

making more ambitious claims about US behavior in large-scale counterinsurgency missions generally, or even all US wars, as seems to be the case in the introduction, which describes problems that are “pervasive in decision-making” (p. 2), and where the model is presented as “The Stages of Wartime Decision-Making.”

If the scope is narrower, the three cases generally fit the model—but not always. In Stage III “constriction,” for example, presidents supposedly defer to costs and begin to wind down the mission. In two out of the three cases, however, the president responded in the constriction phase with a surge. Lebovic describes the Bush surge in Iraq as a “modest strategy” (p. 117), but it was far more escalatory than, for example, the Iraq Study Group’s 2006 recommendation for a phased withdrawal. Similarly, Lebovic calls the Obama surge in Afghanistan a “constriction” because the president did not follow the most extreme option of a full-fledged counterinsurgency campaign. But Obama rejected Vice President Joe Biden’s preference for a narrow counterterrorism mission, nearly tripled US troop levels to their peak strength of the war, and spent \$100 billion per annum—hardly the actions of someone guided mainly by costs.

If this is a broader theory of American wars, some of the claims need revision. For example, the arguments that civilian leaders “are unlikely to have a well-developed plan should they decide to extend or expand a mission” (p. 6), that rising costs cause leaders to search for the exits or that “the public’s support for any given war declines sharply over time” (p. 12) do not hold in conflicts like the Civil War, the world wars, or the Gulf War.

One also wonders about the causal effect of myopia on war outcomes. This bias is rooted in deep-seated psychological and organizational dynamics that are enduring if not universal. It is striking, however, that the United States began losing big wars only after 1945. An alternate explanation for military failure would highlight the evolution of warfare from interstate war to civil war, the capacity of rebels to seize the banner of nationalism, the US military’s (and US society’s) aversion to nation-building and counterinsurgency, and American power tempting Washington to intervene in distant lands it does not understand.

We could likely find plenty of examples of myopia in US decision making during World War II, even though Washington ultimately won. Meanwhile, in 2009, Obama seemed to engage in an exhaustive and critical review of the Afghanistan War—getting the *how* right. Nevertheless, victory in Afghanistan remained elusive. All the smart preparation in the world might not help you if you fight Mike Tyson—who said that “everyone has a plan until they get punched in the mouth.”

Lebovic contends that myopia is superior to the rival explanations for poor decision making because alternate

approaches can either promote or reduce bias and “their explanatory impact. . .remains unclear” (p. 3). Democratic institutions, for example, can encourage free-flowing debate or trigger gridlock. But myopic bias can also push in different directions. The human brain evolved to make decisions quickly and frugally precisely because it offered advantages in humankind’s ancestral environment, and these benefits may still operate in modern decision making. Planning for success by searching dutifully for policy alternatives could lead to an idealized decision-making process, or it could inflict leaders with a Hamlet-like paralysis. It is true that officials tend to simplify by seeing visible elements of the war as the whole picture; yet, given the brain’s limited computing ability, what is the alternative?

Notwithstanding these issues, overall *Planning to Fail* is both thoughtful and thought provoking and reinforces the vital lesson of recent American wars: look before you leap.

Judging Justice: How Victim Witnesses Evaluate International Courts. By James David Meernik and Kimi Lynn King. Ann Arbor: University of Michigan Press, 2019. 216p. \$75.00 cloth. doi:10.1017/S1537592719003037

— David Mendeloff, *Carleton University*
david.mendeloff@carleton.ca

In 2017, nearly 25 years after its founding, the International Criminal Tribunal for the former Yugoslavia (ICTY) officially completed its task of prosecuting atrocity crimes committed during the Balkan wars of the 1990s. The tribunal’s mandate was to provide justice to the war’s victims and to help establish and maintain peace in the region. Did it achieve those objectives? The answer has important implications for international criminal accountability more broadly. Indeed, the ICTY has long been a focus of transitional justice scholars, particularly those seeking to understand the effects of international criminal prosecutions. In recent years scholars have begun applying sophisticated empirical methods to the question of impact assessment. James David Meernik’s and Kimi Lynn King’s *Judging Justice: How Victim Witnesses Evaluate International Courts* adds to this body of empirical transitional justice research and makes an important contribution to our understanding of the ICTY experience in particular and international criminal justice more broadly.

Judging Justice assesses the ICTY’s efforts to deliver justice to victims by analyzing the opinions of witnesses who provided tribunal testimony. It extends and builds on the authors’ 2017 monograph, *The Witness Experience: Testimony at the ICTY and Its Impact*, and relies on the same underlying survey dataset of more than 300 ICTY witnesses, representing a broad cross section of the nearly 4,700 individuals who participated in its proceedings. The 2017 book introduced the core question that is taken up in

the present volume: How do witnesses form their opinions about the ability of international courts to deliver justice? In addition, why do some witnesses see international courts as effective and others as ineffective? Given that providing justice to victims is the core mission of the ICTY and other international criminal courts, it is important both to understand whether victims believe international courts actually deliver it and to identify the sources of those beliefs. Justice is, after all, subjective. As Meernik and King write, only victims “can directly compare the injustices they suffered with the justice provided by the tribunal” (p. 22). Gaining some leverage on victim perceptions of international courts, therefore, can offer potentially important lessons for how courts might conduct themselves if they want to maximize their legitimacy in the eyes of those they are intended to serve. Can more equal distribution of prosecutions across ethnic groups provide greater satisfaction to victims? Do more guilty verdicts or longer sentences please victims? Can more deferential treatment of witnesses make a difference? Or are perceptions shaped by factors beyond the control of the institution, such as the nature of a group’s dominant historical narratives or the wartime experiences of the witnesses? This study helps answer those and other questions.

The book is organized into four substantive chapters bookended by an introduction and conclusion. The introduction lays out the core argument, provides an overview of existing research on individual attitudes toward international justice, and describes the survey data and methodology (though this is done in much greater detail in the 2017 volume). Chapter 2 unpacks the authors’ theory of witness opinions: in short, they surmise that witnesses’ views are shaped by three psychosocial factors: ethnic identity, a sense of fairness, and personal wartime experiences. Witnesses are likely to have more favorable views of a court, they argue, when judgments affirm a group’s historical narratives, when they believe the court has treated them and other witnesses fairly and that their participation has been valued and consequential, and when they have personally experienced significant wartime violence. The authors then devote a chapter to each of the theory’s three components, systematically examining the relationship between each of the variables and witness attitudes toward the ICTY. At the end of chapter 5, the authors pull together each of these variables into a comprehensive multivariate model to test their theory.

The book is commendable and compelling for its thorough and methodical analysis of the sources of witness attitudes toward the ICTY. For example, recognizing that “justice” is a fuzzy concept and that individuals may have very different conceptions of what it means, they parse it into four discrete elements: belief that the ICTY was effective in exposing key facts of the crimes commit-

ted, belief in the ability of the tribunal to assign responsibility for crimes, belief that the tribunal was effective in punishing perpetrators, and belief in the ability of the tribunal to deter future violence. This allows for a much more satisfying analysis.

Judging Justice affirms the conclusions of many previous studies on the ICTY that ethnic identity exerts a powerful influence on views of the tribunal. For those in the region, how one views the ICTY often depends on whether one is a Serb or a Bosniak, a Croat or a Kosovar Albanian. But Meernik’s and King’s survey data also show that ethnicity alone is insufficient to explain the variation in witness opinions. The real contribution of the study is its finding that views of the ICTY are colored not merely by ethnicity but also by perceptions of procedural fairness—particularly how participants feel other witnesses were treated—and the extent to which witnesses believed that their personal testimony had made a valuable contribution. They find that “fairness” is the most powerful predictor of perceptions of the ICTY’s efficacy: it is much more powerful than actual verdicts. We would expect, for example, that Bosniak witnesses might hold a more critical view of the tribunal when Serb or Croat defendants are acquitted or receive a relatively light sentence. But this is not the case. Witnesses might see the ICTY as generally ineffective at punishment, but strong at truth-telling and assigning responsibility for crimes. This finding adds important nuance to the dominant and popular view that identity alone can explain popular opinion toward the ICTY. At the same time, the data suggest (and Meernik and King acknowledge) that perceptions of procedural fairness cannot be easily disentangled from ethnic identity. Clearly, identity remains a stubbornly powerful lens through which individuals evaluate the efficacy of the tribunal.

Judging Justice advances our understanding of the impact of the ICTY on one important dimension: the provision of justice to victims. It does not attempt to assess its other core mandate: the establishment and maintenance of peace in the region. This is not a criticism of the book; these goals, although related, are analytically distinct and complex enough that they each deserve a full-length monograph. In fact, numerous studies have taken up the task of assessing the conflict management mission of the ICTY by examining its relationship to building the rule of law, democracy, and respect for human rights; healing psychological trauma; and fostering interethnic reconciliation in the region. But there is still much more investigation to be done. Despite the formal closing of the tribunal, the case remains fertile ground for engaging debates on the broader social and political impact of criminal prosecutions of atrocity crimes. The thoughtfulness, care, and methodological rigor with which *Judging Justice* has approached the

question of the ICTY's impact on victims make it a model for future research in this area.

Pursuing Moral Warfare: Ethics in American, British, and Israeli Counterinsurgency. By Marcus Schulzke. Washington, DC: Georgetown University Press, 2019. 256p. \$110.95 cloth, \$36.95 paper.

doi:10.1017/S1537592719002858

— Valerie Morkevičius, *Colgate University*
vmorkevicius@colgate.edu

The long wars of the early twenty-first century have re-inspired just war thinking in our era, just as the Vietnam War sparked Michael Walzer to pen *Just and Unjust Wars* (1977), leading to a reinvigoration of the academic debate about the ethics of war conducted more than 40 years ago. The challenges of this generation's counterinsurgency wars in particular have raised practical questions about what tactics work best in such conflicts, as well as what the ethical implications of such tactics might be. Marcus Schulzke takes on these weighty issues from an essential, but relatively unexplored, angle by examining how the military ethics education of the American, British, and Israeli forces maps on to the real-life ethical challenges those forces have faced.

Drawing on an analysis of military publications and interviews with some 90 soldiers in three countries—the United States, Great Britain, and Israel—Schulzke develops a clear theoretical framework to compare the approaches to military ethics taken by each state, a device that enables a systematic comparison of the three. The US Army, he argues, uses a “rule-bounded virtue ethics” approach, emphasizing the importance of good character for good ethical decision making (p. 75). This approach frees soldiers to seize the initiative and to make independent decisions, but this very freedom sometimes leaves soldiers unsure as to what they should do in certain cases. American soldiers reported feeling a mismatch between the values taught in training, which were framed to address conventional warfare, and the counterinsurgency campaigns in which they found themselves. Furthermore, because virtue ethics are transmitted primarily through social interactions, the quality of leadership becomes an essential determinant of the ethical behavior of subordinates, meaning that ethical standards may vary between units. Lastly, a virtue ethics approach leads many soldiers to feel a sense of moral exceptionalism vis à vis civilians both at home and abroad, which can lead to a troubling lack of empathy.

Although aspects of virtue ethics can also be found in the British approach to military ethics, Schulzke finds that British soldiers are encouraged to “make decisions with an eye to what will be most effective in achieving political objectives” (p. 5). Drawing on experiences from past counterinsurgency efforts, British soldiers exercise

restraint not necessarily because it is the right thing to do, but because they believe it works. This pragmatic approach has certain benefits in counterinsurgency warfare, encouraging restraint and respect for cultural differences. Indeed, British soldiers felt prepared, ethically and practically, for the sorts of missions they were asked to undertake during counterinsurgency efforts in Afghanistan and Iraq. However, when real-life conditions on the ground did not match those for which the principles were developed—when British forces were too few in number or the local civilian population was inclined to be hostile—British soldiers reported feeling simultaneously unsure about what action would be appropriate and trapped by overly restrictive rules. One might also question whether a restraint that emerges from a sense that it works tactically can truly be called an ethical approach at all, a point Schulzke could have perhaps explored in even greater depth.

Schulzke describes the Israel Defense Forces (IDF) as using a deontological approach to military ethics, inculcating soldiers with a strict set of rules. Interestingly, Schulzke finds that Israeli soldiers more clearly remember their ethics classroom training than do their American and British counterparts and that they are practiced at conversations surrounding the ethical implications of their actions. However, the degree to which these rules minimize harm against civilians is somewhat offset by the pervasive sense within the IDF that every war Israel faces is an “existential crisis,” triggering an ethical analysis akin to Michael Walzer's “supreme emergency” concept (p. 154).

Schulzke's study moves beyond an analysis of the theoretical approaches to military ethics taken in each country to a discussion of how soldiers encounter these ethical structures. Drawing on interviews with soldiers, Schulzke attempts to tease out how much these theoretical approaches to ethics affect how soldiers think and behave. To this end, Schulzke is interested both in exploring how military ethics are taught (and what soldiers recall of that experience) and in piecing together how soldiers attempt to apply those ethical frameworks in practice. He finds that soldiers across the board face situational constraints on their ability to put ethics into practice, particularly because of “epistemic challenges associated with clearly identifying enemy combatants” (p. 45). Although all the militaries in the study experienced this problem to some extent, American soldiers in particular faced a troubling disjuncture between their training and the situations in which they found themselves in Afghanistan and Iraq. The virtues and rules they had learned were designed with conventional conflicts in mind and were not easily and straightforwardly adaptable to the challenges of counterinsurgency.

The implications of Schulzke's book for those interested in the more theoretical side of just war thinking are evident. He writes, “An ethic that fails to account for [situational and cognitive] constraints would hold soldiers