. Divergence of values is but one factor, although an important factor, among many. Our counterfactual, accordingly, simply asks us to consider that other factors might plausibly have resulted in a more or less complete German victory.

fundamental imperatives, the functional and the societal. The functional imperative would be to protect civilian society, not that society's legitimate political regime⁷⁰; the societal imperative would be to obey the legitimate civilian regime, but only so long as that obedience does not entail the destruction of civilian society. With their imperatives thus amended, military officers would never face the prospect of having to obey "Nero Orders"; they would, rather, be required to disobey those orders.⁷¹

But what of the alternative unacceptable consequence, global Nazi triumph? To see how Huntington might avoid that consequence within the confines of his own model, we need only notice that Huntington carefully places his nations within the framework of an international system, that of the Treaty of Westphalia. In establishing that international order, legitimate national regimes gave each other wide latitude in their internal affairs; in the original situation, that latitude included choice of national religion. But that latitude was not read out of national sovereignty as some sort of logical entailment; it was, rather, read into national sovereignty as a guarantee of international order. National sovereignty over religious matters was adopted as a means of securing international peace, by making wars of religious liberation illegitimate. Against that background, one could easily explain why nations that engage in offensive warfare, or wars of conquest, are acting contrary to the fundamental purpose of the Westphalian system. Huntington, then, could easily have placed his German generals under an obligation to the international legal regime not to assist in wars of aggression. That is, of course, precisely what the Nuremberg trials eventually did.

Notice, too, that this dual set of obligations neither to destroy the nation nor conquer the world, which we can easily place within Huntington's own system, also nicely maps onto a fuller understanding of functionalist professionalism. In that understanding, remember, professionalism entails two correlated virtues, one client-protective, the other public-protective. The profession's primary duty is client-protective, competently to serve its principals; this entails a professional obligation not to use the power conferred by one's professional knowledge to take advantage of one's principals. In the case of the military, officers should not stage a coup simply to establish a military dictatorship, their own rule for their own sake.

But, in the general theory of professionalism, professionals, as we have seen, have a second, countervailing duty: Not to let their principals use them, as professionals, to take improper advantage of third parties. This public-protecting virtue, notice, would nicely cover both sides of our expanded Nazi example: The problem of Nazi triumph and the problem of Hitler's "Nero orders." On the one hand, the public-protecting duty of military officers as professionals would cut strongly against their engaging in offensive war; on the other hand, that public-protective duty would preclude their destroying the people of their own nation in the service of regime values.

⁷⁰ See Gibson, *supra* note 30, at 238, 259 ("The American people are the ultimate clients of America's military professions.").

⁷¹ See Mattox, *supra* note 44, at 387, 393-94 ("At the very least...we can fairly conclude that, to the extent that an army serves as the guarantor of the state's safety, and to the extent that the preservation of the state represents a moral good, the army has a moral obligation to do all within its power to ensure the preservation of the state.").

On the basis of this public-protecting professional virtue, we can condemn both Huntington's a-political "professional" generals and his pro-Nazi political generals on the same grounds: for failing to honor their professional obligation to protect the public. What is more, we can also congratulate the anti-Nazi "political" generals in a way that Huntington cannot: for honor, as far as they could, that same professional virtue. Informed with a fuller appreciation of the military officer's professional duty, we can see that, in resisting Hitler's politically motivated but militarily absurd orders, the anti-Nazi generals can point, not merely to the "highest values of humanitarianism and Christianity" as some extraneous source; they can point to humanitarian values, and to Christian values so far as they overlap with humanitarian values, as incorporated into their professional duty itself.

We must wonder, a bit later, why Huntington did not make this amendment. What we need to see now is that it has two important consequences for his model. In the first place, it significantly, if only slightly, undermines that model's universalism. This, remember, was Huntington's model in its original form: "A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state."⁷² As amended, the properly professional military must obey any politically motivated orders of any legitimate regime, except that regime's order to destroy either its own civilian society or the global international order for the glory of the regime.

This, admittedly, is a very narrow limiting of Huntington's original universalism; later, we shall see, this is the thin end of a very long wedge. Beginning with the concession that some regimes are unacceptable bad, it opens a range of possible regimes asymptotic toward the admirably, even supremely, good. It forces Huntington to take a critical step, albeit the smallest possible step, toward an ideal regime; taking that step crosses an important threshold: The assumption that the only standard by which to judge military professionalism is advancement of regime goals.

What we need to notice now is that this wedge – the possibility of assessing regimes by standards other than their own – cuts not only against an obviously evil and defunct regime, that of the Nazis, but equally well against two regimes that were quite viable in Huntington's time, one of which was his own: Soviet communism and American liberalism. Nazism, as we have seen, merely builds a floor under the kind of regimes that military officers may properly serve, although a considerably higher floor, and a floor on different foundations, than the one Huntington himself presents. The Soviet and American systems, by contrast, press him toward the ideal he himself prefers: a matching of functional military conservatism with its appropriate civilian counterpart.

2. The Two Second-Best Regimes that Had to Coexist (But Didn't): Huntington's Hoped-for Cold War Convergence of American Liberalism and Soviet Communism into Civilian Conservatism.

⁷² HUNTINGTON, *supra* note 2, at 84.

Nazism, as we have seen, is not the only second-best situation that Huntington analyzes in terms of a non-conservative civilian political regime's compatibility with military conservatism. Nazism is but one species of fascism, and alongside fascism he also considers two other non-conservative regimes: communism and liberalism. These latter two, indeed, loom particularly large for him. He was, again, writing at the height of the Cold War; the world of his day and the only future he foresaw was permanent conflict between the camps of Soviet communism and American liberalism. Each, as we have seen, was the other's nemesis; the military might of each posed the primary challenge to the continued survival of the other, and, indeed, of the entire world. And the civilian ideology of each, he believed, posed a threat not only to its own military, but also to the peace, even survival, of the entire world. The way he thought his theory might preserve not only each, but also the world, is at least as instructive as his account of Nazism's failure; it reveals, as an odd kind of converse, a different but complimentary set of problems, pressure the first-best from the opposite direction.

a) **The Conservative Convergence Foreseen.**

Huntington, as we have noted, saw an irreducible conflict between the American military's functionally conservative values and the prevailing liberal values of American civilian society. Given that opposition, the best prospect was for each side, military and civilian, to remain within its proper sphere. That, again, was the second-best balance that his professionalization of the military was meant to strike. Huntington saw little risk that the American military would, on its own initiative, lean too heavily in ordinary domestic politics, much less succumb to "Praetorian" temptations and stage a coup. The greatest domestic risk to his second-best equilibrium in America, as Huntington saw it, came from the civilian side. Liberal society, in his analysis, was deeply, perhaps essentially, inclined to impose its values on the military; that, he feared, would inevitably undermine the military's necessarily conservative values and thus reduce its functional effectiveness, its ability to defend liberal American society and its allies from the threat of Soviet communism.

Logically, Huntington realized, this tension between universal military conservatism and American civilian liberalism, and thus between the military's functional and societal imperatives, could be relaxed in either of two directions. One was "weakening the security threat,"⁷³ thus making the functional imperative, the need for strong national defense, less insistent. Not surprisingly, he saw little hope there; from his perspective, little more than a decade after WWII, "the Cold War rivalry between the United States and the Soviet states appeared a relatively permanent aspect of the international scene."⁷⁴ He could not, of course, foresee the collapse of the Soviet Union, any more than he could see the rise of post-Maoist China, fundamentalist Islam, or Russian neo-imperial irredentism. But he, taking to heart the pessimist that he deemed essential in military officers, would not likely have placed much hope in the prospect that military threats would diminish.

Huntington had to look for hope, then, in the other direction, a lessening of tension on the other side, the military's societal imperative. In America, this would entail what he called "the

⁷³ *Id.* at 456.

⁷⁴ *Id.*

weakening of liberalism.”⁷⁵ If he cannot be optimistic about the decline of external military threats, he must be optimistic about the decline of civilian liberalism and the rise of what he calls “the New Conservatism.”⁷⁶ Without reviewing his now-dated data on the emergence of that movement, we can nonetheless appreciate why he believed it would relieve the tension between the military’s two imperatives:

[T]hey were signs of a reexamination of American society and American values from a more conservative viewpoint. Their significance for civil-military relations was that in due course they might result in the wide-spread acceptance by Americans of values more like those of the military ethic. Present in virtually all the strands of the new conservatism were a stress on the limitations of man, an acceptance of institutions as they were, a critique of utopianism and “solutionism,” and a new respect for history and society as against progress and the individual.⁷⁷

Nor, we need to notice, is that the best of Huntington’s second-best vision. At the end of his book, he holds out a tantalizing prospect: The very conservatism that will make America a stronger bulwark against the threat of Soviet communism may well make Soviet communism itself less a threat. Up to this point, as we have seen, he has held little hope that the Soviet threat, the main challenge of the American military’s functional imperative, will diminish. Any lessening of tensions, again, must come with a “weakening of liberalism” and a corresponding strengthening of civilian conservatism. But, if he remains pessimistic about the end of the Soviet threat, he becomes more optimistic about keeping the Cold War cold. In that latter frame of mind, he holds out the prospect of a development in the Soviet Union itself corresponding to the “weakening of liberalism” in the United States:

The probability of continued peaceful adjustments between the two nations depends to a large extent on the degree to which communism in the Soviet Union and liberalism in the United States are supplanted by a conservative outlook, divorced from universalistic pretensions, and simply content to preserve and secure what it has. In the Soviet Union, as well as in the United States, this event is not beyond the realms of possibility.⁷⁸

Virtually no one, of course, would dismiss this convergence of American and Soviet civilian values as undesirable, if the alternative is the nuclear annihilation of all of humankind. What is more, anyone might be tempted, with the benefit of hindsight, to conclude that history has confirmed Huntington’s surprisingly optimistic prognosis for US/ Soviet relations: Even as he hoped, the super-powers did not destroy each other; cooler, and in that sense more “conservative,” heads seem to have prevailed, both East and West.

b) The Conservative Duality Revealed.

But, even as Huntington’s analysis of the fatal flaws of Nazism failed to reveal the whole picture, so too, his prescription for defusing conflict between American liberalism and Soviet

⁷⁵ *Id.*; *cf. id.* at 143 (Chapter 6, “The Ideological Constant: The Liberal Society Versus Military Professionalism”).

⁷⁶ *Id.* at 457.

⁷⁷ *Id.* at 458-59.

⁷⁸ *Id.* at 463.

Communism proves something quite different from what the doctor might have ordered. Huntington's prescription, remember, is the same for both military and civilian leaders, Soviet and American alike: Be more conservative. More specifically, military leaders should be as conservative as their optimal functioning requires, and civilian leaders should be more conservative along the lines of military conservatism, even at the expense of their respective society's civilian values. American liberals, accordingly, need to be less insistently liberal; Soviet Communists, less insistently Communistic.

On closer analysis, however, that conservative prescription confusingly compounds two very different ingredients, which we now need to isolate and analyze. One part of Huntington's conservatism is about how to go about achieving one's ends; the other is about what those ends themselves actually are. One is a conservatism of means, then, the other a conservatism of ends. Neither conservatism, upon further analysis, is as ambiguously appealing as Huntington would have us believe. The conservatism of means, we need to see, is dangerously indifferent to ends; it would serve Nazism as well as any other regime. The conservatism of ends is tantalizingly open-ended and under-specified. We have already seen that it must at least forbid the destruction of the nation and the international order of nations if it is to avoid his Nazism *reducio*; we will see here that Huntington runs into trouble when he tries to move from this minimum to any optimum.

(1) The Conservatism of Means.

Consider, first, the conservatism of means or, more precisely, ends-means rationality. With respect to the military, the conservatism of means entails a healthy skepticism about the limits of human nature, both social and individual, in both your own society and every other. It protects against overreaching, overconfidence, over-extension, against over-estimating your own strength and under-estimate your enemy's. It is partly, but only partly, this methodological conservatism of means that Huntington is recommending that his American and Soviet civilian leaders borrow from their military counterparts; it is this conservatism as caution that will curb the tendencies that Huntington finds in each of their ideologies toward fatally risky expansionism and adventurism; it is this means-oriented conservatism that will, literally as well as figuratively, keep the fingers of both their leaders off the thermonuclear button.

This kind of conservatism, as Huntington quite rightly implies, is a key ingredient in the success of any human venture, whatever the goal of that venture, and thus any regime, whatever the values of that regime. That is true, but hardly a new truth,⁷⁹ and less than half of an old one. If conservatism-as-caution is an essential virtue, ethically and politically, it is also a much more complex virtue than Huntington's analysis suggests. Once we examine conservatism-as-caution more closely, we find Huntington tends to overlook two aspects of conservatism as caution; for convenience, we can call them the quantitative and the qualitative.

To begin with the quantitative aspect, notice that caution is not an absolute value, but rather a mean between extremes. We must be cautious enough, neither over-cautious nor under-cautious. We cannot sensibly aspire to be "cautious" in any absolute sense, and, more to the

⁷⁹ See Aristotle, *Nicomachean Ethics* 43, 45, 68-77 (defining virtue generally as a rational mean and analyzing the particular virtue of courage as the mean between fear and confidence) (Martin Ostwald, trans., 1962).

point, we cannot assume that more caution is always better. In implicitly treating caution as-a-means as a part of conservatism, civilian and military, Huntington tends, at best, to obscure this point, speaking of conservatism as if more were always better.

The quantitative notion of caution as a mean between extremes is as old as Aristotle's ethics; the observation that this mean has two vectors is as well-established as basic portfolio theory. Those two vectors are size of return and risk of return; each includes an aspect of conservatism as caution. In calculating size of return, one must accurately assess costs on the one hand and benefits on the other; the aim, in each case, is to be correct, not "optimistic" or "pessimistic" as such. The same holds true with respect to the calculation of risk, the likelihood that any given possible return will, in fact, be realized. Benefits, then, are always net of costs, and net benefits must be discounted by risks of realization. Stated most generally: The optimum measure of caution is a mean between that necessary to maximize the chance of any venture's fullest success, and that necessary to minimize the risk of its utterest failure.

This general notion of caution as a mean between extremes, rather than an absolute, is easy to see with respect to the military's functional conservatism: Properly conservative military professionals should be skeptical about new weapons systems, but they should be properly skeptical of old weapons systems, too. German tacticians who relied on U2s were too optimistic about a new offensive weapon; French tacticians who relied on the Maginault Line were too optimistic about an old one. Early firearms were dangerous and inaccurate, compared with state-of-the-art crossbows; no one fights with crossbows today. And what goes for tactical systems also goes for strategic objectives: Colonel Travis fought to the last man, and we remember the Alamo; Frederick the Great declared the whole of the Balkans not worth the bones of a single Pomeranian grenadier, hyperbole heroically unheeded in August 1914.

Huntington barely addresses, and certainly never spells out, what the analogously appropriate level of civilian conservatism would be. Everyone already knows that "guns" come at a concomitant cost in "butter." Huntington says, very generally, that "the ideal military man is thus conservative in strategy, but open-minded and progressive with respect to new weapons and new tactical forms."⁸⁰ As the next section will show, the need for military preparedness itself places very real limits on the content of conservatism as a political ideology, strongly favoring, most critically, advancement by merit rather than hereditary right. More generally, civilian society must be as careful not to meet new challenges with outmoded institutions, even as the military must be careful not to fight today's wars with yesterday's weapons and tactics. Isaiah Berlin likes to quote Kant's aphorism: From the crooked timber of humanity nothing truly straight is ever made.⁸¹ But this is not to say that nothing is ever made from that crooked timber, or that some things made from it are not better than what might have been. The House of Hohenzollern's social and military reforms made some very fine soldiers indeed (not to mention a very fine philosophers).

What we need to see now is a more general point: Conservatism as caution, as the proper weighing of net benefits and discounting of risks, has a limiting case that marks the critical distinction between its quantitative and qualitative aspects. The costs of some goals, military and

⁸⁰ HUNTINGTON, *supra* note 2, at 71.

⁸¹ ISAIAH BERLIN, *THE CROOKED TIMBER OF HUMANITY: CHAPTERS IN THE HISTORY OF IDEAS* (2d ed. 2013).

political, are, mathematically speaking, asymptotic toward infinity. We must give at least this much to Marx: At this point, the quantitative shifts to the qualitative; the costly becomes the impossible. Infinitely costly is the mathematical meaning of impossible. In ethics, the “can” is an outer limit of the “ought”; politics is proverbially the art of the possible.

But the possible, in both ethics and politics, is the outer limit, not the only limit. With that in mind we need to look more closely at the quantitative side of conservatism-as-caution. Some ends, while possible, may be rejected on other grounds, as we have already seen with respect to Nazism. What we need to see now is that the quantitative aspect of conservatism as caution, in and of itself, is no limit to Nazism; quite the contrary. Just as there must be honor among thieves, if thieves are to succeed, so, too, there must be caution. And so it is with political regimes. Conservatism-as-caution is not only what American liberalism and Soviet Communism needed to avoid the kind of brinkmanship that might destroy the world; the very same conservatism is what Hitler needed to avoid invading the Soviet Union prematurely and to avert the other mistakes that, as Huntington rightly notes, put him at odds with his generals and contributed tremendously to the collapse of his Nazi regime’s plans for both Germany and the world. The methodological conservatism that would have been good for the Warsaw Pact and NATO Alliance in Huntington’s day would have been every bit as good for Hitler just after the *Anschluss*: Good for the end he was pursuing, without calling into question the “goodness” of that end itself, in itself.

Notice, in that regard how disturbingly easy it is to apply Huntington’s Cold War advice for the USSR and the USA to Hitler, Chamberlain, and their contemporaries at Munich and afterward:

The probability of continued peaceful adjustments between the two [camps] depends to a large extent on the degree to which [Nazism in Germany] and liberalism in [Britain and its allies] are supplanted by a conservative outlook, divorced from universalistic pretensions, and simply content to preserve and secure what it has.

If only Hitler had been content with Austria, a re-militarized Rhineland, the Sudetenland, and, perhaps, Danzig and the Polish corridor – then what? As we have seen, he might have secured a truly thousand year reich in a reasonably-sized Grosse-Deutschland. He might – this is, I trust, as hard to read as to write it – have eliminated Jews, if not in the whole world, then at least in an expanded German “homeland.” And, as we have seen, conservatism-as-caution does not just cover down-side risks; it also enables up-side opportunity. Had Hitler bidden his time, been a bit later in invading Poland, or the USSR, then Hitler might have used von Braun’s V2s to “better” advantage; had he been content to cultivate his own garden he might, indeed, have sowed his own nuclear research sooner, and reaped his own nuclear whirlwind in due course.

The point, again, is this: Means-oriented conservatism, Conservatism-as-caution, is, even as Huntington implies, a necessary element of the success of any human venture. But, as Huntington fails to notice, that very conservatism, like all purely methodological virtues, is, as such, indifferent to the goodness or badness of the ends toward which it is employed. The joke that got Bill Maher into trouble treaded insensitively soon on precisely this truth: When it comes

to destroying buildings, al Qaeda is really quite good⁸² – in no small part, we can add, because they were appropriately cautious.

(2) Conservatism of Ends.

Huntington himself, we must hasten to notice, is emphatically not indifferent to ends. He is most assuredly not a Nazi; beyond that, he is obviously and deeply averse to Nazism and in favor of what he seems to see as its opposite, “the highest Christian and humanitarian values.” What we need to see now is that these substantive values are not purely personal with Huntington himself, as he insisted they were with the anti-Nazi generals. Huntington’s conservatism has a substantive as well as a methodological component; it is about ends as well as about means. We have already seen that his Nazi example presses him in this direction: Toward a substantive limit on the kind of state ends that a properly professional military will serve. If Hitler’s generals had, in fact, faced “Nero” orders, we have to think Huntington would have wanted them, as professionals, to blink; we can, ourselves, make such an exception to military subordination fit within the general contours of his model.

With respect to the US and the USSR, he himself makes a corresponding substantive limit quite explicit: It would be better for civilian leaders in both the liberal West and the communist East to move away from their own substantive values toward a kind of substantive baseline: Do not risk the destruction of humankind for the advancement of your more particular substantive values, either liberal or communist.

But now we must notice that, even as historical events obscured the problem of H’s analysis of the collapse of Nazism, so, too, they obscure problems in his parallel analysis of the continued peaceful coexistence of Soviet Communism and American liberalism. Nazism, of course, failed, and only Nazis mourn the failure. But a more cautious Hitler, as we have seen, might have produced a very different outcome for Nazi values: Not their failure, but their triumph, on a more or less broad scale.

The face-off of Soviet Communism and American liberalism did not end, mercifully, in the nuclear incineration of the planet. But, it is important to notice, that stand-off, like the threat of Nazism, might have played out differently from the way it did, which was itself different from the way Huntington anticipated. Huntington hoped for each superpower to be content in its own sphere of influence. That might have meant the Soviet Union under a less blustering Khrushchev, the United States under a more seasoned Kennedy, sparing us the Cuban Missile Crisis. In effect, the Brezhnev doctrine, no loss of any state in the Communist orbit, might have faced off, forever, against the Truman doctrine, no expansion of the Communist orbit. But it might have been otherwise, without nuclear holocaust, and, indeed, it was otherwise.

⁸² See Celestine Bohlen, *In New War on Terrorism, Words Are Weapons, Too*, N.Y. TIMES, Sept. 29, 2001, at A11, available at <http://www.nytimes.com/2001/09/29/arts/think-tank-in-new-war-on-terrorism-words-are-weapons-too.html> (quoting political comedian Bill Maher as saying, in response to President Bush’s claim that the al Qaeda terrorists were “cowards,” “Staying in the airplane when it hits the building, say what you want about it, it’s not cowardly”).

Consider just two alternatives, which, conveniently for our analysis, are the actual past and future of the Soviet Union in Huntington's time. On the one hand, the Soviet Union might have lapsed backward into a new era of Stalinist repression, but without any real international ambitions. Huntington's recommendation, remember, was for both the US and the USSR to adopt "a conservative outlook, divorced from universalistic pretensions, and simply content to preserve and secure what it has." This would imply, obviously enough, consigning literally millions of people to worsening economic stagnation and political repression. This, obviously enough, would have been the Soviet equivalent to the Nazi situation that Huntington overlooked: Nazism triumphant, if content, in Greater Germany, hunkered down, perhaps, behind Heisenberg's H-bombs mounted on von Braun's ICBMs. Were a corresponding Stalinism-in-its-own-domain the price of avoiding thermonuclear holocaust, that price, however grim, might have been worth paying.

Before accepting that price, though, we must consider another alternative to nuclear holocaust, the actual fate of the Soviet Union: To oversimplify, it simply imploded. More precisely – and this is the important point – its implosion can hardly be imputed to the triumph of Huntington's brand of conservatism in either camp. It points, rather, to something more: An idealism that, ironically enough, Huntington himself enthusiastically embraces.

To see why this is so, we must notice that Huntington's conservatism of ends, like his conservatism of means, is not monolithic. Consider, more closely, the conservatism Huntington hoped would permanently freeze the Cold War. In the United States, this conservatism was not, obviously enough, the internationalism of Wilson's League of Nations or the "help any friend, resist any foe," pre-Viet Nam vision of Kennedy's Camelot. But neither was it the "tear down this wall" conservatism of Ronald Reagan, railing against the "evil empire," pressing for a "star wars defense," and defense-spending the Soviet Union into bankruptcy, even as it held out to Gorbachov the hope of eliminating all nuclear weapons. The conservatism that Huntington seems to hope for, rather, is the Machiavellian conservatism of Nixon and Kissinger's *Détente*.

Very closely parallel to this version of American conservatism runs Huntington's Soviet counterpart. This conservatism is neither the internationalist Leninism of Trotsky nor the shoe-pounding "we will bury you" bravado of Khrushchev. If this Soviet conservatism is not quite the "Darkness at Noon" paranoia of Stalin's "communism in one country," it is very close to the sclerotic conservatism of Brezhnev, Andropov, and Chernenko, and very far from the *glasnost* and *perestroika* of Gorbachov, Reagan's counterpart.

The conservatism that Huntington recommends to both Soviet Communists and American liberals can thus be read as reducible to Realpolitik and *raison d'état*, as a conservatism that cynically despairs of all real improvement in the general human condition. From the perspective of this conservatism, the point of convergence between the US and the USSR is not that this is the best of all possible worlds, but that there is little to be gained, and much to be lost, in trying to make the world any better. This is not so much wisdom, or even caution, as complacency or, worse, world-weariness. The fact that we neither died in a thermonuclear holocaust nor resigned ourselves to permanent Cold War points to a kind of civilian conservatism that is distinctly different from this. Just as conservatism-as-means is not

an absolute, but a mean between extremes, so conservatism-as-ends is not a single point, reductionist realpolitik, but rather a spectrum of viable positions.

Conservatism-as-ends is not, in other words, limited to the extreme form that Huntington seems to recommend to the Cold War antagonists of this day: Hold fast to what you, respectively, have, lest not just you, but everyone, lose all. One can eschew perfectionism and still pragmatically pursue limited, achievable, meliorist objectives. It is, we might note, quite close to the Stoicism of Marcus Aurelius, emperor as well as general: “Don’t hope for Plato’s Utopia, but be content to make a very small step forward and reflect that the result of even this is no trifle.”⁸³

Here, however, Nixon and Kissinger on the political right, joined by critics of “Star Wars” on the Left, might register an objection: Pointing to the implosion of the USSR might be the risk-management equivalent of boasting, after a year without a household disaster, that you were, in fact, wise not to waste money on fire insurance. From their perspective, the implosion of the Soviet Union may well have entailed inappropriate risks of nuclear holocaust. Accordingly, the best counsel, no less now than when Huntington wrote, is always to seek nothing more than the bare minimum he sometimes seems to recommend: Survival.

We can answer this objection from two quite different directions, each Huntington’s own. The first answer is to notice that this is just a special case of our earlier general point: Caution is a mean, not an absolute, and our chastened meliorism is closer to the relevant mean. Less than a major defensive effort on the part of the West may well have tempted a new generation of Soviet leaders, not given to reciprocal “conservatism,” to dangerous expansion, not only at our expense, but at the expense of nuclear war. And even “holding our own” may itself entail a critical measure of amelioration: If we had not been concerned, say, about racial justice in the U.S., we might have tipped much of Africa and Asia into the Soviet camp; so the armed forces argued in their brief against segregation in *Brown v. Board of Education*.⁸⁴ To paraphrase the Red Queen: To stay where you are in a rapidly moving world, you have to run pretty fast. *A fortiori*, if you want to improve your position, to get to a better place, you have to run, not just faster, but in the right direction.

And that is the second response to the realpolitik objection: We need not worry ourselves with whether this kind of conservatism is, in the abstract, a worthy goal for our society, much less all societies. We only need to note that it is not Huntington’s own ideal. Huntington, for all his own objections to Utopianism, clearly wanted, at the end of the day, to get to a better place. What Huntington really wants is not a society content with whatever values it has inherited, so long as it meets his implicit minima, but a society that has either inherited or adopted what he has identified as essential military values, which he associates with humanity’s maxima. The result of the convergence he hopes is the adoption of military conservatism by US

⁸³ MARCUS AURELIUS, *MEDITATIONS* 61 (A.S.L. Farquharson trans., Everyman’s Library 9th ed. 1961).

⁸⁴ See Brief for the United States as Amicus Curiae at 7, *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (No. 8) (“During the past six years, the damage to our foreign relations attributable to [racial discrimination in the United States] has become progressively greater. . . . As might be expected, Soviet spokesmen regularly exploit this situation in propaganda against the United States [T]he undeniable existence of racial discrimination gives the unfriendly governments the most effective kind of ammunition for their propaganda warfare.” (quoting Secretary of State Dean Acheson)).

and USSR civilian leaders is much more, he makes clear, than the aversion of nuclear annihilation: “If the civilians permit the soldiers to adhere to the military standard, the nations themselves may eventually find redemption and security in making that standard their own.”⁸⁵ These are, quite literally, the last words in Huntington’s book; our remaining task is to work out their implications.

In defining the content of his conservatism-as-ends at the level of international relations, then, Huntington thus faces a critical dilemma. If he can be content with security alone, Nixon and Brezhnev’s *détente*, he only needs the conservatism of their “peaceful coexistence.” But if he really wants his other goal, redemption, he will need something very nearly approaching the internationalism of Wilson, which, on one critical point, intersects with the conservatism of Reagan. For Reagan, no less than for Wilson, America is a city on a hill, if not the last or the best hope of humankind. Huntington, too, has his city on a hill: West Point. We must see, in the next section, how he purports to make West Point’s military conservatism the source of the values that will not only secure, but redeem, the world. First, though, we must review how far Huntington has already brought us from where we set out.

3. Narrowing the Scope of Acceptable States Toward Civilian Conservatism.

Huntington’s solution to the classical problem of civilian/ military relations, we saw in Part I, is supposed to be the same for all civilian regimes, irrespective of their value systems. This is because a professionalized military is both optimally competent in employing violence as a means of achieving state ends and completely subservient to any legitimate regime, whatever that regime’s civilian values. In this Part, however, we have seen that Huntington’s solution presents serious problems in the second-best situation: whenever the civilian regime’s political values diverge from the military’s own functionally conservative values.

Following Huntington’s lead, we analyzed military/ civilian relations in three non-conservative civilian political systems: German Nazism, American Liberalism, and Soviet Conservatism. In each case, we saw that, to avoid very real catastrophe, Huntington’s solution needs a civilian regime that is not only minimally conservative, not so at odds with military values as to subvert military function, but more: At least conservative enough not to use the military force at its disposal for the destruction of itself or the world. And we also so that Huntington himself wants still more: A civilian regime that is consistent enough with military values to bring not only security, but also redemption. This latter, obviously, is a most ambitious goal; it presses us to take a much closer look at what Huntington’s civilian conservatism must be.

B. Huntington’s Hunt for the First-Best, from History through Myth to Metaphor: Multiple Pressures Toward Plato’s Republic.

We saw in the last section that representatives of three of Huntington’s typical civilian regimes – German Nazism, American liberalism, and Soviet communism – all entail values that

⁸⁵ HUNTINGTON, *supra* note 2, at 465-66.

are at odds with the essentially conservative values of an optimally functioning modern military. In stark contrast, the fourth type of regime he considers, conservatism, is to entail no such tension. The political values of a conservative civilian regime would be entirely compatible with the functional values of its military. In Huntington's words,

Unlike liberalism, Marxism, and fascism, conservatism is basically similar to the military ethic.... In its theories of man, society, and history, its recognition of the role of force in human relations, its acceptance of existing institutions, its limited goals, and its distrust of grand designs, conservatism is at one with the military ethic. Most important, conservatism, unlike the other three ideologies, is not monistic and universalistic. It does not attempt to apply the same ideas to all problems and all human institutions. It permits a variety of goals and values. Consequently, conservatism alone of the four ideologies is not driven by its own logic to an inevitable conflict with the military values which stem from the military function. It alone has no political-ideological pattern to impose on military institutions. While inherent contrast and conflict exist between the military ethic and liberalism, fascism, and Marxism, inherent similarity and compatibility exist between the military ethic and conservatism.⁸⁶

Marvelous stuff, then, this military-friendly civilian conservatism. It offers nothing less than a happy end to human history; in Huntington's millennium of conservative military values, all nations, he assures us, will have both redemption and security. "Conservatism" thus serves the same function in Huntington's system of civilian/ military relations as "dark energy" does in modern cosmology: It explains all the unsolved problems elsewhere in the system; it balances all the equations.

Also like physicists' "dark energy," however, Huntington's conservative civilian political system stands badly in need of further specification.⁸⁷ When we descend below the highest level of abstraction, we encounter serious problems. Interestingly, Huntington offers no contemporary example of a conservative regime to match his German Nazism, Soviet Communism, or American liberalism. More tellingly, when we look more closely at the conservative theoreticians he prefers, Burke and Calhoun, we find that they supported regimes that were both less attractive than he would have us believe and less consistent with modern military values than he seems to realize. At bottom, the problems come to this: Although Huntington claims that a wide range of politically conservative regimes are compatible with military professionalism, that range, in practice proves very narrow indeed. The failed search for a political conservatism to match military professionalism, which we examine in this section, presses us toward the theoretical question we take up in Part III: the only regime that will meet Huntington's criterion is the one in which the wise rule for the good of all.

1. History: Canvassing Conservative Precedents.

⁸⁶ *Id.* at 93.

⁸⁷ See Driver, *supra* note 22, at 184 (following Rossiter's analysis to describe "conservative, as used by Huntington and others, as "a term that approaches the realm of the essentially contestable") (citation omitted).

Huntington quite clearly recognizes that his theory depends on a particular kind of civilian political conservatism to complement his functional military conservatism, and he is at pains to identify it at the outset:

Conservatism, as used here and hereafter in this volume, refers to the philosophy of Burke, and not to the meaning given this term in popular political parlance in the United States to refer to the laissez-faire, property-rights form of liberalism as exemplified, for instance, by Herbert Hoover.⁸⁸

Implicitly recognizing that this invocation of Burke is not quite up to the task he sets for his conservatism, Huntington invokes two American exemplars of conservatism, both active and theoretical politicians, both important in the development of America's professional military: Hamilton and Calhoun. What is more, he tries to find elements of his kind of conservatism in the Constitution itself, and he cites two examples of historical regimes in which his kind of political conservatism successfully co-existed with functionally essential military conservatism: late nineteenth century Prussia and twentieth century Britain. All this, however, produces more of a muddle than a model. To clarify this obscurity, we need to look at Huntington's conservatism from two familiar perspectives, his societal and his functional imperatives. From these perspectives, we see two aspects of the same fundamental problem: Huntington's conservative precedents are fundamentally anti-modern, both economically and politically, in ways that not only offend modern civilian sensibilities, but also threaten the effectiveness of any modern military.

a) Burke, Calhoun, and the Modern Military's Societal Imperative.

In moving from his second best, a liberal civilian America at odds with its essentially conservative military, to his first-best, a conservative civilian America in harmony with that military, Huntington is obviously calling for a change in the societal imperative his military will face. We cannot, accordingly, fault him for departing from liberal values that, as we have seen, he finds both dysfunctional, not only subversive of military virtues, but dangerous to global security. We must, however, look more closely at what values he plans to put in their stead. Just how illiberal his examples are will come as shock, not just to those who espouse pretty nearly any form of liberalism, but also to those who espouse a wide range of alternatives to liberalism. What becomes clear is that these conservatisms not so much antiliberal as anti-modern.

Let us begin where Huntington himself begins, with Burke. Burke is perhaps best known in America for sympathizing with the American Revolution as a struggle to vindicate the rights of Englishman, even as he despised the French Revolution's embrace of the universal "rights of Man." But our Revolution, of course, began with Jefferson's invocation of just such universal rights, derived from the same Enlightenment philosophers revered by the French Revolutionaries and reviled by Burke. More problematically, if less famously, Burke's conservatism rested on two foundations explicitly rejected in the American Constitution: An established church and a

⁸⁸ HUNTINGTON, *supra* note 2, at 93.

hereditary ruling class.⁸⁹ And, of course, the two conservative regimes that Huntington cites, late nineteenth century Prussia and twentieth century Great Britain, include these illiberal elements in practice, not just in theory.

None of Huntington's American conservatives embrace either of these Burkean institutions. But one of them, Calhoun, brings some pretty dubious baggage of his own, and Calhoun's conservatism is even more appealing to Huntington than Hamilton's. The neo-conservatives on whom he bases his hope for advancing conservative values "expound the virtues of Burke and Calhoun."⁹⁰ "The South," according to Huntington, "gave military professionalism its only significant support in the pre-Civil War years."⁹¹

In a critical passage, Huntington both identifies the cultural setting that gave rise to Southerners' political theory and expresses admiration for that theory:

The causes of Southern conservatism were primarily domestic. The Southern social system was an illiberal island in a liberal society. In self-defense, the Southerners, like the Federalists before them, demonstrated their conservatism by creative and original political speculation.... Conservatives, forced to justify themselves in a hostile society... were driven to political theory, and the Old South produced notable conservative expressions in the work of George Fitzhugh and John C. Calhoun.⁹²

Notably though that work may be, it is also distinctly unsavory: Calhoun argued, against not only abolitionists but also more moderate defenders of slavery, that slavery was, not a necessary evil, but a positive good. The basis for that good was the premise that people of African descent were fundamentally inferior to people of European ancestry, making the subordination of the one to the other mutually beneficial. And Fitzhugh expanded the defense of slavery even further, contrasting the virtues of slave labor in the South with the vices of free labor in the North and elsewhere. We may charitably assume that these are not the aspects of Southern "conservatism" that Huntington commended to his contemporaries. But we cannot indulge that charitable assumption without removing the elements of Calhoun and Fitzhugh's theories that they themselves took to be fundamental, and for which Huntington offers no clear alternative.

b) Anti-Modernism and the Modern Military's Functional Imperative.

As we saw in the last subsection, Huntington's "off the rack" conservatisms offend a wide range of modern sensibilities, not only because Huntington is looking for an alternative to liberalism, but also because he looks to alternatives that are anti-modern in either their politics, like Burke's hereditary aristocracy, or their economics, like Calhoun and Fitzhugh's slave-based

⁸⁹ See Driver, *supra* note 22, at 172, 184 ("Huntington employs the term [conservative] to describe the philosophy of British parliamentarian Edmund Burke, an Old World aristocratic plea for traditional order from a time when liberal ideas provided justification for capitalist expansion.").

⁹⁰ HUNTINGTON, *supra* note 2, at 457-58.

⁹¹ *Id.* at 211.

⁹² *Id.* at 147.

agrarianism. But we need not insist on the virtues of these elements of modernism to appreciate a problem inherent in Huntington's conservative precedents. Their anti-modernism, we need to see in this subsection, dooms Huntington's "off the rack" conservatisms to a deeper problem within his own system: They cannot be reconciled with the military's functional imperative. Every civilian conservatism that Huntington expressly favors demonstrably conflicts with one or more of the military values he thinks both essential and admirable. We consider each of Huntington's recommended conservatism, in chronological order; together, they take us from the origins of modern military professionalism right down to Huntington's own time, where, as we have seen, he seems to have no examples to offer.

(1) **European *Anciens Regimes*.**

Burke was the model of the conservatism that Huntington says he has in mind. And Burke's conservatism, as we have also seen, conserved the European system of hereditary political power as it had evolved down to the time of the American and French Revolutions. As it happens, however, Burke's hereditary aristocrats proved quite resistant to the emergence of modern military professionalism in the next century, and not without good reason: That professionalism threatened to promote a much more meritocratic social order than their own. Huntington himself carefully documents this dynamic:

Conservatives such as the Duke of Wellington strongly condemned proposals to substitute a "mercenary army" for one led by "men of fortune and character – men who have some connection with the interests and fortunes of the country, besides the commissions which they hold for His majesty."⁹³

So, too, with Wellington's Prussian counterparts: "Despite the opposition of conservatives like Wrangel and Manteuffel, the spirit of the Prussian officer corps had been slowly transformed from an aristocratic class spirit into a military caste spirit," until "the aristocracy of birth had been replaced by an aristocracy of education and achievement."⁹⁴ In the Prussian case, the pressure of reactionary conservatism in late eighteenth century society had led no less a military monarch than Frederick the Great to limit the officer corps exclusively to noblemen; early in the nineteenth century, the moderately meritocratic armies of Wellington's *bête noire*, Napoleon, had crushed Frederick's aristocratic armies,⁹⁵ forcing Prussia to become the model of modern military professionalism under Moltke and Bismarck by that century's end.

Compared with Prussia, the English opposition of social conservatism to the core values of modern military functionalism began earlier and lasted longer. As Huntington himself notes, Cromwell's New Model Army of the England's seventeenth century Civil War

had many seeming similarities to nineteenth-century professional armies. In the New Model Army, for example, discipline was strict; promotion was in part by seniority and in

⁹³ *Id.* at 47.

⁹⁴ *Id.* at 54.

⁹⁵ *Id.* at 33.

part by recommendation of superior officers; purchase [of commissions] was excluded and politics drastically limited.⁹⁶

The New Model Army crushed the feudal armies of the reactionary Stewart monarchy and established a proto-republican regime: No single established Church, no monarchy or House of Lords.⁹⁷ That regime collapsed shortly after Cromwell's death, and the conservative restoration that followed both narrowed religious tolerance and restored the hereditary political rule of the monarchy and the nobility. It was, in effect, Burkean before Burke.

What is more, that conservatism, quite contrary to what Huntington would have us believe about the general compatibility of social conservatism and functional military values, was radically opposed to the professionalizing trend represented by Cromwell's army. In Huntington's own words, "The ghost of the New Model Army still haunted the minds of British soldiers and statesmen two hundred years after the Restoration."⁹⁸ And, to come full circle, it was the threat of Prussia's newly professionalized military, built in response to the anti-aristocratic armies of Republican and Imperial France, that forced socially conservative England, virtually last among major European powers, to embrace modern military professionalism.⁹⁹ Again, in Huntington's own words:

With reluctance Parliament conceded that Moltke might be a greater threat than Cromwell and authorized the government to buy up the commissions [originally issued for purchase] and institute a system of promotion based on seniority and selection according to merit.¹⁰⁰

Thus, by Huntington's own account of the development of professional military systems in both Prussia and Britain, we have exactly the opposite of what he says about the general compatibility of conservatism as a political system and the functional conservatism of a professionalized military. "Conservatism" in nineteenth century Europe was radically resistant to fundamental elements of the functional values of the professionalized military, not, as Huntington's theoretical account insists, profoundly supportive of those values. Hereditary aristocracy, a bedrock principle of Burkean conservatism, makes a very bad bedfellow for the meritocracy, the foundation of an optimally effective modern military.

With respect to European conservatism, then, Huntington seems to be playing both sides of a very hazy line. On the one hand, he insists that his civilian conservatism, a conservatism consistent with military conservatism, is the conservatism of Burke; on the other hand, his own historical account shows that it was precisely this Burkean conservatism of English Tories and Prussian Junkers that had to be overcome in order to establish the alignment of civilian and

⁹⁶ *Id.* at 21.

⁹⁷ In fact, the contours of a neo-classically republican state were even clearer than this suggests. See Eric Nelson, *The Hebrew Commonwealth: Jewish Sources and the Transformation of European Political Thought* (2010) (finding in the regime of the Puritan revolutionaries the three marks of modern political thought: anti-monarchism, state activism, and religious toleration.).

⁹⁸ *Id.* at 47.

⁹⁹ *Id.* at 43 ("Aristocratic bars to entry prevailed much longer in the British Army than in the French and Prussian forces.").

¹⁰⁰ *Id.* at 47.

military values that he finds ideal in late nineteenth century Germany and twentieth century Britain. Burke loathed nothing so much as the social leveling of the French Revolution; it was precisely the continuation of that leveling under Napoleon that put the proverbial marshal's baton in every corporal's knapsack.

Huntington may have thought he addressed this problem with this pronouncement: "the ideal military man is thus conservative in strategy, but open-minded and progressive with respect to new weapons and new tactical forms."¹⁰¹ But that is either too vague to be useful, or demonstrably false. The basic problem is that, as both the Prussian and the British examples show, what the military needs for success is sometimes a major social transformation. More specifically, that transformation is from European-style conservatism, the conservatism of Burke, to European-style liberalism, the equality of all citizens before the law, irrespective of birth or religious belief.

That said, however, we might nonetheless notice that Huntington has, in fact, found two conservative civilian regimes that, by his own account, mesh nicely enough with the functional conservatism of his modern professional military: late nineteenth century Prussia and early twentieth century Britain. Chastened though they were by meritocratic pressures from republican France, Prussia and Britain seem to work well enough. But, as we see when we turn to his American examples, they have something that every modern military needs, but something that Huntington cannot quite bring himself to like: A strong and centralized state.

(2) American Alternatives.

Huntington's search for militarily compatible conservatism in civilian politics fares little better in America. On first face, this should come as no surprise. One of Huntington's principal premises, as we have seen, is that the "conservative" values of the military fundamentally conflict with the historically "liberal" values of American civilian society. In Huntington's telling, however, there is more to the civilian side of the story:

Liberalism has always been the dominant ideology in the United States. The American Constitution, on the other hand, is fundamentally conservative, the product of men who feared political power and who provided for the widespread dispersion of that power among numerous governmental units.¹⁰²

Against the main tide of American civilian liberalism, Huntington identifies two strong "conservative" eddies, the Federalism of the early founders, especially Alexander Hamilton, and the anti-Jacksonian apologists for the antebellum South, especially John C. Calhoun.

And Huntington's American conservatives do offer a distinct advantage over his Burkean European conservatives: They have no militarily dysfunctional inclination toward hereditary aristocracy; his paradigms, Hamilton and Calhoun, are themselves self-made men, and (considerations of sex and race significantly aside) both were aggressively meritocratic. What is more, the American Constitution explicitly discountenances two problematic pillars of European

¹⁰¹ *Id.* at 71.

¹⁰² *Id.* at 143.

conservatism: Religious establishment and hereditary political power. Even these advantages, however, underscore, again, an important ambiguity in Huntington's vision of conservatism: In Europe, as we have seen, established churches and hereditary aristocrats are hallmarks of conservatism; America's "fundamentally conservative" Constitution, on the other hand, explicitly removes these two Burkean pillars.

A more significant problem with Huntington's American conservatism, however, is not the basic elements of Burkean conservatism that it eschews, but the distinctly American element that he places at its center: fear of "concentrated political power," manifested in "the widespread dispersion of that power among numerous governmental units." Making fear of strong central government a pillar of American conservatism poses two fundamental problems, one theoretical, the other historical. The theoretical problem is that, by Huntington's own account, a strong central government is itself a pre-condition of modern military professionalism.¹⁰³

The historical problem is that making "fear of centralized power" the pillar of American conservatism seriously undermines his two paradigms of American conservatism, the Federalists, especially, Hamilton in the first generation, and Southerners, especially Calhoun, in the second. Hamilton tended to favor larger, not smaller, and national, not local, government; that was much of what it meant to be a Federalist. And Calhoun's early career, when he did most for military theory and practice, was during a distinctly nationalistic phase of his career. What's worse, the agrarianism of Calhoun's later career is hardly compatible with a strong army, and, worst, the sectionalism of his later career contributed tremendously to the near dismembering of the Founders' Union and the definitive end of the Old South.

(a) **Hamilton and the Federalist Founders.**

"The Federalists," according to Huntington, "were almost classically conservative; their basic values closely resembled those of the military ethic." H. at 194. And Huntington does, indeed, identify several tenets that Federalism shared with his military conservatism. In particular, "They stressed the need for military force and the primacy of national defense among the functions of government" and "did not eschew power politics," in the sense of *realpolitik*, but instead "reflected the professional military concept of war as the rational instrument of state policy." H at 194. And, he might fairly have added, the federalists tended to be mistrustful of human nature. Each of these elements is easily overstated, especially in contrast to Huntington's "liberal" Jeffersonians.

But what is most important, for our purposes, is the element of Huntington's American conservatism that is missing from his catalogue of Federalism's conservative features: Opposition to strong central government. Its absence is no accident: Federalists tended to favor, not oppose, just such a government. The authors of the original Federalist Papers – Hamilton himself, James Madison, and John Jay – wrote in favor of a new constitutional regime designed to replace to the central government under the original Articles of Confederation with a central

¹⁰³ *Id.* at 33 ("A second underlying factor in military professionalism was the growth of the nation state. The autonomous existence of an officer corps apart from other social institutions requires both that it be needed and that there be sufficient resources to support it."); *id.* at 33 ("As a part of the state bureaucracy, moreover, an officer corps could only be maintained by societies with highly developed governmental institutions.").

government that was both stronger and more centralized. Indeed, it was that very aspect of the new regime that inspired their name. What's more, once the new Constitution was in place, the Federalists, under Hamilton's leadership, were the party in favor of centralized power, over against Jefferson and his allies in what was to become the Democratic Party.

The basic problem is this: All of the Founders favored a stronger central government than that of the original Articles of Confederation; all, remembering the recent Revolution, also feared unrestricted governmental powers. But some of the Founders were more fearful of centralized government than others, and both sets of Founders actually line up on the wrong side in terms of Huntington's claim that conservative values are more compatible with military values. On the one hand, the Founders least fearful of a strong central government, and thus least "conservative" by Huntington's constitutional standard, were Hamilton's Federalists; the Federalists were also, as Huntington himself notes, most in favor of a strong standing army, professionalized by the standards of the time. On the other hand, the Founders most fearful of a strong central government, and thus most "conservative" by Huntington's standard, were Jefferson's Republicans; the Republicans favored citizen's militias, preferably at the state level. And, perhaps most importantly in light of the needs of the fully professionalized military of the nineteenth century, the Federalists favored, over against the Republicans, strong central government institutions like the National Bank; the Republicans favored, against Federalist opposition, the election of officers by the troops under their command.

The bottom line: To the extent that Huntington wants to identify "conservatism" with opposition to strong central government, then Jefferson's Republicans are more "conservative" than Hamilton's federalists. But, as Huntington nicely demonstrates, it was precisely the Federalists, not the Republicans, who favored a strong and professionalized army. As Huntington himself admits, "Hamilton alone among the Federalists anticipated important elements of military professionalism," and his views were "not even acceptable to most Federalists."¹⁰⁴ What is more, after the Founding generation, Federalism retreated to New England, then died out altogether, displaced by the triumph of Jeffersonian values.¹⁰⁵ Huntington must, accordingly, look elsewhere for an American political conservatism to match his functional military conservatism. And so he does.

(b) Calhoun and the Antebellum South.

"The roots of American military professionalism," according to Huntington, "go back to mid-nineteenth century Southern conservatism."¹⁰⁶ In Calhoun, as we have seen, Huntington rightly identifies the political champion of Southern conservatism. But, as we have also seen, Calhoun's conservatism rests on a distinctly distasteful foundation: slavery. Now, having seen what Huntington missed in Hamilton, we may have the means of separating Calhoun's racist dross and refining his conservative gold. In Calhoun, Huntington seems to have found what he needs: A kind of conservatism that opposes a strong central government even as it favors a modern professional military. But here is the rub: Although Calhoun did, indeed, embrace both these positions, he did not embrace them at the same time.

¹⁰⁴ *Id.* at 195.

¹⁰⁵ *Id.* at 146-47.

¹⁰⁶ *Id.* at 214.

Early in his political career, particularly as Secretary of War under Madison, Calhoun pressed hard for the Hamiltonian military model, as Huntington himself duly notes. But early in his career Calhoun was an ardent nationalist, like most ambitious young politicians of his generation. As Huntington notes, Calhoun was perhaps the most effective proponent of military professionalism before the Civil War, with Jefferson Davis, an admirer of Calhoun's politics, a close second¹⁰⁷; his chief opposition came from "dominant Jeffersonian-Jacksonian liberals in Congress and the public."¹⁰⁸ But, significantly, that opposition was not directed particularly at Calhoun's military policy, but more at his centralizing nationalism. Calhoun the architect of the modern American military was also Calhoun the proponent of strong and effective central government.

And the young Calhoun was not merely a nationalist; he was also an aggressive national expansionist. According to his biographer, "Like other enthusiastic nationalists of the period, Calhoun believed that westward expansion was inevitable, and he believed the army could play an essential role in making it safe and orderly."¹⁰⁹ This puts him considerably at odds with Huntington's ideal of military professionalism, which, as a corollary of its essential pessimism, is never expansionist.¹¹⁰ Calhoun, by contrast, did not believe his expansionism undermined military professionalization; he saw military professionalism as the necessary means for national expansion.

Later in his career, Calhoun not only abandoned his nationalism; he became the chief architect of southern sectionalism. On the fundamental issue of that era, nullification of federal law, particularly protective tariffs, by the separate states, sustained by the threat of secession, Vice President Calhoun wrote the states-rights brief; President Jackson defended the Hamiltonian tariff. In the moment of their final political breach, President Jackson toasted "To the Union"; Vice President Calhoun countered, "Next to our liberties, most dear." The ultimate irony of Calhoun's tragic career may well be this: The professionalized national army of which Calhoun was the principal proponent in the early, nationalistic phase of his career was the ultimate instrument of destruction of the Southern confederacy that embodied the anti-nationalist principles of his later career. Nor is that the end of the tragedy, or the irony: The Southern officers of the American army were trained in both of Calhoun's schools, modern military professionalism and mid-nineteenth century Southern sectionalism; when forced to choose between the national army and their respective states, they tended strongly to choose the latter. They proved, all too well, a point Huntington makes elsewhere: "The nature of an officer's political loyalty becomes more important to the government than the level of his professional competence."¹¹¹

Calhoun's early emphasis on military professionalism combined with his later opposition to federal power to produce terrible double tragedy: The national army he helped found was the

¹⁰⁷ *Id.* at 214 (citing Calhoun and Davis as "the two most vigorous" among the antebellum Secretaries of War).

¹⁰⁸ *Id.* at 216.

¹⁰⁹ IRVING H. BARTLETT, JOHN C. CALHOUN: A BIOGRAPHY 93 (1994).

¹¹⁰ HUNTINGTON, *supra* note 2, at 68-69 ("*The Restriction of Commitments and the Avoidance of War.*"); *id.* at 273 ("Unlike the military, the Neo-Hamiltonians supported national expansion.").

¹¹¹ *Id.* at 35.

instrument of destroying the independent South he inspired; the Southern generals trained in his national army very nearly destroyed the nation that they should, on Huntington's principles, have felt themselves bound to serve.¹¹² Calhoun, then, hardly has what Huntington is looking for: A conservatism committed to small government that is compatible with modern military professionalism.

We could, perhaps, dismiss this as an artifact of Calhoun's political biography, an adventitious split between the military professionalism of his early career and the sectionalism of his later career. This would leave Southern conservatism, more generally, as a basis for the kind of pro-military, small government conservatism that Huntington is looking for. As we have seen, Huntington does, indeed, argue that the South as a whole is an island of anti-liberalism. What's more, he also points out that the South, more than the rest of the nation, was especially sympathetic to the military. But, here again, he cannot sustain the case. The basic problem is this: All three of the principal reasons Huntington cites for the South's sympathy to the military are, by his own admission, at odds with the precisely the kind of modern, professionalized military that Calhoun had tried to build.

As Huntington points out, the South needed an army to protect against Indian incursions and slave revolts.¹¹³ But, as Calhoun himself argued, that kind of garrison duty hardly required the technological sophistication of a professional army up to European standards.¹¹⁴ More basically, Huntington notes, "The agrarian character of the section and the relative absence of commercial and industrial opportunities present in other parts of the country naturally stimulated Southern interest in the military career."¹¹⁵ But the same agrarian economy, fundamental to Calhoun's vision of both human virtue in general and the South's particular place in the Union, left its army and navy woefully undersupplied with the basic necessities of modern war.¹¹⁶

Perhaps even more significantly, the military ideal that appealed most to Southerners was not the professionalized officer of Calhoun's modernizing vision. According to Huntington, one of the principal sources of "Southern militarism was the romantic cult which infused antebellum Southern culture," which

¹¹² *Id.* at 35 ("A final factor facilitating the growth of professionalism was the existence of a single recognized source of legitimate authority over the military forces. A professional soldier is imbued with the ideal of service to the nation."); *id.* at 65 ("The existence of the military profession depends on the existence of nation states capable of maintaining a military establishment and desiring to maintain such an establishment because of threats to their security.").

¹¹³ *Id.* at 211.

¹¹⁴ BARTLETT, *supra* note 109, at 91 ("Untrained militia might be relied upon to garrison forts and 'act in the field as light troops,' but 'to rely on them beyond this, to suppose our militia capable of meeting in the open field the regular troops of Europe, would be to resist the most obvious truth, and the whole of our experience as a nation." (quoting Calhoun)).

¹¹⁵ HUNTINGTON, *supra* note 2, at 212.

¹¹⁶ BELL IRVIN WILEY, *The Collapse of the Confederacy*, in THE BELL IRVIN WILEY READER 141, 143 (Hill Jordan, James I. Robertson Jr., and J.H. Segars eds., 2001) (explaining that a "primary cause of Confederate defeat was the North's tremendous superiority in human and material resources," including that the North "had far more liquid wealth, banks, factories, mines, and ships.").

stemmed in large part from the agricultural nature of the South, the admiration of Southerners for the English ideal of the “gentleman,” and the desire, fanned by the novels of Scott, to ape the manners and customs of medieval knighthood.¹¹⁷

As we have seen, it was this very English ideal that opposed the professionalization of England’s own military. In the nineteenth century, England’s “conservative” old order rightly feared the re-emergence of a meritocratic military like Cromwell’s New Model Army, even as Southerners fancied themselves courtly Cavaliers against the bourgeois Yankee Roundheads.¹¹⁸ To paraphrase one of Calhoun’s contemporaries, history plays twice, first as tragedy, then as farce.¹¹⁹ As Huntington himself quite rightly insists, “Knowledge of the manners and outlook of that aristocratic, individualist amateur, the medieval knight, is of little help in understanding the professional virtues and attitudes which constitute the contemporary military mind.”¹²⁰ Calhoun, in complete harmony with Huntington and, with Huntington, in considerable tension with Southern romantics, argued for military academies “accessible not just to the sons of the wealthy but [also] to those of the middle and lower ranks of society,” to promote upward mobility in society generally as well as meritocracy in the military itself.¹²¹

Huntington himself admits that the three elements of Southern culture that “nurtured Southern militarism” – “sectional self-interest, an atavistic allegiance to feudal romanticism, and an agrarian economy” -- “were not sufficient in themselves to lead to an appreciation of military professionalism.”¹²² Indeed, he concedes, “in many respects they reflected motivations incompatible with professional ideals.”¹²³ What, then, did he see as the critical link between antebellum southern culture and military professionalism? In a word – but, as we have seen, a poorly defined word – “conservatism,” more specifically,

the conservative cast of Southern society and Southern thinking, the product of the South’s defensive position as an illiberal island in a liberal society. This conservatism furnished a sympathetic environment of the growth of the professional ideal and channeled into the military concern aroused by other aspects of Southern life into an active recognition for the nature of the military profession and a preference for that profession as a career.¹²⁴

Having said that, Huntington goes on to demonstrate the predominance of Southerners in the ante-bellum military.¹²⁵ But he gives no further evidence of what the “conservative cast of Southern society and Southern thinking” actually entails. Once again, we are told that civilian conservatism, opposed as it is to liberalism, is a potent force in favor of military professionalism,

¹¹⁷ HUNTINGTON, *supra* note 2, at 211.

¹¹⁸ See W. J. CASH, *THE MIND OF THE SOUTH* (1941).

¹¹⁹ KARL MARX, *THE 18TH BRUMAIRE OF LOUIS BONAPARTE* 15 (Wildside Press ed. 2008) (1852) (“Hegel remarks somewhere that all the facts and personages of great importance in world history occur, as it were, twice. He forgot to add: the first time as tragedy, the second as farce.”)

¹²⁰ HUNTINGTON, *supra* note 2, at 20.

¹²¹ BARTLETT, *supra* note 109, at 82-83.

¹²² HUNTINGTON, *supra* note 2, at 212.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

with its own functional conservatism. But we are not told what, exactly, that potent force might be, or what lies behind it. It is, again, like the physicists' "dark energy"; we cannot see it, but it must be what we need it to be to make our analysis balance out.

The problem, though, is that the South's social conservatism is less like physicists' dark energy than Milton's "darkness visible." What we see are two sets of very dark phenomena. As a social system generally, as we have seen, its fundamental racism is distinctly unappealing; on military matters in particular, its militaristic tendencies are distinctly opposed to a modern military professionalized along the lines Huntington, with Calhoun, saw as functionally essential. Southern conservatism, then, was rather the reverse of physicists' "dark energy."

c) In the Net: No Precedents, Important Insights.

Huntington's search for historical precedents for the kind of civilian conservatism that will complement his military conservatism proves disappointing. His European conservatives nicely fit the Burkean mold he believes he needs to fill; they are, even as he says military officers must be, inclined to value the group over the individual, the tried and true over the novel and innovative. But, as we have seen, this is true to a fault, and that fault puts them at odds with not only modern liberal values, but also the demands of modern military function. In particular, their feudalistic preference for inherited privilege and theological orthodoxy is deeply, and dangerously, at odds with modern military meritocracy.

Huntington's American conservatives, particularly Hamilton's Federalists and Calhoun's Southerners, prove no better fit. They do, indeed, shed the feudal relics of inherited position and religious establishment, but they present problems of their own. Hamilton's federalism would have been a much better fit, but for Huntington's insistence here that conservatism favor small and decentralized government, in considerable tension with his position elsewhere, that strong states are a precondition of modern professionalized militaries. Southern conservatism, which Huntington would make the foundation of American military professionalism, also disappoints. Its militaristic tendencies prove to be far more feudal than modern, and its social ideals, particularly its agrarianism, proved, in the event, not only incapable of equipping a modern army, but also embarrassingly insistent on the virtues of slave labor. And yet here Huntington may well be onto something promising.

2. From History to Myth: Receding into Re-Imagined Pasts.

Huntington was not alone in looking to the South as somehow the preserve of values he saw lost in the triumph of the North. For some, these were rural and agrarian values as opposed to cosmopolitan and industrial values. For Huntington, the appeal of the South was more subtle. The values it offered, and the values he needed, had to be consistent with the demands of a modern military; they had to be values, in other words, that fit the functional imperative of the modern military. But, quite significantly, Huntington made other demands as well: He believed that properly military values were the model for civilian values themselves; in that sense, Huntington meant to replace American liberalism with a very special form of military conservatism.

a) The Old South.

The dean of Southern historians of the last century, C. Vann Woodward, finds a similar search for alternatives in Southern culture to modern America in three late nineteenth century novelists, Herman Melville, Henry Adams, and Henry James. None of them, Woodward notes, had any strong personal ties to the South, nor any sympathy with either slavery or secession; to the contrary, “Each came of an authentic Yankee heritage,”¹²⁶ and each carefully purged their sympathetic Southern characters of “the more troublesome political heresies.”¹²⁷ But all of three of them felt deeply alienated from *fin-de-siecle* American culture,¹²⁸ and each looked to the South, not for an alien value system, but for traces of an older and purer American value system that, purged of its “peculiar institutions,” might provide access to the virtues shared, North and South, in the early days of the Republic.

They were not, Woodward suspects, particularly concerned, in any serious historical or sociological sense, about “Southern identity and heritage.”¹²⁹ In that sense, their turn South differs from Huntington’s. But

What they *were* all deeply concerned about was what had overtaken their own society since the Civil War, the mediocrity, the crassness, and the venality they saw all about them. The South or the Southern hero, past of present, was a useful foil for the unlovely present or the symbol of some irreparable loss.¹³⁰

Here their quest was very much like Huntington’s, and what they found may well have been, at bottom, precisely what he was looking for: “the antique valor and probity of the early Republic.”¹³¹

b) The Founders’ Republic.

The great problem, for them as for Huntington, was to purge the South of slavery and sectionalism; as a practical matter, this was, as we have seen, impossible. But, like Huntington, the novelists knew what they were looking for it was, in effect, a way back to the values of the early Republic, particularly in the person of Washington, both Commander in Chief of the Continental Army and first President of the New Republic. Henry Adams, grandson of John Quincy Adams and great grandson of John Adams, nicely illustrated the problem with his recollection of a childhood trip with his father, Charles Francis Adams, across rutted antebellum roads to Mount Vernon:

The moral of this Virginia road was clear, and the boy fully learned it. Slavery was wicked, and slavery was the cause of this road’s badness which amounted to a social

¹²⁶ C. VANN WOODWARD, *A Southern Critique for the Gilded Age*, in *THE BURDEN OF SOUTHERN HISTORY* 109, 110 (rev’d ed. 1968).

¹²⁷ *Id.* at 138.

¹²⁸ *Id.* (“Each of them was in some degree estranged from the new America and rejected its dominant values[;] [e]ach in some fashion withdrew....”).

¹²⁹ *Id.* at 137.

¹³⁰ *Id.*

¹³¹ *Id.* at 139.

crime – and yet, at the end of the road and product of the crime stood Mount Vernon and George Washington.¹³²

In his novel *Democracy*, Adams makes both his hero and his heroine scions of families who knew Washington, and he has a New Englander pay him this tribute:

We idolize him. To us he is Morality, Justice, Duty, Truth; half a dozen Roman gods with capital letters. He is austere, solitary, grand; he ought to be deified.¹³³

c) The Roman Republic.

As Gary Wills has shown, this image of Washington as a reincarnated hero of the Roman Republic, an America Cincinnatus, was the result of much self-conscious myth-making, not least on the part of Washington himself.¹³⁴ But the purpose, like the purpose of the great Roman historians, was not deception, but inspiration.¹³⁵ A similar cult, at least as carefully cultivated, developed around General Robert E. Lee, himself quite consciously an emulator of Washington, the spouse of one of Washington's descendants, and long the resident of his wife's mansion, Arlington.

The Federalist Papers, penned before the Founders split into Federalist and Republican parties, capture the essence of this ideal in its civilian political form:

The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold the public trust.¹³⁶

Once we see their ideal, we recognize it as the essence of the civilian “conservatism” Huntington needs to match the functional conservatism of his modern military officers. No sooner do we recognize that ideal, however, do we realize why he had so little success finding its embodiment in any particular time and place. Huntington's first-best, the civilian regime that matches his properly professionalized military, is, at bottom, Plato's: The rule of the wise for the good of all.

What he and others found attractive about the myth of the antebellum South and the dimly-remembered early Republic were two related elements, one political, the other economic: public officials chosen for their virtue and their excellence, not their popular appeal, and private wealth accumulated in the cultivation of staple crops or the practice of honorable professions and expended for classical elegance and public benefit rather than for modern style or private show. The problem, of course, was that this was more idealized memory than historical fact; the promise was that it was just the ideal they were looking for.

¹³² *Id.* at 135 (quoting HENRY ADAMS, *THE EDUCATION OF HENRY ADAMS*).

¹³³ *Id.* at 122 (quoting HENRY ADAMS, *DEMOCRACY*).

¹³⁴ GARRY WILLS, *CINCINNATUS: GEORGE WASHINGTON AND THE ENLIGHTENMENT* (1984).

¹³⁵ See MICHAEL GRANT, *THE ANCIENT HISTORIANS* xv (1970) (“Another thing that may strike us as peculiar about the ancient [Greek and Latin] writers is that the guidance they propose to give is inclined to be moral.”).

¹³⁶ *THE FEDERALIST* NO. 57 (James Madison).

The myth of Washington may also help explain what we have seen, earlier in this section, as an anomaly in Huntington's appeal to Hamiltonian Federalism. Huntington insisted that the Founders enshrined principles of small, decentralized government in the Constitution of their Republic. But the Constitution was a move away from the weak central government of the original Articles, toward just the kind of stronger central government that Huntington says a modern military requires. And Hamilton's Federalists became the party of a stronger central government, the kind of government Calhoun supported in the earlier pro-military, pre-sectional phase of his career. The myth of Washington, however, harkened back to the earlier time, even as the myth of Cincinnatus harkened back, past the Empire, to the Roman Republic.

What Huntington needs, but cannot quite bring himself to seek, is not Washington the modern Cincinnatus, the gentleman farmer called in a crisis who returns to his farm when the crisis is over. What he needs is what classical history inconveniently fails to provide: a modern Marcus Aurelius who presides, not over an empire, but a republic. What he needs, sad to say, is what, in Reconstruction, Lincoln might have been; what, in Republican Rome, the Gracchi almost were; what, in the English Revolution, Milton counseled Cromwell to become.

d) History, Myth, and Insight.

In his search for conservative precedents, Huntington canvases an impressive, though by no means exhaustive, list: Burke's historically-oriented political theory, the American Founders' Constitution, Hamilton and Calhoun's theoretically informed political practice, the British and Prussian monarchies at the turn of the twentieth century. Upon close examination, alas, all of the conservatisms Huntington recommends come up far short of what he promises: A civilian ideology that embraces essential military values fully enough to give humanity not only security, but also redemption. Some of his conservatisms, as we have seen, simply fail the most basic functional imperative: They cannot even sustain the kind of modern military they need for their own national defense. Others fail, not because they cannot sustain the military necessary for their national defense, but because their social values would find few, today, interested in defending them. None comes near Huntington's own most ambitious goal, redemption.

None of this is to say, however, that Huntington's search through the conservatisms of the past is a dead loss or waste of time. Quite the contrary: It is doubly helpful. On the one hand, it shows us which elements of civilian ideologies conflict with essential elements of modern military professionalism. Military professionalism tends to preclude both the anti-modern political element of Burke's hereditary privilege and the anti-modern economic element of Calhoun's agrarianism. And modern ideologies prove no more immune to this kind of incompatibility. Soviet Communism sometimes asked far too much in political orthodoxy and ultimately offered far too little in economic productivity; American liberalism may pose equally serious, if less clearly visible, problems. Huntington himself, as we have seen, tends to lapse, like Calhoun, into the very laissez-faire mentality he dismissively attributes to Herbert Hoover: a national government not strong enough with respect to either other nations or its own political subdivisions.

And yet, under the over-broad heading of individualism, he identifies two basic elements of our own political and economic system that threaten essential military virtues: populism, the foundation of liberal democracy, and consumerism, the foundation of market capitalism. If feudalism undermines military meritocracy with its hereditary restrictions, populism threatens military meritocracy with standardless majoritarianism. Good officers are not born of better parents, but neither are they elected by enlisted soldiers. As Huntington rightly notes about the latter, “The representative ideal was, of course, just as incompatible with military professionalism as the aristocratic ideal.”¹³⁷ Similarly, if socialism rewards politically determined need at the expense of private economic productivity, capitalism may well err in precisely the opposite direction, satisfying frivolous consumer tastes at the expense of workers’ health care and education. Self-indulgence and self-aggrandizement may not be social diseases, but neither of them is the public virtue on which modern militaries depend.

The South, Huntington reminds us, has traditionally been more sympathetic than the American mainstream to the military life, if not quite to the values of modern military professionalism. As we saw in the last section, this appeal to Southern values as an antidote to what is most objectionable about American values comes fully to the fore in Huntington’s final historical example, which moves from precedent to something more like myth, even symbol, from the real to the idealized to the ideal. Critics of modern American society have tended, like Huntington, to look for America’s lost virtues in the South, the region of America long thought most resistant, for better as well as for worse, to America’s modernization. That their South was mostly a myth matters less, for their purposes and for Huntington, than the fact that, against that counter-example, they could better see what troubled them about America itself. Consider this juxtaposition, from C. Vann Woodward’s analysis of Henry Adams’s *Democracy*:

Across the Potomac, in striking contrast to the city built in swamps and sunk in quagmires of corruption, rise the stately white Virginia mansions of Arlington and Mount Vernon. They constitute a grave and silent censure of the scene below, and it is to these vantage points on the Virginia bank of the river that the novelist has his characters repair for their deeper colloquies on the future of democracy.¹³⁸

In this section, as we have seen, Huntington offers just such a contrast, to very much the same point; in the next, we will see that he makes an important advance: His alternative to the flawed American values of today must not only be grounded in our shared past, but also capable of supporting our common future.

3. From Myth to Symbol: Re-Constructing an Icon of Coherence.

At the very end of his book, in a kind of symbolic capstone to the arch of his argument, “The Worth of the Military Ideal,” Huntington juxtaposes vivid vignettes of two very different value systems: “Just south of the United States Military Academy at West Point is the Village of Highland Falls.”¹³⁹ The latter epitomizes America’s civilian vices; the former, Huntington’s military virtues: “West Point embodies the military ideal at its best; Highland Falls the

¹³⁷ HUNTINGTON, *supra* note 2, at 34.

¹³⁸ WOODWARD, *supra* note 126, at 122.

¹³⁹ HUNTINGTON, *supra* note 2, at 464.

American spirit at its most commonplace.”¹⁴⁰ Here we see, in starkest contrast, the good at its best and the bad at its worst; Huntington’s thesis, universal military conservatism, and its American antithesis, civilian liberalism.

But, of course, what we need is the synthesis we found both necessary and lacking in his historical examples: universal conservatism, military and civilian, the best of the best. Here Huntington shows us what he believes to be just that synthesis. And this synthesis is even more ambitious than we had reason to expect. Before, we knew the synthesis had to merge functional military values with a compatible set of civilian values; here we learn that that synthesis must meet formal as well as functional criteria. The task Huntington originally set for himself was to reconcile military and civilian values, to solve the old Platonic problem of military/ civilian relations. Here he takes on Plato’s analysis at another level, adding an aesthetic dimension to his own model: He means to show how his vision of the good and the true is also beautiful.

The form and function that Huntington gives this civilian value system seems, at first sight, a center that cannot hold, at least not in a modern republic: A medieval monastery, centered on a Gothic church, serving an implicitly Christian God. But, beyond his own symbols, Huntington himself points us to a very different synthesis, with very different symbols, that promises to work perfectly well: His medieval monastery, on closer inspection, is a modern university; his Gothic cathedral actually serves as a neo-classical pantheon; his mystical divine purposes, closed to all but the cloistered clergy, must be identified with reasonable human purposes, open to all with true professional training, military and civilian alike. What he initially presents as a diptych, Highland Falls vis-a-vis West Point, proves to be a triptych; between his military utopia and his civilian dystopia we can see a modern civilian republic perfectly consistent with conservative military values.

a) A Diptych of Modern Multiplicity and Medieval Unity: The Worst of the Worse, The Best of the Better.

Huntington begins with Highland Falls. This portrait of civilian liberalism at its worst could hardly be less appealing:

Main Street of Highland Falls is familiar to everyone: the First National Bank with venetian blinds, real estate and insurance offices, yellow homes with frilly victorian porticos, barber shops, and wooden churches -- the tiresome monotony and incredible variety and discordancy of small-town commercialism. The buildings form no part of a whole: they are simply a motley, disconnected collections of frame coincidentally adjoining each other, lacking common unity or purpose.¹⁴¹

Huntington’s Village of Highland Falls is his vision of small town America of the 1950s; its Main Street is instantly familiar as one we have known, if not quite our own. But it is not the Main Street of *Our Town*, much less “Happy Days” or “The Andy Griffith Show”; it is the Main Street of *Main Street*, maybe even *Babbitt*. If Huntington had given Highland Falls’ Main Street a soda fountain or a diner, it would not be Norman Rockwell’s, but Edward Hopper’s.

¹⁴⁰ *Id.* at 465.

¹⁴¹ *Id.* at 464-65.

Here Huntington gives us the precise coordinates of what is most objectionable about American civilian liberalism, what runs most counter to the functionally conservative values of the military: Main Street, Highland Falls, is geared toward the satisfaction of unevaluated individual desire; the common good is nothing more than the aggregation of individual desires. The problem is not that its center cannot hold; the problem is that it has no center. People only come together to satisfy individual desires; their only interest in each other is doubly instrumental. They are all producers and consumers, envious and show-offs. Even capitalism, so far as we can see, has no purpose beyond itself: Better businessmen, apparently, simply build more ostentatious houses, frillier Victorian porticos. These facades are all we see; these houses have no interiors, because they are not really homes. Their apparent purpose is to impress neighbors, not to shelter families. Highland Falls, to put a fancy word upon it, is all *Gesellschaft*, no *Gemeinschaft*.¹⁴² Huntington's image is hardly that of the civil booster, W.J. Cash's "spirit of Rotary"; his conservatism, this reminds us, is not Herbert Hoover's.

But, if Huntington does not invite us into Rockwell's hometown nostalgia, neither does he leave us with Hopper's homeless anomie. Without pause for even a paragraph break, Huntington marches us past the abysmal civilian liberalism of Main Street and into the paradigmatic military conservatism of West Point:

On the military reservation the other side of South Gate, however, exists a different world. There is ordered serenity. The parts do not exist on their own, but accept their subordination to the whole. Beauty and utility are merged in gray stone. Neat lawns surround compact, trim homes, each identified by the name and rank of its occupant. The buildings stand in a fixed relation to each other, part of an over-all plan, their character and station symbolizing their contributions, stone and brick for the senior officers, wood for the lower ranks. The post is suffused with the rhythm and harmony which comes when collective will supplants individual whim. West Point is a community of structured purpose, one in which the behavior of men is governed by a code, the product of generations. There is little room for presumption and individualism. The unity of the community incites no man to be more than he is. In order is found peace; in discipline, fulfillment; in community, security.¹⁴³

Huntington's disdain for middle America is not the ironic cosmopolitanism of the *New Yorker* cartoonist, looking down from Manhattan, literally and figuratively, on the rest of America, but also showing the self-centered short-sightedness of that perspective itself. Huntington's more capacious contempt would sweep in that urbane irony, but without self-consciously, much less comically, undercutting itself. His perspective is more that of the Woodward's Yankee novelists, looking down from the classical grandeur of old Virginia to the decadence of Gilded Age Washington.

Like them, as we have seen, Huntington found in the South a vantage point from which to identify the deficiencies of the America of his day, but, as we have also seen, he cannot find the substitute values in the South in nearly pure enough form. In West Point, Huntington finds the

¹⁴²See FERDINAND TÖNNIES, *GEMEINSCHAFT UND GESELLSCHAFT (COMMUNITY AND SOCIETY)* (1887).

¹⁴³ HUNTINGTON, *supra* note 2, at 465.

apotheosis of precisely the value system he needs, a military past and a present that he takes as blueprint for the future of civilians as well. The full epiphany comes in his book's final paragraph:

... West Point is a gray island in a many colored sea, a bit of Sparta in the midst of Babylon. Yet is it possible to deny that the military values – loyalty, duty, restraint, dedication – are the ones America most needs today? That the disciplined order of West Point has more to offer than the garish individualism of Main Street? Historically, the virtues of West Point have been America's vices, and the vices of the military, America's virtues. Yet today America can learn more from West Point than West Point from America.

He closes that paragraph, and his book, with the sentence quoted at the beginning of this paper: "If the civilians permit the soldiers to adhere to the military standard, the nations themselves may eventually find redemption and security in making that standard their own."¹⁴⁴

West Point and Highland Falls differ at every important point of comparison. The one is all order, unity, and harmony; the other "incredible variety" and "discordancy." Military conservatism's core value is social; its coordinating principle, instrumental rationality; its individual motive, public service; its ultimate purpose, the common good, by implication the highest possible aspiration, both morally uplifting and aesthetically appealing, the height of human perfection. Civilian liberalism's core value is individualism; its coordinating force, the market; its individual motivation, private satisfaction; its ultimate purpose, the aggregate of individual goods. This last is a kind of lowest common denominator public good, both morally debasing and aesthetically repelling.

From this contrast, we can see that West Point is triply good, even as Highland Falls is triply bad. The first way is functional: West Point's values support its function, which is socially essential; Highland Falls' would undermine that function, to no particular purpose. West Point needs people committed to the common good; Highland Falls is not likely to produce nearly enough people of that caliber. But the values of Highland Falls are not just instrumentally bad, bad for the sustaining of the military's essential function; they are also inherently bad, if not essentially, then certainly existentially: No one would want to be the way Highland Falls' citizen must be. By contrast, the values of West Point are powerfully appealing: Even if we are not up to those standards themselves, we cannot but admire those who are. We are reminded of Mills' cautionary word about personal pleasure: Better Socrates dissatisfied than a pig satisfied. And, finally, the expression of Highland Falls' value is not only dysfunctional, subversive of essential social purposes, and base, beneath anyone's aspiration; it is also ugly. Under the most basic of aesthetic criteria, coherence, Highland Falls is a garish mess; West Point, by contrast, a harmonious, if muted, masterpiece.

But the work of Huntington's comparison is still far from done: He must show us, not just that the epitome of universal military conservatism is, in every conceivable way, superior to the worst of American civilian liberalism; he must also show us how the civilians can, themselves, adopt military values. We still need the synthesis he has promised. At precisely this

¹⁴⁴ *Id.* at 465-66.

critical point, Huntington must shift his perspective on West Point, and he does. He has shown us West Point as the “military reservation” at the end of Highland Falls’ Main Street, as thesis to its antithesis, as good servant to bad master. Now, for West Point to serve as the synthesis Huntington has in mind, it must be both military reservation, and more. For our whole society, civilian and military, to see what more we need from West Point, we need to find its spirit; to show us that spirit, Huntington points us to its architectural center. Even as “[t]he spirit of Highland Falls is embodied in Main Street,” so

The spirit of West Point is in the great, gray, Gothic Chapel, starting from the hill and dominating The Plain, calling to mind Henry Adams’ remark at Mont St. Michel on the unity of the military and the religious spirits. But the unity of the Chapel is even greater. There join together the four great pillars of society: Army, Government, College, and Church. Religion subordinates man to God for divine purpose; the military life subordinates man to duty for society’s purposes. In its severity, regularity, discipline, the military society shares the characteristics of the religious order. Modern man may well find his monastery in the Army.¹⁴⁵

Highland Falls, to be sure, has churches, but they are literally “wooden,” symbolic of their impermanence, over against the Chapel’s granite. What is more, they are not one, but many, legally disestablished, their messages a literal cacophony of mutually unintelligible tongues. In his monolithic, literally granite, Gothic chapel, Huntington seems to have what he seeks, a universal synthesis of military and civilian values.

Immediately, we know that this is not the synthesis we need, even if we are not quite sure why. Most obviously, we need to move, not backward into the thirteenth century, but forward into the twenty-first. Military values, according to Huntington, promise all of humanity, “redemption as well as security”; surely he doesn’t mean for modern humanity literally to follow its military guardians into a medieval monastery. Huntington is quite right to note, following Henry Adams, that the military and the religious spirits unite in Mont St. Michel. But he must also have known Adams’s fuller title: *Mont Saint Michel and Chartres: a study of thirteenth-century unity*.¹⁴⁶ And he would also have learned Adams’s lesson about that particular unity: That it could not hold, even in its own time, much less in ours. We, for our part, must see why Huntington’s symbolic synthesis in West Point’s chapel cannot be the same as the synthesis of Mont Saint Michel, and, every bit as importantly, how he himself points us past it.

As Adams makes clear in great detail, the thirteenth century vision of a logical system establishing a divine order collapsed under its own weight, to the delight of two very different kinds of religion, the mystical¹⁴⁷ and the traditional.¹⁴⁸ And neither of these can support the modern synthesis that Huntington needs.

¹⁴⁵ *Id.* at 465; cf. HENRY ADAMS, *Mont Saint Michel and Chartres*, in DEMOCRACY, ESTHER, MONT SAINT MICHEL AND CHARTRES, THE EDUCATION OF HENRY ADAMS, *supra* note 57, at 348 (“On this solid foundation the Abbott [of Mont St. Michel] rested the chief weight of the church, which was its central tower, supported by the four great pillars which still stand...”).

¹⁴⁶ ADAMS, *supra* note 145, at 719 (describing the book as “a volume which [Adams] mentally knew as ‘Mont Saint Michel and Chartres: a study of thirteenth century unity’”).

¹⁴⁷ *Id.* at 637-61.

¹⁴⁸ *Id.* at 628-36 (recounting St. Bernard’s opposition to Peter Abélard).

This is most obviously true of mysticism. Henry Adams's contemporary and fellow Bostonian William James neatly isolated the problem. On the one hand, what an individual experiences in the course of a mystical encounter with the divine is, for that individual, irrefutable, self-authenticating and unassailable by external evidence. On the other hand, that experience cannot, by its very self-authenticating nature, be valid for any individual who has not had that experience him- or herself.¹⁴⁹ Huntington knows this, for he himself has shown that mysticism is antithetical to military functioning; whatever made Hitler a horrible person, what made him a horrible military commander was his mysticism. Mysticism, accordingly, cannot give Huntington the common ground he needs for the public values of both civilian and military society.

Here traditionalism offers what mysticism cannot. Traditionalism is, by its own very nature, the source of public, rather than private, values.¹⁵⁰ And Huntington himself is clearly inclined toward traditionalism, from both relevant directions, military and civilian. On the military side, remember, "West Point is a community of structured purpose, one in which the behavior of men is governed by a code, the product of generations." On the civilian side, tradition is at the core of the Burkean conservatism that Huntington embraced at the outset of his analysis. Huntington's disdain for the Main Streets of middle-America approaches T.S. Eliot's disdain for all modernity; his West Point is not really "a bit of Sparta," but a full-blown medieval monastery. For solace from the wasteland of American civilian culture, Huntington, like Eliot and all Anglophiles of that stripe, might have us retreat into the cathedral of an established church. As F.S.C. Northrop has observed,¹⁵¹ the heart of English establishment values is always the village church; as a matter of Anglican doctrine, every village church looks to the Cathedral Church at Canterbury, because there, not in Rome, reposes the One True Church.

But, as we have also seen, Burke's kind of conservatism fails both of Huntington's imperatives, functional and societal. Even though Burke's conservatism, grounded in a hereditary aristocracy and an established religious orthodoxy, is very near to Huntington's own heart, it is intellectually and functionally incompatible with the rational demands of Huntington's model. In Eliot's "Little Gidding," "[h]istory is now and England,"¹⁵² the partisans of whose civil war, Royalist and Parliamentarian, who, "[u]nited in the strife which divided them," ... "[a]cept the constitution of silence / [a]nd are folded in a single party."¹⁵³ Hardly a universal insight; hard to see it true, say, of Nazis and Zionists.

Nor, for our purposes, particularly helpful in the case of England itself. As Huntington himself reminds us, the Cavaliers' nemesis, Cromwell's New Model Army, had meritocratic promotion; as we also need to recall, his commonwealth, like our republic, had no hereditary monarch or House of Lords. And, of course, the American Republic went a step further than the English; the American Republic has, from its foundation, eschewed a national church. To make

¹⁴⁹ WILLIAM JAMES, *THE VARIETIES OF RELIGIOUS EXPERIENCE* 413-20 (Modern Library 1999).

¹⁵⁰ T.S. ELIOT, *Tradition and the Individual Talent*, *SELECTED ESSAYS 1917-1932*, at 3, 6-7 (1932) (describing the artist's immersion in tradition as a "process of depersonalization" in which he learns that "the mind of Europe—the mind of his own country" is "much more important than his own private mind").

¹⁵¹ F.S.C. NORTHROP, *THE MEETING OF EAST AND WEST* 165 (1946).

¹⁵² T.S. ELIOT, *Little Gidding*, in *COLLECTED POEMS 1909-1962*, at 208 (1963).

¹⁵³ *Id.* at 206.

a common religion the basis of the Republic's civilian and military ethos is an incongruous with our republic's values as the establishment of religion would be violative of both the letter and the spirit of its constitution.

A medieval gothic cathedral, every bit as much as Highland Falls' main street, is a center that cannot hold as a symbol for the synthesis of military and civilian values he is seeking. Here, at the peak of his harmonious model, Huntington reveals a deeply discordant element. This looks like a monumental mistake, a colossal lapse in the matching of form to function, aesthetic to ideal. Gothic, as Grant Woods' famous picture reminds us, is can incongruous aesthetic for America. But this is not Huntington's whole picture, of either West Point or Highland Falls.

b) The Third Panel of Huntington's Picture: The Best of All.

Fully to appreciate what Huntington's closing iconography has to teach us, we must recall what he himself said at the outset about each of its halves: "West Point embodies the military ideal at its best; Highland Falls the American spirit at its most commonplace."¹⁵⁴ We must, accordingly, first see what he omits from his account of Highland Falls; that, in turn, will give us a new perspective on what is best about West Point. And that, we will see, is the common set of values, the synthesis of military and civilian, that Huntington has us looking for.

Huntington's central image, the chapel at West Point, provides the critical re-orientation we need. In Huntington's image of West Point's Gothic Chapel "unite the four great pillars of society: Army, Government, College, and Church." We might wonder, in the abstract, why his idealized quasi-Gothic society is not a trinity, but a quadrinity.¹⁵⁵ The ultimate medieval reality, of course, was the divine trinity; medieval society, in its own theory of itself, had three estates: lowly workers, noble fighters, and holy priests. Among modern social theorists, three is still the norm, although the three are sectors, not estates: the governmental, the economic, and the cultural or civic.

Most obviously, Huntington is pressed from three to four by the demands of his task. Whether he chose the medieval or the modern social model, Huntington would need to subdivide one of the three basic components, the medieval second estate or the modern governmental sector, to separate military from civilian branches. And four pillars makes for both a sounder architectural metaphor and a further homage to Mont Saint Michel, which rests, on no less authority than Henry Adams, on four great pillars of its own.¹⁵⁶

As soon as we see the four fundamental pillars of Huntington's social model, we notice several obvious anomalies. The medieval model had its workers, albeit at the base; the modern model includes the economic sector as co-ordinate with the other two. By contrast, Huntington's four-pillared social order has no equivalent, no economic base. And two of the other three pillars

¹⁵⁴ HUNTINGTON, *supra* note 2, at 465.

¹⁵⁵ ROBERT NOZICK, PHILOSOPHICAL EXPLANATIONS 557 (discussing how *triadic* classifications appear to be preferred among theorists because dyadic ones "have less interest, while quadratic ones apparently are too complicated for most people to keep fully in mind, which is why there is no holy Quadrinity").

¹⁵⁶ HUNTINGTON, *supra* note 2, at 348 ("the four great piers that still stand").

upholding Huntington's grand synthesis, the Government and the College, get no mention, as such, in either of his antitheses, "Main Street" or "the military reservation past South Gate." These omissions, quite on their own, press us back to his original images, Highland Falls and West Point.¹⁵⁷

(1) The Public and Political in Highland Falls: From the Curb to the Courthouse.

Reconsider, first, Highland Falls, Huntington's symbol of what is worst about America's liberal civilian values. Most obviously, this American synecdoche, the part Huntington has chosen to stand for the whole, is a small town; it has neither hinterlands nor cities. And this small town itself has little more than its Main Street, with only a glimpse out into its older, "victorian," residential district. Highland Falls is barely a village, and certainly not a town, much less a city. It is smaller than Plato's polis, because it has been decapitated and dismembered. As we have seen, its military guardians are placed outside and in opposition; as we must now notice, its political rulers and economic producers are nowhere to be found.

It has no public sector, no school and no hospital; its Main Street has no court house, no park, no post office, no police station or fire department. Surely Huntington means for us to notice that Main Street has been paved and curbed, that Highland Falls as a whole has been laid out in an orderly, if unimaginative, grid. His brand of civilian conservatism, he told us at the outset of his search, is not Herbert Hoover's; Hoover was, of course, no New Dealer, but his Commerce Department did give America the Model Zoning Enabling Act, the key phrase of which is "in accordance with a comprehensive plan."¹⁵⁸

Nor is the entire public sector all that is missing here. Not only is Highland Falls nothing but private sector, that private sector itself is most peculiar. It has no professionals, no teachers, doctors, or lawyers; it has neither factories on its outskirts nor farms beyond. Its economy is all commercial and financial; even its main street has only business offices and storefronts. Huntington's Village of Highland Falls is little more than a modernized whore of Babylon; we can hardly expect the Code of Hammurabi there. But this is a petit-bourgeois Babylon, barely up to Bunyan's Vanity Fair; it may have all the idols of "small-town commercialism," but it has nothing to rival the Ishtar Gate, and no Hanging Gardens to console a homesick princess. The only common purpose of Highland Falls becomes a paradox: People unite only to satisfy their individual desires. The whole is nothing but the sum of its parts.

Behind the cacophony of Highland Park's petty commerce, the monotonous din of his Main Street, lies an order that Huntington cannot have meant for us entirely to miss. Huntington's conservatism, again, is not Hoover's, and even the smallest, most laissez-faire state has its metaphorical night-watchmen. Someone must levy and collect taxes, if only to "provide for the common defense" with local police and a national military. And someone must heed the

¹⁵⁷ See Kohn, *supra* note 19, at 265 ("Although Huntington identified the larger truth that conflict was inherent in American civil-military relations, his explanation that the struggle lay rooted in a clash between the ideologies of a conservative military and the values of a liberal American society was never wholly persuasive.").

¹⁵⁸ U.S. DEP'T OF COMMERCE, STANDARD STATE ZONING ENABLING ACT § 3 (1926), *available at* <http://www.planning.org/growingsmart/pdf/SZEnablingAct1926.pdf>.

warning of Adam Smith himself: When the butcher, the baker, and the candlestick maker get together, it is more likely to raise prices than to lower them. This is not to say that businessmen are inherently evil; it is, rather, to say that the few who are evil need watching, and that the many who are good need recognition. At the macro-level, markets may be directed by an invisible hand; at the micro-level, individual firms need the guidance of very steady hands indeed, including hands that hold MBA degrees.

The order that is missing is the one that Louis Brandeis, a founder of the Harvard Business School, nicely foresaw emerging from the era of the robber barons:

Business should be, and to some extent already is, one of the professions. [T]he term “Big business” will lose its sinister meaning, and will take on a new significance. “Big business” will then mean business big not in bulk or power, but great in service and grand in manner. “Big business” will mean professionalized business, as distinguished from the occupation of petty trafficking or mere money-making. And as the profession of business develops, the great industrial and social problems expressed in the present social unrest will one by one find solution.¹⁵⁹

In Brandeis’s vision, “every legitimate occupation, be it profession or business or trade, furnishes abundant opportunities for usefulness, if pursued in what Mathew Arnold called ‘the grand manner.’”¹⁶⁰ The source of that phrase seems to be Arnold’s preface to a collection of his poetry:

I know not how it is, but their commerce with the ancients appears to me to produce, in those who constantly practice it, a steadying and composing effect upon their judgment, nor of literary works only, but of men and events in general. They are like persons who have had a very weighty and impressive experience: they are more truly than others under the empire of facts, and more independent of the language current among those with whom they live. They wish neither to applaud nor to revile their age: they wish to know what it is, what it can give them, and whether this is what they want. What they want, they know very well; they want to educate and cultivate what is best and noblest in themselves....¹⁶¹

This, again, is the perspective that Brandeis sees as essential to the proper performance of business managers, for he sees the need for them to be, under modern conditions, true professionals.

That, in turn, is quite close to what Huntington says about the professionalism of military officers:

The military skill requires a broad background of general culture for its mastery. The methods of organizing and applying violence at any one stage of history are intimately related to the entire cultural pattern of society. Just as law at its borders

¹⁵⁹ LOUIS D. BRANDEIS, *Business – A Profession*, in BUSINESS – A PROFESSION 1,12 (Small, Maynard & Co. 1914).

¹⁶⁰ See LOUIS D. BRANDEIS, *The Opportunity in the Law*, in BUSINESS – A PROFESSION, *supra* note 159, at 313, 313.

¹⁶¹ MATTHEW ARNOLD, THE POETICAL WORKS OF MATTHEW ARNOLD, at xvii, xxviii (C.B. Tinker & H.F. Lowry eds., 1963).

merges into history, politics, economics, sociology, and psychology, so also does the military skill.... The abilities and habits of mind which he requires within his professional field can in large part be acquired only through the broader avenues of learning outside his profession. The fact that, like the lawyer and the physician, he is continuously dealing with human beings requires him to have the deeper understanding of human attitudes, motivations, and behaviors which a liberal education stimulates.¹⁶²

Brandeis's business managers, like Huntington's military officers, are professionals; like all professions, they combine a high level of technical knowledge in their particular occupational area with the general knowledge of liberal studies.¹⁶³ This latter, the foundation of Arnold's "grand manner," is their common ground, the common culture that all professionals share.

As we have seen, the political side of Highland Falls is even more deeply buried than the economic. But, in the political as in the economic, there must be, in Huntington's vision, common professional ground with the military. "Politics," he insists, "deals with the goals of state policy."¹⁶⁴ Accordingly, "[c]ompetence in this field consists in having a broad awareness of the elements and interests entering into a decision...." Military expertise has two basic components, tactics and strategy, the relatively changing and the relatively fixed, the means and the ends. Because "war serves the ends of politics...."¹⁶⁵ "[o]bviously a considerable area exists where strategy and policy overlap."¹⁶⁶ Later, we will see, this produces difficult questions about division of labor; here we need to see that, but for this common ground, such questions could not arise. And, again, this common ground is the knowledge every professional must have of the common culture they all serve. That service presupposes an education on Brandeis and Arnold's liberal model, even as it is ideally performed in their "grand style."

And that "grand style," Huntington would have expected us to notice, has an architectural expression of its own, visible even in his humble Highland Falls. The court house and the post office, at very least, would not have been Victorian, even if they had been built in Victorian times, nor would they have been built of wood. They would have been built in brick or, likelier still, stone, along Neo-Classical lines. In their homage to those lines, they might have been part of the local disorder, but they would have been in harmony with the architecture of both the nation's capitol building and the rest of its capital city: A Palladian dome caps our national legislature, a Greek temple houses our Supreme Court, all of the Presidential monuments on the national mall -- Jefferson's Romanesque rotunda, Lincoln's Greek temple, Washington's Egyptian obelisk -- acknowledge the neo-classical. And a neo-classical portico, the stoa of the

¹⁶² HUNTINGTON, *supra* note 2, at 14; *see also id.* at 64 ("The military vocation is a profession because it has accumulated experiences which make up a body of professional knowledge. . . . The military ethic thus places unusual value upon the ordered, purposive study of history.").

¹⁶³ *Id.* at 199 (noting that "before the Civil War West Point was deficient in the two components of a preliminary military education" because "[i]t did not give its students a broad grounding in the liberal arts; neither did it furnish them with the first essentials of military science."); *see also id.* at 216 (explaining Calhoun's idea that "[t]he Academy should be transformed from a technical institute into a professional school").

¹⁶⁴ *Id.* at 71.

¹⁶⁵ *Id.* at 71-72.

¹⁶⁶ *Id.* at 72.

Stoics, the school of Marcus Aurelius, fronts our executive mansion, even as it fronts both Washington's Mt. Vernon and Lee's Arlington on the Virginia side.

(2) The Civilian and Secular in West Point: From Medieval Monastery to Modern University.

The Renaissance masters of classical motifs designed military as well as civilian structures; the Pentagon reflects their basic design: A low profile to present attackers a difficult target, five sides for returning effective cross-fire.¹⁶⁷ This double nature of the neo-classical, its insistence on beauty in utility and utility in beauty, is, as Huntington has reminded us, a hallmark of West Point itself. Like the Pentagon, its form follows its function; it is fundamentally a fort. But, like the Pentagon, West Point is more than a fort; like the Pentagon, it is connected with the rest of society by more than merely the fact that its job is to defend that society.

Huntington says as much when he likens West Point to a monastery. It is, to be sure, a place of renunciation of self and dedication to service, and a place of removal from the world – but only for a while. Cadets are less like the “regular clergy,” those cloistered in monasteries under the Rule of Benedict at retreats like Mont St. Michel, and more like the “secular clergy,” those who are first schooled in the Word, then returned to live and work in the world. And their purpose is neither to despair of the world nor to transcend the world. Their purpose, rather, is to serve the world; at a minimum, to preserve it, ideally, to redeem it, even as Huntington himself has said.

Thus military cadets prepare to serve the world stationed within it, like regular clergy, not cloistered outside it, like monks. And, like regular clergy, they renounce the self in taking up this service. But, unlike the regular clergy, they do not renounce the sword in this service; rather, they take up and, as it were, sharpen its edge. West Point, we must remember, is an academy, not a military camp; but, we must also remember, it is a military academy, not a cathedral school.

The cadets' proper renunciation, then, is not the monastic cell, but the military cot; the mark of their service, not the surplice, but the uniform. Their proper role-model is neither monk nor priest, but Marcus Aurelius, the soldier-statesman, reading his Stoic philosophers and writing his own meditations in his tent on the Danube. When he is not fighting, he is reading, or writing. He knows his world is not the republic of Plato's *Republic*; he also knows that, in this world, his service, military and civilian, may well be what most advances that republic's values.

c) Another View of the Chapel: From Gothic Chapel to Neo-Classical Pantheon.

But what, then, are we to make of West Point's chapel?¹⁶⁸ Here at West Point's architectural center, Huntington tells us, is its spirit: Even as we found what was worst about

¹⁶⁷ See STEPHEN F. VOGEL, *THE PENTAGON: A HISTORY* (2007) (explaining that part of the appeal of the Pentagon's design is its resemblance to historic forts and part its suitability to the original site).

¹⁶⁸ Need to work in, here or below, parallel between Eliot Friedson's religious images and Huntington's; also, Hackett on military and priesthood. Me, yet again, perhaps for later.

civilian America's liberal self-indulgence in Highland Park's main street, so we are to find what is best about universal military public service in West Point's chapel. How are we, as citizens of a secular republic, to get past this suggestion that, at West Point's gothic chapel, as at the great medieval church at Mont St. Michel, the religious and the military spirits unite in one purpose, and that the common public purpose, military and civilian, is the divine?

Huntington himself points us to the answer, with his invocation of Henry Adams. Adams, as we have seen, was a fellow seeker of an alternative to modern American values; his visit to, and evocation of, France's great Gothic monuments was part of his search, part that Huntington obviously shares. But Adams, Huntington must have known, does not leave us with the pointed arches and soaring spires of the Gothic; he takes us back to their foundation. And Huntington, in his turn, gives us Adams as the basis of his own Gothic metaphor. If we would follow Huntington, then, and fully appreciate his insight about West Point, we must look, as he must have looked, more deeply into Adams's book.

As Huntington rightly observes, Henry Adams remarked at Mt. Saint Michel "on the unity of the military and the religious spirits."¹⁶⁹ But, as we have also seen, Adams found that the Gothic unity did not hold. Beneath it and behind it Adams saw at Mont Saint Michel a deeper, more enduring unity, that of the original, Norman chapel. Before the Gothic, as Huntington very well knows, is an earlier, transitional architecture, the Romanesque. It is to the Romanesque, Adams tells us, that people come back after their youthful enthusiasm for the Gothic:

The quiet strength of these curved lines, the solid support of these heavy columns, the moderate proportions, even the modified lights, the absence of display, of effort, of self-consciousness, satisfy them as no other art does. They come back to it to rest, after the long circle of pilgrimage, -- the cradle of rest from which their ancestors started.¹⁷⁰

But even that older Romanesque order, Adams realized, was no proper place for modern folk to rest. The reason is one that Huntington, too, would have realized:

Perched on the extreme point of this abrupt rock, the Church militant with its aspirant Archangel stands high above the world, and seems to threaten heaven itself. The idea is the stronger and more restless because the Church of Saint Michael is surrounded and protected by the world and the society over which it rises. . . . Church and State, Soul and Body, God and Man, are all one at Mont Saint Michel, and the business of all is to fight, each in his own way, or to stand guard for each other.¹⁷¹

It was not really adequate even for their own time, as Adams knew the Normans themselves knew:

¹⁶⁹ HUNTINGTON, *supra* note 2, at 465.

¹⁷⁰ ADAMS, *supra* note 145, at 349.

¹⁷¹ *Id.*

We cannot do many things which are done in the center of civilization, at Byzantium, but we can fight, and we can build a church.¹⁷²

He knew, as they knew, that Byzantium itself was not the real center: That center was Rome; their king, Charles the Great, had been crowned its Emperor. But that center itself had not held; they themselves had had their part in dismembering the Carolingian kingdom.

The Romanesque was only a bridge, but it was a way back as well as forward, back to the Rome of the Church and forward to the Churches of the Gothic; the Duke of Normandy gave the Mount of Saint Michel to the Benedictines, who brought the Romanesque with them from Monte Casino and made it the foundation of their Gothic. That Gothic, as Adams was to show, was another center that would not hold, another synthesis of sacred and secular that would, in its own time, come apart. We, in our time, must do more than fight, and we are forbidden, by our fundamental law, to build a chapel that is a church.

But the Romanesque might also be our own way back, Huntington and Adams¹⁷³ must also have realized, to a very different Rome, the Rome of both the Renaissance and the Revolution, American as well as French. The Norman Dukes' bridge back across the Dark Ages to Peter's Church, like the Founders' back to Cicero's Republic, rested on the round arches of Roman architecture, as functional as those of the Pont du Garde, as perfect as those of the Pantheon.¹⁷⁴

Here both Adams and Huntington might have found a more fitting metaphorical focus, one far more like the Dome the neo-classicist Benjamin Henry Latrobe¹⁷⁵ designed for the Republic's expanded Capitol. But the Pantheon poses two problems of its own, one political, the other theological. First of all, the Pantheon is a product, not of the Roman Republic, but of the Roman Empire; second, the pantheon is a pagan temple to all the polyglot gods of Roman and its subject peoples; the American Republic is a nation under one God, or none.

(1) The Successful Religious Synthesis of the First Amendment: From Many, All -- or None.

The second problem proves easier to solve, and the Founders solved it well enough. Read as repeatedly as you like the preamble to our Constitution, you will find only human purposes, not a single divine purpose. That preamble recognizes, with Huntington and with Plato, the basic need for national defense, and the nation our armed forces are defending is officially and fundamentally secular. The free exercise of religion, to be sure, is one of the values our Constitution enshrines; it is, accordingly, one of the values our military defends. But the only thing public about that religion is its protection; its exercise is purely private.

¹⁷² *Id.* at 348.

¹⁷³ Maybe not Adams: Note that he was among those "who have lived long and are tired – who want rest, – who have done with aspirations and ambitions – whose life has been a broken arch." *Id.* at 349.

¹⁷⁴ Note that Brunelleschi went back to the Pantheon as model for the Dome of the Duomo of Florence, the first great masterpiece of Renaissance architecture. See ROSS KING, BRUNELLESCHI'S DOME 27-30 (2000).

¹⁷⁵ See MARK GELERNTER, A HISTORY OF AMERICAN ARCHITECTURE 122-23 (2001) (recounting Latrobe's designing of the U.S. Capitol building after the War of 1812).

Rome, as an empire and as a republic, was no servant of the purposes of any gods, much less all gods; Rome's gods, such as they were, were more the servants of Rome's purposes. Gibbon may have been a skeptic on many points, but he was quite certain about the religious policy of Rome under Hadrian and the Antonines:

The various modes of worship, which prevailed in the Roman world, were all considered by the people, as equally true; by the philosopher, as equally false; and by the magistrate, as equally useful.¹⁷⁶

None – Roman people, Roman philosophers, Roman magistrates – need have been nearly so cynical as the Gibbon, the Roman historian, makes all of them sound. Nor need we be; in the words of two contemporary Army chaplains, “No matter how pluralistic the sources of spiritual fitness may be, in the estimation of many senior leaders the ability of the soldier to draw on his or her own spiritual or philosophical resources in times of stress is an undeniable component of readiness.”¹⁷⁷

Consider, again, Huntington's key passage on this point, with its two parallel clauses: “Religion subordinates man to God for divine purpose; the military life subordinates man to duty for society's purposes.” The second clause confirms what we have already seen: The military serves, neither its members' private purposes nor its own institutional purposes, but society's all-encompassing public purpose. But that just points us, again, to what those societal purposes are to be. The first clause offers the answer of thirteenth century Christian Europe: Humanity, individually and socially, military and civilian, serves God's purpose.

That was not the Founders' answer, but neither was the Founders' answer the opposite. The Founders' republic was neither theistic, like the medieval synthesis of Mont Saint Michel, nor atheistic, like either its more radical French contemporaries or modern “scientific” socialism. Our republic is, rather, agnostic, literally without claim to knowledge of “divine purposes.” Its citizens may worship whatever gods they like, as long as the demands of those gods do not conflict with civil duty, which cannot be defined with reference to any of those gods. That is why the religious clause of our constitution includes both a “free exercise” clause and a “non-establishment clause.”

And that is why our military has chaplains from many faiths, not one; why the center to which Huntington points on West Point's hill must be a chapel, not a Church, or, even more properly, a Pantheon.¹⁷⁸ The peak of Rome's Pantheon is not a stone Archangel, escaping earth

¹⁷⁶ EDWARD GIBBON, 1 *THE DECLINE AND FALL OF THE ROMAN EMPIRE* 25 (Modern Library Classics, 2003) (1776).

¹⁷⁷ John W. Brinsfield & Peter A. Baktis, *The Human, Spiritual, and Ethical Dimensions of Leadership in Preparation for Combat*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 463, 476.

¹⁷⁸ *See id.* at 471 (“What can be demonstrated, and what may be of most import for the Army leadership and Army professionalism, is that the American culture from which the military services draw support puts a high premium on spirituality, organized religion, religious freedom, and the Constitutional right to the free exercise of religion, a right which both Congress and the Federal courts have applied to military as well as civilian communities.”).

and assaulting heaven¹⁷⁹, but an operculum, letting light from outside and above illuminate the interior below. Its design thus reflects a very chastened – one might fairly say conservative -- view of the divine: On the one hand, direct emotional contact cannot be denied, but neither can it be made rationally binding on others. On the other hand, if God’s will is for the human good – if, as Huntington suggests elsewhere, the highest humanitarian values are implicitly the same as the highest Christian – then we serve the latter when we serve the former.

The synthesis that Huntington needs is precisely this: A rationally determined vision of the common good that God himself would endorse (if He really exists, and if He really is a rational being who loves human beings above all things¹⁸⁰). This is, of course, the accommodation, not only of the Founders, but also of Plato and the Stoic philosophers. In his principle dialogue on religion, Socrates presses his impetuously religious interlocutor Euthyphro toward this very conclusion: Justice, the service we owe our fellow human beings, and piety, the service we owe the gods, must be the same, if either is to be rationally knowable.¹⁸¹ That is why, at bottom, Plato’s ideal society, like our Founder’s regime, is neither a theocracy, nor a democracy, but a republic: The basic test that every law must pass, the foundation of due process of law, is that every law rationally advance a legitimate public purpose, from which, as we have seen, purely religious purposes are explicitly excluded. And so, too, is the aggregation of purely arbitrary, unexplained private purposes, the very foundation of popular democracy.

(2) The Fraught Political Synthesis of a Democratic Republic: All Electing the Wise.

That is why the other problem, the political problem, proves less tractable. The Roman Republic, as our Founders well knew, was no blueprint for theirs; it had succumbed to a tyranny all too like the one they themselves had all too recently resisted. To be sure, not all Emperors were Neros; Hadrian, the builder of the Pantheon, founded a very different line. On these “good emperors,” the judgment of the Founders’ contemporary, Gibbon, was very generous indeed:

If a man were called to fix the period in the history of the world, during which the condition of the human race was most happy and prosperous, he would, without hesitation, name that which elapsed from the death of Domitian to the accession of Commodus....The armies were restrained by the firm but gentle hand of four successive emperors, whose character and authority commanded involuntary respect. The forms of the civil administration were carefully preserved by Nerva, Trajan, Hadrian, and the Antonines, who delighted in the image of liberty, and were pleased with considering themselves as the accountable ministers of the laws. Such princes deserved the honor of

¹⁷⁹ ADAMS, *supra* note 145, at 349 (“Perched on the extreme point of this abrupt rock [at Mont Saint Michel], the Church militant with its aspirant Archangel stands high above the world, and seems to threaten heaven itself.”); *id.* at 691-92 (“The theology turns always into art at last, and ends in aspiration. The spire justifies the church.”).

¹⁸⁰ As, of course, many maintain that he is. *See, e.g., John 3:16* (“For God so loved the world that he gave his only begotten son.”). For an argument that this conception of a fundamentally pro-human God can be found in all three great Abrahamic faiths, Judaism and Islam as well as Christianity, see Rob Atkinson, *The Future of Philanthropy: Questioning Today’s Orthodoxies, Re-Affirming Yesterday’s Foundations*, 4 WM. & MARY POL’Y REV. 251 (2013).

¹⁸¹ PLATO, *Euthyphro*, in 1 THE DIALOGUES OF PLATO 394 (Benjamin Jowett trans., Random House 14th ed. 1937) (“Piety or holiness, Socrates, appears to me to be that part of justice which attends to the gods, as there is the other part of justice which attends to men.”).

restoring the republic had the Romans of their days been capable of enjoying rational freedom.¹⁸²

But to praise the “Good Emperors” with this quote is to risk damning them with the title of its source: *The Decline and Fall of the Roman Empire*. The last and perhaps best of their line, the philosopher-emperor Marcus Aurelius, hand-picked by Hadrian to succeed his own successor, could not solve the problem of succession. His son ended the line of good emperors; indeed, he became an emperor bad enough to remain evil in the popular memory down to our own time.¹⁸³

Hadrian’s line thus posed the twin political problems that the Founding Federalists took it as their principal task to solve: “first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold the public trust.”¹⁸⁴ They gave their solutions in the next sentence: “The elective mode of obtaining rulers is the characteristic polity of republican government” in the selection of the wise and virtuous rulers; the most effective means of keeping them that way “is such a limitation of terms of appointments as will maintain a proper responsibility to the people.”¹⁸⁵ And, of course, they embodied that answer in our constitution.

But that, in the hands of their own successors, proved less than a panacea, as both Henry Adams and Huntington were, in their own times, acutely aware. Henry Adams’s grandfather, John Quincy Adams, like Huntington’s paragon of military professionalism, John C. Calhoun, had both succumbed, ultimately, to Jacksonian democracy.¹⁸⁶ Henry Adams named his great satire of Gilded Age excess *Democracy*; Huntington himself warned that “the representative ideal was, of course, just as incompatible with military professionalism as the aristocratic ideal.”¹⁸⁷ This was the political core of Huntington’s problem: Civilian culture seemed to have no complement for military conservatism, the set of values essential to military professionalism. Upon closer examination, we found a professional echelon in Highland Falls; what we have not found is its political equivalent.

(3) From Icon to Book to Author and Reader.

In Huntington’s metaphor of West Point, we can now see, at least in outline, what the equivalent would look like: A civilian society led by those educated in statecraft, even as America’s military leaders are educated in warcraft. Their common ground is the common good; their leaders those knowledgeable of, and committed to, that good. Those two virtues, seeking and serving the common good, are the values enshrined in their pantheon, where the beautiful is

¹⁸² GIBBON, *supra* note 176, at 70.

¹⁸³ He is Commodus, the evil foil to Russell Crowe’s eponymous *Gladiator*.

¹⁸⁴ THE FEDERALIST NO. 57, at 370-71 (James Madison) (Robert Scigliano ed., Modern Library 2000).

¹⁸⁵ *Id.*

¹⁸⁶ This was, indeed, perhaps the strongest link between Calhoun and the ethos of the Founders, both the Hamiltonian Federalists and the Jeffersonian Republicans. See BARTLETT, *supra* note 109, at 106 (“The republican credo learned from his father had taught him that the purpose of elections was to represent virtue, talent, and property.”).

¹⁸⁷ HUNTINGTON, *supra* note 2, at 34.

added to the true and the good. But we do not yet see how this might be, how we might get from here to there, or what we are to do in the meantime.

We have, nonetheless, come to an important point in our analysis of Huntington. If what we have seen about the oddity of his closing symbol, the gothic chapel at West Point, is true, we cannot end our analysis of his essay on civilian/ military relations with that symbol. We must, rather, look back at the analysis that has preceded it, in light of the perplexity that closing symbol places us in. It is, we need to note, the perplexity that Platonic dialogues often leave their readers in: disturbed in their presuppositions and ready either to abandon the critical process or to begin anew, re-thinking the critical steps in their analysis.¹⁸⁸ In the last analysis, Huntington, we must bear in mind, is not a priest comforting parishioners nor an officer commanding soldiers: He is a philosopher, calling us, neither to prayer nor to arms, but to dialogue. In the military academy at West Point, his final symbol reminds us, our military acknowledges reason as the ultimate source and guarantor of all its values, societal as well as functional.

III. Professional Officers Serving a Neo-Classical Republic: Bringing Huntington and Plato Together.

As you are yourself a complement of a social system, so let every act of yours be complementary of a social living principle. Every act of yours, therefore, which is not referred, directly or remotely to the social end sunders your life, does not allow it to be a unity, and is a partisan act, like a man in a republic who for his own part sunders himself from the harmony of his fellows.

Marcus Aurelius, *Meditations*.¹⁸⁹

In Part I, we saw that Huntington's proffered solution to the classical problem of civilian/ military relations is "objective civilian control": A fully professionalized military officer corps that stands ready to obey the orders of any legitimate civilian regime. That would give the perfect balance of maximum military preparedness and minimum risk of military insubordination. Military professionalism, in that arrangement, entails two basic components, one intellectual, the other moral: the competence needed to ensure its functional imperative, defend the homeland, and the virtue necessary to prevent abuse of that competence at the expense of civilian values, the cultural imperative.

In Part II, upon closer examination, we saw that this universal solution proves to have problems wherever the competencies and values of civilian authorities are not perfectly

¹⁸⁸ See James Boyd White, *The Ethics of Argument: Plato's Gorgias and the Modern Lawyer*, 50 U. CHI. L. REV. 849, 852 (1983) ("The effect of this process [of dialectic by which Plato's dialogues work] is to disturb the relation between self and language, to break down the sense of natural connection and coherence between them. One comes suddenly to see both self and language as uncertain, as capable of being remade in relation to each other. The true aim of a dialogue that works this way, of the *Gorgias* among others, is nothing less than the shared reconstitution of self and language.").

¹⁸⁹ AURELIUS, *supra* note 83, at 60.

congruent with those of the military. All three of Huntington's twentieth century second-best situations proved even worse than he himself seemed to appreciate. In Nazi Germany, he saw that Nazi interference in military affairs had undermined the military's functional capability; we saw that a more chastened civilian fascist regime might very well have used an obedient military not only to avert Germany's unconditional surrender, but also to produce either the annihilation of Germany itself or a thorough German victory. In the Cold War between the liberal NATO Alliance and the communist Warsaw Pact, Huntington saw the risk that a more aggressive faction on either side might have produced thermonuclear war. We saw that a less aggressive faction on either side might have left the Warsaw Pact nations in a state of permanent stagnation, if not Stalinist terror or economic collapse.

These prospects pressed us, with Huntington, toward his ideal solution as the only real option: a civilian regime that itself embodies values consistent with the conservative values dictated by the military's function. But his survey of candidates for an effective regime of civilian conservatism came up surprisingly short: All fail. In their failure, however, we recognize the outline of what we are looking for, a society in which military and civilian values are synthesized. Huntington held that prospect out for us in his own City on a Hill, right here on American soil, his West Point, centered on its Gothic chapel. But Huntington disappoints us again: His civilian society and his military professionals are united in service to divine purposes he does not deign to disclose. But, again, it fails instructively: We see, in still clearer outline, what we are looking for: A society in which the wise rule, in both civilian and military matters, for the good of all. That first-best arrangement, Huntington insists, will bring not only security, but also redemption.

Having raised the stakes this high, Huntington forces us to look back at his original proposal. When we do, we find that that proposal itself presses us, relentlessly, beyond itself, toward a system that may very well give all that Huntington promises. Huntington's vision of universal social unity under the symbol of the Gothic chapel, we have just seen, cannot accommodate his synthesis of military and civilian values. Nor, as we saw just before that, can we quite extrapolate the civilian conservatism his second-best solutions press us toward from his historical examples. But, if we bear the two failures in mind, we can find just that synthesis, just the civilian conservative regime that Huntington needs to pair with his military conservatism, in the very place where he directs us to look, the functional requirements of the professionalized military itself. Even as he says, "the nations themselves may eventually find redemption and security in making that standard their own."¹⁹⁰ And that, we are now in a position to see, will be Plato's classical solution, updated and expanded for our own age.

Making this final connection requires us to move both Huntington and Plato toward each other. **First**, we must see how Huntington's analysis presses us toward Plato's conclusion. **Then** we must see how Huntington, as it were, brings Plato down to earth. **Finally**, as a kind of coda, we must consider, if only briefly, a question raised by both of these steps: Why wasn't Huntington more straightforward in making these points, in assimilating his solution to Plato's?

¹⁹⁰ HUNTINGTON, *supra* note 2, at 466.

A. Moving Huntington toward Plato: Military Officers and Civilian Authorities Knowing and Serving the Common Good.

Moving Huntington toward Plato requires three basic steps. First, we must see that Huntington's "first-best," a regime with civilian authorities who properly match his professionalized military officers, is none other than Plato's ideal regime, where the wise rule for the good of all. Since this is not likely ever to obtain, and since acting as if it were already in place produces problems of the second best, we are pressed toward a second step: Exceptions to the rule that officers should always obey orders of any legitimate civilian authorities. When we examine these exceptions, however, we notice that, in order for military officers to make these exceptions work, they must, themselves, both know and be committed to the public good. When we notice this, we can appreciate the possibility of realizing Huntington's concluding promise of both securing and redemption under military values. This, in turn, brings us to our third and final step: Huntington's first-best, professional officers obeying any legitimate authority, actually only works in the very circumstances of Plato's Republic: Where civilian authorities and military officers share a vision of the same values.

1. Finding the Flawed Premises.

In Huntington's first-best, ideal solution to the problem of military/ civilian relations, a professionalized military high command is perfectly matched to a professionalized upper echelon of civil servants, whom he calls "statesman." The relative scopes of their respective expertizes is the basis for their entire relationship, with each deferring to the other in their particular fields:

The military profession is expert and limited. Its members have special competence within their field and lack that competence outside their field. The relationship of the profession to the state is based upon this natural division of labor. The essence of this relationship concerns the relative scope of competence of the military expert and political expert or statesman.¹⁹¹

As Huntington elaborates on this relationship, two critical elements become clear: First, each has its proper sphere; second, each must be a proper expert within its sphere. The military officer, as a professional, is an expert about one means of achieving state ends, the management of violence; "it is this area within which the statesman must accept the judgment of the military professional."¹⁹²

Statesmen, by contrast, use military means toward state ends. That latter is their domain, and in that domain lies their own corresponding competence:

¹⁹¹ *Id.* at 70; see also Matthew Moten, *Root, Miles, and Carter: Political-Cultural Expertise and an Earlier Army Transformation*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 738 ("In an ideal world, military professionals would remain unequivocally subordinate to their civilian masters, who would, in turn, develop clear, unambiguous, and unchanging policy goals prior to a forthright declaration of war."); Marybeth Peterson Ulrich, *Infusing Civil-Military Relations Principles in the Officer Corps*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 655, 659 ("The ideal match-up occurs when civilian leaders have high competence *and* responsibility.") (emphasis in original).

¹⁹² HUNTINGTON, *supra* note 2, at 71.

Politics deals with the goals of state policy. Competence in this field consists in having a broad awareness of the elements and interests entering into a decision and in possessing the legitimate authority to make such a decision. Politics is beyond the scope of military competence....¹⁹³

Statesmen, in Huntington's model, are experts with special competence in the ends of state action; military officers are experts with special competence in one particular means of achieving state ends, organized violence. Logically, then, military officers must be subordinate to statesmen, as means are subordinate to ends.

The criteria of military efficiency are limited, concrete, and relatively objective; the criteria of political wisdom are indefinite, ambiguous, and highly subjective. Politics is an art, military science is a profession. No commonly accepted political values exist by which the military officer can prove to the reasonable man that his political judgment is preferable to that of the statesman. The superior political wisdom of the statesman must be accepted as a fact.¹⁹⁴

Huntington's ideal of military/ civilian relations can be reduced to two interlocking syllogisms, both sharing the same major premise:

Major Premise: The less competent should defer to the more competent.

Minor Premise 1: Compared with civilian leaders, military officers are
(a) More competent about the military means of state action, but
(b) Less competent about the ends of state action.

Minor Premise 2: Compared with military officers, civilian leaders are
(a) Less competent about the military means of state action, but
(b) More competent about the ends of state action.

Conclusion 1: Therefore military officers should defer to civilian leaders about the ends of state action.

Conclusion 2: Therefore civilian leaders should defer to military officers about the military means of state action.

The trouble with syllogisms, of course, is that their conclusions are valid only if all of their premises are true. We can, for present purposes, take Huntington's major premise as true, if not tautological: If we want to achieve a given function, we must defer to those who are competent in achieving that function.¹⁹⁵

¹⁹³ *Id.*; see also Niensens *supra* note 10, at 627, 632-40 (showing that both Huntington and Janowitz essentially and properly adopt Clausewitz's view that "domestic political matters and the derivation of policy goals" are outside the province of military professionals).

¹⁹⁴ HUNTINGTON, *supra* note 2, at 76.

¹⁹⁵ We need only note that this premise underlies Plato's political philosophy. See PLATO, *supra* note 20.

The problem with Huntington's logic lies in his minor premises.¹⁹⁶ The second half of both of its minor premises are demonstrably false, much if not most of the time; specifically, Minor Premise 1 (b) is false because military officers are sometimes better at assessing state ends than are civilian leaders, and, conversely, Minor Premise 2 (b) is false because not all civilian leaders are true statesman, well versed in matters of statecraft. What is more, both of these minor premises may be false in either of two related ways, because the supposed science of statecraft has two essential components, achieving ends and evaluating ends. With respect to neither of these components of statecraft are civilian leaders always competent, and military leaders always incompetent. We will question the supposed superiority of civilian leaders to military leaders, first in achieving state ends, then in evaluating state ends. In both assessments, we will rely primarily on Huntington's own examples to show that his assumptions about the relative competence of military officers and civilian leaders are, quite often, demonstrably false.

a) Competence in Achieving State Ends.

Most of the case Huntington makes for the subordination of military to civilian leaders rests on arguments about the latter's greater competence in achieving state ends. We, accordingly, will begin there.

(1) The False Premise of Greater Civilian Competence.

As we have seen, Huntington's conception of competent statesmanship has two components: "a broad awareness of the elements and interests entering into a decision" and "the legitimate *authority* to make such a decision."¹⁹⁷ The first thing to notice is that, as a matter of both fact and logic as well as law, a civilian leader can have legitimate authority without the requisite knowledge.

Hitler, again, nicely illustrates the point: Some legally legitimate rulers are, by no reasonable measure, "statesmen"; they are demonstrably maniacs. Nor is Hitler a single anomaly here: The last century, Huntington's century, also gave us Stalin, Mussolini, Mao, Pol Pot, and Idi Amin. All had, at least at some point, legitimate authority, under international law, to make decisions about state ends. But notice, critically, that none had the other mark of Huntington's statesman: "a broad awareness of the elements and interests entering into a decision." Leaving aside, for now, their skill in evaluating state ends, they were not particularly adept at achieving those ends.

To show that some political leaders are not proper statesmen is only to show that Huntington's premise about superior civilian expertise is not universally true, that it admits of notable, but perhaps narrowly limited, exceptions. But Huntington does little, if anything, to prove that civilian politicians are proper professional statesmen more often than not. The closest thing he offers for the proof of the proposition's truth comes down, in essence, to an argument

¹⁹⁶ See Ceulemans & van Damme, *supra* note 20, at 11 ("[Huntington's analysis] implies that *if* it could be proven in one way or another that the political analysis of the military officer were much sounder than that of the statesman, then the former would not only have the right to disobey, he probably would have an obligation to do so.").

¹⁹⁷ HUNTINGTON, *supra* note 2, at 71.

that it needs to be true not only as a grounds for his theory's subordination of military to civilian authorities, but also as a guarantee of proper civilian government itself.

In the place of evidence that civilian politicians are, in fact, the properly professional statesmen that his theory needs them to be, Huntington only offers evidence of when and why that need arose. Here is that evidence, which Huntington quotes from Field Marshal Earl Wavell's *The Good Soldier*:

Interchangeability between the statesman and the soldier passed for ever, I fear, in the last [nineteenth] century. The Germans professionalized the trade of war; and modern inventions, by increasing its technicalities, have specialized it. It is much the same with politics, professionalized by democracy. No longer can one man hope to exercise both callings, though both are branches of the same craft, the governance of men and the ordering of human affairs.¹⁹⁸

Several factual assertions are confusingly conjoined here; once we tease them out, we find no reason to believe that civilian leaders are, in fact, invariably, or even usually, the model statesman that Huntington's model needs them to be.

The first assertion is that, under nineteenth century conditions, military leadership had to be professionalized if it were going to succeed, to meet what Huntington identifies as its "functional imperative." We can easily grant that Huntington has elsewhere proved that first assertion. The problem lies in the second assertion, that civilian leadership underwent a similar transformation: "It is much the same with politics, professionalized by democracy."¹⁹⁹ Even if the independent clause is true, and politics came to require a professionalism paralleling military professionalism, the modifying phrase is very dubious evidence. Huntington needs that phrase to establish two propositions: Not only that democracy somehow made professional statesmanship necessary, but also that democracy somehow ensures that politicians are, as a matter of fact, true professionals.

The first proposition – that democracy made professional politics necessary – is at best unlikely. More likely, what made professional politics necessary were the same social factors that made military professionalism necessary: the increasingly complexity of the task at hand, owing to a host of scientific and social factors, of which democracy was only one, and perhaps not the most critical one. As Huntington own citation of Bismarck implies, political authorities needed to be statesman even in nations that were far from being democratic.

¹⁹⁸ *Id.* at 70 (citing FIELD MARSHAL EARL WAVELL, *THE GOOD SOLDIER* 27-28 (1948)). This approving reference to politics as a profession, we must note, is in considerable tension with Huntington's rhetorical flourish elsewhere that "politics is an art, military science a profession." *Id.* at 76. The latter seems to make modern "statesmen" less the parallel to his modern professionalized military and more like the pre-professional "geniuses" that he very carefully eschews. *See id.* at 28 (faulting eighteenth century military scholars because they "substituted glorification of natural genius for a conception of professional officership."); *id.* at 30 ("The accepted eighteenth-century theory of generalship centered about the concept of a natural genius," which implied that "military command was an art like music or sculpture which required inherent talent" and thus "could not be transmitted or learned.").

¹⁹⁹ *Id.* at 70 (citing FIELD MARSHAL EARL WAVELL, *THE GOOD SOLDIER* 27-28 (1948)).

The second proposition – that democracy somehow ensures that modern political leaders must be competent statesmen – is both the more important and the more dubious, as surprising as it is unexplained. At least since the century of Plato’s *Republic* and Thucydides’s *Peloponnesian War*, the notion of a class of recognizably professionalized statesmen has been seen as, if not antithetical to democracy, then at least in tremendous tension with democracy. Huntington’s own examples of this new and necessary division of labor only compound the problem:

Napoleon embodied the old unity of military science and politics. He was replaced by Bismarck and Moltke[,] who symbolized the new dichotomy.²⁰⁰

Let us assume, with Huntington, that Bismarck was nothing if not a genius at realpolitik, and that his military doppelganger Moltke was a worthy Clausewitzian master of war as “politics by other means.” But Bismarck’s statesmanship, whatever its merits, is hard to see as either produced or guaranteed by democracy. It most likely would not have occurred to him to submit his chancellorship to a plebiscite, and not only for the reason that he might well have lost.

The problem with Huntington’s analysis of political professionalism, or “statesmanship,” comes to this: Technology- and demography-driven changes in the nineteenth century may well have made professionalism functionally necessary in both military command and civilian administration; this trend toward professionalization, in turn, may well have made it unlikely that any one person could be a master of both military science and civilian administration. But the emerging need for professionalism in both fields, military and civilian, does not prove that that need has, in fact, been met in either field. Nor did the concurrent trend toward political democracy mean that civilian leaders at the highest levels would tend to be, in any sense, professionals or experts at anything other than getting elected.

This suggests a possibility that, curiously enough, Huntington failed to mention, if not consider: Although military officers may need both elements of professional knowledge, Friedson’s marriage of the technical and the liberal,²⁰¹ civilian statesmen may need only one, the liberal, or, if anything more, only a sort of on-the-job ability to choose professional subordinates.²⁰² A corollary would be that, although statesmen may well lack the qualifications to be officers, officers might well possess the qualifications to be statesmen. It cannot have escaped Huntington’s notice, and he cannot have expected it to escape his readers’, that, even as he was publishing his book, Eisenhower, the former Supreme Allied Commander, had just begun his second term as President of the United States.

That would still mean, of course, that civilian authorities might themselves lack the educational requirements of statesmanship. Nor, as Huntington’s own examples remind us, is that the worst of it. Civilian leaders may not merely lack any policy expertise of their own; they

²⁰⁰ *Id.*

²⁰¹ ELIOT FREIDSON, PROFESSIONALISM: THE THIRD LOGIC 121 (2001) (“The ideology of professionalism asserts knowledge that is . . . [a] wedding of liberal education to specialized training . . .”).

²⁰² *If that.* See James Burk, *Responsible Obedience* 157 (comparing “military professionals, who are specialists in violence,” with “elected officials, who are specialists in persuasion.”). In classical political philosophy, of course, the skill of persuasion is a dangerous tool in the hands who do not both know and serve the public good. See Plato, *Gorgias*; Aristotle, *Rhetoric*.

may eschew reliance on such expertise altogether, sometimes explicitly, sometimes implicitly, but nonetheless unmistakably. Here again, Hitler is the perfect paradigm:

“... Hitler was a mystic, who tended to discount, even when he did not disregard, all the rules of strategy.

“Hitler taught and believed that reason and knowledge are nothing, and that the unbending will to victory and the relentless pursuit of the goal are everything. Mystical speculation replaced considerations of time and space, and the careful calculation of the strength of one’s own forces in relation to the enemy’s. All freedom of action was eliminated. Even the highest commanders were subjected to unbearable tutelage.”²⁰³

Although Hitler is, as usual, the limiting case, his case, here again, is hardly unique. Fascism generally “stress[] intuition” and “ha[s] little use or no need for ordered knowledge and practical, empirical realism,” “celebrat[ing] the triumph of the Will over external obstacles.”²⁰⁴ And fascism, a sadly hardy perennial among political ideologies, illustrates a more general problem: Civilian authorities who rely, not on greater policy expertise, but on deeply and manifestly, even admittedly, irrational modes of decision-making.

And, of course, even if civilian leaders eschew relying on expert policy analysis themselves, they may nonetheless be willing to distort policy analysis in order to bring others, in the military and elsewhere, around to a position they have reached by their own irrational methods. This seems to have been significant in Hitler’s overcoming his generals’ objections to his plan to invade Russia:

... Hitler was able to overcome their doubts about his Russian adventure with the aid of political “information” designed to convince them of its necessity, and that Russia’s internal weakness would affect her military strength.²⁰⁵

That was most likely not destined to be the last time that civilian authorities, bent on a military adventure for reasons unrelated to any rational analysis of the national interest, overstated both the threat posed by an enemy and the weakness of that enemy’s internal support.²⁰⁶ A military officer corps well versed in geo-political matters may provide the best bulwark against such deceptions and attendant disasters.²⁰⁷

²⁰³ B.H. LIDDELL HART, *THE GERMAN GENERALS TALK* 44 (1948) (quoting General Dittmar, who relied in part on conversations with General Halder, head of the General Staff from 1938 until 1942).

²⁰⁴ HUNTINGTON, *supra* note 2, at 92; *see also* ERNST NOLTE, *THREE FACES OF FASCISM: ACTION FRANCAISE, ITALIAN FASCISM, NATIONAL SOCIALISM* (Leila Vennewitz trans., 1966).

²⁰⁵ HART, *supra* note 203, at 9.

²⁰⁶ *See* Cook, *supra* note 49, at 689 (“One thinks, for example, of the fairly scathing criticism of Iraqi Freedom currently being offered by Gen. Anthony Zinni, former head of U.S. Central Command, as a fruitful case for reflection on this point [i.e., the greater freedom of retired officers to criticize civilian leadership.]”); Gen. Barry R. McCaffrey, *Foreword* to *AMERICAN CIVIL-MILITARY RELATIONS: THE SOLDIER AND THE STATE IN A NEW ERA*, *supra* note 10, at xiii, xv (“... many of our senior flag officers who encountered the arrogance, disingenuous behavior, and misjudgments of Secretary of Defense Donald Rumsfeld during the initial years of Operation Iraqi Freedom were ill-prepared to respond effectively.”).

²⁰⁷ *But cf.* Brooks, *supra* note 10, at 237 (“In *The Soldier and the State*, Huntington correctly recognized that there are severe downsides to allowing militaries to engage in political activity in that it compromises their

(2) The False Premise of Lesser Military Competence.

As we have just seen, civilian politicians often lack or ignore the knowledge base necessary for the function Huntington's model assigns them; now we need to see that, in Huntington's own account, military officers functionally need, and often actually have, just this knowledge. That challenges the second minor premise of Huntington's argument for universal deference of military officers to civilian policy determinations, the notion that military officers themselves necessarily lack political expertise.

To see why this subpremise is false, we need to recall that Huntington's version of military professionalism entails two essential parts: tactics, the variable components of managing violence, and strategy, the constant components.²⁰⁸ Military officers must master both tactics and strategy if they are competently to use military force to achieve state ends.²⁰⁹ Those ends themselves are, as we have seen, the arena of statesmen's special competence, politics or policy, in Huntington's model.²¹⁰ In trying to distinguish the sphere of the officer from that of the statesman, Huntington has to make a significant concession: "Obviously a considerable area exists where strategy and policy overlap."²¹¹

In order to fulfill their functional imperative, officers must know not only strategy and tactics, how to use military means in service of state ends, but also how the use of those means will affect state ends and be limited by them. As Huntington insists, "the military man must recognize that a wide number of conceivably purely military decisions, such as the selection of a theatre of war, also involve politics, and he must be guided accordingly."²¹² Think, again, of Hitler's blunders: Bad as Bolshevism on the Reich's eastern border may be, it would be worse to force Stalin into an alliance with the western capitalist democracies and open a very long second front.²¹³ More generally:

professionalism and therefore technical competency, but his analysis missed critical dimensions of the issue," particularly "the potential positive effects of political activity."); *id.* at 216 ("[I]f military officers and their leaders forgo political activity, it may mean that the United States sometimes pursues more risky and less well-conceived military actions abroad than had those officers engaged in a more forceful and explicit effort to shape public debate about the issues."); Ulrich, *supra* note 191, at 659 (Arguing that, normatively as well as descriptively, "democratic civil-military relations are characterized by military professionals who tolerate . . . poor policy-making outcomes in order to preserve the more fundamental, long-term interest of upholding the democratic character of the state."); *id.* at 662-63 (following Peter Feaver in characterizing as "shirking" "various degrees of military noncompliance with the political leadership's desired policy preferences" without regard to the relative policy merits of the civilian and military positions) (citing Peter Feaver, *Crisis as Shirking: An Agency Theory Explanation of the Souring of American Civilian-Military Relations*, 24 ARMED FORCES & SOC'Y 407 (1998)).

²⁰⁸ HUNTINGTON, *supra* note 2, at 71.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.* at 72; *see also* Betts, *supra* note 46, at 36 ("Huntington himself was not as explicit as he might have been about where exactly the lines should be drawn.").

²¹² HUNTINGTON, *supra* note 2, at 73; *see also* James E. Baker, *LBJ's Ghost: A Contextual Approach to Targeting Decisions and the Commander in Chief*, 4 CHI. J. INT'L L. 407, 408 (2003) ("In many contexts there are good policy reasons to restrict the manner in which a target is attacked that go beyond limitations required by the LOAC [Law of Armed Conflict]"; accordingly "a process of target decision entails the exercise of policy discretion as well as legal judgment and military command.").

²¹³ HART, *supra* note 203.

The top military leaders of the state inevitably operate in this intermingled world of strategy and policy. They must always be alert to the political implications of their military attitudes²¹⁴

And, as Huntington himself nicely illustrates, military officers can, and in fact often do, have access to political expertise of their own.

When required in his executive capacity to make decisions involving both military and political elements, the military man ideally should formulate his military solution first and then alter it as needs be *on the advice of his political advisors*.²¹⁵

In those final phrases, not emphasized in the original, Huntington seriously undermines his own “division of labor” argument for military deference to civilian “political” expertise. Even if no one person can master both military “science” and political “art,” a military officer can refer to political experts within the military itself. Even assuming, with Huntington, that military officers themselves cannot be experts on policy, they can, by his own admission, have political advisors of their own, presumably on their staff. And, acting on the analysis of these advisors, military officers could plausibly question the policy decisions of civilian leaders and their civilian advisors.

²¹⁴ HUNTINGTON, *supra* note 2, at 73; *see also* Betts, *supra* note 46, at 36 (reasoning that although “one could make the case that for ideal integration of objectives, strategy, and operations, civilians and military should be equally conversant in each other’s terms of reference and should participate equally at all stages, ... few would deny that there is some level of high politics at which soldiers should be silent, and some level of tactical specificity or micromanagement where civilians should keep hands off”); Gibson, *supra* note 30, at 242 (“Objective control was fundamentally flawed from the outset because it presumed that the military and political spheres could be distinguished in a comprehensive and meaningful way.”); Kohn, *supra* note 19, at 264, 265 (“Huntington’s ‘objective civilian control’ assumed clear boundaries between policy and strategy, on the one hand, and tactics, operations, training, and military administration, on the other, that were diminishing in the dawning era of nuclear weapons and limited war.”); Moten, *supra* note 191, at 723, 739 (“Moreover, ‘at the highest level the art of war turns into policy,’ where officers and civilian leaders alike can and do often demonstrate competencies in each other’s jurisdictions.”); McCaffrey, *supra* note 206, at xv (noting that some military leaders have unfortunately lacked “an essential sense of history, the law, languages, and other cultures, and how our constitutional form of government really works”); Nielsen & Snider, *supra* note 10, at 292 (“The most significant shortcoming of Huntington’s construct was its failure to recognize that a separation between political and military affairs is not possible – particularly at the highest levels of policymaking.”); Nadia Schadlow, Charles Barry & Richard Lacquement, *A Return to the Army’s Roots: Governance, Stabilization, and Reconstruction*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 251 (“The cultural challenge for the Army now is to re-embrace vigorously critical stability operations, particularly those associated with governance, economic stabilization, and reconstruction, as integral, inevitable parts of war itself.”) (citation omitted); Leonard Wong & Don M. Snider, *Strategic Leadership of the Army Profession*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 601 n.603 (“As the strategic leaders of a profession look outside their profession, they seek at higher levels of analysis to understand comprehensive trends, those macro influences of technology, politics, organization... and even enemy adaptations, etc., which could cause jurisdictional changes for the Army.”); *id.* at 617 (“They [the Army’s strategic leadership] understand the entire spectrum of operations at the strategic level to include theatre strategy; joint, interagency, and multinational operations; and the use of all the elements of national power and technology in the execution of national security strategy.”).

²¹⁵ HUNTINGTON, *supra* note 2, at 73; *see also* Richard Lacquement, *Mapping Army Professional Expertise and Clarifying Jurisdictions of Practice*, in *THE FUTURE OF THE ARMY PROFESSION*, *supra* note 5, at 213, 217 (listing “Political-Cultural” as an essential area of military professional knowledge, citing Huntington).

In fact, Huntington assigns the military two essential functions that entail just such political assessments. The first of these is what he calls the representative function. In performing this function, the military officer “must keep the authorities of the state informed as to what he considers necessary for the minimum security of the state in the light of the capabilities of other [military] powers.”²¹⁶ This function entails “the right and the duty to present his views to the public bodies, whether executive or legislative, which are charged with the apportionment of resources between the military and other claims.”²¹⁷ The second of these functions is what Huntington calls “the advisory function.” In performing this function, the military officer is “to analyze and to report on the implications of alternative courses of state action from a military point of view.”²¹⁸

In any of their three capacities – the executory, the representative, or the advisory – military officers could find their political analysis at odds with those of a civilian leader.²¹⁹ In at least some cases, the military officers might reasonably conclude that their own political assessments, or those of their political advisors, are superior to those of their civilian counterparts. Even more basically, military officers themselves could recognize situations in which civilian leaders are not acting on political expertise at all, even as Hitler’s generals recognized with respect to his decision to invade Russia. Even if it were true, as Huntington insists, that military officers must “be willing to accept the final decision of the statesman,”²²⁰ it would not follow that they would have to follow the final judgments of political authorities who are not statesmen, and, even in the case of those who were, he would need to give an independent reason for obeying them when their political decisions conflicted with those of equally reliable political experts, in or out of the military.

Huntington’s argument for the general deference of military to civilian authority on policy decisions assumes a universally superiority competence of civilian authorities to military officers that is, on Huntington’s own evidence, demonstrably false in many significant historical cases. What is worse, Huntington gives no evidence to support his basic premise that civilian

²¹⁶ HUNTINGTON, *supra* note 2, at 72.

²¹⁷ *Id.*

²¹⁸ *Id.*; see also Nielsen, *supra* note 10, at 638 (noting that Huntington’s “representative” role for officers entails relative capabilities of both their own nation and its enemies and concluding that “[o]nce factors such as these are taken into account, it is doubtful that an assessment of military security needs could be based on purely military expertise”).

²¹⁹ See Mathew Moten, *A Broken Dialogue: Rumsfeld, Shinseki, and Civil-Military Tension*, in AMERICAN CIVIL-MILITARY RELATIONS, *supra* note 10, at 42, 69 (“The essential flaw in Huntington’s theoretical wall is that it splits the responsibility for policy from the responsibility for strategy.”); Schadlow & Lacquement, *supra* note 45, at 114 (“Huntington’s reliance on an abstract construct that removes political judgment from the realm of military professionalism unduly narrows the focus of military leaders to operations and tactics.”); Snider, *supra* note 44, at 53 (“To a greater extent than when fighting war, the management of defense and peace requires the military professional to cooperate and compete with other professions as it goes about its work.”); Williamson Murray, *Professionalism and Professional Military Education in the Twenty-First Century*, in AMERICAN CIVIL-MILITARY RELATIONS, *supra* note 10, at 134, 135 (“Officers who know only the tactical and operational framework of conventional military forces might offer faulty advice and then prove incapable of adapting to the real conditions of the conflict they have been asked to fight.”); *id.* at 146 (“[In the post-Cold War world,] the use of military power will demand cultural, historical, linguistic, and political knowledge as well as tactical and operational competence.”).

²²⁰ HUNTINGTON, *supra* note 2, at 73.

authorities are, as a general matter, more expert in political matters than their military counterparts, and more reliable in the achievement of state ends, and thus to be deferred to on that basis. Now we need to examine an even worse problem with his argument for general military deference to civilian authority: The hidden assumption that civilian authorities are not only better at achieving state ends, but also at choosing or evaluating state ends.

b) Competence in Choosing State Ends.

Expertise in using military force and other means to accomplish state ends is only one aspect of the statesman's supposedly superior knowledge. The other aspect is evaluating state ends themselves. We've just seen that Huntington's argument for military obedience to civilian authority rests on a claim that civilian authority is always better versed on the relation of military means and state ends, a claim that we have seen to be demonstrably false in many cases, and doubtful in principle across an even wider range. Any claim to civilian superiority in the evaluation of ends in themselves shares all the problems with claims as to the matching of military means to civilian ends, and compounds them with a deeper problem familiar to normative philosophers. With respect to evaluating ends, as with respect to matching means to ends, we have no reason to believe that civilians will always be right and officers always wrong.

The special problem of evaluating ends is neatly captured in Kant's distinction between hypothetical imperatives and categorical imperatives. With respect to hypothetical imperatives, the end entails the necessary means to that end. One may or may not want the end, but, if one does want it, one also wants, *ex hypothesi*, the necessary means. To use Stalin's chilling example, if you want an omelet, you must break some eggs. If your chosen end is an omelet, you'll necessarily be breaking some eggs; if you're a vegan, you'll be getting your breakfast protein from another source.

Stalin, of course, wasn't really talking about eggs. Making omelets was his metaphor for his murderous domestic policies. We remember it because it anticipates, even as it scorns, an obvious objection: Human beings are not eggs. Even if we cannot quite work out either the logic or the full implications of Kant's argument that human beings are ends in themselves, we can feel the attraction of its negative corollary: Human beings are never to be used only as means to the ends of others. To derive from our own rationality an absolute, or categorical, imperative to treat rational nature, in ourselves and others, always as end in itself may be a bit ambitious; that, indeed, is very much the point we need to see.

No one doubts that we live in world of hypothetical imperatives, from the preparation of breakfast to the conduct of diplomacy. And it makes perfect sense to say, as Huntington does say, that the accomplishing of state ends entails special imperatives beyond the ken of all but the expert: Defending the homeland, managing the economy (or leaving it alone), running a legal system. But, as we have seen, it cannot plausibly be said, as Huntington says, that civilian authorities are always better at ends-means rationality than anyone else; sometimes civilian authorities make mistakes that military officers are quite qualified to spot.

What we need to see here is that it is even less plausible to say that civilian leaders are always better than anyone else in choosing what ends to pursue in the first place. Military

leaders, as experts in the management of violence, can sometimes see that civilian political choices will result, not in the ends desired, but in the very opposite, the destruction of the regime itself. And military leaders, as people of ordinary moral sensibility, can see that some ends are deeply disturbing, even outright unacceptable, for themselves as individuals and for any society of which they could agree to be a functioning part.²²¹

Here again, Nazism proves an important *reductio* to Huntington's analysis. Consider, again, Huntington's discussion of Nazism. Hitler, he has to admit, proved a very poor statesman in the actual accomplishment of state ends; among other things, his political rashness led him to invade Russia prematurely, and thus to open a second front that may well have been his undoing. But consider, again, the alternative: Suppose Hitler had been a savvier grand strategist, had honored his non-aggression pact with Stalin until he defeated the Western allies (or developed the V2 or the atomic bomb or the jet fighter), and had only then turned East to conquer the Soviet Union, thus securing domination of Europe (and, had he shown similar savvy in dealing with Japan and the US, perhaps the world). Could we, consistent with Huntington's analysis, call him a great statesman?

If we are to deny him that accolade, we must be ready to distinguish between achieving state ends and choosing state ends that are worthy. This is, significantly, simply the obverse of the point we reached when we considered the problem with Huntington's analysis of the Hitler's generals the first time 'round, in our analysis of military professionalism. There we saw that we could not congratulate as ideal professionals those generals who served, unquestioningly, a morally horrific regime. Here, in our analysis of civilian professionalism, we see that, for precisely parallel reasons, we cannot congratulate as statesmen those civilian leaders who might have led their unquestioningly loyal generals to just such a joint triumph.

Here we see a glaring omission in Huntington's analysis of statesmen, particularly in comparison with his military officers. Military officers must have not only special, professional knowledge, but also have a special, professional virtue that ensures that they do not abuse that knowledge. Huntington insists that civilian leaders have a corresponding kind of professional knowledge; sometimes, as we have seen, they do not, in fact, have that knowledge. Here we see something different: Civilian leaders, like military officers, need a special virtue as well, a virtue that ensures that they themselves do not use their special expertise in the achieving of state ends to achieve ends that are bad, in either of two easily identified ways: Bad because they threaten to destroy the civilian population in order to advance regime goals, as in the case of Hitler's "Nero orders," or bad in the sense that they threaten to destroy the system of international relations, as in the case of Nazi ambitions of continental, even world, dominance. In tacit recognition of the need for some such limits, Huntington offers two exceptions to his rule that military officers always obey the orders of legitimate civilian authorities.

²²¹ See Wong & Snider, *supra* note 214, at 611-12 ("For example, strategic leaders need to be politically savvy – knowing when to compromise, knowing that many strategic decisions are not black and white, and *knowing what is best in the long run for the nation and the army.*") (emphasis added); see also Ceulemans & van Damme, *supra* note 20, at 11 ("[I]t seems rather strong [of Huntington] to deny the fact that people in a society could share some basic principles of common good, and consequently, that political decisions could be judged based on these commonly shared values.").

Before we turn to those exceptions, we should note a peculiar problem with his proof of the rule. That proof, we have seen, depends on the demonstrably dubious premise that statesmen are better at both achieving and evaluating state ends than their military counterparts in the professionalized officer corps. But one of the things this officer corps will have studied, as essential to its professionalism, is history; having made that study, how could they fail to notice that civilian authorities have often both fools and knaves, from Hitler to Nero? Also, as part of their professional ethos, military officers, are to be skeptical of grand theories that assume too much goodness on the part of too many human beings. But would not that very professional skepticism lead military officers deeply to doubt the universal wisdom and virtue civilian authorities would need if military officers are to obey them unquestioningly?²²²

2. Expanding the Limits of Military Obedience.

Huntington himself recognizes two important exceptions to the military officers' obligation to obey civilian authorities in political matters: when those authorities act illegally and when they act immorally.²²³ Both these exceptions undermine his general rule of obedience, even as his effort to narrow these exceptions underscores his exaggeration of that rule.²²⁴ The problem in the case of both illegality and immorality is the same problem we have already identified: Military officers may be better judges in these matters than their civilian counterparts, because both come down to determining the public good. Thus, in effect, what begin as exceptions to the rule of universal military obedience take us, upon our analysis, to exactly the same point where our analysis of that rule itself took us: Military officers, to do their job, must have the same grounding in knowledge of the public good as civilian authorities.

a) The Legality Exception: Officers' Obligation to Disobey Illegal Civilian Orders.

Huntington admits the first of his exceptions in the case of "conflict between military obedience and legality." In his view,

If the statesman claims to be acting legally, but the action seems illegal to the officer, then the issue is one of the relative competence of the officer and the statesman to judge what is legal and illegal.²²⁵

²²² In some cases, it clearly has. See Cook, *supra* note 49, at 683, 689 (explicitly rejecting, on empirical grounds, the view that "skill and wisdom about how to employ military forces reside not among military officers at all, but among those who use the military as obedient tools, employed in ways and for ends beyond the purview of military officers themselves") (textual footnote omitted).

²²³ See Mattox, *supra* note 44, at 396 ("Likewise, it has long been understood that, inasmuch as Army officers are entrusted by the state with the power to preserve or threaten lives, they must be individuals of character who are committed to the properly constrained use of that power, both in its legal and moral dimensions."). We can separate law from morality for analytic purposes without conceding that they need be separated permanently, nor whether that separation is, in any ultimate sense, possible. Later analysis, in fact, re-unites the two, insisting that military officers, like all professionals, must make the moral assessment, whether they make it "inside" the law, or out.

²²⁴ See Burk, *supra* note 65, at 159 ("In an effort that is difficult to reconcile with his earlier assertions about the supreme virtue of instant and unthinking obedience, Huntington tries to define the limits of obedience.") (citation omitted).

²²⁵ HUNTINGTON, *supra* note 2, at 77.

In matters of law as in other matters, the question of deference turns on occupational competence. Since law, strictly speaking, lies outside the expertise of both military officers and civilian statesmen, the ideal recourse, in modern states with an independent judiciary, is to the courts.²²⁶ In the absence of that option, “the military officer can only study the law applicable to the situation and arrive at his own decision,” recognizing a duty “to give a considerable presumption of validity to the opinion of the statesman.”²²⁷ To distinguish his refusal to recognize a parallel possibility with respect to military review of civilian policy decisions, Huntington asserts that “the standards of law are generally more precise than those of politics but less than those of military science.”²²⁸

Whether or not he is right about the relative precision of the standards of law, politics, and military science, he is certainly wrong to suggest that “the military officer can only study the law applicable to the situation and arrive at his own decision.” In fact, in law as in “statecraft,” military officers, every bit as much as civilian authorities, are able, and likely, to rely on the assessments their own legal experts. That was precisely what happened in the now infamous case of the “enhanced interrogation.” Military officers and civilian authorities both turned to their legal advisors; military and civilian lawyers disagreed on whether “enhanced interrogation” amounted to statutorily forbidden torture. On both “more precise” legal points, as on broader “policy” points, the military lawyers may well have had the better view.²²⁹

Huntington’s focus on these “more precise” questions of law ignores another parallel between law and politics, which, again, parallels a distinction we drew within politics itself. American Constitutional law (and, more generally, any other form of liberal law) contains two deep constraints on all state action: It must serve legitimate state ends, and the means it employs must be rationally related to those legitimate ends. Our actual legal system, then, like Huntington’s ideal political system, contains minimum standards for assessing both the achievement of state ends and the legitimacy of those ends themselves. Stated at an admittedly rarefied level of generality, these are the standards: The means of state action must bear at least some plausible causal relationship to the ends they purport to advance; those ends themselves must trammel no more than necessary certain traditionally recognized conditions of human flourishing.

To illustrate these common floors under both legal and policy analysis, consider, again, the question of enhanced interrogation. Even if the civilian lawyers were correct in concluding that enhanced interrogation was not “illegal” in the narrow sense that it did not violate the relevant statutory prohibition on torture, that still leaves deeper legal questions open. The practice of enhanced interrogation might well have violated constitutional requirements of substantive due process in either of two ways. First, it might be that the use of enhanced interrogation demonstrably does not work, that enhanced interrogation as a means of extracting useful

²²⁶ *Id.* at 77-78.

²²⁷ *Id.* at 78.

²²⁸ *Id.*

²²⁹ See DAVID LUBAN, *LEGAL ETHICS AND HUMAN DIGNITY* (2007); PETER MARGULIES, *LAW’S DETOUR: JUSTICE DISPLACED IN THE BUSH ADMINISTRATION* 60 (2010) (“Yoo justified his advice with analogies that defied common sense.”).

information is contrary to any conceivable explanation of human psychology.²³⁰ Given the narrowness of this test and the practical plausibility of interrogation, the policy is likely to pass this test, even if it is, on balance, a very poor way of extracting information. It could, in that sense, be “bad policy” but still “good law,” a functionally inferior but not wholly ineffectual measure that thus satisfies the minimal constitutional standard of ends/means rationality.

But that would still leave the other, ends-oriented constitutional test: Even if enhanced interrogation is a marginally effective method, is ours a state that can use human beings, *prima facie* “ends in themselves,” as means in this way? Here, of course, the answer is less clear as a matter of law. But what is clear is that this is, indeed, a matter of law, not merely politics, and that, at this level, legal questions are no more “precise” than political questions, precisely because here our politics and our law converge, or, more precisely, because a fundamental function of our law, like all liberal law, is to limit our politics (at least provisionally, pending constitutional amendment).

This returns us to an earlier point: the relative expertise of military officers and civilian authorities. On legal matters here, as on political matters earlier in our analysis, the opinions of military officers and the experts on their staff may be superior to those of civilian authorities at every relevant level of analysis. As others have shown in painful detail, the Justice Department’s “torture memo” was a model of dubious statutory interpretation.²³¹ More basically, however, the military’s assessment seems to have been better at the two levels of ends/ means rationality common to both constitutional law and political “statecraft.” Torture, as the military argued, may, as a matter of fact, be a very poor means of obtaining operationally useful information; torture, that is to say, may well fail the basic test of ends/ means rationality.²³² And, as a matter of evaluation of state action, torture may fail as a matter of choice of state ends: We may not want to be the kind of people that torture people (at least under the conditions no more restricted than those presented by this situation), and our constitution may well place that deep preference beyond the reach of ordinary politics.

The issue of enhanced interrogation also raises a point that Huntington’s analysis seriously under-emphasizes: The law that limits our politics is not our law alone; the law that governs

²³⁰ This is, we might note, a very old objection indeed. See ARISTOTLE, RHETORIC 88 (W. Rhys Roberts trans., Modern Library 1954) (“We must say that evidence under torture is not trustworthy, the fact being that many men whether thick-witted, tough-skinned, or stout of heart endure their ideal nobly, while cowards and timid men are full of boldness till they see the ordeal of these others: so that no trust can be placed in evidence under torture.”).

²³¹ Perhaps the most egregious lapse of legal reasoning was to overlook a distinction familiar to every layperson: *Even a dog knows the difference between tripped over and being kicked.* The torture memo, overlooking this distinction, tries to shed light on a statute about the amount of pain government officials may intentionally inflict from a statute that addresses government obligation to redress pain that the government itself has not caused. Just to be clear: I say “overlooked” here in the name of charity, not unmindful, myself, of the difference between inadvertent and intentional wrongs. See MARGULIES, *supra* note 229, at 60 (“Yoo justified his advice with analogies that defied common sense.”).

²³² See James E. Baker, *Process, Practice, and Principle: Teaching National Security Law and the Knowledge that Matters Most*, 27 GEO. J. LEGAL ETHICS 163, 171 (2014) (“They [policy-makers] are impressed with the lawyer who relates law to fact connecting the humane treatment of prisoners to better intelligence...”); James E. Baker, *What’s International Law Got to Do with It?: Transnational Law and the Intelligence Mission*, 28 MICH. J. INT’L L. 639, 655-56 (2007) (anecdotal evidence from Russian occupation of Afghanistan that humane treatment of prisoners enhances intelligence gathering).

both our civilian authorities and our military officers alike is international as well as domestic. Enhanced interrogation looks, at its uglier extremes, a lot like torture; torture is forbidden by international treaties as well as by domestic statutes and constitutional norms.²³³ And torture, along with a growing list of other human rights violations, may rest on an even deeper stratum of international law. It may belong, with genocide and offensive war, to the class of prohibitions binding on all state agents, even those whose nations have not endorsed those norms as their own. Think, again, of Hitler's generals.

The case of enhanced interrogation illustrates the situations in which military officers might have reason to question the legality of particular civilian orders, under both national and international law. To his credit, Huntington also addresses, if only briefly, the wholesale version of this question, the legality of the civilian authority itself. Not only are military officers, under Huntington's model, obliged to disobey illegal orders; they are, more generally, obliged only to obey the orders of legitimate regimes. The question of a regime's legitimacy is to the question of an order's legality as wholesale is to retail. Particular orders of a legitimate regime may be illegal, and in that sense not binding upon officers; **no orders of an illegitimate regime are, of their own force, binding on officers, because the regime itself is not a source of proper law.**²³⁴ Yet the problem of illegality at the wholesale level, the problem of illegitimate regimes, is harder than Huntington admits, or realizes.

Huntington confuses the question of legitimacy even as he raises it:

If there are two governments in the state, each claiming to be duly constituted and to be deserving of military obedience, the military officer cannot escape the political choice between the two.²³⁵

This is, we must first notice, not quite correct, even in Huntington's own terms. Some putative governments utterly lack legal authority, under either domestic or international law; sometimes, as Huntington suggests elsewhere, legal questions are, indeed, "more precise" than political questions. But, here again, at the "wholesale" level as at the "retail," questions of legality blur at the margin into broader political questions.

And here, we need to note, the line blurs in a more basic way: As a matter of international law, the legitimacy of a political regime turns, in large part, on its effective control of the territory it claims to govern.²³⁶ Here the military must not merely assess law at its intersection with policy; here the military's policy-based actions may well determine the legality of the regime it is to serve. Revolutions often turn on whether the military turns its weapons on the people in the street or the rulers in the capitol. Marshal Petain made his peace with Hitler

²³³ See LUBAN, *supra* note 229, at 167 ("With the worldwide adoption of CAT [Convention Against Torture], torture became an international crime.").

²³⁴ Citizen Roberts, I think I'm going to leave this one to you: The bracketed sentence may be a bit too strong; perhaps the truth is closer to this: The orders of an illegitimate regime, though not per se illegal, are *prima facie* suspect.

²³⁵ HUNTINGTON, *supra* note 2, at 78.

²³⁶ MALCOLM N. SHAW, *INTERNATIONAL LAW* 455 (6th ed. 2008) ("The effective control of a new government over the territory of the state is thus an important guideline to the problem of whether to extend recognition or not, providing such control appears well established and likely to continue.").

and moved his capital to Vichy; General de Gaulle insisted that his “free French,” though in exile, were the legitimate rulers of France. The political choice that military officers face in this situation, we need to notice, is theirs as a practical matter, but that is not to say, as Huntington implies, that it is not capable of principled review.

Huntington’s model, which is founded on the international law notion of the legitimate state, ironically fails to account for the fact that the legitimate state is itself subject to constraints. These constraints apply not only to means, such as excessive force against both combatants and civilians, but also ends, like wars of conquest and genocide. And these restrictions apply not just to the legitimate regimes of states, but also to those acting under the regime’s orders. What is more, the foundation of those international constraints on states and their agents derive very much from the humanitarian principles that, by Huntington’s own admission, the politically active anti-Nazi generals were acting upon.

Thus, in effect, Huntington’s generals were under three imperatives, not just two. In addition to their functional and societal imperatives, defend the nation from others and do not destroy it yourself, they also have a humanitarian imperative, which supersedes both: In the means you use to defend the state, and in the ends of the state that you advance, do not violate international restrictions on the use of violence. As the example of the Nazi officers makes clear, the penalty for violations can be the severest possible: capital punishment. As the example of Nazi Germany and Imperial Japan also make clear, the penalty for the regime itself can effectively be the same: loss of legal legitimacy under international law and “regime change.”²³⁷

The important point to note here is that both international and domestic law, at this level, incorporate humanitarian principles. Huntington, recall, found it appropriate to congratulate Germany’s politically active, anti-Nazi generals for acting on the highest humanitarian principles, even though he could not commend them as professionals. But the law itself, which Huntington says military officers must obey even against civilian orders, punishes lapses below the lowest humanitarian standards. Accordingly, contrary to what Huntington implies, humanitarian standards are, as a matter of law, incorporated into professional standards. He said he could not fault Hitler’s a-political Germans for their professionalism. We now see that, by his own principle of legality, he must. Thus the limiting case of Huntington’s first exception to his general rule of military subservience, illegal orders, brings us to his second exception, immoral orders.

b) The Morality Exception: Officers’ Option to Disobey Immoral Civilian Orders.

²³⁷ This is not the place to answer worries that the Nuremberg verdicts were unfair either as a form of “victors’ justice” or as retroactive. Still, a bit about both points. On the first, even if we must concede, with the citizens of Melos to the Athenian fleet, that the powerful can make the law whatever they will, we can nonetheless observe, as the Melians also did, that the powerful have a basic choice: They can make the law serve their own narrow interest, or they can make the law serve the interests of all, the common good. On the second, it would be a bit hard for the Nazis to deny that they were on notice about prevailing humanitarian norms when they had made an ideology of attacking and displacing those very norms. Citizen Roberts: I can’t get the Yellow out; please see what you can do.

Huntington's second exception to his general rule of military deference to civilian policy decisions is "the conflict between military obedience and basic morality."²³⁸ "What," he asks, "does the military officer do if he is ordered by the statesman to commit genocide, to exterminate the people of an occupied territory?"²³⁹ One who has not already analyzed Huntington's peculiar understanding of "statesman" might be surprised by a question presupposing that statesmen do, in fact, order genocide. Even after that analysis, Huntington's answer is still at least a little surprising: He never explicitly rules even genocide out entirely; he merely gives officers the option to disobey an order that violates the officer's personal morality.

The argument that leads Huntington to this narrow morality exception to his general rule of military obedience is a page of rousing rhetoric. Only after we defuse its rhetorical power can we appreciate its logical limits. In what follows, I omit nothing of Huntington's discussion and quote nothing out of his order; I merely interrupt it with my own commentary. This is not, of course, entirely fair to Huntington; all I do here is to transpose his admittedly stirring rhetoric into a pitch that is off-puttingly shrill. But Huntington could hardly cry foul; I am, after all, only returning his sophistical fire with my own, borrowing a page from Aristotle's *Rhetoric* on the oldest trick of Sophistry: Meet the serious with the comic, and the comic with the serious.²⁴⁰ And, after exposing the rhetoric, I return to rational analysis, which Huntington himself can hardly claim to have attempted in his own treatment of the topic.

Huntington chooses the field of his mock battle and arrays his forces brilliantly. By charging military officers with a civilian order to commit genocide, he places them on what seems to be very high moral ground, both relative to civilians and absolutely, ground they not only *can* hold, but *must*:

So far as the ability to judge and apply ethical standards are concerned, the statesman and the soldier are equal. Both are free individuals morally responsible for their actions. The soldier cannot surrender to the civilian his right to make ultimate moral judgments. He cannot deny himself as a moral individual.²⁴¹

Morality and humanity – or rather, manhood – are under attack; the officer, accordingly, "cannot surrender."

"Yet the problem is not so simple as this"; suddenly the bugle ceases its blare. "For politics as well as basic morality may be involved here." Not, of course, the coarse and corrupt politics of politicians, but the high and, and highly principled, politics of statesmen, wise and honorable fellow experts with sacrifices of their own to make:

²³⁸ HUNTINGTON, *supra* note 2, at 78.

²³⁹ *Id.*

²⁴⁰ ARISTOTLE, *supra* note 230, at 216 ("Gorgias said that you should kill your opponent's earnestness with jesting and their jesting with earnestness; in which he was right."). It is worth remembering what Aristotle could not have forgotten what his own teacher had taught him: Gorgias was not a philosopher, but an infamous sophist. See PLATO, *Gorgias*, in 1 THE DIALOGUES OF PLATO, *supra* note 181.

²⁴¹ HUNTINGTON, *supra* note 2, at 78.

The statesman may well feel compelled to violate commonly accepted morality in order to further the political interests of the state. That this is frequently the case, there is no denying.²⁴²

Just as the professional soldier is about to join battle on the twin peaks of moral liberty and liberal humanity, Huntington subtly shifts both the lay of the land and the alignment of forces. Then, military officers stood, second to none, not only for their own personal honor, but also for the intended victims of genocide. Now that apocalyptic beast is nowhere in sight; its innocent victims, the weak and the helpless, the women and the children, are no longer in imminent peril.

In the place of evil incarnate and innocence violated appear two abstractions. The one, “the political interests of the state,” is not only less loathsome than genocide; it is also the very highest value of the military profession. And the other abstraction, “commonly accepted morality,” is a lot less lovable than the now-vanished victims of genocide. Indeed, the modifiers of morality remove from its appeal at least as much as they add: “Common” connotes “low” and “frequent” as much as “universal”; “accepted” is a far remove from “proved.”

What is more, Huntington reminds his officer that, in this newly-defined battle, he faces, not an enemy, but an ally, a fellow servant of the public good. Huntington asks the loyal soldier to see the new situation from that ally’s perspective:

If the statesman rejects the private claims of conscience in favor of the *raison d’etat*, is he also justified in implicating the military man too, in subordinating, in effect, the military man’s conscience as well as his own?²⁴³

From that perspective, the front of battle is no longer what first it seemed. Orders to commit genocide fade into the background as Huntington’s argument advances along a very different line. What the soldier faces is not the enemy of humanitarian morality, but the ally who shares his own morality, and an ally who is ready to sacrifice even his own morality for the greater good, the public good to which the officer himself is pledged. This is not a contest of wills, the soldier’s own against some other’s; what this situation demands is not surrender to an alien, but self-sacrifice to a common cause. The real enemy, it now appears, is a fifth columnist in the officer’s own camp, the source of division in the soldier’s own loyalty, an insinuating call away from public duty to private opinion, if not quite self-indulgence. “Basic morality,” which had already slipped to “commonly accepted morality,” now blurs into “the private claims of conscience.”

For the officer this comes down to a choice between his own conscience on the one hand, and the good of the state, plus the professional virtue of obedience, on the other. As a soldier, he owes obedience; as a man, he owes disobedience.

The course for the good soldier is, accordingly, clear; the bugle sounds again, and the outcome, as they say, can never have been in doubt:

²⁴² *Id.*

²⁴³ *Id.*

Except in the most extreme instances it is reasonable to expect that he will adhere to the professional ethic and obey. Only rarely will the military man be justified in following the dictates of private conscience against the dual demands of military obedience and state welfare.²⁴⁴

This is rhetoric to rival Churchill; all the more reason to notice that Huntington's conclusion runs, ultimately, rather in the opposite direction. As Churchill has all English-folk fighting Nazis in the fields and the streets, if necessary in the hills, where they will never surrender, so Huntington gives his officers the moral high ground, allows no superior in its defense, and permits no surrender. But Huntington narrows his high moral ground to the vanishing point, undermines it completely, and leaves his officers standing there not only divested of their military status, but also in full defiance of professionally unquestionable orders. At the end of Huntington's analysis, the officer is no longer fighting the good fight, past the last ditch, at the last redoubt, to the very end. He is more like Don Quixote, tilting at his illusory windmills, and even more like an ancient stylitic saint, perched on a pole of his own erection, naked and alone in a very peculiar, if not pointless, position.

This is, again, not entirely fair to Huntington; I have done nothing but grind his high drama down to low farce. But to score debating points is neither Huntington's ultimate goal, nor mine. He needs to show not only that his morality exception is narrow, but also that it proves his general rule of military obedience to civilian orders; to do that he needs to keep that exception as narrow as possible and to ground it in the reason for the general rule itself, the relative occupational competence of military officers and civilian "statesmen." I need to show that the morality exception is not only wider than Huntington allows, but also deeply subversive of the general argument for the rule itself.

To give Huntington his due, we must now do what he himself, for whatever reason, declines: Isolate and analyze the reasoning that underpins his rhetoric. Once we examine the steps in this analysis closely, bearing in mind Huntington's own genocide example, we can see major problems at several critical points: under weighing moral matters as compared to political matters, all the while insisting that the two are commensurable and that civilian authorities are better at striking the proper balance. Identifying these problems suggests a very different weighing of the relevant factors, moral and political, and a very different conclusion about whose scales are more reliable, military or civilian.

Huntington's rhetoric assigns civilian authorities and military officers a set of parallel tasks. The civilians' tasks logically come first; it is civilians who, in Huntington's model, are the ultimate ground of all military orders, even as they are the source of his particular example, the order to commit genocide:

Step One: Separating moral from the political considerations. The civilian authority must separate moral considerations from political considerations, matters of private conscience from matters of public welfare, as a logical first step in assessing one against the other.

²⁴⁴ *Id.*

Step Two: Determining “raison d’etat.” Here the civilian authorities, in their official capacity, weigh up all the non-moral costs and benefits of the state action under review. If these net out negative, they reject the proposal, and the analysis ends; if “raison d’etat” net out positive, they go on to Step Three.

Step Three: Measuring Morality. Here the civilian authority weighs up all the moral costs and benefits of the proposed action. This step, as compared to Step Two, has several notable peculiarities. The moral factors and their weighing are, *ex hypothesi*, outside the scope of the statesman’s professional competence; what is more, they seem to be ultimately subjective. No one else can “check the math” here, because everyone makes these calculations differently. For that reason, the civilian official performs this step in his personal capacity, not in his official capacity. If these moral considerations net out to be positive (or zero), they simply add more (or nothing) to the balance in favor of the action, the civilian official’s analytic work is done, and he goes to Step Five, Ordering the Action. If, on the other hand, these moral considerations net out in the negative, he goes on to Step Four.

Step Four. Balancing Moral Costs Against State Benefits. Here the civilian authority must weigh the proposed action’s net moral costs against its net non-moral state benefits. This step, like its predecessor, has several notable peculiarities. First, the moral costs and non-moral costs seem to be, by definition, incommensurable: moral costs are personal, subjective, and unreviewable. Non-moral benefits are public, the interests of the whole state, not of a mere individual; they are calculated according to expert criteria, which, if somewhat subjective, more an art than a science, are nonetheless, at least in principle, susceptible to review by other trained professionals. If the balance here tips in favor of benefit to the state, the civilian authority orders the action; if it tips the other way, the civilian authority must make a personal, private, and subjective decision about whether to put state interests ahead of personal morality. A very heavy thumb is obviously on the state’s side of the scales, and, given the heavy discount to be applied to the other side, the balance is not likely to be tipped that way.

Step Five. Issuing the order.

Military officers who receive an order implicitly subject it to a parallel, but significantly distinct, analytic process. Their analysis seems to go like this:

Step One: Identifying a conflict between moral duty and professional duty. Military officers engage in moral analysis of an order only if they find a *prima facie* moral objection to the order.

Step Two: Determining “raison d’etat.” Military officers do not independently weigh the costs and benefits of orders they receive from civilian authorities; instead, they take the civilians’ assessments as valid, which is to say, as net positives.

Step Three: Moral Analysis. Here the military officer, like the civilian authority, weighs up all the moral costs and benefits of the proposed action. For the military

officer, as for the civilian authority, this step is personal, not professional, both because moral factors and their weighing are, *ex hypothesi*, outside the scope of his professional competence and because these matters are ultimately subjective. If these factors net out positive (or zero), they simply add more (or nothing) to the balance in favor of the action, the military officers' analytic work is done, and they implement the order. If, on the other hand, the moral considerations net out negative, they go on to Step Four.

Step Four: Balancing Moral Costs against State Benefits. Here military officers, like their civilian counterparts, must weigh the action's net moral costs against its net non-moral benefits. And here military officers, like their civilian counterparts, must compare incommensurables: On the one hand, moral costs that are personal and subjective, both in value and in measurement, and rationally unreviewable; on the other hand, non-moral state benefits that are public and objective, both in value and in measurement. But here military officers are at a distinct disadvantage: Unlike civilian authorities, they have no particular expertise in the assessing non-moral benefits. Civilian authorities know the proper weight of only one side of the balance, state benefits; military officers do not know the proper weight of either side.

Here, accordingly, military officers' best course is to defer to civilian experts; anything else entails both a generally dubious failure to subordinate incompetence to competence, and with it the particular risk of making a wrong judgment. What is more, even a "right" judgment here is doubly dubious: It involves a breach of professional duty, which breach entails elevating the personal over the public. This, we would do well to recall, was precisely Huntington's assessment of the generals who politically opposed Hitler. As a result, a proper military professional will defer except in very rare cases, which will always be something of a professional embarrassment.

Step Five: Implementing the Order.

We need to look at two aspects of this analytic process particularly closely: One is the relative expertise of military officers and civilians in weighing moral and political considerations; the other is the relative weight of those considerations themselves. Consider, first, the question of relative expertise. Notice that Huntington's analysis of military officers' obedience to immoral orders applies only to orders they receive from civilians. But, of course, military officers, at every level, issue many orders themselves. And, as Huntington himself concedes, in issuing those orders military officials must themselves make appropriate weightings of all relevant factors, political and moral as well as military. In other words, in the case of all orders except those coming from civilian authorities, military officers must themselves be following the first set of analytic steps, those of order issuers, not the second, those of order implementers. In issuing orders, every military officer must himself or herself be making precisely the same kind of assessments that civilian authorities are making in deciding whether or not to issue an order.

In claiming that military officers are thus at a disadvantage, *vis-à-vis* civilian authorities, in weighing moral concerns against state concerns, Huntington is assuming either of two untenable positions. He might be assuming that military officers, in deciding whether to issue

their own orders, should make no assessment of moral considerations. This hardly seems likely. If they are to make those assessments in deciding whether to obey orders from others, orders with the weight of those others' independent weighing, then surely they should make that assessment in deciding what orders to issue themselves. He might, on the other hand, be assuming that, although they do make such determinations, they gain no insights or expertise in this weighing that might tend to put them on a par with civilians when they are faced with orders coming from civilians. This, too, seems unlikely, and, in any case, it is not a prospect that Huntington actually considers. Huntington claim for the greater expertise of civilians in weighing moral against political concerns seems, at best, unproved and, at worst, at odds with a more likely account.²⁴⁵

And, if Huntington has not made the case for the greater expertise in civilians in moral and political matters, he does even worse in his effort to separate morality from politics and then to subordinate morality to politics. These latter problems appear as soon as we put Huntington's own example of genocide through his implicit analytic system. Here as elsewhere, the exception Huntington chooses to admit badly undermines the case he makes, in more abstract terms, for his general rule. Few see resisting genocide as either a matter of purely private conscience or an issue only for the morally squeamish; most, rather, think it must be part of a larger category of shared moral, even legal, concern than Huntington's analysis suggests. And genocide is only the limiting case on a spectrum of moral wrongs that, even if not ultimately subject to mathematical proof, are easily seen to violate widely shared humanitarian norms. A little this side of genocide is the notion that "life is cheap in the Orient"; short of killing all the people in a country, one can make that country an ecological wasteland; maybe a bit less bad than that, one can "bomb them back to the Stone Age."

In opposing these matters, reasonable minds – or, more precisely, minds that are both reasonable and humane – can and do tend to agree. This is just a special case of the general rule: Statesmen are not necessarily better judges of state ends than military officers are. Accordingly, as Martin L. Cook concludes, "Unwillingness to render obedient service to policies an officer considers deeply flawed and utterly at variance with sound professional judgment is not necessarily evidence of a *lack* of professionalism but may on occasion be a high manifestation of it."²⁴⁶

Huntington's effort to reduce the moral weight on the military officer's side of the balance to mere individual opinion thus doubly fails: Sometimes military officers will have very good reason to think their civilian superiors are less competent to judge moral matters, and sometimes, as in the case of genocide, moral matters may be very weighty indeed. Huntington's effort to increase the weight on the civilian side of his analytic scale fails for precisely parallel reasons. Here, remember, his move is to stack the civilian side with weighty matters of state, their particular area of expertise. But, as we have seen already, civilian authorities may, in fact, have no such expertise and, even if they do, they may lack the virtue to use that expertise for the common good. Under either condition, military obedience to civilian orders will predictably undermine, rather than advance, the common good. And, for the reasons we have noted,

²⁴⁵ See Burk, *supra* note 65, at 162 ("Huntington too quickly dismisses moral reasoning and finds no place for moral responsibility within the military professional's role.").

²⁴⁶ Cook, *supra* note 49, at 689.

properly trained military officers are well-positioned to determine whether these two conditions do, in fact, exist.

Furthermore, the link between Huntington's illegality and immorality exceptions lies deeper than he means for his genocide example to suggest.²⁴⁷ Both exceptions take us back to the basis of the general rule of military obedience to civilian authority, the relative occupational expertise of the civilian over the military in matters of "state welfare." Like the general rule of military obedience, the two basic exceptions to that rule turn on the issue of civilian authority's greater expertise. In legal matters, as we have seen, "statesmen" have no more expertise than military officers, and thus the latter's general obligation to obey the former is, on matters of law, removed. But, as we have also seen, this move tends to prove more than Huntington intends: law is not just a parallel discipline entailing different expertise; it is also an independent constraint on civilian authorities themselves. In moral matters, Huntington's argument about relative expertise produces, not a much narrower exception than law, but a much broader one, with the same basis: the common good.²⁴⁸

3. Subordinating Both Military Professionals and Civilian Authorities to the Common Good.

We saw, in the first subsection, that Huntington's first-best solution to the problem of military/ civilian relations requires a set of civilian authorities whose mastery of politics matches their military officers' mastery of arms. Civilian authorities need to be statesmen; more specifically, they need to know state ends as well as military officers know military means to those ends. And, because civilians know the ends of state action, military officers should defer to them. But we saw two problems here: Civilian officers may not know what is good for the state, and, even if they did, they might not pursue that good. They might, in other words, lack either the professional knowledge or the professional virtue that would make them the proper complements of Huntington's professional officers. What is more, those professional officers might, as part of their own professionalism, make up what the civilians lacked, in both knowledge of the public good and in commitment to it.²⁴⁹ These possibilities seriously undermined the rationale for Huntington's rule of obedience, suggesting a general exception: Officers should not obey orders that do not advance the public good.

We saw, in the second subsection, that Huntington himself admits of two exceptions: illegal orders and immoral orders. He based these exceptions on limits of civilian expertise: law and morals lie as much outside the sphere of politics as they do outside the sphere of military science. But we saw them as equally within the spheres of both military officers and civilian authorities; what is more, we saw them as grounded in the same norms as civilian expertise: the common good.

²⁴⁷ See Burk, *supra* note 65, at 161 ("A decision to begin genocide is impossible to justify under any [acceptable] moral paradigm, and so it cannot constitute a lawful order.").

²⁴⁸ See Mattox, *supra* note 44, at 397 ("They [army officers] are moral agents who must recognize their responsibility (1) never to issue an immoral order, and (2) to refuse an order – even a suggestion – to undertake military operations inconsistent with the ideals they are sworn to defend.").

²⁴⁹ Here the evidence is encouraging, if rather thin. According to Darrell W. Driver, *supra* note 22, at 188, "one consensus that did emerge [among a scientific sample of military leaders]: *societies run best when individuals are committed to the common good and service to societal goals.*" (emphasis in original) (citation omitted).

Now we are in a position to see both rule and exception as deriving from a larger rule: Civilian authorities and military authorities alike must know and serve the common good.²⁵⁰ That rule nicely includes Huntington's rule of obedience, when that rule is working as it should, that is, when the orders of civilian authorities are actually in accord with the public good. And it also subsumes Huntington's two exceptions: Military leaders should disobey both illegal orders and may disobey immoral orders for the same reason that they are to obey orders in general: In order to advance the common good. But we can say this: Huntington's first-best regime is very like Plato's, in two respects, one structural, the other substantive. The wise must rule for the good of all, more basically, the rulers must know and serve the common good. When these two conditions are met, and only when these two conditions are met, can Huntington's professionalized officers fulfill both their functional and their societal imperatives by following civilian orders.

And now we are in a position to see that Huntington's solution to the classic problem of civilian/ military relations comes, at bottom, to Plato's: Military officers are auxiliary guardians, carrying out the orders of the proper guardians, because the orders of those guardians advance the same values to which military officers are, as professionals, themselves committed, basically, the common good.

B. Moving Plato towards Huntington: Guardians and Auxiliaries Sharing Functional Military Values.

In the last section, we saw how the inner logic of Huntington's solution to the classic problem of civilian/ military relations moves him toward Plato's own solution of that problem: Have military authorities and civilian authorities share the same values, and have the structure of civilian society be the rule of the wise for the good of all. In this section we need to notice this accommodation of Huntington to Plato is, in several important respects, not what the *Republic* seems to contemplate. If, accordingly, we are to match Huntington with Plato, we must move Plato toward Huntington; if we do, we find we have, not only a Plato compatible with Huntington, but a Plato and a Huntington that are both more appealing.

Even as we moved Huntington toward Plato in three steps, so we need three steps to move Plato to Huntington. The first step is to account for the fact that the values the military and civilian authorities unite upon are the functional values of the military itself. To do this, we need to see how the functional value of the military, security, is also both the highest value in the *Republic*, justice, and the ultimate value that Huntington promises at the end of his book, redemption. In effect, we need to show how Huntington's functional imperative, defend society, subsumes, in the first-best situation, his societal imperative, preserve society's highest value.

But Plato concedes what Huntington's model compels us to see: The first-best regime, the rule of the wise for the good of all, is not the current state of affairs, and may never be. The

²⁵⁰ See Moten, *supra* note 191, at 739 (concluding that "the essential flaw in Huntington's theoretical wall of objective civilian control is that he establishes a split responsibility for the functional and societal imperatives," instead of recognizing that "both can and should maintain a joint responsibility for the functional and the societal imperatives as our Constitution requires and daily reality demands.").

next step is to get past Plato's own problem of second-best problem: Given the outlines of a just state, how are philosophers to conduct themselves in non-ideal states? What we need to see here is that Huntington's best second-best rule for officers serving non-ideal states is the same as Plato's rule for philosophers in all states, ideal and non-ideal: Do what reason shows to most advance the common good.

That leaves us with a final problem: Plato promises to ground his ideal state by exercise of the purest reason in the timeless source of all values, the Idea of the Good; Huntington gets us to his ideal state by working out the intensely practical demands of a modern military's basic function, national defense. We need to see how the model that Huntington gives us rests on as good a ground – indeed, the same ground – as the republic of Plato's *Republic*.

1. A Firmer Foundation: Functional Military Values as Ideal Social Values.

In his final closing promise of both security and redemption, Huntington sets two related conditions: Civilian authorities must not only allow military officers to hold military values, but also embrace those values as their own. In one sense, as we have seen, this is Plato's own solution to the problem of military/ civilian relations that he himself originally raised: The best way to keep military guardians loyal to civilian authority is to have them share the same values. But, in another sense, it is just the opposite of what Plato seems to have had in mind, both explicitly and implicitly. Quite explicitly, in *The Laws*, Plato has the Athenian stranger make this observation:

with regard to the happiness of a city or of a private person, anyone ... would never become a correct statesman, if he looked first and only to external wars, and would never become a lawgiver in the strict sense, if he didn't legislate the things of war for the sake of peace rather than the things of peace for the sake of what pertains to war.²⁵¹

The reason, according to the Athenian stranger, is that the proper statesman must see war as a regrettable necessity and focus primarily on providing the city with what is best, namely the things of peace.²⁵² So, too, in the *Republic*, the primary goal of the proper guardians is promoting the public good, justice, not preparing for the worst, war. *War for Peace* seems a motto fit only for Cromwell -- until you consider the reverse.

But Huntington's concluding sentence offers the possibility of a very neat synthesis: What if properly preparing for war comes to the same thing as seeking justice? More precisely, what if proper preparation for war, a regrettable necessity, turns out to be the same as aiming for the best, justice, "peace and at the same time goodwill towards one another"? Every military, as Huntington shows, faces two imperatives, one functional, the other societal. But, we have also seen, the converse is equally true: Every society faces the same imperatives, to provide for an adequate military and to insure that that military is loyal to civilian values. In each case, the

²⁵¹ PLATO, *THE LAWS OF PLATO* 7 (Thomas L. Pangle trans., Univ. of Chi. Press 1988).

²⁵² *Id.* ("And doesn't everyone set up his lawful customs for the sake of what is best?... The best, however, is neither war nor civil war – the necessity for these things is to be regretted – but rather peace and at the same time goodwill towards one another.").

functional and societal values condition one another: At a minimum, societal values must not undercut military values; at the optimum, societal values would enhance military values, indeed, social and military values would be the same. What, though, if the fullest implementation of military values were to coincide with the implementation of the regime that the wise would impose for the good of all?

Huntington has already shown us that the critical element of military professionalism is meritocratic, selection and promotion of officers only according to military criteria. And professional education, in the military as in other professions, entails a wedding of special expertise, in this case management of violence, with liberal education, in all cases an appreciation of what society most values. In a modern military profession, the former involves being able to bring to bear, directly or indirectly, every aspect of society, every science and every “art,” on threats of violence to the homeland and its values; it also means, as it meant in Plato’s day, understanding what the homeland’s values actually are.

In a modern military, as in Plato’s Republic, the broader the pool of military talent is defined, and the deeper it is prepared, the better.²⁵³ Plato’s Republic, accordingly, insisted that women and men be educated in preparation for war, even as it insisted that all the Republic’s children, whatever the occupation of their parents, be given the finest possible education. The aim of that education was to prepare them for the highest possible function: Ruling the state. But, as we have seen, the same set of skills needed to run the state are those needed to command the military. Optimum military security, then, poses a very high demand on society: Find and develop the highest talents of all your most talented children.

This, as it turns out, is the same as the highest command to the guardians, derived from the *Republic*’s fundamental and founding myth that the guardians are to tell all the citizens:

“You in this city are all brothers,” so we shall tell our tale to them, “but God as he was fashioning you, put gold in those of you capable of ruling; hence they are the deserving of most reverence. He put silver in the auxiliaries, and iron and copper in the farmers and other craftsmen. For the most part your children are of the same nature as yourselves, but because you are all akin, sometimes gold will come from a silver offspring, or silver from a gold, and so on all round. Therefore the first and weightiest command of God to the rulers is this – that more than aught else they be good guardians of and watch zealously over the offspring, seeing which of these metals is mixed in their souls; if their own offspring has an admixture of copper or iron, they must show no pity, but giving it the honour *proper* to its nature, set it among the artisans or farmers; and if on the other hand in these classes children are born with an admixture of gold or silver, they shall do them honour and appoint the first to be guardians, the second to be auxiliaries. For there is an oracle that the city shall perish when it is guarded by iron or copper.”²⁵⁴

²⁵³ See Mady Wechsler Segal & Chris Bourg, *Professional Leadership and Diversity in the Army*, in THE FUTURE OF THE ARMY PROFESSION, *supra* note 5, at 705, 718 (analyzing “the ways in which diversity contributes to the Army’s core value of respect, to military professionalism, and to military effectiveness”). *But see* Desch, *supra* note 38, at 104 (citing as evidence of liberal opposition to military values “Bill Clinton’s efforts to transfer America’s civilian mores to the military by ending its exclusionary policies about homosexuals and about women in combat roles”) (citation omitted).

²⁵⁴ PLATO, *supra* note 20, at 95.

At the end of this tale, Socrates poses a fundamental question: “Can you suggest any contrivance by which they may be made to believe this story?”²⁵⁵ The answer in the *Republic* is not particularly encouraging.

But this myth is, of course, quite close to the meritocratic myth of American liberalism.²⁵⁶ What it needs – and what Huntington may have given it – is a foundation, not in the building of the just state, of which American liberalism despairs, but the militarily prepared state, which American liberalism seems all too enthusiastically to embrace. In seeking “security,” then, we may, indeed, find “redemption.” Put somewhat more formulaically, the military imperative has a minimum and an optimum; so, too, does the social imperative. The minimum of the social imperative, as we have seen, is to not to undermine the military’s basic function, national defense; now we can see that the optimum of the social imperative may be close to, if not identical with, the military optimum: the best defense possible.

2. A Better Second-Best.

Huntington’s first-best civilian regime, as we have seen, is essentially Plato’s first-best: The rule of the wise for the good of all. But, as we have also seen, to have officers act as if they were actually living in that world, as if their civilian masters were in fact philosopher kings, would be to court disaster. That is, remember, what Hitler’s “professional,” a-political generals did. And yet that is exactly what Huntington seems to call for them, with rare exception, to do.

In the *Republic*, we should now note, Plato seems to come to a very similar conclusions, on both points:²⁵⁷ The ideal state is not here, and may never be; philosophers should nonetheless act as if it were. First, Socrates brings his interlocutor to realize that the ideal republic they have just outlined does not, in fact, exist:

‘I understand,’ he said. ‘You speak of the city whose foundation we have been describing, which has its existence in words; for there is no spot on earth, I suppose, where it exists.’

Socrates himself confirms this skepticism, then seems to make the second point:

‘No,’ I said; ‘but perhaps it is laid up in heaven as a pattern for him who wills to see, and seeing, to found a city in himself. Whether it exists anywhere or ever will exist, is no matter. His conduct will be an expression of the laws of that city alone, and of no other.’

²⁵⁵ *Id.*

²⁵⁶ See Mattox, *supra* note 44, at 394-95 (“Given the philosophical, theological, and experiential soil from which sprang the Constitution of the United States, it seems clear that the ultimate aim of the social contract it codifies is not merely law and order, or even merely the preservation of liberty, but rather the promotion of human flourishing – protecting all that is virtuous, lovely, of good report, or praiseworthy, while at the same time serving as a hedge against any malicious influence subversive of that aim.”) (citation omitted).

²⁵⁷ PLATO, *supra* note 20, at 280-81.

With this his interlocutor seems to agree: “‘That is likely enough,’ he said.”

But, having read Huntington, we are not at all inclined to agree. Instead, we are inclined to wonder: Why should a philosopher’s acting as if philosophers were kings be any less disastrous than a military officer’s acting as if civilian authorities were proper statesmen? This would press us to reconsider both Huntington and Plato’s second point, to read it at a different, and deeper, level. Perhaps the meaning for both officers and philosophers, in our imperfect world of unwise rulers, is for they themselves to act now under the same rule that they would act under if they themselves were kings as well as philosophers: the way that redounded to the common good; that, after all, is the fundamental rule of both Plato and Huntington’s ideal state. In a perfect world, as in an imperfect world, that rule, stated at the highest level of generality, is the same: Do what most advances the common good.

In a world where philosophers themselves are rulers, this mandate to philosophers will be more straightforward: Make only those laws, and issue only those orders, that advance the common good. In a world where the rulers are not philosophers, and where philosophers are, in effect, the objects, not the subjects, of law, the mandate is more complex. It will not mean obey every law or every order, because, as we have seen, that will sometimes lead to disaster. But, significantly, it will not mean obey only the laws and orders that philosopher-kings themselves would have issued. That, too, may bring disaster, or at least disorder.²⁵⁸ As a second-best, that is, disobeying all unwise laws and orders, because they are unwise, may work no better than the opposite, obeying all unwise laws and orders, because they are legitimate. We do not know which of these second-bests is better, but we have good reason to think that a third would be best: Do, in all cases, what redounds most to the common good. Paradoxically, the best second-best has precisely the same form as the first-best: Do, whether as ruler or as ruled, what is for the common good. This would be a better second-best, because it is doubly good: it both produces better results under present conditions and also moves us toward ideal conditions.

Lest this sound a bit too lofty, like a philosopher’s advice to a proper officer, recall this Part’s epigraph, the advice that Marcus Aurelius, both a proper officer and a philosopher king, gave himself:

As you are yourself a complement of a social system, so let every act of yours be complementary of a social living principle. Every act of yours, therefore, which is not referred, directly or remotely to the social end sunders your life, does not allow it to be a unity, and is a partisan act, like a man in a republic who for his own part sunders himself from the harmony of his fellows.²⁵⁹

²⁵⁸ Aquinas makes much the same point. Having quoted Augustine for the proposition that “*a law that is not just, seems to be no law at all*,” Aquinas adds first a corollary of his own, then a qualification from the Gospels: “Wherefore such laws do not bind in conscience, except perhaps in order to avoid scandal or disturbance, for which cause a man should even yield his right, according to Matth. v. 40, 41: *If any man ... take away thy coat, let go thy cloak also unto him; and whosoever will force thee one mile, go with him other two.*” SAINT THOMAS AQUINAS, SUMMA THEOLOGICA: VOLUME II – PART II, FIRST SECTION 1020 (Fathers Cosimo Classics 2007) (Question 96, Fourth Article).

²⁵⁹ AURELIUS, *supra* note 83, at 60; *see also* AQUINAS, *supra* note 258, at 1020 (“For, since one man is a part of the community, each man, in all that he is and has, belongs to the community; just as a part, in all that it is, belongs to the whole....” (Question 96, Fourth Article)).

3. A Better First-Best: Same Destination, Better Directions.

There is, we should note, one final move that we need Plato's system to make if we are to align it with Huntington's insights. We must, metaphorically speaking, lower his expectations, even as we fulfill Huntington's promise.

a) Plato's Rule of the Wise, Supposedly Derived from the Idea of the Good.

The Platonic Socrates seems to assure his interlocutors, and us, that, if we were really what we ought to be as philosophers, we would see that all good things, including the ideal state, derive from the Idea of the Good. As it happens in the dialogue itself, however, this remains a matter of metaphors: The sun and its light, the light casting shadows on the wall of a cave, the analogy of a line marked off to show the proper relationship of the world of mere sense and the world of pure intellect. We seem, at the end, to have the outline of a just state, even though we have not quite proved either that it is good, or that it could ever really exist.

b) Huntington's Guardianship of the Guardians, Demonstrably Based on Military Preparedness.

Huntington has us, by contrast, moving in the other direction. We begin with what is most basic, with what Plato grudgingly admits we must have: A military capable of defending our society against violence, internal or external, without itself becoming a threat. And yet, if we follow his argument out, as we have, to where it leads us, we find that we have gotten to the same place where Socrates's interlocutors found themselves: With a model of social order that seems not only militarily adequate, but also desirable in its own right, a world where everyone is assured, to the greatest extent possible, of all that he or she needs to become the best that they can be, measured by the highest possible human standard – whatever that standard might be. We come to the ideal political arrangements, the rule of the wise for the good of all, not top down, as Socrates suggests, by some sort of derivation from the idea of the good, but rather from the bottom, up, from the basic political fact that any successful state must be able to defend itself.

c) The Common Ground: Dialogue With Future Rulers.

Then again, what Socrates actually does do in the Republic is much closer to what Huntington does in *The Soldier and the State*. Socrates promises, but does not deliver, a "pure" proof of the justice of his rule of the wise for the good of all from the idea of the good itself. Instead, he starts with young men, the future leaders of his society, civilian and military, and he persuades them to follow only that rule which, under the scrutiny of their dialogue, proves most conducive to the common good, most likely to produce the ideal state. And so, for his own part, has Huntington: He begins with a promise of security; he ends with a promise, not only of security, but also of redemption.

C. The Hiding of Huntington's Promise.

This synthesizing of Huntington and Plato raises an obvious objection: Even if all I have said is so, why didn't Huntington tell us himself, far more directly than he did – if, indeed, he ever did? Here, I'm afraid, we may not find a compelling answer, but, I believe, we owe it to Huntington to seek the one that is most plausible. Otherwise, we will be tempted to conclude either that he himself was badly misled, or that he has badly misled us.

1. Looking Back for the Bait and Switch.

We have come a long way from where Huntington said he was taking us. He would, he said, show us how a fully professionalized military promised the best way of meeting both its functional and its societal imperatives: Being strong enough to defend its society, but obedient enough not to attack that society. It will, he told us, be the best arrangement for any society, if that society's value system can, in fact, be balanced with the functional values of military professionalism.

This turns out to be quite true, but the qualifications prove as important as what they qualify. There is, as it turns out, only one society where the proper balance of military and civilian values is assured, the one in which the wise rule for the good of all. But Huntington never quite tells us this; if he meant for us to figure it out, he clearly left it for us to do ourselves.

2. Hiding What from Whom.

Faced with this situation, we can imagine two basic prospects: Either Huntington wanted us to come out where we did, or he didn't; either the answer was hidden by Huntington, or from him. Let's consider each in turn.

a) From Huntington Himself, by the Pervasive Civilian Liberalism of his Time?

The most obvious explanation is the most straightforward: Huntington did not come round to the position we have arrived at, and thus could not have meant for us to get there, because he did not see it himself. We have, obviously enough, arrived at a position very much at odds with what Huntington describes as civilian liberalism: From a military subservient to the any civilian regime, we have made every civilian regime, like the military itself, subject to rational service of the common good. It would be more than ironic if Huntington had not seen this prospect: It would tend to prove that American civilian liberalism was even more pervasive than he realized, so pervasive, in fact, that it kept him from seeing the logical conclusion of his own analysis of that very phenomenon.

But that seems most unlikely. The hints are simply too heavy: The demonstrated need, in his first-best scenario, for the professional military to be matched with a kind of statesman so clearly lacking in fact; the grave danger, in all his second-best scenarios, of having military officers unquestioningly heed the orders of civilian authorities who are seldom statesmen and often madmen; the glaring absence of a plausible example of civilian conservatism in his wide

survey of historical examples; and, at the very end, the prospect that military values, properly understood, promise, not just security, but also redemption. At very least, we should consider the other basic alternative.

b) By Huntington Himself, from the Pervasive Civilian Liberalism of his Time?

Suppose you were Huntington, writing in 1957, with the message that the only way to prevent world disaster, but also the assured way to achieve world redemption, was for the wise to rule for the good of all, more particularly, for civilian society, in both the liberal West and the communist East, to be re-organized along the lines of military meritocracy and instrumental rationality. And suppose that your audience is America and its allies, societies that have just emerged from a devastating war against fascist militarism and that are currently locked in a potentially world-annihilating Cold War with militant communism. Recall that leading scholars in the West have just traced the evils of the West's worst enemies, fascist and communist, to a single, deep root: Plato's *Republic*. And remember that this conclusion maps nicely onto what you yourself believe to be the dominant strand of American political cultural, civilian liberalism.

You would, most likely, see a problem: Your message is hardly what your audience wants to hear, and much less what your audience wants to hear you telling its military guardians. You might, in the event, hit upon a way to have it both ways: Tell civilians what they most likely want to hear, that their military officers should be both fully fit and wholly subservient, and yet tell them in such a way that, if their military officers ever were fully fit, they themselves would see the fundamental contradictions in your ostensible message. That message would have to work, in effect, as a parable: It would mean one thing to the many, and quite another, even the opposite, to the few.

If it were to work, it would need to appeal to a basic myth of middle America in the middle of the last century, the radically liberal principle that, as Clinton Rossiter has said, American liberalism is always conserving: The state must treat all human beings as equal. But, if it were to work, it would have to conserve a much older and more radical principle: If all are to have a chance to be their best, the wise must rule for the common good. And, to paraphrase Pinckney, it would need to get traction from another principle of American liberalism: Millions for defense, but not one dime for redistribution. *A mind*, as the United Negro College Fund never tires of reminding us, *is a terrible thing to waste*; think, you might be tempted to tell liberal America, how well any mind we save might command an army (not to mention compose a symphony)!

c) A Middle Ground.

We identified, at the outset of this section, two basic possibilities: Either Huntington meant for us to see through the contradictions of his model, or he did not. But we may have drawn our distinctions too sharply; perhaps, as far as either he or we might be concerned, the two alternatives come down to the same thing: We have seen what we have seen, whether he meant us to or not. If we are right, that is what he would have wanted, if he is what he told us he was: a proper academic. It is, when academics are faithful to the most basic academic values, and in

closest fellowship with the original academicians, what we always want: The truth, in all its goodness and beauty. Plato, speaking as usual through Socrates, said it first, and probably best:

I am one of those who are very willing to be refuted if I say anything which is not true, and very willing to refute anyone else who says what is not true, and quite as ready to be refuted as to refute; for I hold that this is the greater gain of the two, just as the gain is greater of being cured of a very great evil than of curing another.²⁶⁰

Either way, Huntington would agree, the better view wins, and we are all the better for it.

But, of course, the same should apply to me, and to you: If we are proper philosophers, and if you find that I am wrong, you should let me know²⁶¹, and I, as the better served, should be the more grateful. And so I would.

Conclusion: Huntington's *The Soldier and the State*, Plato's *Republic*, and Ours.

Don't hope for Plato's Utopia, but be content to make a very small step forward and reflect that the result even of this is no trifle.

Marcus Aurelius, *Meditations*.²⁶²

Huntington's *The Soldier and the State* is a great paradox: It begins with the promise that modern military can protect civilian society without threatening civilian values only if modern officers embrace a professional duty to obey any legitimate civilian authority; it ends with the prophecy that humankind will achieve both security and salvation only if civilian authorities accept professional military values as their own. And Huntington heightens his paradox by opposing the universal values of military conservatism to the historical values of American liberalism. This seems, on its face, to turn the classic question of civilian/ military relations – Who guards the guardians? – on its head. Plato seems to have anticipated this paradox in his *Laws*: The real statesmen will legislate for war only with an eye toward peace, not the other way 'round.

But, on closer analysis, Huntington's paradox may offer a second-best alternative to both Plato's ideal, the rule of the wise for the good of all, and American liberalism, the dominant ideology of his own day, and ours. That alternative allows Huntington to embrace the former without rejecting the latter. What is more, it allows him to work toward the goal of the ideal within the institutions of the real. Perhaps most importantly, it gives him a way, not so much to synthesize our military and our civilian values, as to show that those values are, at bottom, the same: Opportunity for all, even the most misfortunately born, to become the best that they can be, including the best that anyone can be, guardians of the Republic itself. That insight will not,

²⁶⁰ PLATO, *supra* note 240, at 458.

²⁶¹ Email is most reliable: ratkinson@law.fsu.edu.

²⁶² AURELIUS, *supra* note 83, at 61.

perhaps, bring Plato's Republic. But it will be no trifling step forward for our own, for it will help us educate our own guardians, the men and women of our military, in the mold of Marcus Aurelius, as students and servants of the same values as our founders and their philosophers. That, ultimately, is how to guard the guardians, even as the Platonic Socrates says: "they must get the right education, whatever that is, if they're going to have what's most important for being tame with each other and those who are guarded by them."²⁶³

²⁶³ PLATO, THE REPUBLIC 95 (Allan Bloom trans., 1968).