

# Neither Slavery Nor Involuntary Servitude

by Aeon J. Skoble

**T**he title of this essay refers to two things that are prohibited by the Thirteenth Amendment to the U.S. Constitution. The first is no longer even controversial, yet the second is being suggested right now by several prominent academics and, more frighteningly, members of Congress. Despite the successes of the all-volunteer military currently employed by the United States, we are hearing calls for a return to mandatory military service, also known as conscription or the draft. This is a bad idea whose time has not come.

Actually, it will not do any good to argue that conscription “should be” unconstitutional based on the Thirteenth Amendment, because the Supreme Court doesn’t interpret the amendment that way.<sup>1</sup> Nevertheless, conscription is bad policy for a number of independent reasons, not the least of which is its incompatibility with the principle of liberty. The military itself, having tried it both ways, strongly prefers an all-volunteer force. It allows for a far greater level of professionalism and efficiency than the conscript army. Also, morale is far better when all involved feel strongly that they are engaged in a noble and chosen pursuit than when they are forced to participate in an activity they would not choose. (As a professor for three years at the U.S. Military Academy at West Point, I had occasion to discuss

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this with dozens of officers and hundreds of cadets. That’s not a scientific sample, but all the ones I spoke to said it was their perception that the dominant view favored an all-volunteer force.)

Interestingly, though, the proponents of conscription would happily sacrifice morale and combat efficiency to accomplish their social goals. One argument that comes up regularly is that expressed by Northwestern University sociology professor Charles Moskos: that America’s upper classes are not adequately represented in military service.<sup>2</sup> This is taken to mean, first, that the “ruling elites” who make the decisions about military action are less sensitive to its human costs, and therefore more likely to commit the military to unjustified actions that only advance a parochial agenda. (Oddly, Moskos uses the example of Agamemnon’s willingness to sacrifice his daughter Iphigenia to insure success against the Trojans. He claims this is an edifying example of political leaders’ willingness to accept personal sacrifice for the sake of their ends, but it’s not at all clear that the decade-long Trojan War was a worthwhile endeavor.)

The theory seems to be that unless I’m willing personally to commit to undertaking the risk of doing X, it is not worth doing. While that has some intuitive appeal, there are many counterexamples; for instance, I am unwilling to work an oil rig or fly a plane. That’s because I lack professional competence in these things, just as I lack

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professional competence in loading artillery shells. There are many inherently dangerous professions, such as police work and fire-fighting, which are praiseworthy occupations that some may be unwilling to do. Should there be conscription for police officers or oil drillers to ensure that the risks of those professions are equally shared by the “elite”? Indeed, the fact that an occupation is worthwhile yet risky is why those who would not take such a risk ought to be respectful of the choices made by those who would. In a free society, people ought to be able to choose whether to undertake a risky profession or not.

But respect for people’s choices is precisely what vanishes in this argument. A second implication of Moskos’s observation is that the “lower classes” are forced to shoulder an undue proportion of the burden. This is the theme echoed in recent remarks by U.S. Rep. Charles Rangel, who said that people do not “really” volunteer—they join because they have no other economic opportunities.<sup>3</sup> Hence, it’s not really an all-volunteer military, because the enlisted soldiers are “economically coerced” into joining. It’s hard to see why the right remedy for the economic coercion of some is the physical coercion of others, but addressing this argument requires further response, namely, debunking the notion that volunteer soldiers are coerced in the first place.

## **No Coercion**

It’s clear that no one is *literally* coerced into joining—that would be conscription. And since Moskos and Rangel are calling for a *return* to conscription, then it follows that we do not currently have it. So the argument

must be metaphorical. What Rangel seems to have in mind is this: jobs are scarce, so for many people the military is their only option. If they have no other choice, they are coerced.

One fundamental flaw in this argument is the notion that when one option appears more attractive than others it is tantamount to coercion. It is in some cases: in the classic “your money or your life” scenario, you have an option—pay the robber or be killed—but this is an instance of coercion because the robber is creating and delimiting the set of alternatives open to you. In other cases, this is not so. If there are two employers in a town and one pays vastly more than the other, that doesn’t mean that people who choose the higher-paying job are coerced. If there are two stores in town and one offers far lower prices, the people who shop there are not coerced.

Coercion requires more than limited options. It requires that the set of options has been imposed by another for his own ends. So if joining the Army seems to Smith like a good opportunity for training and experience because there aren’t other attractive jobs in town, that’s a good thing, not a bad thing, for Smith. To deny this you’d have to think either that the military is intrinsically evil—but Moskos and Rangel do not claim this—or that the benighted souls of the “lower classes” have no free will, or at least lack the capacity to choose the best option. Coming from ostensible champions of the downtrodden, this is a highly unflattering characterization. Isn’t it possible that these young men and women considered the pros and cons of enlistment and, finding it a worthy endeavor, actually chose their course?

The empirical premise, that they had no other option, isn't literally true either. There are other ways to make a living besides joining the army. So the argument that they were "economically coerced" turns out to be quite mistaken, both factually and philosophically.

But let's say for the sake of argument that they had no choice. Why would that be a good argument for conscription? The presence of all those conscripts would mean even *fewer* job opportunities for the would-be enlistee. It won't help to argue that he could take the job vacated by the conscript, since that might have been a job requiring specialized training or skills that, according to the hypothesis, the would-be enlistee would lack. So the software firm loses a programmer to the army, which gets an unwilling and resentful soldier, while the fellow who wanted to be a soldier goes on unemployment.

## Lacking Logic

The complete illogic of conscription is thus made evident: people who would choose to be doing a particular job are denied the opportunity to do so in order that the state can compel someone who is unwilling to do it. But according to Moskos and Rangel, this is justified by the greater social goals of making the military more representative. But even the *New York Times* recognizes that the military does demographically represent working-class America reasonably closely. The military is 63 percent white; civilian population is 70 percent white. Median household incomes for white recruits is slightly lower than the national

average, for black recruits slightly higher.<sup>4</sup> To close the (small) gap, would it really be worth denying opportunities to some young people while depriving others of their liberty, reducing fighting effectiveness and morale?

Moskos and other sociologists worry that the all-volunteer force is creating a "warrior caste" that is out of touch with the values of the rest of the country. One suspects that it is the academic caste more than the warrior caste that has these different values. But more important, as long as the military is subordinate to civilian power, who cares what its values are? There's no evidence of mad Strangelovian generals running amok. American military policy, for better or worse, remains the province of the civilian government. The continuity of service among those who have chosen to spend their lives in the military produces greater efficiency. And of course, many of the recruits Moskos is concerned about will do their two or four years and then enter the civilian job force.

But wouldn't conscription foster greater respect across the board for service? If anything, physically compelling an unwilling person to participate in an activity he would not have otherwise chosen would have the opposite effect, fostering resentment. Surely a better way to generate respect is to show respect for the choices made by those who serve. □

1. *Butler v. Perry*, 240 U.S. 328 (1916) and *Arver v. United States*, 245 U.S. 366 (1918).

2. For example, see David M. Halbfinger and Steven A. Holmes, "Makeup of the Military Now Mirrors a Working-Class America," *New York Times*, March 30, 2003.

3. See Steven A. Holmes, "Is This Really an All-Volunteer Army?" *New York Times*, April 6, 2003.

4. See Halbfinger and Holmes, and *ibid.*