

“Rules of Disengagement: The Politics and Honor of Military Dissent”

Review of Marjorie Cohn and Kathleen Gilbert's book

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Theme: [Law and Justice](#)

Global Research, June 23, 2009

Truthout 23 June 2009

Rules of Disengagement: The Politics and Honor of Military Dissent”

By Marjorie Cohn and Kathleen Gilbert
Poll Point Press, Sausalito , 2009.

“As you know, you go to war with the army you have, not the army you might want or wish to have at a later time.”

- Then-Defense Secretary Donald Rumsfeld at a town hall meeting with US troops in Kuwait , December 8, 2004

Although regular Truthout contributor, National Lawyers Guild president and Thomas Jefferson School of Law professor Marjorie Cohn and longtime activist co-author Kathleen Gilbert conceived “Rules of Disengagement: The Politics and Honor of Military Dissent” as “a practical guide, not an abstract analysis” and have certainly produced a primer on the available legal and honorable means for redress of the many grievances the US military may suffer, they have also authored a deeply suggestive meditation on the military “we have” and how it may have come to be the source of so many and such varied grievances.

Their crucial insight - which runs counter to the complete anti-military bias of some in the anti-war movement - is that “Poor healthcare, poor gear, poor safety conditions, poor training, and the use of racist stereotypes and sexism are not inherent in a military - rather they are inherent in a military fighting illegal and immoral wars and ignoring basic rules of engagement ...”^[1] Cohn and Gilbert are on the side of US service members who didn’t check their conscience - and their sense of honor - at the door when they signed up.

“Rules of Disengagement” provides a brief history of service member challenges to illegal war based on the Nuremberg Principles and Uniform Code of Military Justice (UCMJ) which establish a duty to disobey unlawful orders. The authors determine that while US military judges have been largely unwilling to rule that US military engagements per se are unlawful, they have sometimes been open to using such arguments to mitigate sentencing of service members who resist or refuse orders on the basis of their illegality.

A chapter on conscientious objection highlights specific cases and focuses on clarifying the actual law and means for redress while debunking some of the stereotypes about conscientious objectors that prevent service members from applying for that status when it covers their situation. The authors maintain that a large number of service members who

could be eligible to be conscientious objectors go AWOL, unaware that they might qualify as COs . They also helpfully point out that the chances of achieving CO status are enhanced when the belief system used as the basis for the application is religious, i.e. NOT political.

Once objection to all war or a specific war is covered, the authors move on to the law of war which requires that the US promulgate rules of engagement (ROE) for its military “that place limitations on the use of force to ensure its lawful use,” most notably that all possible measures be taken to protect civilians. They cover the Winter Soldier Investigation in 1971 and 2008, showing the devastating long-term impact on service members themselves resulting from the military’s failure to communicate and/or respect ROE in Vietnam , Iraq and Afghanistan . “Rules” also highlights the risks and rights of service members who testify publicly concerning war crimes they witnessed or participated in.

Cohn and Gilberd cover the various forms of dissent available to members of the military and “examine the military’s heavy-handed response to even the most legal forms of dissent.” And although, as they illustrate, even the most protected forms of dissent may provoke informal and illegal or extra-legal reprisals, service members’ courage, imagination and ingenuity in devising new and legal forms of dissent maintain and enlarge the space for freedom of speech and belief among active duty military, and even ultimately change the laws and rights that apply. Both authors (see interview below) feel that dissent by GIs and their families is critical to military disengagement from Iraq and Afghanistan and to preventing future wars of aggression.

“When soldiers cannot be motivated by patriotism and the belief that they are fighting for a just cause, other basic motivating concepts must be found to replace them. Sexism, racism, and homophobia are coldly and manipulatively used to get soldiers to fight.” Racism is used to objectify the enemy and make it easier for troops to kill. Sexism, including sexual assault, is part of a training process that intentionally uses sexual images and sexual brutality. These attitudes, inculcated for use against “the enemy,” backfire in the harassment of and assaults on US armed services members by US armed services members Truthout has reported on extensively. Although one might imagine that this blowback would be so damaging to troop morale and necessary camaraderie the military would revise its training and retool its culture, Cohn and Gilberd document how deeply entrenched racist and sexist attitudes are in the military, how they are used – and what recourse is available to troops who have been victimized.

Someone not following the news might also imagine the military would assure the best medical treatment available for its own: Gilberd and Cohn cover the now all-too-familiar territory of biased misdiagnoses of PTSD, the prevalence of suicide among GIs and vets and the continuing failures of the veterans’ health care system, while offering valuable advice about how service personnel and their families can push the system into more responsive – and responsible – directions.

“Rules” also covers the other types of discharge available to military personnel, as well as the roadblocks to be expected and the resources to get around or through those roadblocks, the importance of military families as advocates and the parallels in “mission and condition” between the military and society. The authors document how troops and their families become radicalized when the military fails to take care of its own and blatantly disregards its own rules. Finally, for those who read “Rules” as the primer it is designed to be, the Appendix offers a list of resources for service people and their families who find themselves

in any of the situations the book describes.

While most of the many individual examples Cohn and Gilberd reference will be familiar to Truthout readers, there is great power to the overall perspective “Rules” conveys of a military that treats its own troops like the “disposable weapons” it presumably wishes they were (how else to explain all the research and development devoted to drones, predators and robots?) and the heroic refusal of so many troops to become so objectified. While the men and women the authors describe discover that the meaning, order, security and purpose they hoped to find in the military were illusory, their own idealism and persistence create higher order meaning; order, security and purpose, and refine their own characters as well as the character of the military and society itself. While sometimes dispiriting, ultimately “Rules of Disengagement” is an inspiring document that challenges each of us to act with dignity to assert the inalienable worth of every member of society, to reimagine a society from which “the military that we want” could arise.

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