

BOOK REVIEW:

How everything became war and the military became everything: tales from the Pentagon

by Rosa Brooks

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This book will make you think deeply about how we should manage the policy and legal ambiguities that have arisen from “9/11” – the al Qaeda attacks on New York and Washington on 11 September 2001. These ambiguities include the subsequent expansion of the role of the military in the United States into areas traditionally seen as the prerogative of civilian foreign affairs, national security and law enforcement agencies. This, in turn, has been accompanied by the stretching, if not breaking, of the international laws of armed conflict.

Rosa Brooks is a professor at Georgetown University, Washington DC, where she specialises in international, constitutional, human rights and national security law. From 2009 to 2011, she served as counsellor to the Under Secretary of Defence for Policy and was subsequently awarded the Secretary of Defence Medal for Outstanding Public Service. She has had foreign service experience with international human rights non-government organisations; and has an extensive academic publications record.

This is very much a Washington insider’s account of what has transpired at the centre of government in the United States since 9/11. By the end of World War II, the Western powers had developed a stable system of international law under the charter of the United Nations. The expected behaviours of nation-states were well established and military and civilian responsibilities were clearly delineated. The laws of armed conflict were reasonably well enunciated, understood and accepted.

This system of global order, however, has been seriously challenged by United States responses to the events following 9/11, especially the emergence of international terrorism, its treatment via a so-called ‘war on terror’ – a war without geographic or temporal boundaries – and the use of drones to target al Qaeda “affiliates” (combatants?) in countries which may or may not have authorised drone use by America on their soil.

Brooks observes issues arise which the White House considers to be too difficult for the civilian foreign affairs and law enforcement agencies that have traditionally dealt with them. These issues then have become absorbed within the ever-expanding and amorphous concept of the war on terror and, as now a war issue, are handed over to the Pentagon to solve – the Pentagon being the only agency considered to have the planning skills, culture and resources to address them. Accordingly, the remit and the resources of the military have continued to expand at the expense of the State Department and the civilian national security and law enforcement agencies. This has been not only difficult for the civilian agencies that have been increasingly sidelined, it has also expanded and confused the military’s mission. It also has created a nightmare for

lawyers, especially where they have sought to ground the advice they have given the administration in principled and ethical terms.

Brooks uses the analogy of the supermarket. She says government has increasingly come to treat the military like a one-stop-shopping solution for global problems. Today’s military personnel, for example, analyse computer code, train Afghan judges, build Ebola isolation wards, eavesdrop on electronic communications, and patrol the seas for pirates.

Brooks shows that when the war machine breaks out of its borders, we undermine the values and rules that keep our world from sliding toward chaos. And, as we pile new tasks onto the military, we make it increasingly ill-prepared for the threats America faces. Further, the collapsing barriers between war and peace threaten the world.

Where do we go from here? Brooks considers that it is too late to return to the pre-9/11 situation. We can no longer assume a binary relationship between a state of war and a state of peace, with different laws and agencies leading in each state. Rather, we have to accept that there is now a continuum between peace and war; and the real challenge now is how to operate in the space in between war and peace – what she calls ‘the space between’. She predicts that learning how to manage the space between will require much intellectual effort and innovation just as were required during great changes in the past e.g. the 1648 Peace of Westphalia (which produced the nation-state) and the United Nations charter and associated arrangements after World War II. She says the new system will need to be based on democratic and human rights principles and will require reimagining the institutions which make up Washington’s military, foreign policy and national security establishments.

While Brooks no doubt accurately reflects the Washington scene, we in Australia have escaped much of this turmoil – the clear roles separating the military and civilian defence and national security agencies remain largely in place here. We, however, have faced many of the legal and moral challenges associated with use of drones, special forces and the like.

There are two benefits for Australian policy analysts in studying Brooks’ thesis: firstly, to understand better the changes that have occurred and will continue to occur in Washington; and secondly, to come to appreciate how we might address the ethical and moral challenges that we also face in managing the tactics and techniques of counter-terrorism. I commend this thought-provoking book to you.

David Leece