CONSENT AND
THE AMERICAN SOLDIER:
THEORY VERSUS REALITY

by
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Consent theory has, for centuries, been offered by one or another political theorist as the basis, in democratic, "social contract" nations like the United States, for a perilous and often disagreeable "public duty"—military service. Thomas Jefferson certainly acknowledged the theory in the Declaration of Independence when he wrote that governments derive "their just powers from the consent of the governed . . . ." In exchange for their role in the formulation of the government and its policies and their ultimate control over it through the power of the ballot, citizens of a free state are understood to have consented to obey its laws and to go to its aid in time of peril.

The theory is that young men, conscious of the freedoms and rights they possess in democratic societies, will freely consent to military service with a sense of political obligation. They have "pledged" their allegiance for over a decade. They have been taught the virtues of the open society, and they have enjoyed its schools, services, and prosperity. Citizenship is not deemed necessary for such a sense of obligation, it seems, for, according to one recent study of draft laws, "draft liability has not been a special obligation of "citizens," but an obligation of persons who have chosen to live within the territory and jurisdiction of the United States." In July 1980, President Carter's Draft Proclamation 4771 specified that aliens of the appropriate age and sex must register in the same fashion as citizens. Our government's sense, then, of the level of consent necessary in order to demand military service seems quite modest. It seems to regard implied or implicit consent as sufficient to call upon young men to don uniforms and to obey orders.

Some theorists ask us to expect more explicit consent before requiring military service. Young men, under this view, must explicitly consent to the social contract by formally assuming some political obligations. Michael Walzer offers one such test: "The best expression of consent available to the resident of a democratic state is political participation [voting] after coming of age."

Perhaps with this view in mind, Congress and the states passed the 26th Amendment to the Constitution in 1971. At that time, young men had been sent to Vietnam who were not old enough to vote, and some people had argued that the voting age should be lowered to age 18.

Under this version of consent theory (consent must be explicit), those who did not choose to assume political obligations (by voting or, if alien, by choosing to seek citizenship) would not be called upon to serve, except in dire emergencies (invasions of the United States). The nation would draft only consenter to serve in foreign wars (though nonconsenter would be free to "consent" by volunteering). This view, akin to one allowing for selective conscientious objection, approximates the present national
policy of voluntarism, and it describes the behavior of our government at the time of the Mexican War and the War with Spain—that is, no draftees were required to serve in those two foreign wars. But also consider the rest of the historical record: In dire emergencies (the American Revolution, the War of 1812, the Civil War) the Congress was persistently reluctant to conscript men. The first two of these wars were fought entirely with volunteers; the third, almost entirely so. In contrast, during the several foreign wars we have waged in the 20th century (World Wars I and II, Korea, and Vietnam), the Congress relied heavily on the draft. Reality, then, has not corresponded in the past with Walzer's theory of consent. Does it today?

We do rely on volunteers today (though one cannot say with confidence that this policy will survive the demographic pressures of the 1980s). Volunteers do contract to obey and to fight. The modern enlistment oath reads:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic, that I will bear true faith and allegiance to the same, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me . . . .

But are all volunteers truly engaging in an act of explicit consent to political obligations when they take this oath? Theoretically—indeed, legally—they are. But we would not be correct in saying that all volunteers truly feel such a sense of obligation. Some do, of course. Some volunteered out of a sense of obligation, and others acquire that sense during their tour of duty. But we must remember, if we are truly to understand these men and women, that many volunteered for quite different reasons, and that many will never acquire the sense of political obligation that consent theorists have in mind—that many volunteers will not respond to arguments based on a theory of their political obligation to the United States.

Most volunteers, today and for the past 200 years, joined the service in order to gain economic rewards, social mobility, or skills needed later in civilian life. Early in the American Revolution General Washington urged Congress to offer a substantial bounty to foster recruiting:

A Soldier reasoned with upon the goodness of the Cause he is engaged in, and the inestimable rights he is contending for, hears you with patience, and acknowledges the truth of your observations, but adds, that it is of no more Importance to him than others. The officer makes the same reply . . . . The few, therefore, who act upon the Principles of disinterestedness, are, comparatively speaking, no more than a drop in the ocean.4

Washington's observation seems consistent with the views of a Colonial militia lieutenant, William Scott, as they were recorded shortly after his capture at Bunker Hill. Why had he taken up arms?

The case was this Sir! I lived in Country Town; I was a Shoemaker, and got my Living by my Labor. When this Rebellion came on, I saw some of my Neighbors get into Commission, who were no better than myself. I was very ambitious, and did not like to see those Men above me. I was asked to enlist, as a private Soldier. My Ambition was too great for so low a Rank; I offered to enlist upon having a Lieutenant Commission; which was granted. I imagined myself now in a way of Promotion: if I was killed in Battle, there would be an end of me, but if my Captain was killed, I should rise in Rank, and should still have a Chance to rise higher. These Sir! were the only Motives of my entering into the Service; for as to the Dispute between Great Britain and the Colonies, I know nothing of it; neither am I capable of judging whether it is right or wrong.5

Charles Royster has conducted the most complete investigation of American willingness to serve during the Revolution; and while he did find a small core of consenters in the
Continental Line, willing to see it through for the eight years of thick and thin, he also found that most able-bodied men were not willing to serve for anything more than a few months of militia duty. They clearly preferred to make a living, with some making a better living than usual because of the war.⁷

Throughout the 19th and 20th centuries the pattern is repeated; men volunteered not so much out of a sense of political obligation as one of economic necessity. The case of Eugene Bandel, a German immigrant in the 1840s, is perhaps typical. Having run into hard times near St. Louis after losing his job, he stumbled on a ready solution to his problem. He later described the experience in a letter to his parents:

After three days I finally reached St. Louis. I had sold everything I owned that was of value. I owed six dollars at my boarding house. I did not know what to do. By chance I saw a sign hanging from a house and under it a sign. It was a notice that the United States wanted recruits for the army. This was my only resort if I did not wish to steal or beg. I went in. I was accepted soon enough and sworn in. I was bound to remain a soldier for five years, for clothes, lodging, and food, and eleven dollars a month, with extra pay for any extra work done for the government.⁷

Almost a century later Henry Giles also ran into hard times and chose the same escape route. After World War II had ended he recalled his thoughts on enlisting:

When I enlisted I didn’t even think about a war . . . . The depression hadn’t ended in 1939 down our way and I was sick and tired of the scrabbling and the shame of the commodity [lines] and no jobs but the WPA . . . . [The] army meant security and pride and something fine and good. [When I put on the uniform for the first time] not only had I clothes now that I wasn’t ashamed of, but for the first time in my life I was somebody.⁸

A sense of security and self-esteem is, of course, as capable of motivating a soldier as a patriotic sense of obligation. But my point presently is that it should not be confused with, or treated as, patriotic motivation. Studies of volunteers since World War II persistently demonstrate that most joined either to avoid being drafted into a service and Military Occupation Specialty not of their choice, or because of the "opportunities for training" and "advancement" they saw in the service of their choice.⁹ Regions of the country with median civilian incomes for males aged 16 to 21 persistently lower than the national norm had consistently higher enlistment rates than higher income regions.¹⁰ GIs who fell in action during the Korean and Vietnam Wars were, thus, disproportionately from low-income families.¹¹ Low income, not patriotism, was the prime mover when many of these young men raised their right hands.

Others joined out of a sense of obligation, to be sure. But for many of these it was not so much a personal sense of obligation, an individual act of conscience, as a sense of obligation to family and friends, the result of social pressure, sometimes subtle, sometimes quite direct. In 1861 John Faller told his family that he was joining the Union Army and in the process explained his motivation: "Several folks that meet us say, 'Well ain't you off to the war yet,' and I am getting ashamed running around . . . when the other boys are off."¹²

Henry Stanley recalled his days as a youth in 1861, when he, an Englishman

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temporarily residing in Arkansas, was persuaded to join a properly patriotic Confederate company: "Inflamed as the men and youths were, the warlike fire that burned within their breasts was as nothing to the intense heat that glowed within the bosoms of the women." Stanley hesitated while his friends enlisted; after all, it was not his country, nor his cause. But then he received a parcel which I half-suspected, as the address was written in a feminine hand, to be a token of some lady's regard, but on opening it, I discovered it to be a chemise and petticoat, such as a negro lady's-maid might wear. I hastily hid it from view and retired to the back room that my burning cheeks might not betray me to some onlooker.

In the afternoon, Dr. Goree [whose son had enlisted] called, and was excessively cordial and kind. He asked me if I did not intend to join the valiant children of Arkansas to fight? and I answered yes.19

Over a century later Private First Class Tim O'Brien and a friend contemplated slipping across the border to Canada from their unit, enroute to Vietnam. Thoughts of how their parents would react to such an act, of how shocked and hurt they would be, caused them to reconsider: "I simply couldn't bring myself to flee," O'Brien recalled. "Family, the home town, friends, history, tradition, fear, confusion, exile: I could not run." His friend agreed:

I come from a small town; my parents know everyone, and I couldn't hurt and embarrass them . . . . [I'll go] not because of conviction, not for ideology; rather it's from fear of society's censure . . . .14

Such thoughts of the expectations of peers and parents do sometimes move men to acts of considerable courage and nobility,11 but this sort of motivation, once again, ought not be equated with the self-generated sense of political obligation implicit in consent theory.

If most young enlistees have failed to prove the soundness of consent theory in joining the service, we should not be terribly surprised, for neither do young men or women vote in substantial numbers. If voting is, as Walzer maintains, the "best expression of consent available," it does not reveal a predominant degree of consent. Some never fail to vote in primaries and elections, but over 40 percent of eligible voters don't vote in national elections, and as many as 70 percent fail to "express consent" in off-year elections and primaries. As Richard Flathman has written,

One of the standard embarrassments of consent and contractarian theories of political obligation is that accepting them seems to lead to the conclusion that very few people have or have ever had political obligations.16

Moreover, young and poor eligibles are traditionally less inclined to exercise their suffrage than older or more affluent citizens, and enlistees are decidedly younger and poorer than the norm. At best, only half of all enlistees have participated, or intend to participate, in the political process. Many are politically indifferent and thus, by Walzer's standard, have theoretically assumed no political obligation to risk their lives in the defense of the nation's interests.

This lack of political enthusiasm, this "non-consenting" propensity of young men, was just about as prevalent in the Civil War, World Wars I and II, and the recent era of selective service. One study of the diaries of Civil War enlisted men, North and South, found that less than one in six offered ideological motives for enlisting or fighting. Sergeant Will Judy noted in his World War I diary:

We are not shouting loudly about making the world safe for democracy. In truth, I have not heard more than a half dozen times during my year in the army a discussion among the men or even the officers, of the principles for which we fight.17

More than 20 years later, social scientists with the US Army Research Branch
questioned hundreds of thousands of World War II GIs, most of them draftees, and discovered that a third of them believed the war "not worth fighting."18 "I don't [think our entry into the war] should have happened, but it has happened. There’s nothing you can do about it," said one GI whom these social scientists deemed representative, in response to a US Army Research Branch question.19

Many black GIs in World War I and II were particularly unenthusiastic. "Joinin’ the army to get free clothes/what we’re fightin’ ‘bout nobody knows," went one black GI rhyme of 1918. Another rhyme sung by World War I black soldiers declared:

I don’t know why I went to war
Tell me, oh, tell me now.
I don’t know why I went to war,
Or what these folks are fightin’ for.
Tell me, oh, tell me now.

I don’t know why I totes this gun,
Tell me, oh, tell me now.
I don’t know why I totes this gun,
‘Cause I ain’t got nothin’ 'gainst the Hun,
Tell me, oh, tell me now.20

"I would want to know what have we got to fight for?" one World War II black GI asked interviewers. "Why are we in it?" another wrote, "We don’t have any rights." "Why must I fight for freedom when there is no such thing for a Negro?" another asked. "I am colored and so friendless," another told the interviewers, "We don’t have anything so it’s not our war." Still another argued that "the white man brought us here; [he] should do the fighting [since] he does not want us."21 There is also the apocryphal (but believable) story of the black sharecropper who told the landowner on 8 December 1941, "Well, Cap'n, I heard the Japs done declared war on you white folks."22 If few blacks actively displayed political obligations in 1941, there were impressive historical explanations for the lack of commitment.

Has the end of the draft and the sharp decline in racial discrimination in the armed services changed things? Are today's volunteers more likely to be the theorist's "consenting" adults? Yes, and no. Of course, volunteers "consent" in ways that draftees do not. Of course, many black GIs are more "consenting" of late than they were in the days of overt racism and discrimination. Nonetheless, in 1978 an Army Training Study found that the vast majority (88.3 percent) of soldiers of all ratings and ranks felt that "most soldiers today think of their army service primarily as a job" (as opposed to the alternative, "a calling").23 About two of every three soldiers were disappointed that such an attitude could be so prevalent—an indication that many (especially officers and career NCOs) prefer to think of military service in a more consent-oriented fashion. The same percentage, however, felt that "soldiers who see their army service primarily as a job will still perform well in combat," something that the historical record certainly substantiates. But the fact remains that today's volunteer Army cannot fairly be described as one populated essentially by men and women expressing their sense of political obligation to the nation.24

Some men and women do consent to military service out of such a sense, to be sure. My reading of the historical record and current polls and attitude surveys, however, leads me to estimate that these consenter rarely number more than about one in every five or six eligible Americans. (Furthermore, I believe this to be the case for most modern societies not still in an intense nation-building stage of development, and I do not exclude the Soviet Union from this statement.)25 These "committed" souls are disproportionately represented in voluntary military organizations, and especially in the more elite components such as (in the US) the airborne units26 and probably the Marines. But many other eligible citizens (in my judgment, about one of every three) have been, in almost every situation and era, most reluctant to serve in the military. This was true in the distant, as well as the more recent, past. In 1969, over 40 percent of the respondents to a CBS survey of American young men of draft age disagreed with the statement "Resisting the draft is basically wrong; a citizen is obligated to serve
his country regardless of his personal view about the justice of a war.”

Also in 1969, the University of Michigan’s “Youth in Transition” study of high school male seniors found that 61 percent had “never considered enlisting.” Some indicated that they “don’t like taking orders”; and some, that they “don’t believe in the military system.” Others said that they did not want to go to Vietnam, or feared being harmed or leaving home. And no fewer than 30 percent gave negative or very negative answers to the hypothetical question “If you were drafted, [would you serve]?” Fifty-five percent of the respondents checked “I’d serve,” and 15 percent checked “I’d be happy to serve.” Only about seven percent of the young men indicated strong political antagonism to the war in Vietnam. Their chief objections to service concerned military regimen and the military’s interference with personal and educational plans. Significantly, while about one in eight respondents believed that their parents, siblings, and “best friends would feel happy if [they] enlisted,” 72 percent felt that their parents “would feel unhappy.”

Later, between 1976 and 1978, high school seniors were again surveyed and were asked the following hypothetical question: “If you felt it was necessary for the United States to fight in some future war, how likely is it that you would volunteer for military service in that war?” Nearly 18 percent of the males and 29 percent of the females answered that, in their opinion, “there is no such thing as a necessary war.” Another 18 percent of the males and 30 percent of the females said they would “definitely” or “very likely not volunteer.” Fully 40 percent of all males and 32 percent of the females gave equivocal, neither positive nor negative, responses, while only one in every five respondents gave positive answers.

These surveys illustrate my next point: If one in every five or six young eligibles feels obligated to serve, and two of every six object strongly to such service, the remaining 45 or 50 percent are essentially acquiescent. These are the souls who served only when pressed during the Revolutionary War, “grossly ignorant of the true grounds of the present war with Great Britain,” as read one report of the Connecticut legislature concerning 18 Farmington men who had not responded to the call of their militia unit during a British attack on Danbury. (After being jailed for a month, they were questioned by the members of a legislative committee, who reported: “They appeared to be penitent of their former conduct” and now agreed that “there was no such thing as remaining neuters . . .”3) These are also the Eugene Bandels, Henry Gileses, John Fallers, and Henry Stanleys, who joined only when their economic fortunes or pressure from their family or friends prompted their enlistment. They come today to the recruiting officer for the skills and training he promises or for the job and security he offers—not out of any sense of political obligation. Later, after seeing a buddy become a casualty, or after having committed themselves to a service career, some of these less enthusiastic recruits may develop a sense of obligation. But many will simply acquiesce, in the words of their enlistment oath, to the orders of those officers duly appointed over them. If such an officer be a believer in consent theory, there may arise moments of misunderstanding, tension, and confrontation, such as those that occurred from time to time in Vietnam, when consent-believing officers gave risk-laden or aggravating orders to men less committed to “the cause” than they.

Can the acquiescent many be inspired to political commitment by the consent-believing few? Some certainly can. “Troop indoctrination” was a modest success during World War II, and the anti-communist indoctrination efforts by some service leaders during the 1950s and 1960s must have had some of the desired effect on the less politically active GIs.3 But many came to regard those efforts at political indoctrination within the military to be imperfectly constructed and inappropriate. Do we want to revive such instruction? I think not. We have managed without political commissars and cadres for some time, and I would think that our society would have to feel considerably more endangered than it
presently does before we would tolerate a return to the aggressive political indoctrination practiced by some militia units during the American Revolution. The very openness of our society is what our military is organized to protect. That openness is not consistent with a system of political indoctrination within the military.

In any event, we need not bring everyone over to consent theory to survive. Our reality will do, as long as we understand it. Simply knowing what soldiers believe, or do not believe, is sufficient. Acquiescing soldiers can make and, after all, have made very good soldiers. They may not come forward as eagerly as their "consenting" comrades-arms, but they come, and when led well they fight as well as any, if only to protect themselves and their buddies (powerful enough combat incentives, as we now know).

No nation today can expect or get the sort of total commitment from their draft-eligible populace that Ghengis Khan managed in the days when every man was a warrior. The modern world is too developed, economically sophisticated, sensate, occupationally differentiated, and stratified for such a mass army. Ours is, and has always been, a pluralistic society—one with differing views of what constitutes an ethically supportable policy or war. Men coming forward to enlist out of a sense of political obligation in 1775, 1812, 1846, 1861, 1899, 1917, and 1966 have been countered by others coming forward to oppose the war and enlistment out of a different, but equally strong, sense of political obligation. Surely, that is just as things should be. Any consent theorist who argues that a citizen's political obligations require him to respond to an incumbent administration and to serve during wartime in the military may be theoretically persuasive, but such a theory may not account for the behavior of the people throughout history who have regarded their political obligation to be one of dissent and opposition to one or another of our wars. Any theory of political obligation that cannot account for both of these activist groups, as well as for the behavior of the large, less politically active "center," is of limited value. Moreover, any commander of American soldiers who does not take into account the fact that many of his men are less "committed" than he may be can never realize the effective measure of leadership that all his men deserve.

NOTES


can hardly remember a single instance of serious discussion of American policy or of larger war issues [among the volunteers].”


19. Another question, put to a large sample of combat veterans in 1943 and 1944 by these same social scientists, asked: “Generally, in your combat experience, what was most important to you in making you want to keep going and do as well as you could?” Only 14 percent offered “consent” or related reasons like “patriotism,” “belief in what I am fighting for,” or “a sense of duty and self-respect.” (Ibid, I, 372, 440; II, 105-112.


24. One who has studied the question, Major Stephen Westbrook, agrees: “The true believer . . . is not the backbone of the Army.” Stephen Westbrook, Political Training in the U.S. Army: A Reconsideration, (Columbus: Mershon Center, Ohio State Univ., 1979), p. 49.

25. Thus Richard Gabriel found that only 18.5 percent of the former Soviet Army personnel whose opinions he surveyed recently indicated that “belief in an ideology—Marxism-Leninism” was “a very important factor” in “motivating a [Soviet] soldier to fight well.” The New Red Legions (Westport, Conn.: Greenwood Press, 1979), II, p. 115.


30. I don’t mean to say that these distinctions are as severe as to allow for no gradations. Obviously, what I am describing is a continuum.


35. Needless to say, I am not as enthusiastic as Major Stephen Westbrook about the idea of “political training” in the US Army (see Westbrook, Political Training), but I grant that his study has addressed the question in a more sophisticated and promising fashion than has any other that I have seen. See also S. Westbrook, “Socio-political Alienation and Military Efficiency,” Armed Forces and Society, 6 (Winter 1980), 170-89.


38. Among the more effective analyses of consent theory, in this regard, are Carole Pateman, The Problem of Political Obligation (New York: John Wiley, 1979), and Michael Walzer, Obligations.

39. This is not to say that Congress should forego the drafting of American youth in the event of a perceived need of such a measure to provide adequate national security. The fact that a “consent” theory of military service is not widely accepted by American youth does not make the theory or its application wrong. If our elected representatives decide that the draft is warranted, then I believe military service may fairly be required of all eligible youth (excepting only conscientious objectors), whether each individual accepts the validity of “consent” theory or not.