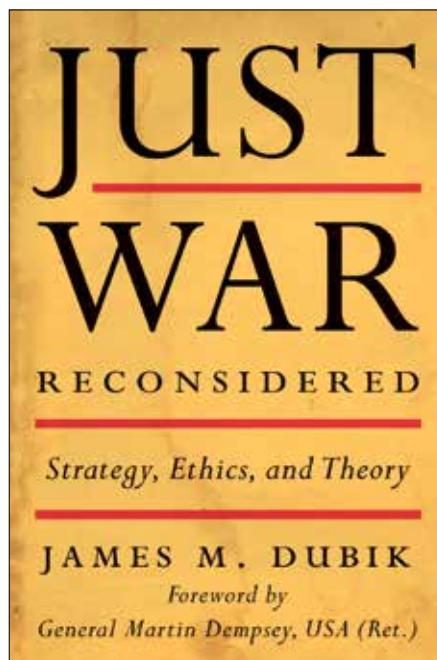


of firepower, the Vietnamese people, north and south, suffered unimaginable trials. What makes *Vietnam* such an impressive study is Hastings's ability to weave the stories of common soldiers and civilians on both sides of the struggle into a terrifying and impressive tale of both man's inhumanity to his fellows, and the heroism of those on the sharp end. He is able, thus, to connect the highest levels of decisionmaking in Hanoi, Washington, and Saigon, while at the same time providing the reader with a sense of the terrible consequences that often result from those who make the decisions with little understanding or concern for their impact on those below them.

From the American point of view, perhaps the saddest result of U.S. participation in this conflict was that U.S. political and military leaders and their people learned so little from the price they paid for our participation in the war. JFQ

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Just War Reconsidered: Strategy, Ethics, and Theory

By James Dubik

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Lieutenant General James Dubik, USA (Ret.), in his *Just War Reconsidered*, provides a provocative account of perhaps Just War Theory's greatest blind spot: accountability of senior political and military leaders for the decisions they make regarding how to wage war. Traditionally, Just War theories divide decisions about war into two broad categories: *jus ad bellum*, which are the right reasons to go to war, and *jus in bello*, which governs right conduct in war. This account only holds the civilian leadership accountable for the decision to go to war, and the military leadership accountable for how they treat enemy combatants and noncombatants when fighting the war. It excludes from governance what either set of leaders does to its own troops or peoples.

Dubik argues that there must be principles that guide senior leaders'

conduct in the waging of war, which he defines as achieving coherence by setting war aims and aligning strategy and policy to achieve those aims; generating organizational capacity to achieve those aims at the least cost in terms of lives and resources; and maintaining legitimacy of the war effort by observing the war convention, sustaining public support, and ensuring proper subordination of the military-to-civilian leadership. As he states, "Poor war aims, strategies, and policies, badly thought-through campaigns and major operations, and inefficient and ineffective civil-military dialogue and execution" can prolong war unnecessarily, wasting precious national resources and, more importantly, lives, while placing the political community at risk. So by leaving war-waging out of *jus in bello*, Just War Theory omits an important way senior political and military leaders can fail to meet wartime responsibilities.

Setting conditions for fulfilling those responsibilities requires getting the civilian-military relationship right. Dubik argues that two dominant views, those of Samuel Huntington and Peter Feaver, fail in this regard. Huntington's approach, known as "objective control," divides responsibility much along the same lines as traditional Just War Theory: the civilian leadership is responsible for deciding when to go to war, while the military leadership is responsible for fighting it. The problem with this approach is that the demarcation line between purely political and purely military can be blurry. It is not in the interests of the political leadership to leave all the war-making decisions to the military, as Abraham Lincoln found out when he entrusted the war to George McClellan. Moreover, especially in the United States where the military is accountable both to the President and Congress, it is not always possible for the military to stay out of the political side of war.

Unfortunately, Feaver's "principal agent" approach, while an improvement, does not fare much better. This approach, which recognizes that political and military leaders can have experience relevant to both spheres, characterizes the civilian-military relationship as that of employer

to employee, where the key role of the civilian is to ensure the military does what missions the civilian leadership assigns—and in the manner the civilian leadership wants it done.

The advantage of this approach is that it establishes a dialog between the two spheres that allows for greater alignment among policy, strategy, and execution; however, by placing the ultimate responsibility on the civilian side, it gives the civilian the “right to be wrong,” while letting the military somewhat off the hook. Certainly, the military can be held accountable for the decisions it makes, but the internal dynamics of power, control, and obedience can obstruct the dialog it seeks to introduce. Moreover, the compliance monitoring such an approach entails inhibits the kind of adaptation necessary for good war-waging. Finally, and perhaps most importantly, it ignores the obligations civilian leadership has to soldiers, who are themselves citizens and to whom some due care should be owed. This view does not entail that civilian leaders are not accountable, only that they are accountable to the voters, not to the military or for the soldiers’ lives they may sacrifice.

While Dubik approves of the deliberative dynamic the principal-agent approach introduces, he argues that a “civil-military relationship based on power and control is not the kind of relationship necessary to wage war.” Aligning war aims, strategies, policies, and campaigns in a way that has the highest chance for success requires a more equal dialog and one where no party has a right to be wrong.

The approach that Dubik favors, which he describes as the “decision-execution regime,” is one he draws from Eliot Cohen’s idea of “unequal dialog.” In such a dialog, both civilian and military leaders hold each other accountable for the decisions they make through a process Dubik describes variously as repetitive, overlapping, tense, and conflictual but that provides space for the “incessant, close, difficult questioning of positions, assumptions, and suggested courses of action.” The dialog is unequal only that at some point it must end and it is ultimately the civilian authority—if

not the circumstances under which some decision is considered—who gets to say when. No right to be wrong.

Governing that dialog are five principles Dubik argues should have the same status in Just War Theory as the principles of discrimination and proportionality have in traditional accounts of *ius in bello*. Summarized, these principles call for continuous dialog from the outset; extension of the civilian’s “final authority” to war-waging; managerial competence on the part of all parties to employ the bureaucracy to achieve the established war aims; maintenance of legitimacy by fighting the war not only justly but also in a manner that provides the highest probability of success; and resignation, when the collective leadership fails to live up to these principles and thus their responsibilities.

Overall, Dubik makes a compelling case regarding senior civilian and military leadership accountability for waging war. His account masterfully addresses what counts as mistakes and what counts as moral failures and suggests a process to minimize both. However, it does seem odd that the principles he articulates should feature as part of the Just War tradition, which involves the mutual upholding of norms associated with both going to war and the actual fighting. As Robert Vicars notes in his review of the book, the best way to determine the relevance of Dubik’s view to Just War Theory is to ask the question, “Is this how I want my enemy to act in war?” The answer is, arguably, no.

So while Dubik makes a good case for holding leaders accountable to their publics, it is not clear that these principles have the same status within the context of Just War as the traditional principles do.

While Dubik did not fully develop a response to this concern, he laid the groundwork for a response. First, he observes that those waging war engage in multiple relationships. First is with the innocent, to whom they must show due care; second is among soldiers themselves, whose trust in each other is an essential feature of a successful military; third is that of military leaders with their soldiers, for whom they must

balance their humanity along with their instrumentality to successfully achieving war aims; and fourth, the “citizens-who-become-soldiers” to their senior political and military leaders, who owe them due care when making decisions associated with waging war.

The question here is whether Just War Theory can make room for the asymmetries of these different relationships. There is precedent in the theory to suggest that it can. One relationship Dubik did not mention was the relationship soldiers have with enemy soldiers. In fairness, this would obviously be a very thin relationship; however, it does entail some obligations, such as avoiding unnecessary harm, use of impermissible weapons, and acceptance of surrender, among others. These are different obligations than what soldiers have to enemy civilians, whom they are supposed to avoid targeting altogether. So at a rudimentary level, Just War Theory accommodates the kind of asymmetries that Dubik proposes, so it should not be too much of a leap to broaden the scope and scale of those asymmetries to accommodate Dubik’s principles.

Wherever one falls out on the proper scope of Just War Theory, James Dubik makes a compelling case that an ethic of waging war is as essential to a full accounting of moral responsibilities in war as the ethics of *ius ad bellum* and *ius in bello*. As such, it is critical reading for national security professionals who are in positions where they will make or advise those who make decisions regarding waging war. JFQ

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