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**ECONOMIC VIEWPOINT**

By Robert J. Barro



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# Uncle Sam Wants You, But The Draft Is History

## A global study of conscription makes compulsory military service look unlikely

It has been more than 30 years since America used conscription for the military. People are worried that the Iraqi intervention and an enlargement of the military will lead to the reintroduction of the draft. Some lawmakers have even proposed a draft, but it probably will not happen. The impetus for switching to an all-volunteer force was the unpopular Vietnam War.

The political opposition to conscription strengthened, particularly when the introduction of a lottery system in 1969 ended most preferential treatment for college students and designated occupations. Apparently, the draft then hit men who were most opposed to military service and were also politically powerful.

A new study, *Conscription as Regulation* by Casey Mulligan and Andrei Shleifer of the National Bureau of Economic Research uses international data to establish the factors that lead countries to use a military draft. Two key determinants stand out: whether a nation's legal system is modeled on French statute law or the British common-law structure and the size of a country's military force.

**THE FRENCH SYSTEM, INTRODUCED** under Napoleon and derived from Roman law, relies on statutes, comprehensive codes, and detailed input from legal scholars. The British system focuses more on decentralized dispute regulation by judges, legal precedent, and voluntary contracts. In earlier research, Shleifer and his co-workers have argued that the differences in legal arrangements explain a lot of the country-to-country variations in economic performance and financial systems. Typically, the researchers found that the French system -- and other forms of statute-law systems, namely Germanic and Scandinavian -- were inferior to the British one. These results have received enough attention to prompt an official protest by the French executive director of the World Bank. Although I am instinctively appreciative of findings that irritate French public officials, I have nevertheless been skeptical about the empirical results on legal systems. For one thing, France and Britain are currently at similar levels of economic development. So, how could the differences in legal origins be crucial for economic growth?

Mulligan and Shleifer have now convincingly isolated one area in which the differences in legal origins matter: French-style statute-law countries are much more likely to use the military draft. Probably the reason is that these countries have already established a large state administration for regulation. Given this apparatus, administering conscription is relatively straightforward; in effect, the draft is merely another form of regulation.

Out of the full sample of 164 countries, 69 (42%) had no draft in operation in 1996. But for the 48 British legal-origins countries, 39 (81%) had no draft. Among the 95 countries with a draft, the 9 British legal-origins ones tended to have nonpreferential systems, whereas the 86 French legal-origins ones were more likely to have complicated systems with exemptions for students. In fact, 13 of these countries had legal buyouts from conscription. In this respect, the countries resembled the U.S. during the Civil War.

Another factor that predicts a draft is the size of the military. A country that wants to have a large fraction of its population in the military is more likely to use conscription. Thus, in the U.S., a draft was more likely -- despite British legal origins -- when the size of the armed forces was about 3 million, as in the 1960s, compared with the roughly 1.4 million today.

Countries with larger populations are more likely to use the draft. The reason is that, as with other forms of regulation, the running of an apparatus to administer conscription entails large fixed costs. These costs are more likely to be worth paying when they can be spread over a larger scale. Finally, poor countries are no more likely than rich ones to use a draft.

Putting all the results together, it turns out that the chance of a draft under current conditions in the U.S. is about one in three. If the military were to double in size -- to levels of the Vietnam era -- the probability would rise to nearly one in two. However, with a more likely smaller increase in the military, the odds of the draft being reinstated would remain below 40%. Of course, I am assuming that the U.S. does not switch to a French-style legal system.

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