Accountability, Bureaucratic Discretion, and Civil-Military Relations

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Abstract

All democracies wrestle with the problem of representation. Most people intuitively understand this through electoral politics, but this connection is less clear when we consider bureaucracy. And when it comes to civil-military relations, many think about this problem in terms of "civilian control." We present a different approach and contribute to this literature in three ways. First, we critique assumptions often used in thinking about civilian control. Second, we offer a classification system with three schools of thought on the problem of bureaucratic accountability. These are the (a) political control school (representation through the politics-administration dichotomy and compliance model), (b) responsiveness through institutional design school (representation through formal institutions), and (c) responsibility through values school (representation through informal institutions). We provide examples from scholarship and cinema for each school to aid in understanding and to facilitate teaching and learning. Third, using bureaucratic accountability as an organizing concept, we propose bureaucratic discretion as a different organizing problem or puzzle for civil-military relations scholars to consider. Furthermore, by providing an organizing concept for civil-military relations using insights from the field of public administration, we additionally lay the groundwork to encourage public administration scholars to conduct research on civil-military relations.

Keywords: accountability, civil-military relations, decision-making, democracy, ethics, national security, principal-agent

> If the problem is to know how civil-military relations affect democratic values, it is likely that theories of civil-military relations rest (if only implicitly) on some understanding of democracy, and we are wiser to know what that is.
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> —Burk (2002, p. 9)
>
> "Choice. The problem is choice."—Keanu Reeves' character *Neo* in "The Matrix Reloaded"
>
> —Wachowski and Wachowski (2003)

Introduction

Students of bureaucratic accountability recognize three distinct schools of thought: (a) political control (i.e., representation through the politics-administration dichotomy and compliance model), (b) responsiveness through institutional design (i.e., representation through formal institutions), and (c) responsibility and values (i.e., representation through informal institutions). Students of civil-military relations wrestle with problems of accountability across these three schools. Yet, the language of scholarship in this area largely remains grounded in and constrained by one specific school, the civilian control school. We argue scholars of civil-military relations can advance our understanding of the field, and practice, by deliberately incorporating the assumptions and insights across the three schools. While there are reasons to reconsider accountability problems in civil-military relations in all types of political systems, this issue is especially salient for democracy. Echoing one scholar, "accountability is so central to democracy that much of the literature on democracy could be recast in these terms" (Warren, 2014, p. 39).

Civil-military relations scholars are cognizant of several limitations with the idea of civilian control. And while we recognize civil-military relations scholars already work within the contours of these schools, a unified framework permitting the field to move away from civilian control as *the* organizing concept in the field does not exist. To address this gap, we suggest an approach to civil-military relations grounded in democratic theory, which highlights the problem of representation.

We assess existing scholarship remains grounded in a critical assumption of Samuel Huntington's thinking on civil-military relations. This artifact leads scholars to inadvertently prefer one of the three schools of thought on bureaucratic accountability. As we will discuss, the challenges arise out of theoretical assumptions that are often incongruent to the real-world examples to which they are applied. The result is we are often prone to think about civil-military *relations* in terms of "control." We believe many of the challenges highlighted in existing scholarship arise out of the assumptions of the control school.

Our approach places the problem of bureaucratic discretion at the center of civil-military relations. Why discretion? In large part, we can simplify the differences between the three schools to how scholars working in these traditions respond to two questions: (a) Do bureaucrats have discretion? And (b) assuming bureaucrats have discretion, how do we reconcile this with questions of democracy and representation?

While many have contributed to the field of civil-military relations, Samuel Huntington's (1956a, 1956b, 1957) seminal scholarship remains foundational to the practice and study of civil-military relations today, especially in the United States (Atkins, 2023; Brooks, 2019, 2020; Feaver, 1996a, 1999). For example, it is practically impossible to say anything meaningful on the subject without referencing *The Soldier and the State* (Atkins, 2023; Beehner et al., 2020; Brooks, 2019; Cohen, 2002; Feaver, 1999, 2003; Feaver & Seeler, 2009; Nielsen & Snider, 2009). We see the development of the field as attempting to respond to, or counter, his efforts to understand, frame, and explain the central practical and theoretical problems in the domain of civil-military relations. In other words, whether scholars extend or challenge his work, they

must confront—implicitly or explicitly—the critical assumptions in his thinking on civil-military relations.

Three Contributions

This paper challenges the existing literature in three ways. First, we critique a foundational assumption Huntington used to develop his arguments. For decades, scholars confronted Huntington's ideas. Yet, some of his key assumptions remain underexplored. Consequently, the architecture of his thinking endures.

We use a debate between Friedrich (1935) and H. Finer (1941) about the appropriate role and orientation of bureaucrats as actors and decision-makers to problematize Huntington's work. We note how Huntington incorporates Friedrich's arguments about the value of informal institutional factors in shaping bureaucratic behavior while also working within the assumptions of what are ultimately different schools of thought about the appropriate role of bureaucrats. We highlight how these assumptions influenced his thinking on *roles* arising from distinct civilian and military "spheres" and *civilian control*. This is our first contribution to the literature.

In using the term "bureaucrat" here, we mean to reference those unelected individuals who work in bureaucracies in democratic systems. This can apply to civil service positions as well as to service members in the uniformed military. We believe it is important for scholars and practitioners to recognize our arguments apply to either one or both groups. For clarity we use language that is representative of U.S. institutions (e.g., legislative branch in a separation of powers system), but the problems we reference will often be conceptually similar to those in other systems as well (e.g., parliamentary systems). Furthermore, these concepts will have some applicability to non-democratic contexts. Nevertheless, unless explicitly stated, the reader should understand that we are generally concerned with the problem of bureaucratic discretion in democratic contexts, ultimately situating this problem within the scope of democratic theory.

Second, we incorporate scholarship on the problem of (bureaucratic) *accountability*. Owing to the difficulty in pinning down an exact definition (Bovens, Goodin, & Schillemans, 2014; Bovens, Schillemans, & Goodin, 2014), we do not offer a definition of accountability here. Nevertheless, accountability has long presented a puzzle for practitioners and students of government. For millennia, some of the brightest thinkers have attempted to understand the relationship between people and the political institutions used to govern their societies. This is an especially salient issue for democracy. And so, in recent decades, scholars gave significant attention to accountability relationships pertaining to government bureaucracies. Furthermore, scholars recognize that the civil-military *problematique*—"The very institution created to protect the polity is given sufficient power to become a threat to the polity"—is at its heart a problem of accountability (Blankshain, 2020; Feaver, 1999, p. 214).[1] Ergo, it is clear scholars of civil-military relations are working on similar problems. Yet, in accountability, we see an opportunity to reconsider the subject of civil-military relations using more encompassing language and tools.

We are not the first to suggest broadening our aperture on problems of governance in civil-military relations (Brooks, 2019; Bruneau & Croissant, 2019; Cottey et al., 2002; Croissant et al., 2024; Croissant & Kuehn, 2017a, 2017b; Matei et al., 2022; Pion-Berlin et al., 2024). But we draw on scholarship from political science and public administration to investigate how scholars in these fields consider the problem of bureaucratic accountability (Meier & Bohte, 2007; Meier & O'Toole, 2006). This grounds the debate in rich and productive scholarly traditions in a way that allows us to incorporate, as necessary or appropriate, different theories and approaches to the study of bureaucratic actors and organizations. Thus, our second contribution to the literature is that we deliberately and explicitly consider civil-military relation research in light of our understanding of bureaucratic accountability.

Third, using bureaucratic accountability as an organizing concept, we propose *bureaucratic discretion* as a different organizing puzzle for civil-military relations scholars to consider. What is discretion? While there are many definitions, academic literature suggests it has something to do with choice and decision-making.

The *Oxford English Dictionary* defines discretion along three lines of meaning, with the one relevant to our discussion being, "Senses relating to judgement or decision."[2] More directly, Merriam-Webster defines the word in this vein as (a) "individual choice" and (b) "power of free decision or latitude of choice within certain legal bounds."[3] Here, we see an important ontological distinction: discretion pertains to individual-level decision-making but also implies something about power that is granted—that is, from another—to make decisions.

We use a distinction between individual- and organizational-level discretion to distinguish between *discretionary space* and *discretionary power*, respectively. A definition that gets at this problem suggests, "Discretion is the power of a judge, public official or private party to act according to the dictates of their own judgment and conscience within general legal principles . . . ."[4] Here, we can understand discretion as a combination of "individual choice" and decision-making constrained "within certain legal bounds." To this point, discretionary power often influences or determines an individual's discretionary space. A military example is the use of the phrase "left and right limits" to imply *discretionary space* available to someone based on various constraints related to *discretionary power*. Consequently, our third contribution to the literature is that by considering the problem of bureaucratic discretion, we can disentangle individual- and organizational-level phenomena of interest.

So What?

Why does any of this matter? Our response is twofold. First, as Feaver's (1996a) civil-military *problematique* highlights, and as many have long understood, "how a military goes, so goes a society," and vice versa. In other words, the problematique is an ur-problem all societies face. Thus, getting the civil-military institutions "right" is a *necessary* condition to a well-functioning society (Bland, 1999). But this does not mean institutions are necessarily sufficient; in fact, this problem lies at the heart of the Friedrich-Finer debate and helps us understand how and why the schools break the way they do. Second, and relatedly, whether through military service, scholarship, or both, many dedicate their careers to "improving" civil-military relations. Anyone who studies this subject ponders the following question: *how* can we better understand, or even "improve," the character of civil-military relations? Notwithstanding the fact that much

has been written on the subject, we continue to see paradoxes between what we observe in practice and many of the existing models and frameworks we use to consider civil-military relations (R. Brooks, 2020). In sum, by providing a solid foundation for how actors navigate these spaces, our thinking on the concepts improves the character and quality of civil-military relations.

The next section presents several grounding assumptions to this research. Following that, we problematize the concept of civilian control with Huntington's own writing. We observe in his work various meanings for "civilian control" and discuss potential limitations of its use. We then highlight assertions from Feaver (2003) about what a theory of civil-military relations that attempts to compete with Huntington should offer. We next incorporate insights from political science and public administration on accountability and bureaucratic discretion. We also provide examples on each perspective through existing scholarship on civil-military relations and Hollywood dramatizations. We close with a discussion of some implications for practice and theory, recognizing some of the limitations that are worth considering in light of our argument but which we simply do not have the space to cover.

Starting Points

Grounding Assumptions

Feaver (1999) observed the influence of scholars' disciplinary orientations on how they approach civil-military relations. In a similar vein, it is worth considering *how* the assumptions we use influence our research, that is, are we bringing the appropriate toolkit to the job? Here, we point out assumptions that guide this work, which fall into three categories.

First, our approach comes from public administration, thus incorporating insights from political science and management (e.g., organizational theory). We believe individual and organizational levels of analysis provide a foundation to robustly understand problems and questions of interest in civil-military relations. Relative to these levels of analysis, we find arguments that use groups and group-based behavior to be more common in the literature. We assess group explanations are appropriate for some questions of interest in civil-military relations—especially those that are sociological in nature[5]—but less appropriate for other questions.

Second, we understand civil-military relations through the lens of organizations, organizational theory, and institutions. We believe there are unharnessed advantages to this approach. While some well-respected works use the lens of organizational theory (Allison, 1969; Allison & Zelikow, 1999; Posen, 1984), others argue the idea is underutilized. For example, Shields (2003) argues—as a first approximation—militaries are bureaucratic organizations. Moreover, we believe it is important to make assumptions about organizations an explicit part of our research. For example, we can use systems perspectives—such as rational, natural, and open systems perspectives—to understand how organizations and organizational-level variables explain civil-military relations (Driver, 2008; W. R. Scott & Davis, 2015; J. D. Thompson, 1967). These perspectives make different assumptions, emphasizing distinct aspects of organizational life. This broadens the toolkit one can use to study civil-military relations. Ergo, when thinking about the environment (i.e., open systems), the scope matters. Therein, we can focus on

domestic bureaucratic and institutional processes internal and external to an organization or state (Allison & Zelikow, 1999; Feaver, 2003; Posen, 1984), as well as the international environment (Allison & Zelikow, 1999; Desch, 1999; Feaver, 2003; Huntington, 1957; Janowitz, 1960; Posen, 1984).

Third, because organizational-level theories cannot comprehensively explain civil-military relations, we also understand civil-military relations through the lens of individuals. Brehm and Gates (2015) argue that exchanges between people "are the essence of bureaucracy" and that an approach attending to individuals offers mechanisms that are "clear, verifiable, and specific" (p. 27). Consequently, we believe it is important to make assumptions about individuals an explicit part of our research. For example, we may use a rational choice perspective, as Feaver (2003) does with agency theory, or we can incorporate boundedly rationality. However, Feaver also recognizes the "focus on nonmaterial determinants of behavior, be they identity, norms, beliefs, or ideas," and how these serve as the basis of most work on civil-military relations since Huntington (Feaver, 2003, p. 13). We call the reader's attention to how these individual-level assumptions relate to the different schools of thought on bureaucratic accountability.

Together, these assumptions provide the foundation for our arguments about the (a) assumptions underlying Huntington's work, (b) the use of accountability as an organizing concept, and (c) value of bureaucratic discretion as a foundational problem of civil-military relations.

Huntingtonian Touchstones

Apropos Feaver's point about nonmaterial determinants of civil-military relations, we see a focus on roles in the existing literature. This may be a consequence of Huntington's thinking about distinct civilian and military spheres and the need for professionalism arising from expertise, responsibility, and corporateness. Along with his emphasis on civilian control as the central problem of (modern) civil-military relations, the concepts of roles and spheres provide Huntingtonian touchstones for most thinking about civil-military relations. Together, these factors provide an intuitive way to try and make sense of civil-military relations—it is convenient to talk about (a) roles in his conceptualization of spheres and of (b) the normative roles of actors vis-à-vis civilian control. We acknowledge this is a large part of the appeal of Huntington's model.

We recognize that in developing his conceptualization of spheres and civilian control, Huntington touched on a debate between two scholars who disagreed about the appropriate role and orientation of bureaucrats as policy actors and decision-makers. More directly, Huntington's objective control model—the foundation for most thinking on (American) civil-military relations—rests on competing assumptions about accountability and bureaucratic behavior. Friedrich (1935), writing in what we now recognize as the responsibility and values school of bureaucratic accountability, suggested that bureaucrats could be accountable through informal institutions—that is, professional standards and social norms. The professional bureaucrat, he argued, can self-monitor and, therefore, should be permitted to do so. Taking a different view was H. Finer (1941), who argued formal institutions provide *necessary* constraints on bureaucratic behavior.

To be clear, they saw these as distinct assumptions about the ability of formal and informal institutions to influence bureaucratic behavior. So, while Friedrich's explanation focused on individual responsibility, Finer argued that organizational constraints *must* exist as well. Huntington wrestled with these divergent views. He recognized the importance of the problems they were attempting to understand and cast them in terms of civil-military relations. Our argument assumes that Huntington was unable to reconcile the competing assumptions underlying various schools on bureaucratic accountability. This is our most significant critique of his work.

Huntington states that he draws on the work of Carl J. Friedrich to develop his understanding of civilian control, saying, "These concepts owe much to Friedrich's general distinction between objective functional responsibility and subjective political responsibility in the public service. See Carl J. Friedrich et al., *Problems of the American Public Service* (New York, 1935), pp. 36–37" (Huntington, 1956b, p. 385).[6] Huntington does not go into depth about the connections he draws between Friedrich's work and his own, nor how he draws them. He simply says, paraphrasing, "this is the framework I'm using to think about civilian control".

One challenge we have with Huntington's work here is that on the one hand, he cites Friedrich and talks about the importance of professionalism as a mechanism to increase objective control—this makes sense in that Friedrich fits into the third, that is, values, school of bureaucratic accountability. On the other hand, Huntington makes a strong distinction between the civilian and military spheres. Ergo, his model rests on a classic argument in public administration known as the politics-administration dichotomy—which relies on assumptions found in the first, that is, political control, school of bureaucratic accountability. First pronounced by W. Wilson (1887), and later formalized by Goodnow (1900), the dichotomy assumes a strict delineation between politics and administration. Thereby, the political control school does not account for discretion. But the other two do. Consequently, his conceptualization of civilian control relies on competing assumptions about bureaucratic discretion.

There is evidence Huntington understood Friedrich. His professionalism had three dimensions—expertise, responsibility, and corporateness—that pertain to the values school. Janowitz clarifies why this approach matters for our broader discussion of accountability saying, "'Professionalization' is a concept which implies an element of desirable behavior. As it applies to the military, it presents an ambiguous topic, for what is the import of ethics and responsibility for the professional combatant?" (Janowitz, 1960, p. 6). Nonetheless, we need to highlight a critical point: Once we have entered the realm of talking about ethics, responsibility, values, and so on, we have admitted the problem of discretion. We should then, in good faith, explicitly recognize that some percentage of decisions made by bureaucrats will be of an inherently "political" nature. Again, as Huntington's model *also* explicitly pushes against the military being political in nature, we assume Huntington tried to take interesting assumptions from different schools of thought and put them together without thinking through the implications.

In our minds, the influence of these assumptions underlying Huntington's view on objective control have not been fully considered by civil-military relations scholars. Nonetheless,

Huntington's thinking on roles and civilian control continues to shape the field, serving as a foundation for much of today's work on civil-military relations. Thus, ironically, the nature of Huntington's work provides the field's central touchstones while concomitantly hampering the ability of scholars to advance past his work.

Accountability, a Foundational Concept

For a long time, scholars have been aware of limitations to Huntington's notion of an apolitical military (Cohen, 2002; Gibson, 2009; Janowitz, 1960; Kohn, 1994; Sarkesian, 1972; Wahlke, 1958). Many alternative frameworks exist. Some are comfortable assuming there is something inherently political about the military (Clausewitz, 1984; Kohn, 1994; Sarkesian, 1972). Others take a view that is more dichotomous, possibly out of a normative concern over the influence of a politicized military on democratic institutions (Linz, 1990; Trinkunas, 2005). Still others recognize problems may arise in trying to look for one objective and overarching theory of civil-military relations (Burk, 2002). While we agree that the problem of civilian control has been central to the study of civil-military relations, we believe there are two primary shortcomings with its common portrayal in the field.

One shortcoming with existing understandings of civilian control arises from a lack of clarity. What is meant, for example, by the term "civilian control"? Is it operationalizable in an objectively understandable way, applicable across many contexts (Cohn, 2011)?

The second shortcoming with understandings of civilian control is an extension of this lack of clarity. It pertains to how scholars attempt to simplify complex phenomena. Both practitioners and scholars recognize limitations in the monolithic construction of civilian control. For example, Atkins (2023) argues that, in conjunction, an overreliance on Huntington's notions of civilian control and professionalism affected the strategic effectiveness of U.S. efforts in Afghanistan. Similarly, Huntington's professionalism presents a set of paradoxes to members of the military (Brooks, 2020). Moreover, how can one remain apolitical if the institutional environment in which they operate creates incentives for politicians to politicize the military (Banerjee & Webeck, 2024)?

Scholars recognize and accept there are limitations to the concept of civilian control. We highlight two classes of direct challenges because these arguments leverage the idea of *relationships* between various actors in ways that further our understanding of civil-military relations. One class of critiques suggests we need different frameworks and broader language to understand civil-military relations. The most well-known example is Feaver's use of agency theory (of note, this aligns with one of the three accountability schools). Others expand our vocabulary by using terms like "loyalty structures" (Robinson et al., 2021), "power dialogue" (Crosbie & Klitmøller, 2024), and various "imperatives" of governance facing rulers (Brooks, 2019).[7] Another group works within this governance perspective, arguing we must consider both control and effectiveness (Bruneau & Croissant, 2019; Bruneau & Matei, 2008; Matei et al., 2022).

Yet another class of critiques goes a step further. Here, we see scholars who specifically reference ideas of "accountability" but stop short of deliberately framing civil-military relations in terms of existing research on bureaucratic accountability. Bland (1999) offers a good starting

place by using regime theory and distinct civilian and military roles to advance the notion of "shared responsibilities." From there, he argues the key to civil-military relations "is an effective accountability mechanism," and that where these are "strong and effective, control is strong and effective" (Bland, 1999, p. 20). Others use cases of democratization to argue, "Democratic civil-military relations should instead be conceptualized in terms of the democratic legitimacy, governance, and accountability of a state's civil-military relationship" (Cottey et al., 2002, p. 36). While implying this approach should be applied to a broader group of democracies, their focus remains on the preliminary stages of democratization, limiting the set of cases of interest. And as pointed out by Cohn (2011), they "remain within the discourse when they say that 'governance' involves 'democratic control' of defense policy and foreign policy" (p. 383).

Thus, the lacuna around civilian control continues as some suggest we should clarify "theories and terminology such as 'civilian control,' 'democratic accountability,' 'political control,' and 'civil-military relations'" (Born et al., 2006, p. 15; see also the article by Blankshain, 2020). Driver's argument closely approximates our own. He describes three models of military work—professional, bureaucratic, and public institutional—and argues these models offer differing "interpretations of what constitutes accountability" (Driver, 2008, p. 10). However, he too remains bound by Huntington's inability to reconcile different schools of thought. Consequently, his professional model attempts to incorporate the logic of both the first and third schools of bureaucratic accountability, although the bureaucratic and public institutional models could be appropriately located in the second and third schools, respectively.

In contrast, under the broad concept of bureaucratic accountability, scholars advanced various frameworks and theories for thinking about similar problems considered in civil-military relations. Before moving forward, we wish to distinguish thinking about accountability in two ways. First, there are three *schools* of accountability arguments for how scholars think about bureaucratic accountability within the bounds of democratic theory: (a) political control, (b) responsiveness through institutional design, and (c) responsibility and values.

Second, there are multiple *definitions* one can use to attempt to understand accountability relationships (Bovens, Schillemans, & Goodin, 2014). While in an earlier work, Bovens defined accountability as "a social relationship in which an actor feels an obligation to explain and to justify his or her conduct to some significant other" (Bovens, 2005, p. 184). In later work, he and colleagues pointed to the challenge of pinning down the concept because it is studied by several disciplines (Bovens, Goodin, & Schillemans, 2014).[8] Nevertheless, scholars define it in more ways than we can address in this paper. For example, Koppell says, "Accountability is a core concept of public administration, yet disagreement about its meaning is masked by consensus on its importance and desirability" (Koppell, 2005, p. 94). He suggests five different forms of accountability for which bureaucrats and bureaucratic agencies can be held accountable to outside political actors: transparency, liability, controllability, responsibility, and responsiveness.[9] Another approach suggests "accountability involves the means by which public agencies and their workers manage the diverse expectations generated within and outside the organization" (Romzek & Dubnick, 1987, p. 228). These scholars differentiate on two variables to develop a typology (Figure 1): "(1) whether the ability to define and control

expectations is held by some specified entity inside or outside the agency; and (2) the degree of control that entity is given over defining those agency's expectations" (Romzek & Dubnick, 1987, p. 228). Accordingly, they suggest four systems of public administration accountability: bureaucratic, legal, professional, and political.[10] One might argue these eclectic schools and definitions present problems for the concept. Another might counter, suggesting the various conceptualizations signal the importance of the topic.

	Source of Agency Control		
	Internal	External	
Degree of Control Over Agency Actions	High	Bureaucratic	Legal
	Low	Professional	Political

Figure 1. Romzek and Dubnick's (1987) "Types of Accountability Systems".

Civil-military relations scholarship, such as Feaver's (1998, 2003) work on agency theory that uses concepts of working and shirking, wrestles with these different accountability problems in civilian control. Nonetheless, the scholarship generally remains grounded in Huntington's thinking on "civilian control."[11] Thus, by separating ourselves from a perceived need to rely on Huntington's language and logic, and by incorporating research on accountability, we believe scholars can advance the study of civil-military relations in important ways. A conjecture we think is worth exploring is whether, and if so how, the phrase civilian control actually acts as a shorthand for these other ways to consider acccountability.

Bureaucratic Discretion

We arrive at an important juncture. It is easy to critique a theory. It is difficult to offer well-developed fields a new and viable way of looking at the same topic. What problems does the new perspective highlight? What tools does the new perspective bring? What advantages does this perspective offer? What do we stand to gain?

We argue there are three distinct advantages that come with centering on the problem of bureaucratic discretion. First, across different fields, scholars developed extensive literature on problems of discretion, and on decision-making more broadly. Therefore, there is a huge reservoir of knowledge that scholars of civil-military relations can incorporate to develop the field.

Second, defining discretion in terms of individuals and organizations could add richness to our descriptions and tractability to our research. At a granular level, let us consider that the fundamental problem in both the practice and study of public sector bureaucracies is that unelected individuals make public choices that have public consequences (Meier & Bohte, 2007; Meier & O'Toole, 2006; Webeck & Lee, 2022). As a result, these bureaucrats exercise discretion in ways that influence, in the words of Harold Lasswell (1936), who gets what, when, and how. In other words, public administrators do not just undertake the business of government, they *shape* the business of government. Viewed in this way, these individuals are active participants in policy-making processes (Nicholson-Crotty, 2009; Nicholson-Crotty & Webeck, 2018).

Generally, students of civil-military relations seem uncomfortable with thinking about "the military" as active policymakers. But we are not just concerned about "the military" at the individual level. We are also concerned by and about broader military institutions and organizations. This is because, in addition to all the traditional issues pertaining to bureaucratic discretion, the military presents unique agency problems. We see this most clearly in the civil-military *problematique*. This is not just the taxman showing up at the door. It is the reason for the Third Amendment to the U.S. Constitution, which prohibits the quartering of soldiers in civilian homes without the permission of the homeowner. These relations and, inter-alia, tensions between individual- and organizational-level decision-making, in conjunction with public (esp. democratic) sensibilities, provide motivating problems that highlight the place of human decision-makers at the center of civil-military relations.

Finally, bureaucratic discretion is central to the study of public sector bureaucracies. As such, it is a potential "big question," offering heretofore unexplored avenues to advance the field of civil-military relations. Consequently, and in sum, it is worthy of consideration as an organizing problem.

Problems Beyond the Problematique

Huntingtonian Problems

It is essential to consider why, for more than 60 years, Huntington's framework of civilian control remains the bedrock of scholarship on American civil-military relations. Near the beginning of *Armed Servants*, Feaver discusses why scholars of civil-military relations begin with Huntington, and why his work has endured so long (Feaver, 2009, pp. 7–10). Recognizing several critiques to Huntington's work, he makes two arguments for why previous scholarship has been unable to move past Huntington.

One argument is that Huntington's approach is grounded in democratic theory. Thus, it is ultimately normative in that it helps to answer "political questions about control and decision making" (Feaver, 2009, p. 9). He argues that any approach that might unseat Huntington must be grounded in democratic theory—it must give us normative answers to questions of civil-military relations that can simultaneously work to strengthen a democracy.

In another argument, he says, "for all their descriptive precision, accounts that emphasize the blurring of civilian and military roles miss an inescapable and important fact" that ultimately boils down to the idea that civilian and military actors approach and operate differently in the world (Feaver, 2009, pp. 8–9). Here, Feaver's argument is twofold: (a) he argues civilian and military actors are doing something fundamentally different, and (b) no other explanations have been suggested to unseat how the field currently thinks about how these actors operate (differently) in the world.[12]

While it is well understood that civilian and military actors approach decision-making differently (Davidson, 2013), it is critical to recognize that theorizing on civil-military relations remains generally grounded in Huntington's assumptions about distinct civilian and military roles (Feaver, 2003; Janowitz, 1960; Sarkesian, 1981; Schiff, 2001). These explanations guide us toward, and at times emphasize, thinking about normatively appropriate behavior. While

recognizing the importance of these normative concerns, distinguishing between civilian and military roles, qua Huntington, is not prescriptive for decision-making. Moreover, competing explanations—for example, the "fusionist" approach, which recognizes inherent "difficulties of maintaining a clearcut delimitation of military responsibilities" (Huntington, 1957, p. 351)—generally incorporate the existing framework as well (Feaver & Seeler, 2009). Thus, existing explanations still largely rely upon the politics-administration dichotomy.

In sum, any perspective attempting to reorient thinking on civil-military relations must address the challenges in the conceptualization and operationalization of civilian control. Moreover, it should speak to the two points raised by Feaver. That is, first, it must speak to democratic theory. Second, it must account for the behavior of civilian and military actors. In the next section, we discuss how accountability, through the broader problem of representation, provides an organizing concept with three distinct schools of thought, all of which are grounded in democratic theory. Thus, in line with Feaver's comments on Huntington, the approach we present offers *multiple* normative approaches to think about and understand bureaucratic discretion within a democratic context.

Representation and the Problem of Bureaucratic Discretion

All societies face the same problem—how do you ensure the people executing laws and rules do so in a way that is in line with the expectations and preferences of those who make these same laws and rules? This is a problem of representation. One definition of political representation holds that it is "the activity of making citizens' voices, opinions, and perspectives 'present' in public policy making processes" (Dovi, 2018). The foundation of this definition is Pitkin's (1967) idea of representation as to "make present again," which has been useful in developing our understanding of the concept of representation in electoral politics, especially in regard to legislators.

Harkening back to Rousseau, the traditional version of representation is understandable in terms of a principal-agent delegation model (Urbinati & Warren, 2008). According to this approach, "the delegate operates under a fiduciary contract that allows the principal (the citizens) to temporarily grant an agent their power to take specified actions but does not delegate the will to make decisions, which is retained by the principal" (Urbinati & Warren, 2008, p. 391). While this is generally construed in terms of elected officials, especially legislators, the same problem applies to bureaucrats as well. But bureaucratic discretion exists as a second-order delegation problem from the ultimate principals—citizens. Thus, bureaucracy raises uneasy problems for representation, and democratic theory more broadly (Meier & Bohte, 2007; Meier & O'Toole, 2006; Moe, 1989; Mosher, 1968).

Building off this foundational problem of representation, the issue of bureaucratic discretion is salient for democracies. A normative question rests at the heart of this practical problem: What are appropriate—or even just acceptable—models for thinking about the concept of representation when unelected individuals make public choices that have public consequences? Although there are competing perspectives to this question, it is worth noting that they agree on the central premise—that is, "making citizens' voices, opinions, and perspectives 'present'" in bureaucratic decision-making.

Accordingly, bureaucratic discretion poses problems of legitimacy—a result of "the lack of constitutional status accorded to administrative agencies and the need for oversight from the three branches of government to ensure that agency decision making is accountable to the public" (Freeman, 1997). Freeman (1997) adds, scholars have often tried to understand this legitimacy problem by conceptualizing it "in terms of controlling agency discretion to ensure fidelity to congressional statutes." The accordant literature in political science and public administration is sometimes called the "political control" or "political control and accountability" literature (Meier & O'Toole, 2006). Paralleling a previous discussion, the fundamental problems in this space revolve around how to situate this problem within the context of democratic theory.

Bureaucrats are often put in situations with competing goals. This might arise, for example, as they attempt to balance competing standards of bureaucracy: responsiveness and competence (Meier & Bohte, 2007).[13] Furthermore, we see this in situations where bureaucratic agents receive multiple, conflicting signals from principals. In such cases, they must reconcile these competing signals, competing values, or both. As in the epigraphical quote, "the problem is choice"—bureaucratic discretion is ultimately about bureaucrats making choices about values. As we know from economics, when faced with a choice, there is opportunity cost. These trade-offs might include broader public values (Hood, 1991; Waldo, 1948, 1952). Or they could be an explicit cost (e.g., dollars). Nevertheless, the problem is illustrated by Key's aphorism about government decision-making: "On what basis shall it be decided to allocate *x* dollars to activity A instead of activity B?" (Key, 1940).

With the aforementioned context in mind, we return to the earlier question: What are appropriate—or even just acceptable—models for thinking about the concept of representation when unelected individuals make public choices that have public consequences? In the next section, we discuss three lines of scholarship: control, accountability and responsiveness through institutional design, and responsibility and values. We discuss these schools and connect them to existing work in civil-military relations and add examples of dramatizations that further help to illustrate our argument.

Three Schools of Bureaucratic Accountability

Political Control

The political control model of bureaucratic accountability assumes bureaucratic agents adhere to the guidance and instruction of political principals. The politics-administration dichotomy is the foundation of this model. It suggests politics is the will of the state—that is, the politicians—and administration is the execution of that will. Here, bureaucrats abide by the wishes of elected officials, and representational concerns are addressed through elections. As such, some scholars refer to it as the compliance model. The appeal of this approach arises from the idea that "the compliance model provides a theory of political legitimacy, an account of good government, an ethics for bureaucrats, and a conceptual account of the kind of rationality embodied in public administration" (Zacka, 2022, p. 23).

Bertelli and Lynn (2006) give an example of this in the public administration literature. Assuming democratic institutions—and specifically a separation-of-powers system—they

argue managers have a responsibility to carry out legislative intent. This managerial responsibility exists as a "top-down" phenomenon which is conveyed through the electoral system; bureaucrats do not have legitimacy to represent because they are unelected. As a result, bureaucrats have a responsibility to follow the objectives of the legislative branch. Thus, representation exists—the links are not ruptured when bureaucrats exercise their judgment to abide by the wishes of political principals. In a presidential system like the United States, the legislative branch holds the keys to representation, and bureaucrats should act in accordance with public will by following the laws and policies created or supported by the legislative branch. This view presents a strict interpretation of the role of the bureaucrat. For example, while Bertelli and Lynn (2003) acknowledge judgment on the part of bureaucrats, they are uncomfortable with the idea of bureaucratic discretion. By leveraging the politics-administration dichotomy, this approach assumes away the problem of discretion, thereby avoiding the problem of bureaucrats as policy-makers.

Detractors argue "the compliance model presupposes an understanding of the division of labor between the legislature and the executive that is not practically feasible" (Zacka, 2022, p. 26). The same author also argues, scholars advance three limitations to the compliance model (Zacka, 2022, pp. 24–25). First, it fails to capture the the extent to which administrative agencies participate in policy-making (Carpenter, 2001; J. Q. Wilson, 1989). Second, it does not capture the frequency with which bureaucrats must make value judgments in carrying out their duties of implementing public policy (Zacka, 2017, 2022). Third, it does not acknowledge that questions of implementation carry their own normative considerations. In other words, it is not just considerations of "what the state does but how it does it" (Zacka, 2017, 2022, p. 25). Zacka adds, "As such, *the model is silent when it comes to offering normative guidance to administrative agencies* that have no choice but to grapple with the question of how to set ends" (Zacka, 2022, p. 26, emphasis added).

The dichotomy is the engine of the political control model. Despite its limitations, Overeem (2008) suggests the "politics-administration dichotomy remains useful. It helps us to understand and order governmental reality" because, in the words of Dwight Waldo, "In many situations, it represents a first approximation to understanding [*sic*]; and in some situations, it may be a sufficient rationale for action" (Waldo & Marini, 1999, p. 285; as cited in the article by Overeem, 2008, 41; cf. Waldo, 1982, V, 46–47). Thus, while the control model may be helpful for understanding some situations, more generally, *the model's appeal arises more from its ability to speak to democratic theory than its ability to accurately describe real world observations*.[14] Dovetailing with the emphasized Zacka quote, while this approach speaks *to* democratic theory, it is often limited as to *how* bureaucrats should act to support democracy.

Nonetheless, when we understand that the types of decisions made by bureaucratic agents have qualities that must be traded off against each other, it requires us to acknowledge that discretion can influence policy. In fact, there are conceptual, theoretical, and even practical problems that arise when the focus is put on the word control (Moe, 1987). Thus, the idea of control as dictating or requiring compliance or certain behavior is not totalitarian. As a result, the idea of control is a misnomer, and the operative problem becomes how the other models approach discretion. An example of this is provided by the movie *Crimson Tide* (T. Scott, 1995),

whose plot centers on conflicting interpretations between the submarine Captain and the Executive Officer regarding the Emergency Action Message received from the National Military Command Center to launch nuclear missiles. Upon the failure of the radio system to receive a subsequent message, a struggle for command of the submarine ensues between them. In this example, the Captain and Executive Officer *must* rely on their discretion to navigate the uncertainty and information asymmetries present in this case. The central tension in the movie involves Captain Jack Ramsey (Gene Hackman) and Lieutenant Commander Ron Hunter (Denzel Washington) who hold divergent interpretations of how they should exercise their discretion. Moreover, based on the nature of the case, it is not entirely clear that Captain Ramsey's argument should prevail simply based on him holding a higher rank. In the end, a military tribunal acquits both officers under the reasoning that both interpreted the problem in a way that was acceptable given existing rules of operation. Ultimately, the central problem motivating the movie is that the assumptions of the civilian control model do not provide an answer as to how the officers should navigate their discretion. The verdict of the trial simply reinforces this point.

Responsiveness Through Institutional Design

The accountability and responsiveness through institutional design perspective suggests political principals influence bureaucratic behavior through bureaucratic structure. This robust body of scholarship assumes bureaucrats have expertise that political officials lack, *but need*, to carry out their own policy-making functions. Recognizing the need for bureaucratic expertise, this approach accepts bureaucratic discretion as a necessary element which can (and should) be constrained through institutional arrangements and incentives (Epstein & O'Halloran, 1994, 1999; Huber & Shipan, 2002; McCubbins et al., 1987). Another view in this larger school demonstrates legislatures leverage bureaucratic discretion toward their preferred policy objectives by using civil service systems to develop unique expertise in bureaucrats (Gailmard & Patty, 2007, 2012). To overcome problems of discretion, principals create incentives through institutional arrangements expected to induce certain behavior in bureaucrats and influence bureaucratic responsiveness. Nonetheless, because bureaucrats have discretion, they must be held accountable for their decisions.

We should note this perspective—viz., the positive theory of institutions—is one strain within a broader institutional approach to the study of economic, political, and social phenomena. As such, this perspective generally prefers organization-level explanations (Moe, 1990a; Moe & Wilson, 1994). For example, using assumptions about methodological individualism and rational, self-interested decision-making, economists made significant contributions to our understanding of public bureaucracies through public choice theory and the application of economic principles to organizations (e.g., transaction cost economics; F. Thompson, 2007). Building off this work, political scientists developed a positive theory of institutions that sought to understand how political institutions influence political behavior. While, for empirical reasons, the majority of this work studies bureaucracy relative to legislatures, other work demonstrates why we should also consider these relationships vis-à-vis executives (Lewis, 2008; Wood & Waterman, 1991, 1993). This approach offers scholars one toolkit to understand bureaucratic accountability.

Yet, there are several concerns to note, all of which have implications for civil-military relations. First, a "new institutionalism" sought to re-assert the role of institutions in political life (March & Olsen, 1983). For example, Moe highlights the use of assumptions applied to organizations which are grounded in assumptions about individuals—that is, "individual self-interest and the pursuit of efficiency" (Moe, 1990b, p. 118). In other work, he uses these concerns to suggest political actors (e.g., bureaucrats) exercise political power, to include the development and structuring of bureaucratic institutions that are "conducive to their own interests" (Moe, 1989, p. 268). Empirical work supports this claim (Wood & Bohte, 2004). Moreover, bureaucratic agents even have an organizing power that allows them to influence who gets elected (Moe, 2006), which has significant implications for civil-military relations (Brooks et al., 2023; Robinson, 2022; Urben, 2014, 2016).

Furthermore, it is worth noting the variety of flavors of institutional perspectives (Peters, 2005), which offer the potential to enrich our understanding of civil-military relations. For example, from the perspective of sociology, the "new institutionalism" suggests institutions "are not necessarily the products of conscious design," and so the institutions we might easily observe might not be the only institutions that matter (DiMaggio & Powell, 1991, p. 8). Moreover, the influence of organizational theory in sociology reinforces the necessity to distinguish between institutions and organizations (Peters, 2005, p. 108). In addition, a more politically minded view of institutions recognizes public organizations often do not reside in clean, clear principal-agent relationships. Rather, they are instead nestled in larger bureaucratic structures, intergovernmental or network relationships, or are simply faced with multiple civilian principals (Gailmard, 2009; Meier & O'Toole, 2006; Whitford, 2005).

It is important to recognize existing work in the field utilizes this approach. For example, Feaver's (1998, 2003) work on agency theory fits in this vein. Very recently, Feaver reflected with some humility on what agency theory got right and what he missed, suggesting future scholarship must not forget to account for norms in day-to-day civil-military interactions (Feaver, 2024). Friend (2020) also argued the information asymmetries present between civilians and the military shape decisions about new military capabilities in important ways. Others have advanced the field, whether deliberately or not, making arguments that align with the new institutionalism—S. E. Finer's (1962) argument about the relationship between a public's attachment to civilian institutions and military intervention in politics is just one such example. More recently, Schmidt's (2023) work on the role of epistemic communities in national security is sociologically informed. We see the influence of this, for example, in his discussion of how close personal relationships between senior civilian and military leaders can influence national security policy processes.[15] Another example highlights the challenges both civilian and military actors face when they simultaneously are asked to be accountable in different ways (Davidson, 2013).

Given the nature of the civil-military problematique, and rivalries between bureaucratic institutions, this broader perspective offers a toolkit for students of civil-military relations to consider a rich set of problems. Moreover, this approach may help us understand challenges that are inherently economic, political, and sociological in nature. For example, Hitch and McKean (1960) were well aware of the challenges and complexities involved with attempting

to resource a large public bureaucracy in a comprehensive way that also offered a framework for greater levels of accountability.

In the movie *Thirteen Days* (Donaldson, 2000), a fictionalized rendition of the real-life events of the Cuban Missile Crisis of 1962, the core problems are twofold: first, restoring deterrence against the Soviet Union by forcing the removal of missiles in Cuba; second, managing the diplomatic and military bureaucracies to do so without inadvertently triggering nuclear war. Various scenes in the movie show information asymmetries between U.S. civilian and military leaders regarding their preferred strategy and end states. With some poetic license, it also depicts how civil-military relations functioned during the crisis. Examples include showing how cabinet-level decisions were made, interactions between the Secretary of Defense and the Chief of Naval Operations about specific engagements, and an interaction between the President with the Chief of Staff of the U.S. Air Force regarding preferred end-states. Thus, and as is largely well understood, institutional arrangements—for example, the design of the bureaucracy—influence how, for better and for worse, various actors respond to one another in carrying out civil-military relations.

Responsibility and Values

Shields argues, "All contemporary theories of civil-military relations consider professionalism a cornerstone of civilian control" (Shields, 2006, p. 925). In a similar vein, Sarkesian suggested our understanding of "civilian control and military ethics are a function of professionalism," wherein "The central questions revolve around the meaning of ethics, proper conduct, institutional and individual relationships, and civilian-military value systems" (Sarkesian, 1976, p. 496). While we have yet to address professionalism, this subject falls within the third school, which emphasizes the role of values in bureaucratic decision-making. Moreover, it suggests values offer an important mechanism or pathway through which we might understand the link between bureaucratic decision-making and accountability. In this section, we consider how the idea of values, broadly construed, can contribute to our understanding of responsibility, bureaucratic accountability, and civil-military relations.

There are at least four reasons for us to consider this approach over or in addition to the other two. First, this school accepts and problematizes discretion in a way that forces us to look at bureaucratic decision making differently. Even if we assume institutional arrangements can shape behavior in predictable ways, we know principals still have incentives to delegate discretion to bureaucratic agents (Huber & Shipan, 2002). How do bureaucrats exercise this discretion? In part due to the incentives principals face to leverage the expertise of bureaucrats through discretion, and in part because of the nature of the decisions themselves, bureaucrats are faced with the need to "fill up the details" to fulfill their administrative responsibilities (United States v. Grimaud, 220 U.S. 506, 1911; Wayman v. Southard, 23 U.S. 1, 1825). An extreme articulation of this problem comes from the Einsatzgruppen Case of the Nuremberg Trials, "*The obedience of a soldier is not the obedience of an automaton. A soldier is a reasoning agent. He does not respond, and is not expected to respond, like a piece of machinery*." ("U.S. v. Otto Ohlendorf et al. [The Einsatzgruppen Case]," 1948).[16]

Second, we should be interested in values as a distinct aspect of bureaucratic accountability. How do we know instruments of control influence behavior? The concepts of control and

influence suggest that "*political officials get bureaucrats to act in a way that they would not otherwise have done*" (Meier & O'Toole, 2006, p. 29, emphasis in original). But to know what they otherwise would have done, we must first have some sense of what bureaucrats might intend to do, for which we must account for their values. Meier and O'Toole even go a step further by saying, "Resolving the tension between bureaucracy and democracy requires knowledge of three sets of values: those held by the general public, those held by electoral actors, and those held by the bureaucracy" (Meier & O'Toole, 2006, p. 138).[17]

Third, while the other schools often assume goal conflict between politicians and bureaucrats, there is evidence that this is not always the case (Pierre & Peters, 2017; Van Slyke, 2007). Some scholars even assume politicians design institutions to reduce the uncertainty surrounding bureaucratic values (Gailmard & Patty, 2012). Moreover, the idea of value congruence is central to the broadly accepted theory of iron triangles (Adams, 1982; Meier et al., 1995).

Finally, this school of thought assumes the previous schools are limited in several important ways in that (a) principal-agent models are often oversimplified (e.g., they generally assume top-down *not* reciprocal relationships), (b) problems of information asymmetry may be more severe than is generally assumed in the institutional design literature, (c) differing time horizons (i.e., time in position) between political principals and bureaucrats intensify information asymmetries, and (d) instruments of political control over the bureaucracy are "fairly blunt instruments" (Meier & O'Toole, 2006, pp. 27–28).

If we accept the importance of values, and if we accept the limitations of guarding the guardians, we can better understand how to train or socialize them (Meier & O'Toole, 2006, p. 39). This is both the basis for Friedrich's notion of an internal check, as well as the thesis of the broader responsibility and values school. Here, we believe this literature breaks along three lines. First, we might think of a "general" set of bureaucratic values that shapes notions of responsibility (Friedrich, 1935; Waldo, 1948; Weber, 1947). Second, we see attempts to frame our understanding of bureaucratic responsibility in broader ethical concerns, to include notions of "public values" (Bozeman, 2007; Hood, 1991; Moore, 1995). Finally, a third approach to bureaucratic responsibility is social psychological in nature. One argument in this perspective argues differences between private and public sector organizations may arise from factors such as the environment, the nature of the work being done, the people involved in that work, or socialization processes (Perry & Kraemer, 1983; Perry & Rainey, 1988). A second line of argumentation incorporates the idea of a "representative bureaucracy" and constitutes the bulk of work in this perspective. Early work on representative bureaucracy suggested bureaucrats should "look like" the population they are meant to serve (Krislov, 1974; Mosher, 1968). But more recent work recognizes other factors might shape discretion more than demographics (Selden, 1997; Sowa & Selden, 2003) and highlights potential limitations in using demographic variables as proxies (Webeck & Lee, 2022).

While it is helpful to organize the study of accountability through values in this way, we recognize several points of caution for scholars of civil-military relations. First, existing scholarship on the role of values in bureaucratic accountability and our understanding of civilian control through military professionalism are disjointed such that they figuratively exist apart from one another.[18] To this point, while thinking on bureaucratic accountability has

advanced in various ways over the years, in many ways, thinking on professionalism remains grounded in Huntington's notions of professionalism. Second, it is important to note that due to different intellectual architecture, these three lines of argumentation about values use a different language and, therein, influence what we can say about bureaucratic accountability. Third, these distinctions are not monolithic. There are overlaps between them. For example, work on public service motivation leans on arguments grounded in both ethics and social psychology (Perry, 1996; Perry & Wise, 1990). We see something similar in Huntington's three characteristics of professionalism. In Figure 2, we use a Venn diagram to illustrate these arguments. We includeHuntington's notion of professionalism to reinforce these points.

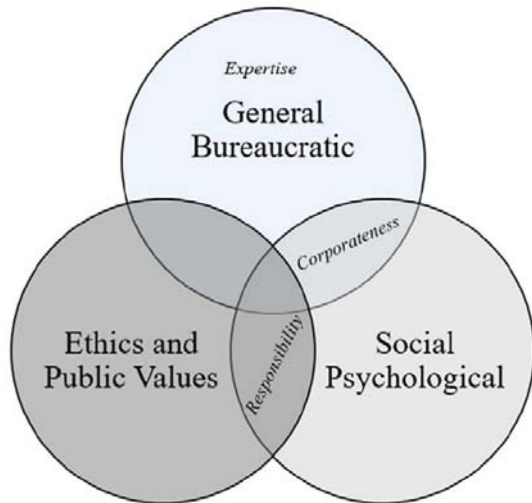

Figure 2. Accountability Through Values Venn Diagram.

Italicized words are Huntington's three characteristics of a profession.

Whereas the public administration literature generally focuses on those careers and jobs that allow for representation through direct bureaucrat-citizen interactions (Hindera, 1993; Lipsky, 1980; Meier, 1993), or even passive representation through shared values (Mosher, 1968), the nature of civil-military relations may necessitate different frameworks for thinking about representation. For example, members of the military often do not have direct interaction with their fellow citizens—at least, not in the conduct of their job. Nor do they represent in ways that more (a) commonly fit our notions of bureaucratic accountability through responsibility or (b) easily allow for empirical analysis. These points reinforce the complexities and challenges of bureaucratic responsibility in civil-military relations.

We see this tension in existing work, where scholars offer myriad ways to explore the ethical concerns inherent in many aspects of military decision-making (Abrahamsson, 1972; Brick, 2018; Finney & Mayfield, 2018; Hackett, 1963; Huntington, 1957; Janowitz, 1960; Johnson, 2018; Sarkesian, 1976, 1981). Nonetheless, we can see the contours of the responsibility and values school in various ways as scholars explore what it means to be a military professional. For example, in the language of bureaucratic values, scholars seek to understand the political behavior of members of the military and veteran communities (Brooks, 2009; Coletta &

Crosbie, 2021; Urben, 2014), military advising (McMaster, 1998), and leadership (Snider, 2008). Students of civil-military relations also investigate professionalism vis-à-vis ethics and public values, wherein they investigate obedience, dissent, and resignation (Feaver, 2017; Golby, 2015; Snider, 2017); (organizational) culture (Herspring, 2005; Mansoor & Murray, 2019); and political attitudes and values (Ulrich, 2021). And in surveying the ways in which broader sociological forces potentially influence civil-military relations through "values," researchers examine the influence of changing environmental conditions (Owens, 2012; Paparone et al., 2008), a "gap" between the views of the military and the civilians they are meant to serve (Feaver & Kohn, 2001; Moskos, 1977), public opinion on the use of force and casualties (Feaver & Gelpi, 2011; Gelpi & Feaver, 2002; Kriner & Shen, 2010), changes in the broader society (Robinson, 2022), and different normative approaches to civil-military relations (Huntington, 1957; Janowitz, 1960; Schiff, 2001).

There are clear parallels between work in civil-military relations and other fields on questions of bureaucratic accountability through responsibility and values. For example, Sarkesian creates a caricature of three options for the military profession, wherein one can see the contours of the three accountability perspectives (Sarkesian, 1976, pp. 500–501). Thus, we might find value in incorporating related work on bureaucratic responsibility. But in what ways might we fit various scholarly arguments into our Venn diagram?

Some might counter, arguing the nature of civil-military relations begs for distinct language and perspectives. We see the merits of this response, if for no other reason that the civil-military problematique is an essential collective action problem all societies must address. We believe that if we are to advance our understanding in some of these areas, scholars must undertake genuine efforts to understand civil-military relations not through notions of civilian control but in terms of this responsibility and values school. To this end, we see three ways to potentially connect these literatures. First, scholars can be more deliberate about what they mean when they say values (Segal, 1986). In addition, and to the point raised by Meier and O'Toole (2006), how might these values *influence* decision-making? Second, what might we learn about decision-making in civil-military relations if we deliberately broaden our lens beyond the concept of professionalism to include other values? Kaurin's (2020) work is an example and suggests this could be a fruitful way of developing our understanding of civil-military relations. Third, work on a civil-military "gap" between the views of the military and the civilians they are meant to serve already reflects the idea that values matter in the carrying out of civil-military relations (Feaver & Kohn, 2001; Moskos, 1977, 1986; Taylor et al., 2015; Woodruff, 2017). How might changing our approach from control to accountability influence how we understand this space?

A Few Good Men (Reiner, 1992) is a story of values and responsibility in military decision-making. The movie revolves around the death of a Marine, Private William Santiago, at Guantanamo Bay Naval Base. Two enlisted members of his platoon are accused of his murder. The story is told through the pre-trial and judicial proceedings pertaining to the case. Early on, we learn about the concern over a possible "code red"—a form of corporal punishment intended to influence the behavior of another to bring them in line with the values of the broader group—potentially ordered by the commanding Colonel Jessep (Jack Nicholson).

The plot develops through a collection of value tensions among the key players—the murdered private, the junior Marines on trial, the officers in charge of them, and the military lawyers of the Navy's Judge Advocates General's Corps (JAG). We initially see the story as a simple case of right and wrong. But we quickly begin to see the complexities of the case, and we understand that the private's death is only part of the story. As the story builds, we recognize these players do not share a consistent image of the institution or its norms. Rather, they hold disparate views based on different values and roles, which leads them to behave differently.

The most pointed example of this arises out of the code expressed by various Marines of "Unit, Corps, God, Country." But, even with this seemingly straightforward statement, there is a tension between the Marines in how they understand, and put into practice, the values, ethics, and responsibilities that (should) guide their decisions. For example, Private Santiago was attempting to be a whistleblower. It is not clear to us whether he was justified in this; gaining clarification on this issue is not necessary nor actually pertinent to the story. When Colonel Jessep finds out about his Marine's desire to divulge potentially compromising information about the unit, he wants to maintain discipline (through the "code red"). In effect, what Jessep is saying is that Santiago's understanding of "Unit, Corps, God, Country" is different from his own, and that this is gravely problematic. Jessep's subordinate, Lieutenant Colonel Markinson, offers an alternative approach. Jessep declines this suggestion, and in a discussion with other officers about their responsibilities, it is reinforced to us that as the commander, it is *his* perspective that matters.

We are led to believe that Jessep is a deplorable character. First, Private Santiago dies because of an order he gave. Then, throughout, he lied and prevaricated about whether or not he was involved. And this contributed to LtCol Markinson's suicide due to the internal conflict and guilt he felt between his responsibilities to (a) be obedient to his superiors and (b) protect Marines under his command. Finally, he is depicted as a misogynist and sexist. But the story development that leads us to see him as a morally unfit leader is a rather crafty bit of storytelling as it distracts us from the real problem.

By the time Jack Nicholson delivers the film's most famous line—"You can't handle the truth!"—the viewer may be fully convinced that Jessep is not a good leader. He is deplorable for the reasons listed. But we actually cannot argue with the dirty hands element of his argument (Sartre, 1949). Various articulations of the dirty hands problem all "involve the idea that correct political action must sometimes conflict with profound moral norms" (Coady, 2024; Hollis, 1982; Walzer, 1973). In other words, there are situations in which questions of political action may be seen through utilitarian or absolutist/deontological lenses. In the case at hand, the story comes to us primarily through a deontological lens. But Jessep is clearly a dyed-in-the-wool utilitarian. At least in his own mind, Jessep is not a deviant. He recognizes he is incongruous from others. But he sees this as virtuous—he represents a society's need to protect itself from external threats. He sees Lieutenant Daniel Kaffee (Tom Cruise) as morally weak for not recognizing the dirt on his—Jessep's—hands for the actions he must take, in his mind, to keep the nation safe. In his words:

Son, we live in a world that has walls. And those walls have to be guarded by men with guns. Who's gonna do it? You? You, Lt. Weinberg? I have a greater responsibility than you can possibly

fathom. You weep for Santiago and you curse the Marines. You have that luxury. You have the luxury of not knowing what I know: That Santiago's death, while tragic, probably saved lives. And my existence, while grotesque and incomprehensible to you, saves lives. You don't want the truth. Because deep down, in places you don't talk about at parties, you want me on that wall. You need me there. We use words like honor, code, loyalty . . . we use these words as the backbone to a life spent defending something.

While we might not want Colonel Nathan Jessup on the wall, society *needs* someone on that wall. This mirrors a quote from Richard Grenier—but often misattributed to George Orwell—that "people sleep peacefully in their beds at night only because rough men stand ready to do violence on their behalf" (Grenier, 1993).

Jessep is blinded by the perceived virtue of what he is doing. He cannot see what we all see. His approach violated the code he so proudly expounds. And so, he is confused when he gets taken away at the end of the trial. In effect, he's saying, "What did I do wrong? You asked me to have dirty hands." What did he do wrong? In the words of Lance Corporal Harold Dawson to his squad mate, "We were supposed to fight for people who couldn't fight for themselves." While this clearly applies to Santiago, it is equally relevant to those on the other side of the wall, so to speak. And while it is also a commentary on Jessep, it belies a complicated philosophical problem. In more technical terms, Jessep's reasoning is deontological in nature, but the logic of the trial and the world presented to us in the movie is fundamentally consequentialist. These are fundamentally different theories about values that guide decision-making. Would the order have been illegal if the result was not a dead Marine? Anyone who has served in combat understands that, at a certain point, you cannot control the outcomes of situations. With this in mind, saying the order was illegal since Private Santiago died is problematic. It is not actually clear from the story that performing a "code red" is *illegal*. During a scene in Cuba where the JAG officers meet with Colonel Jessep, we hear there was a memo from the Naval Investigative Service (NIS) saying that officers were not to condone the practice of enlisted men disciplining their own. Jessep again invoked his dirty hands reasoning to suggest he did not see the memo as superseding his command authority.

The questions we are left to ponder involve where is the line of what is appropriate when society asks us to possibly commit violence on its behalf (Stillman, 2006)? What types of values should we prefer (Hood, 1991)? Here we recognize how aspects of ethics and responsibility in the story remain unresolved. But this is not due to the failure of any individual. Rather, these issues are philosophically unresolvable. Just as with the other schools of accountability, the responsibility and values school helps us understand decision-making in the public sector, but it cannot untie the Gordian Knot of accountability.

Discussion

In this paper, we make three arguments about civil-military relations. First, challenges to understanding civil-military relations through the lens of civilian control origination in foundational assumptions of Huntington's theory. Despite many critiques to his approach, we recognize the field remains grounded in Samuel Huntington's thinking about civil-military relations. The challenge we present is that these ideas arise out of competing schools of

thought, which hold different assumptions about the role of bureaucrats in democratic systems. Consequently, and as many others have recognized, his use of distinct civilian and military spheres and his emphasis on civilian control hamstring our ability to grapple with some of the complexities of civil-military relations. In some ways, the problem of "control" makes civil-military relations both easier to understand and more interesting in that it assumes tension between two important groups. At the same time, it simplifies the complex relationships that are central to the subject. For example, as we discussed, the compliance model poses challenges for democratic theory through the potential abrogation of representaiton and legitimacy due to bureaucratic discretion.

Second, we assert there is value in thinking about civil-military relations through the lens of bureaucratic accountability. In the words of a leading scholar of public administration, "Government power is bureaucratic power, whether the bureaucracy is the military or another agency" (Kettl, 2009, p. 366). While many scholars of civil-military relations may be unfamiliar with some of the intellectual traditions referenced here, recent scholarship suggests more intellectual effort needs to be carried out "to understand the connection between the way we conceptualize the accountability relationships between civilian principals and military agents and how this affects civil-military relations" (Banerjee & Webeck, 2024, p. 15). To this end, we present and discuss three schools of thought we can use to improve our understanding of civil-military relations.

Third, we argue bureaucratic discretion can operate as a foundational problem of civil-military relations. While the field of civil-military relations focuses on civilian control, we believe that bureaucratic discretion is a critical—yet underappreciated—aspect of civil-military relations. Civil-military relations is an inherently human endeavor in that it involves how people navigate some of society's foundational social dilemmas. Accordingly, the study of civil-military relations is a study of human behavior, of which decision-making is a central concern. How do civilian and military actors exercise discretion in the planning and execution of civil-military relations?

Our approach allows scholars to embed their arguments in robust literature on democratic theory and decision-making. While Feaver highlighted the importance of a grounding in democratic theory, he also emphasized the importance of thinking of civil-military relations through separate functions and roles for civilian and military actors. One of the ways we break with previous scholarship is that instead of focusing on roles, we encourage others to emphasize the problem of decision-making. For, decision-making, in one sense, is the primary problem around which all social sciences are structured. Consequently, not only do we enable scholars to explore individual and organizational decision-making in civil-military relations, but we also provide them with different language and tools to continue to explore the problems that have always been at the heart of civil-military relations. In the end, our approach suggests different frames for thinking about the problem and, thus, different courses of action.

We would be remiss if we did not address some limitations of this study. For example, we did not discuss the distinction between Huntington's approach to civil-military relations grounded in a liberal theory of democracy and Janowitz's notion of civic republicanism. Considering these approaches are grounded in different assumptions about democracy, they will undoubtedly approach questions of accountability differently. Furthermore, while scholars sometimes use

the language of accountability when talking about civil-military relations in democratizing contexts (Bland, 1999; Born et al., 2006 [especially, p. 13, start of second paragraph]; Cottey et al., 2002), this is generally not the case when we speak of established democracies. By grounding the study of civil-military relations in a different language, we broaden the range of possible comparative cases, expanding our ability to generalize about the phenomena of interest.

We should note, we are not delving into the discussion about the inherent political nature of war and national security. Nonetheless, for the approach we advance to be successful, scholars must wrestle with where and how to incorporate the ideas underlying the works of Clausewitz (1984), Cohen (2002), and others, as these approaches make assumptions that should influence how we think about accountability in civil-military relations. Moreover, we have not even begun to touch upon the rich literature developed in recent decades which focuses on ways in which non-hierarchical forms of governance contribute to our understanding of bureaucratic accountability.

In sum, and as the name implies, the fundamental problems of interest in civil-military relations pertain to the interactions between civilians and military actors in a society. For a long time, scholars working in this space have used the lens of "civilian control" to understand the essence of civil-military relations. We argue scholarship often conflates different schools of thought on bureaucratic accountability into one idea of "civilian control." We are not *rejecting* control—we are reviving it in a more defined, discrete, and thus operationalizable way.

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Footnotes

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1. Practitioners may be interested in Blankshain's (2020) excellent "primer" on U.S. civil-military relations that explicitly incorporates concepts of accountability.

2. The *Oxford English Dictionary* defines discretion along three lines of meaning: “Senses relating to judgment or decision,” “Senses relating to discreet, adj.,” and “Senses relating to separation. Cf. discrete *adj*., discrete *v*.” Here too, the first category—relating to judgment or decision—most closely approximates the concept of discretion in the term *bureaucratic discretion*. The *OED* gives the following three specific definitions in this first category: (I.1.a.) “*Law*. The power of a court, tribunal, government minister, or other authority to decide the application of a law (such as the extent of a criminal punishment, the nature or extent of a civil remedy, or the administrative details of a statutory scheme), subject to any expressed or implied limits . . .”; (I.1.b.) “Freedom to decide or act according to one’s own will or judgment; *spec*. (in military contexts) . . .,” and (I.1.c.) “In military contexts: the power conceded to a person, nation, etc., by the unconditional surrender of an enemy . . ..” https://www.oed.com/dictionary/discretion_n?tab=meaning_and_use&tl=true.

3. Discretion is a noun. Merriam-Webster defines the word discretion as (1a) “individual choice,” (1b) “power of free decision or latitude of choice within certain legal bounds”; (2) “the quality of having or showing discernment or good judgment: the quality of being discreet”; (3) “ability to make responsible decisions”; and (4) “the result of separating or distinguishing.” Of these, 1a and 1b are closest to what we are getting at with bureaucratic discretion. (https://www.merriam-webster.com/dictionary/discretion)

4. The Cornell Law School says, “Discretion is the power of a judge, public official or private party to act according to the dictates of their own judgment and conscience within general legal principles. In criminal and tort law, discretion is the ability to judge between right and wrong, which is sufficient to hold one liable for one’s own conduct.” https://www.law.cornell.edu/wex/discretion#:~:text=Discretion%20is%20the%20power%20of,liable%20for%20one’s%20own%20conduct

5. While there are obvious similarities between the terms group and organization, here we distinguish them as distinct. Greenberg says “organizations consist of structured social units, such as individual and/or work groups, who strive to attain a common goal” (Greenberg, 2005, p. 11), while groups are “a collection of two or more interacting individuals with a stable pattern of relationships between them who share common goals and who perceive themselves as being a group” (p. 289).

6. A similar, but not identical, idea is expressed in an endnote of *Soldier and the State* (Huntington, 1957, p. 479, endnote 1).

7. While Brooks’ argument focuses on authoritarian regimes, we see no reason why we could not apply a similar logic to democracies.

8. While beyond the scope of this article, it may be worth to consider whether the discrepencies in Huntington’s conceptualization of civilian control arise out of the complexities of accountability, conceptually speaking.

9. Koppell (2005) defines and frames his five accountability concepts as follows. Transparency: “Transparency is the literal value of accountability, the idea that an accountable bureaucrat and organization must explain or account for its actions” and “The critical question for

evaluating organizational accountability along the transparency dimension is straightforward: Did the organization reveal the facts of its performance?" (p. 96). Liability: "individuals and organizations should be held liable for their actions, punished for malfeasance, and rewarded for success" (p. 96). Here, "The key question, then, in assessing the liability dimension of accountability is this: Does the individual or organization face consequences related to performance?" (p. 97). Controllability: when "X can induce the behavior of Y, it is said that X controls Y—and that Y is accountable to X. Although few relationships between bureaucratic principals and agents are so straightforward, this conception is the starting point for many analyses of organizational accountability." He suggests the operative question is, "Did the organization do what its principal (Congress, the president, etc.) commanded?" (p. 97). Responsibility: "Alternatively, bureaucrats and organizations can be constrained by laws, rules, and norms. This dimension of accountability is labeled *responsibility*." Here, the core question is different from the controllability question, "Did the organization follow the rules?" (p. 98). Responsiveness: Differentiates "an organization's attention to direct expressions of the needs and desires of an organization's constituents (or clients) from the orders of elected officials" (p. 98). Here, the operative question is, "Did the organization fulfill its substantive expectation?" (p. 99).

10. Romzek and Dubnick (1987) propose the four following accountability systems. Bureaucratic: (Internal, high control) "the expectations of public administrators are managed through focusing attention on the priorities of those at the top of the bureaucratic hierarchy" (p. 228). Legal: (External, high control) "based on relationships between a controlling party outside the agency and members of the organization. That outside party is not just anyone; it is the individual or group in a position to impose legal sanctions or assert formal contractual obligations. Typically, these outsiders make the laws and other policy mandates which the public administrator is obligated to enforce or implement" (pp. 228–229). Professional: (Internal, low control) "public officials must rely on skilled and expert employees to provide appropriate solutions"; "professional accountability is characterized by placement of control over organizational activities in the hands of the employee with the expertise or special skills to get the job done" (p. 229). Political: (External, low control) "If 'deference' characterizes professional accountability, 'responsiveness' characterizes political accountability systems"; "the primary question becomes, 'Whom does the public administrator represent? The potential constituencies include the general public, elected officials, agency heads, agency clientele, other special interest groups, and future generations'" (p. 229).

11. But see the article by Gibson (2009) for an example of an earlier work that wrestles with many of the same problems we discuss here.

12. However, elsewhere, he expressed a recognition "that the gap between civilian and military is more narrow" than some suggest (Feaver, 1996b, p. 15).

13. Responsiveness involves responding to the demands of the political environment (a) that come directly from political principals or (b) which arise as bureaucrats actively anticipate future problems and look for innovative ways to address them—that these may be in tension is clear. Competence involves increasing technical feasibility within the context of an agency's resources and constraints.

14. It is worth noting that Meier and O'Toole acknowledged Goodnow's awareness of this. Saying, "A careful reading of Goodnow (1900), conceded to be one of the originators of the dichotomy, shows that he did not propose the dichotomy as an empirical reality but rather suggested it was a normative idea." The quote comes from a footnote in *Bureaucracy in a Democratic State* (Meier & O'Toole, 2006, p. 7).

15. Schmidt says, "General Mattis, during his tenure as defense secretary, reportedly relied heavily on the Joint Staff at the expense of the OSD. He valued his long-term, close, personal relationship with the service CJCS, General Joseph Dunford" (Schmidt, 2023, p. 161).

16. Office of Military Government for Germany (US), U.S. v. Otto Ohlendorf et al. (The Einsatzgruppen Case) (Case No. 9, U.S. Military Tribunal, Nuremberg, 8–9 April 1948). "Transcript of the Opinion and Judgment"; 8 April 1948-A-MSD-16&17-8-Gallagher (Juelich) Court II, Case IX. Page 6727 (page 83 of 251 of pdf). Accessed November 26, 2024 from https://digitalcommons.law.uga.edu/nmt9/4.

17. We note the similarities between this statement and Schiff's (2001) work on concordance theory.

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