



Review

Reviewed Work(s): *Just War: Authority, Tradition, and Practice* by Anthony F. Lang, Cian O'Driscoll and John Williams

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Source: *European Review of International Studies*, Vol. 3, No. 2 (2016), pp. 143-147

Published by: Verlag Barbara Budrich

Stable URL: <https://www.jstor.org/stable/10.2307/26593725>

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Anthony F. Lang Jr., Cian O’Driscoll and John Williams (eds.), *Just War: Authority, Tradition, and Practice*

(Washington D.C.: Georgetown University Press, 2013), pp. 328, ISBN 978-1-58901-996-6

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As I write this review, the global debate surrounding military intervention in Syria continues. Current discourse of some US presidential candidates discusses intervention against ISIS in terms of ‘carpet bombing’ and seeing whether ‘sand can glow in the dark’. The issues of what constitutes a ‘just war’ and how one can fight a war justly are as relevant today as in the time of Augustine, Aquinas, or Grotius. Former US president George W. Bush (problematically) utilised the vocabulary of just war in discussion of the “War on Terror”. In 2009, President Barack Obama famously referred to fighting a just war in his Nobel Peace Prize address. A just war in Obama’s view would be one “waged as a last resort or in self-defense”; in which “the force used is proportional”; and where “whenever possible, civilians are spared from violence” (p. 268). The fact that the ‘theory’ or ‘tradition’ of just war has made its way into contemporary policy discourse provides the backdrop for Lang, O’Driscoll and Williams’ timely volume to set forth a research agenda to engage with and debate the notion of authority in the just war tradition. Specifically, the contributors frame their chapters around the just war tradition’s *jus ad bellum* (justice in resorting to the use of force) criterion of ‘proper authority’. They broadly examine the authority *of* the tradition (its historical roots and use today), the constitution of authority *in* the tradition (questions about authoritative interpretation of the tradition) along with the relation between authority *and* the tradition (the tradition’s understanding of the use of force in the context of the contemporary security environment).

The strengths of this volume are numerous. Perhaps most pertinent is what the tradition can tell us about what authority means today, i.e. does legitimate authority lie in the people, the sovereign government, or the UN Security Council in the decision to use military force? What sets it apart from other discussions of just war is the immense diversity of perspectives that it brings into dialogue. From focusing on the historical development of the just war tradition, to debating how it ought to be interpreted in light of contemporary warfare, or even the rejection of just war thinking all together, this volume reflects the depth and breadth of the just war debates. Centred on the theme of ‘authority’, this volume brings to the forefront the recently taken-for-granted *jus ad bellum* criterion that is central to the just war tradition. Thus, the assumption that the principle of proper authority is reducible to the concept of state sovereignty denies the plurality of the tradition, a tradition

that is vigorously deliberated upon in this volume's seventeen chapters. In the end, *Just War: Authority, Tradition, and Practice* invites scholars to think about proper authority as a concept that both situates and problematises the practice of just war in contemporary international society.

Concerning the historical and philosophical foundations of the just war tradition there are a number of informative contributions. James T. Johnson (Ch. 1) opens the debate by tracing the historical shift from the primacy of the 'proper authority' criterion for resorting to armed force, to today's predominant emphasis on 'just cause'. Johnson highlights the importance of contextualising the medieval conception of sovereign political authority, which served the ends of 'good' politics – order, justice and peace. Where proper exercise of sovereign authority was understood as responsibility for the common good. O'Driscoll in the conclusion acknowledges that today, 'authority' has merely become synonymous with sovereignty, a box to be ticked, but not opened. Johnson tells us that when we deal with injustices today we need a renewed attention to the classic just war conception of sovereign authority and the *responsibility* it entails. Gregory M. Reichberg (Ch. 9) sought to elucidate the evolution of classical thought on the just cause criterion and its relationship to culpability and punishment. He concludes that early authors from Augustine to Vitoria, defined just cause as the avenging of wrongs as a response to prior culpable offenses; whereas later on, Molina and Grotius, posited *liability* for wrongdoing, rather than *culpability* as the foundation of just cause. Hence, retribution had lost the central position it had previously occupied. This opened up the space for the emergence of modern laws of war wherein punishment was relegated to the period after war (*post bellum*). Nigel Biggar (Ch. 3) takes on the responsibility of proper authority of Johnson, but diverges from Reichberg in thinking of just causes for war in terms of punishment–*ad bellum* as opposed to *post bellum*. For Biggar war is always a moral endeavour, such that to speak of *justice* necessarily makes it a *moral* enterprise. By returning to Augustine, Biggar focuses on the explicitly Christian just war tradition where a just war is reactive against injustice and in defence of justice. He asserts that the Christian conception of just war doctrine tends to favour military 'humanitarian intervention' over mere self-defence–*prima facie*. Thus, a just cause of punishing injustice with the ends of peace becomes not only justified, but a *responsibility* of the proper authority to act.

Given the necessary turn to proper authority, how can authority be interpreted in today's context? John Williams (Ch. 4) asks that question for liberal democratic governments, citing the February 2003 anti-Iraq War protests in London as a case study. While some challenged the just cause asserted by Tony Blair, the 'Not in My Name' slogan posed an explicit challenge to the classic example of sovereign prerogative to engage in war. Those brandishing this sign were calling into question the *authority* of the government to pursue such a war. If sovereign authority is derived from the people, how then can they be ignored as a source of proper authority? In general, liberal just war theory has focused on the authority claimed by liberal states vis-à-vis non-liberal states in the international system. Yet, the authority that was challenged that day–the authority over the citizenry–should inspire a spirited discussion between just war scholars. Brent J. Steele (Ch. 11) adds the concept of revenge by the citizenry into the just war debate. Specifically how revenge can be socialised, constructed, formed, re-formed and politicised over time, and the role the constitutive relationship between authority and the just war tradition plays in

helping to stem or sometimes facilitating popular notions of revenge. With the liberal democratic necessity of pulling the public writ large into a conception of authority in the just war tradition Anthony F. Lang Jr. (Ch. 8) proposes one possibility. He emphasises the power of *narrative* rather than *rules* as the preferred way to employ the just war tradition through democratic engagement in public discourse. Lang puts forward the tradition as a guide for discussing particular wars as opposed to a set of rules that is used to evaluate wars more generally, and religious institutions as the proper venue for discussing these narratives.

Just War: Authority, Tradition, and Practice offers a much needed debate concerning the just war tradition, one where some authors reject the foundations of the tradition itself. Laura Sjoberg (Ch. 5) offers a critique of the *authority* of the just war tradition, particularly as it relates to a function of legitimating wars. She argues that the just war tradition is based upon a gendered idea of the dichotomy between civilians and combatants. There are the 'just warriors' as defenders of the innocent women, or 'beautiful souls', which function to justify force for the sake of protecting women at home. Ultimately, Sjoberg concludes that the tradition cannot escape these gendered foundations and calls for war ethics to be completely *re-theorised* from the ground up. Tarik Kochi (Ch. 7) discusses problems of *legitimacy* within the just war tradition. Kochi argues that just war theory fails to express a valid form of moral reasoning—to delineate legitimate from illegitimate violence—because it fails to provide an account of the nature of the relationship between legitimacy and violence. Michael L. Gross (Ch. 12) does not reject the just war tradition, but he does note that it favours the state apparatus as 'legitimate'. Gross expands just war's normative framework for when non-state actors or guerrilla fighters representing the people become a legitimate authority and may engage in armed conflict. In order to maintain legitimate authority, guerrillas need to provide essential social services and human security, and eventually open up their organisation to some degree of representation and gain international support, which is no easy task. These critiques highlight the fluidity of the tradition and attempt to adapt the tradition to answer the tough questions posed by present-day practices.

While many contemporary authors tend to emphasise one criterion over another, Joseph Boyle (Ch. 10) notes the necessity that the Thomist *jus ad bellum* criteria—proper authority, just cause and right intent—are inherently linked and only jointly sufficient. He picks up the thread on the importance of right intention as a moral condition of making war and how this links to the authority *of* and *within* the just war tradition. Right intention is morally necessary because its object is the ultimate purpose of just peace. Thus, war-making can be morally flawed even if undertaken with just cause and proper authority, but is primarily motivated not by those, but interests incompatible with the moral grounds. Nahed Artoul Zehr (Ch. 6) argues that the just war criteria ought to be understood as inherently interconnected, without giving weight to one criterion over another. Hence, if the criteria do not work in concert to inform all interested parties about the overall character of a particular use of force, then it truncates the ability of the tradition to provide an ethical framework—one that maintains a clear purpose, as well as discernible limits, for the use of force. By looking at the historical Islamic juridical thinking about the just use of force in jihad, Zehr brings together rich Christian and Islamic traditions through analysing the discourse of al-Qaeda, ultimately undercutting their claims to be a legitimate authority.

Once the decision is made to engage in war, what does the practice of authority look like *in bello* in contemporary conflicts? Neta C. Crawford (Ch. 13) explores how the *jus in bello* guidelines of the just war tradition – discrimination and proportionality – fuses with international humanitarian law within the US rules of engagement (ROE). She recognises the longstanding tensions within the just war tradition between the normative values of military necessity and non-combatant immunity—specifically the consequentialist logic of military necessity and a deontological prohibition on harming non-combatants. Crawford demonstrates how in a complex organisation like the US military the *in bello* authority has gone to commanders ensuring their troops understand the specific ROE for each mission, the military lawyers, or even deferring authority to the purity of statistical algorithms that calculate *probable* civilian casualties of missile strikes on a given target. These stats packages are troubling. While they can assist moral agents in decision-making, they simultaneously displace agency and authority. Consequently, “the authority devolves from the political realm to the realm of experts acting as military technical authorities” (p. 247). Thus, the importance of authority remains a pertinent issue of discussion beyond the tradition’s scope of proper authority *ad bellum*. Martin L. Cook (Ch. 14) further emphasises the necessity for both a modification of legal regimes that regulate *in bello* conduct and an emphasis on the education and training of soldiers with carefully crafted ROE. Both chapters here speak to a wider engagement in what authority means in conducting a war justly and not just the ethical imperatives in the decision to use force.

What then are the central tensions of the just war tradition today? What should one make of such divergent conceptualisations of the utility, dangers, or necessities of just war? Nicholas Rengger (Ch. 16) addresses what he sees as the *central* tension of the just war tradition as it applies to contemporary warfare. The tension lies between those who see the tradition as fundamentally about the righting of a wrong (or elimination of an injustice) and those who believe it is fundamentally about the limitation of destructiveness. Acknowledging that the just war tradition has ‘triumphed’ as the preferred language for the moral assessment for the use of force, if just war is a teleocratic notion of righting a wrong, he critically asks: what is lost by ‘winning’? John Kelsay (Ch. 17) believes that ultimately the expansion of just war thinking into the foreground for policy-makers implies that, although just war thinking may not have ‘triumphed’, it has a seat at the table where policy is made. Although elite use of just war language is often problematic and self-serving, Kelsay believes scholars can contribute to developing a better judgment in the decisions of policy-makers in warfare. Chris Brown (Ch. 2) proposes an avoidance of *theorising* about just war because that implies there are *answers* to these complex ethical questions. Whereas those who prefer to talk of just war *thinking* hope to discover good *questions*. The latter expects that just war theory properly applied will tell us whether or not a particular war or action in a war is just. The former helps us make judgements as to whether, given particular circumstances of an individual case, a resort to force would be the right thing to do, all things considered. The conventional categories of the just war tradition are best understood as the basis for some good questions rather than providing the right answers. It is crucial that questions in “just war thinking should not be approached as though it could provide us with an algorithm to determine what course of action to follow”, it is not a checklist to tick the boxes to meet the standards for a “just war” (p. 43). Thus, for Brown, if we can

get away from just war *theory* of providing answers, and move towards just war *thinking* as an aid in judgment (nothing more and crucially nothing less) there is a lot of value within the tradition and it will provide theorists and policy-makers alike with indispensable questions.

Ultimately the editors of *Just War: Authority, Tradition, and Practice* succeeded in setting forth a vast research agenda by prompting scholars of the just war tradition to think more deeply about how they treat the principle of proper authority. Nevertheless its strength in its diversity of perspectives is also its limitation in that a number of contributors often stretched the theme of the book to its limits and beyond. At times there is a lack of cohesive narrative that detracts from the overall thrust of the argument and agenda set forth by the editors. That being said, the breadth and depth of the analysis contained within will provide countless insights for anyone who picks it up. This volume is an indispensable resource for anyone interested in the just war tradition, the ethics of the use of force today, and the tensions of the tradition in theory and practice. In the end, Lang, O'Driscoll and Williams compiled a book that belongs on the bookshelf of every academic, policy-maker and democratic citizen that wants to understand the richly dynamic just war tradition today.