

American Military Culture and Civil-Military Relations Today

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Review of Rosa Brooks, *How Everything Became War and the Military
Became Everything: Tales from the Pentagon* (Simon & Schuster 2016)

If you're like me, you may dread long plane trips, not out of anxiety about flying, but rather out of fear of being stuck next to a loquacious but studiously uninformed traveler. But if your seatmate happens to be Rosa Brooks, you know you're going to have an interesting and thoughtful ride. If you aren't sure that's going to happen anytime soon, however, consider bringing along her new book, *How Everything Became War and the Military Became Everything: Tales from the Pentagon*. (Full disclosure, my friend Rosa—I'll refer to her in this review as Rosa, rather than Professor Brooks—very kindly listed me in her book's acknowledgements.)

Though subtitled "Tales from the Pentagon," this book is not some sort of mindless "tell-all" by a former government official. Instead it's a thoughtful analysis of national security in a capacious sense, as seen by a former journalist turned Georgetown law professor turned Pentagon official turned defense thinker. *How Everything Became War* is one of those rare books in which there is no part not worth reading; moreover, it addresses an astonishing number of issues for a volume of this length. You'll learn about such diverse security issues as piracy,

military detention, our strategic deafness about Africa, stability operations, drones, covert operations, cyber, nonlethal weapons, the militarization of foreign policy, and much more.

The wide range of topics in *How Everything Became War* is perhaps less for its own sake than to point to the interconnections between them, and also to show the structure of national security decision-making on a day-to-day basis and the many offices of government and officials — far beyond simply the Department of Defense and a handful of intelligence agencies — involved in making them. These are weighty topics, but the book proceeds in a deceptively easy narrative tone, revealing Rosa's skill's as a journalist. It opens, for example, with an account of sitting in an "anonymous Pentagon conference room ... listening as briefers from the military's Special Operations command went over plans for an impending strike against a terrorist operative."

I say "deceptively easy" narrative, because although *How Everything Became War* often uses Rosa's own experiences working in the Pentagon for a little over two years

— not, interestingly, as a practicing lawyer, but instead as a senior advisor to Under Secretary of Defense Michele Flournoy — its point is not memoir as such. Rather, Rosa uses her experiences, set against her own self-described background as the product of a family of “left-wing antiwar activists” with many prior assumptions about the US military, to probe into the interior functioning of the American national security apparatus and American military culture.

As she says, the two years she spent in the Pentagon were “strange, almost surreal in their intensity” and she was simply too busy while in the job to be able to contemplate or analyze deeper questions about the structure of America’s national security institutions. That’s the point of this book — to undertake the serious analysis — and it might be thought of as an exercise in “deep” journalism or perhaps anthropology. Especially strong are Rosa’s observations as to how and why contemporary civil-military relations are marred by mistrust and misunderstandings at the senior levels of government, and how this plays out on a day-to-day basis.

Her account of dealing with a civilian counterpart on the National Security Council, for example, who simply called up one day asking — telling — the Pentagon to shift a surveillance drone platform from whatever it was doing for Central Command, to monitor political events in Kyrgyzstan bears reading in full (pp. 307-311). The NSC staffer evidently thought calling for shifting a surveillance drone and its support was something akin to ordering up a Big Mac; moreover, he seemed not to understand that neither he nor Rosa had the authority to order Central Command to do this. Her experience illustrates that there are civilian officials who should (and need to) know better — not only clueless as to how the military works but also having a skewed understanding of what “civil-military relations” really is supposed to

mean. And that’s just within the national security community of the executive branch; the gaps in understanding and trust are often even larger when extended to the whole of government.

II

Although much of *How Everything Became War* is about these “processes” internal to the US national security community — ways decisions are reached and policies and actions taken — it also has many interesting discussions about substantive policies themselves. The development of autonomous weapons is one, and it is another area where I find myself in violent agreement with the book. Arguing that autonomous weapons might “be more capable of behaving far more humanely than we might assume” (and possibly more humanely than humans in many situations), she demonstrates her readiness to risk her street cred with the human rights community with which she has long been associated, and particularly Human Rights Watch and associated advocacy organizations’ “killer robots” campaign calling for an outright ban on these weapons.

This is not to say that everyone will agree with everything she has to say. I disagreed with her on more than a few of the issues. For example, she speaks regretfully (as do many others) of not being able to close Guantanamo. Although I think the President ought to have the authority to do so, I also believe the evidence is scant that its closure would markedly change anyone’s opinion of the U.S. or alter terrorist behavior one scintilla, and may even create a whole new set of issues.

Apart from straight-up disagreement on several issues, in some cases I found myself disappointed with the one-sidedness of her treatment of some topics. Her hostility to drone warfare is one example; it’s not that her arguments don’t

have merit, but rather it's the failure to articulate the other side of the argument with the same rigor. In fairness to the book, however, it takes up so many topics that I finally came to realize that it was simply not possible for her to address every aspect (to include all opposing views and interpretations) of every issue. That said, the reader needs to understand that there are other perspectives and interpretations.

How Everything Became War has one theme, indicated by the book's title, of special importance in both civil-military affairs and regarding American society more broadly. This is her observation (often made but given an especially shrewd discussion in this book) that more and more matters are being given to the military to solve, even though it may not be the best entity to attempt to do so or an entity that even has the capability of doing so. This handover, or desire to hand tasks over, arises in no small part because military is seemingly the only institution of government left standing in the public mind with any serious credibility.

Several other reviews of this book have appeared to take the view that this phenomenon is a product of 9/11 and the public embrace of the US military in the years following. It seems unlikely that it would have happened following 9/11 if that public credibility had not grown in earlier years. And in a 1991 seminal essay in *The Atlantic* ("Military Efficiency") James Fallows mused on the many things the military seemed able to accomplish and said: "I'm beginning to think that the only way to get the national government to do anything worthwhile is to invent a security threat and turn the job over to the military." This important aspect of American civil-military affairs has a long pedigree. Moreover, a journalist, justly lauding Rosa's book, reminded me of a futuristic article I myself wrote in 1992 that was deeply influenced by Fallow's essay. In describing what I thought the world would be like twenty years hence

(i.e., 2012), I said that the "one institution of government in which the people retained faith was the military. Buoyed by the military's obvious competence in the First Gulf War, the public increasingly turned to it for solutions to the country's problems."

Fast forward from 1992 to 2016 and Rosa says Americans view the military "as the only reasonably well-functioning public institution we have these days [and.] as a result, Americans increasingly treat the military as an all-purpose tool for fixing anything that happens to be broken." True, but it would be an interesting discussion to address that phenomenon more broadly, as it so clearly predates 9/11. *How Everything Became War* also makes, however, a number of critiques of the U.S. military establishment. It offers a catalogue of prescriptions to radically change its organization; most of these are proposals familiar to *Lawfare* readers as they are frequent topics of discussion in Washington think tanks.

While agreeing with much she has to say regarding reform, I still would counsel caution, given the current popularity just noted of the military among Americans (polls show the public has overwhelmingly more confidence in it than any other entity in our society), and the fact that virtually all analysts believe it to be the world's strongest. It's axiomatic that any change in the existing formula that has produced an institution so popular at home and so respected abroad needs powerful justification to overcome the maxim of "if it ain't broke, don't fix it."

III

Of course, even the best organizations need to evolve, but change can produce unintended, negative consequences. For example, Rosa criticizes the military's fitness and age requirements as keeping people with high-tech skills out of the military. But in a nation of 310 million

people, enlisting a fit, young, and skilled cadre for the relatively small number of people (less than 1% of population) the military requires is hardly an impossibility. The strategic costs — both at home and abroad — of a force perceived as unfit, aged, and potentially out-of-touch could be very great. (Parenthetically, in today's combat theaters, every soldier can find him or herself in a physically-demanding situation, regardless of job title.)

She also suggests that the military ought to send its “ten brightest young officers off to Silicon Valley for a few years.” Obviously, there could be benefits in learning the ways of the byte barons. But Silicon Valley is not only one of the poshest and wealthiest places on the planet, it's also imbued with what one writer calls a culture of “self-importance and greed” — the very antipathy of the values the military wants to inculcate into its “brightest young officers.” On a more practical level, how confident are we that a soldier's family (which so often dictates whether a soldier stays or leaves the military), having enjoyed the privileges and luxuries of Silicon Valley life, will be satisfied with the working-class environs and the torrid summers of, say, a dusty and remote (but inexplicably named) Ft. Bliss, TX?

How Everything Became War further contends that, since relatively few positions in the military involve direct combat, they could be filled — à la World War II — with persons drawn from civilian life, costumed in a uniform, and awarded a rank that ordinarily requires years to earn. One of the examples she uses is that of a lawyer. Though this might smack of special pleading, I would suggest that the legal environment has changed markedly since World War II, and it takes a lot of time to fully understand the intricacies and difficulties of the “business” of this highly unusual and unique “client.” (Indeed, the most sophisticated civilian lawyers these days

focus their practices narrowly, and take years to acquire their special expertise; few would say that an outsider could practice competently via occasional forays, even if endowed with a “partner” appellation.)

Even more important are the intangibles that can only be acquired by being part of the armed forces themselves for an extended period. It is easy for civilians to think that military occupations are interchangeable with a seemingly similar job in civilian life. However, the eminent military historian John Keegan (who, though without military experience himself, taught for years at the British military academy Sandhurst) relates something worth pondering, based on his “life cast among warriors.” Soldiers, he said,

are not as other men ... [that] lesson has taught me to view with extreme suspicion all theories and representations of war that equate it with any other activity in human affairs ... Connection does not amount to identity or even to similarity War ... must be fought by men whose values and skills [differ] They are those of a world apart, a very ancient world, which exists in parallel with the everyday world but does not belong to it.

One may argue whether lawyers and the many others specialties Rosa believes are readily substitutable with civilians are “warriors,” but the real point is that in order to be truly effective at these putatively “civilian” endeavors within military culture, one must embrace a “life cast among warriors.” It really is that simple. Apart from everything else, it is a mistake for a civilian to think that a military member, especially at the senior levels, will usually — or, maybe, *ever* — trust them as much as a fellow career servicemember. The bond of shared experience is real, and means much in the military context.

IV

One of the great strengths of the book — and the underpinning of its theme — is her cogent tutorial on the evolution of efforts to use law to “tame” war. She includes in that account a discussion of the role of military lawyers (she calls them, affectionately — I think — “Boy Scouts”) since 9/11. What was especially revealing — intriguing — to me was the degree of hostility some Bush-era civilian lawyers evinced towards attorneys in uniform, mainly, it seems, because those military lawyers did not share the then-Administration’s views on certain fundamental law of war and other issues.

How Everything Became War's central premise here is that, historically, the human condition has typically been a binary state, that is, at either war or peace. This circumstance, Rosa contends, is fundamentally different today because of the rise of potent non-state belligerents and technology-empowered terrorists. She makes the not-implausible argument that since today we live in a world that is not quite peace and not quite war, current law is inadequate, because it grounded in an unrealistic binary. She contends that today nations seek to implement mechanistically either the peacetime legal regime or the war convention, despite the fact that neither paradigm quite applies to contemporary reality. This leads her to advocate some sort of new, hybrid set of laws to address this blurriness.

I suspect that military historians will take issue with her proposal, as there are plenty of examples of conflicts that involved irregular fighter, terrorists, and exploitative criminals. There has always been a mixture of threats and enemy capabilities. The history of armed engagements, small or large, involving U.S. military forces over the past, say, 100 years shows, if anything, that small-scale engagements and uses of military force or its threat are long-running features of the American experience of “peacetime.” The

Cold War was conducted with many hot encounters and conflicts, fought through proxy forces and using tools of covert action and deliberately blurred conditions of attribution, on both sides, in part because both sides wished to avoid a nuclear confrontation.

The “peacetime” of the Cold War is perhaps the norm that the present most resembles, including not just transnational terrorists and non-state armies, but also the re-entry of Russia into the military history of the world — and not in a good way. Perhaps, too, the clean bright lines of the “binary” legal conception should be considered as a temporary construction made possible during the golden years following the end of the Cold War and collapse of the Soviet Union, in which international great power struggles were muted under the umbrella of U.S. power. If so, then some form of the “hybrid” legal regime that Rosa proposes is not so much as novelty as a reversion to the historical mean of just how messy ordinary “peace” can be.

And in any case, the law of war is itself evolutionary. The International Military Tribunal at Nuremberg concluded that the “law is not static, but by continual adaption follows the needs of a changing world.” True today? Consider how quickly the international community has gone from eschewing attacks against economic targets to virtually carpet bombing Islamic State oil fields. Cyber? We now have the Tallinn Manual — which is a testament to the feasibility of applying existing law to new technology. (And Tallinn 2.0 is on the way.)

V

How Everything Became War also seems to believe that the law of war paradigm has come at the cost of human rights. Putting aside what occurred in the aftermath of 9/11, the fact is that today military operations, at least as conducted

by the US and its allies, are far more constrained than the law of war would permit. Indeed, if there is a criticism to be leveled (and both Presidential candidates seem to have done so), it's that the air war against the Islamic State has not been prosecuted to the fullest extent that the law would permit. The real human rights and moral issue today is not too-aggressive military action on the part of the US and its allies, but rather policy-driven inaction.

In addition to the international legal scene, a major portion of the book is spent enumerating what Rosa sees as flaws in a domestic legal scheme that, in her opinion, yields too often to the perceived needs of security. Her criticisms generally (but not always) track those of privacy advocates, human rights organizations, and left-of-center progressives. Her perspective in this area is unapologetically one of an advocate, not a dispassionate elucidator of opposing sides. That understood, is she right that we need real change in both international and domestic law?

A guarded “maybe” is all I can muster. Caution is (again) merited, as international law regulating conflict is already under stress. Moreover, almost every initiative for change — largely coming from the human rights community — is aimed at further endowing non-state actors with additional legal rights and privileges (despite their utter contempt for the law), rather than enhancing the ability of states to protect their citizenry, as that citizenry seems to want. We need to be very careful not to reinforce the notion that the law is drifting into seeming impotence and irrelevance — not just from newly empowered non-state actors, but also from rising or re-emerging Great Powers as, for example, Russia conducts an air war in Aleppo that one might be forgiven for mistaking to be a World War II leveling of cities.

Domestic law? Let's not forget that a very recent poll (*before* the bombings in New

York) found that only 32% of Americans thought that the government's anti-terrorism policies “have gone too far in restricting the average person's civil liberties” while a whopping 53% believe “they have not gone far enough to adequately protect the country.” As terrorist incidents persist, any attempt to adjust the domestic legal framework may end with something much at odds with what Rosa and the human rights-centered community would seem to want.

Frankly, it also isn't clear to me that creating in essence a third legal regime, either international or domestically, will result in the clarity and simplicity Rosa desires, at least not if it's supposed to be a genuinely new kind of law and not simply a return, especially in international law, to the ways states have actually understood things and acted and regarded as lawful under existing paradigms of law. The problem with the binary legal view — including thinking that it creates problems that require solving through a genuinely new legal paradigm — is that the law was never cleanly binary in the first place.

And more law doesn't necessary produce better solutions. “Grey area” cases will continue to arise, and their resolution will always be fact-specific. Is it hard to divine the applicable law and to apply it appropriately in many (most?) circumstances? Of course, but that's what lawyers do. And let's keep in mind that in a high-technology era, there are many extraordinarily complicated security tasks, so lawyers shouldn't feel themselves entitled to exemption from the problems of complexity and blurred lines.

Taken as a whole, it's pretty clear that Rosa wants to start a much-needed dialogue with *How Everything Became War* and not necessarily to definitively resolve each concern raised. Indeed, a central purpose of the book seems to be to alert the reader to the very fact that the issues exist and provide some context to

think about them. I could easily envision this book being a platform for a graduate or law school seminar where students were assigned to critique (or confirm) the matters she raises.

How Everything Became War could hardly be richer in raising critically important issues; it's a must-read conversation-starter par excellence. What makes it especially engaging is Rosa's constructive tenor and tone. It isn't dictatorial or condescending as so many of the books of this genre tend to be. Rather, when you come to the end, it's almost as if she turns to you — sitting side by side in your airplane seats — and says, "Ok, that's what I think; what do you think? I'm

listening." And, really, isn't that what the best airplane seat partners — er, books — do?

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