

# An Apathetic Public: How Dubik's Legitimacy Principle Applies to a Disengaged Citizenry

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*In his book Just War Reconsidered: Strategy, Ethics and Theory, LTG(R) James M. Dubik lays out the standards a country must meet for a war to be considered "legitimate." Primary among these standards is that a nation must have the support of its populace if it is to begin, and continue, fighting a war. However, Dubik's book does not address the case of when a public is "apathetic," "ignorant," or "misled" as to the state of a war. Using case studies from the United States' engagement in various international conflicts, this article discusses Dubik's Principle of Legitimacy and how it is challenged by the three publics above. Taking an acute focus on "apathetic" publics, this article argues that in these cases, the government has a moral obligation to provide relevant, timely information and to incentivize citizenry to engage with the war (that is, to understand its origins and consequences) or else withdraw from it entirely. Practical steps toward encouraging citizen engagement include making winning the war the government's primary priority, increasing communication about the status of the war, and as a last resort, moving toward a conscription army. If the public does not become engaged, then it is the duty of a government to end the war as quickly as possible.*

**T**he question of a war's legitimacy is crucial to the waging of a "just" war. The Principle of War Legitimacy states that a nation should have the support of its populace if it is to begin, and continue, a war.<sup>1</sup> Intuitively, this makes sense. In open, free, and democratic societies, war should, above all else, reflect the will of the people. If a political system is representative of the people, and war is simply politics by other means,<sup>2</sup> then it follows that the legitimacy of war rests with those who are fighting it: the people.

But what if war is neither supported nor opposed by the public? What if, as the case of the War on Terror arguably shows, the public is apathetic toward war? In these cases, the government of a nation that is apathetic toward war has a moral obligation to incentivize the public to become "engaged" with the war. For the purposes of this article, "engagement" is a term to indicate a national public's understanding of the existence, benefits, and drawbacks of a given conflict. Indeed, war does not have legitimacy only when there is a lack of widespread opposition to it: instead, to be considered truly legitimate, war needs positive affirmation and support. Only when absolutely necessary and fully supported by a civilian population should war be waged; otherwise, it would violate the qualified version of Dubik's Legitimacy Principle. Thus, when citizens become disengaged from war, the government has a moral obligation to re-engage the public or else cease operations. Governments can incentivize citizen engagement with government officials prioritizing the war, ensuring consistency in public communication on the status of the war, and as a last result, undertaking conscription. The case studies examined in this article are the United States' war in Afghanistan, the U.S. war in Vietnam, and the Soviet Union's invasion of Afghanistan. These cases fall somewhere within a spectrum of two different scenarios, between "willing" apathy and misguided apathy, or ignorance.

1 James M. Dubik, "Chapter 7, Fighting Versus Waging War: Rethinking Jus In Bello After Afghanistan and Iraq," in *Just War Reconsidered: Strategy, Ethics, and Theory* (Lexington, KY: University Press of Kentucky, 2018).

2 "Online Library of Liberty," Clausewitz: War as Politics by other Means - Online Library of Liberty, accessed May 8, 2020.

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### Understanding Just War Theories

There are two main schools of thought regarding Just War Theory: the traditionalist camp and the revisionist school.<sup>3</sup> This paper focuses primarily on critiques of the traditionalist camp, whose seminal work is Michael Walzer's *Just and Unjust Wars*. In this book, Walzer explores the tension between *jus in bello* (justice in war) and *jus ad bellum* (the justice of war). *Jus in bello* relates to the ways in which states fight, whereas *jus ad bellum* refers to the way in which states may initiate war. To meet the criteria of *jus ad bellum*, states must have a proper authority, proper motives, a just cause, and a reasonable chance of success. Walzer also states that war must be used as a last resort, and that it must be proportional, or that the negative outcomes inevitably resulting from war must be less than the outcome of not going to war. For *jus in bello*, Walzer lays out two principles: discrimination and proportionality. The principle of discrimination states that enemy civilians are protected from violence. Thus, any attack against an enemy must be discriminate, attacking only enemy combatants and not civilians. The principle of proportionality states that the damage caused from an attack must be proportional to the desired objective. Thus, one party should not use an inordinate amount of force to achieve a relatively small objective.

Dubik expands upon the framework that Walzer lays out, claiming that there is a gap in Walzer's definition of *jus in bello*. In his book, *Just War Reconsidered*, Dubik argues that strategic political and military leaders should be held accountable for their decisions.<sup>4</sup> He also establishes that wars must also be waged, not just fought. The "waging of war" concerns "war aims, deciding upon strategies and policies, planning and executing campaigns, and other strategic level activities."<sup>5</sup> Walzer posits five principles to guide military and civilian leaders with war-waging responsibilities:

- The Principle of Continuous Dialogue, or the necessity for civilian-military discussion to determine strategy;
- The Principle of Final Decision Authority, in which the control of the military is placed firmly in civilian hands;
- The Principle of Managerial Competency, or the necessity to use bureaucracy to ensure the structure of government works toward war aims;
- The Principle of War Legitimacy, which states that justified wars can lose legitimacy; and
- The Principle of Resignation, which recognizes that military resignation is justifiable under certain circumstances.

It is the fourth point that this paper will explore.

### Dubik: Definitions and Challenges of Gauging Legitimacy of War

First, we must define the term "legitimacy" and the way it will be used throughout this paper. As Dubik defines it, The Principle of War Legitimacy, point number four above, and the maintenance of legitimacy, is "a function of maintaining support of the population as one conducts a war which, in turn, rests upon the righteousness of the war and progress toward probable success."<sup>6</sup> However, Dubik's argument must also be qualified in a few ways. The first is that while legitimacy is not a binary option, there must be sufficient legitimacy to engage in war. Wars can have partial legitimacy, or lose legitimacy over time; however, to be considered "sufficiently legitimate," wars must have support from a majority of the population. Secondly, to achieve sufficient legitimacy, approval must also cross

3 The revisionist school rests on four key tenets. First is the greater emphasis on human rights instead of state sovereignty. They assert that it is often the state that threatens individual liberty and oppresses minority groups in the pursuit of cultural unity. Second is the immorality of current international law, serving pragmatism over the ethical treatment of humanity. In comparison to Walzer's work, the revisionists argue that states do *not* have a right to self-defense, thus undermining many of the principles Walzer discusses regarding *jus ad bellum*. Third is that it is impossible for an unjust war to be fought justly, effectively erasing the distinction between *jus ad bellum* and *jus in bello* altogether. Lastly, revisionists question civilian immunity. If civilians are actively participating in the military-industrial complex, then they should be open to targeting. Many scholars have argued against these conclusions, deeming them radical and impossible in practicality. However, the revisionist school is worth including as a counterpoint to Walzer's theories. See Seth Lazar, "Just War Theory: Revisionists Versus Traditionalists," *Annual Review of Political Science* 20:1 (2017): pp. 37-54.

4 Dubik, *Just War Reconsidered: Strategy, Ethics, and Theory*.

5 Ibid., "Chapter 7: Fighting Versus Waging War."

6 Ibid., "Chapter 7: Fighting Versus Waging War."

social, racial, and class divisions. If a war only has support among a certain political faction, ethnic group, or socio-economic class, then the war cannot be said to have the legitimacy of the entire country. Widespread and diverse support is crucial to the maintenance of legitimacy, as war is a national affair, affecting all of society.

One of the difficulties arising from the Principle of Legitimacy is delineating an effective way to measure public feelings toward a war. Dubik points to public opinion polls as a way to measure public perceptions of legitimacy of war, a solution that, it is argued here, is unsatisfactory. Governments rarely look to opinion polls to define national policy. A second and equally unsatisfying option for measuring public attitude toward a war is the presence of civil unrest. Yet attempting to “measure” civil unrest also proves troublesome. Take the Vietnam War, for example. President Nixon’s approval ratings on the handling of the war were higher than his disapproval ratings throughout the conflict, with the former dipping below the latter only twice over a four-year period. Yet civil unrest during the period was rampant. Anti-war protests were common, especially among students, as was draft dodging. For every person protesting against a war, however, there could be two people at home who support it. Thus, politicians still claim legitimacy for their pursuit of war through elections. Nixon famously claimed the support of the “silent majority” of Americans who supported the war in Vietnam and was elected to two terms. Thus, the ultimate gauge for measuring public support of a war rests in free and fair elections, which give legitimacy to those waging the war on their behalf.

Instead, rather than looking at public opinion polls or the presence of civil unrest, the best way to measure citizen approval of a war is through elections. Indeed, the executive branch bases its legitimacy upon national elections, and the legislative branch elections at the state or district levels. In an ideal democracy, politicians run on platforms and then implement the policies they advocated for during the campaign. Even if public opinion polls show unfavorability toward a policy, politicians can still claim the will of the people through their mere election, and thus maintain the political and legal right to implement the legislation. Elections provide a public referendum on a candidate’s policies and platforms on different issues. If a candidate runs on an anti-war platform and wins, this is a recognition that the public does not support the war. Conversely, if a candidate runs on a platform of continuing the war, it is an endorsement of their policy.

### Exploring the Dilemma of the “Disengaged” Citizen

While elections are the best way to gauge citizen approval to meet the Principle of War Legitimacy, challenges to this metric arise when wars cease to be salient electoral issues. This was arguably the case for the war in Afghanistan during the 2016 and 2020 presidential elections. In these situations, elections fail to provide an adequate measure of public attitude toward the war precisely because citizens are unaware of or disengaged from wars themselves.

In the context of this paper, by “disengaged citizenry” or “disengaged populace” the author is referring to a populace that does not place the issue of a current war as high in priority in an election. A disengaged citizenry is also unaware of the benefits and drawbacks of a war. In contrast, by an “engaged citizenry,” the author is referring to a public that does place the war in high priority. This can be measured in numerous ways, such as air-time given to it by major news stations, questions on the topic during a debate, or polls conducted on top issues in an election. An engaged populace is one in which the public is knowledgeable about the benefits and disadvantages of a war.

An example of disengaged citizens can be seen most clearly in relation to the U.S. war in Afghanistan. In the past three presidential elections, each elected president ran on the platform of ending the war in Afghanistan, but the war continues. While the reason for this is partially the myriad complexities involved in ending the war, an equally compelling reason is the lack of political pressure from U.S. citizens toward ending the war. Indeed, according to a May 2020 Rasmussen poll, nearly one-fifth of likely American voters were unaware that the United States was currently at war.<sup>7</sup> Media coverage of the war has slowed dwindled, and Google searches of “Afghanistan” have steadily declined over the past decade.<sup>8</sup> Even President Donald Trump seemed unaware of the war during the

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7 “Do Voters Know We’re Still At War With Afghanistan?” Rasmussen Reports, accessed May 8, 2020.

8 P.W. Singer and Emerson Brooking, “Why Americans Aren’t Paying Attention to the Afghan War,” *Time*, October 4, 2018.

coronavirus crisis, declaring himself a “wartime president,” despite already being one.<sup>9</sup> The public has disengaged themselves from the war in Afghanistan, and it has resulted in the prolonged sustainment of the conflict.<sup>10</sup>

Some argue that, to the contrary, citizen silence regarding opposition to their country’s participation in war might well indicate tacit acceptance. These detractors point to numerous other policies regarding life and death, such as healthcare, police reform, and the death penalty, which may not be politically salient. However, there are two key distinctions that separate war from other policies. The first is the active use of force on a large scale. War involves the active use of killing in a way that healthcare, policing, and the death penalty do not. While policing may involve killing, it certainly should not be its intention. War also differs from the death penalty debate by involving killing outside of the legal system. Enemy combatants most often do not receive a trial before being killed. Secondly, war intimately involves the citizenry of another nation in a way other policies do not. They do not have a say in whether the opposing country continues the conflict. Thus, the public cannot give tacit or apathetic consent toward a war. They must continue to give affirmative consent, as it is not only the lives of their citizenry, but the lives of people in other nations as well.

The government of a nation apathetic toward war has a moral obligation to incentivize its public to be engaged with the war. The issue of war, with so many lives at stake, is too important to be ignored. Even if casualties are low, there are still deaths occurring, both civilian and military. There is still an economic cost to be paid, and there is still conflict, even if it does not affect the home front. Only in a society desensitized to violence would a “minimal” amount of continued and sustained deaths be considered an unimportant issue. Moreover, war requires time, energy, and resources, all of which could be devoted to other causes. Indeed, a core argument of this article is that war does not have legitimacy only when there is a lack of widespread opposition to it; instead, to be considered truly legitimate, it needs positive affirmation and support. Only when absolutely necessary and fully supported by a civilian population should war be waged; otherwise, it would violate the qualified version of the Legitimacy Principle. Thus, when citizens become disengaged from war—failing to understand its contours, impacts on their lives, or even mere existence—the government has a moral obligation to re-engage the public or else quickly cease operations.

### *Reasons for Disengaged Citizens*

In order to find a solution, we must find the cause of why societies become disengaged from war in the first place. The reasons for this are many. They may include: long-term sustainment of the war with little to no progress toward peace, ambiguity toward the definition of mission success, and general irrelevance toward regular civilian life on the domestic front. The war in Afghanistan meets all three of these criteria. It has certainly been a long-term war, with the war beginning in the aftermath of the 9/11 attacks and continuing almost 20 years to the present day. In that time, the definition of “mission success” has varied drastically. Originally, it was to prevent a safe zone for terrorists to launch another terrorist attack against the United States. It then transformed into nation-building, with the United States trying to build a functioning and strong democracy within Afghanistan. In recent years, it seems as if the original goal has transformed to focusing on Afghan security.<sup>11</sup> Yet over the 20-year course of the war, it seems as if little to no progress has been made.

Moreover, over the past decade, the war has been largely irrelevant in the life of the American populace, mainly for two reasons. The first reason is that the invasion of Iraq overshadowed the war in Afghanistan: to the extent that the American public engaged in understanding U.S. war efforts at all, their attention was arguably more focused on Iraq than Afghanistan. Unlike Afghanistan, the United States’ invasion into Iraq was met with large domestic and international controversy. Few doubted the justification for launching the war in Afghanistan. At its outset, the war was met with large bipartisan and international support from allies across the globe. However, the war in Iraq was more contentious. While still passing in Congress with a large consensus (77-23 in the Senate and 233-196 in

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9 Caitlin Oprysko and Susannah Luthi, “Trump Labels Himself ‘a Wartime President’ Combating Coronavirus,” *Politico*, March 18, 2020.

10 Tanisha M. Fazal and Sarah Kreps, “The United States’ Perpetual War in Afghanistan,” *Foreign Affairs*, January 30, 2019.

11 David Lake, “The Practice and Theory of US Statebuilding,” *Journal of Intervention and Statebuilding* 4:3 (2010): pp. 257-284.

the House<sup>12</sup>), it was much more divided than the war in Afghanistan, which passed with a 98-0 vote in the Senate and a 420-1 vote in the House.<sup>13</sup> Additionally, the United States had few allies in support of the Iraq invasion. As the war in Iraq continued, the United States faced more political pressure to end the war. In 2008, “Iraq” was listed as the number-two issue among voters, whereas Afghanistan was not listed at all.<sup>14</sup> Additionally, the rise of ISIS in 2014 and the subsequent terrorist attacks across Europe in 2015-2016 resulted in increased public attention on the battle against the Islamic State in Iraq and Syria. All of this worked to divert public attention away from the war in Afghanistan.

The second reason for the lack of citizen political pressure against the war in Afghanistan has been the minimal impact that the war has had on the daily lives of the American populace. Unlike the Vietnam War, which faced large resistance from the public due to conscription, the war in Afghanistan has fallen upon the shoulders of an all-volunteer force. Only 0.4% of the country currently serves on active duty, and only an additional 0.8% of the population is a veteran of the recent U.S. wars.<sup>15</sup> Comparatively, almost 10% of the American population fought in the war in Vietnam, and the threat of conscription hung above the rest of the populace.<sup>16</sup> During the Vietnam War, Americans knew active duty military members. Today, the civilian-military gap is larger than ever. For a small portion of the American public—the U.S. military and their families—the war in Afghanistan remains hugely important, but for the remaining 98%, it is largely irrelevant. Fewer and fewer Americans have a close family member who is in the military compared with previous generations.<sup>17</sup> This has contributed to a large misunderstanding of the costs and burdens placed on veterans of those wars. “Research shows that 84 percent of post-9/11 veterans say the public doesn’t understand the problems faced by those in the military or their families. Civilians agree—71 percent acknowledge a civilian military divide.”<sup>18</sup> In short, the civilian-military divide has allowed for the longest war in American history to be fought by only a small portion of the public and ignored by the remainder.

### *Solutions to Disengaged Citizens*

Having delineated the challenges of Dubik’s Principle of Legitimacy when applied to a disengaged citizenry, and articulated the sources for why that disengagement toward war arises, our attention now turns to just how to “re-engage” citizens disengaged from the U.S. conduct of war. It is here argued that the U.S. government can achieve this by multiple means, each of which has varying appeal. These solutions are not incompatible, but instead can work in tandem with each other or represent an escalation of methods if previous ones are not sufficient.

The first solution is increased focus on the war. War should be the number-one priority of any government involved in waging it. It costs lives, resources, and treasure, and thus all levels of government should recognize the gravity of war and help to bring it to a quick and efficient end. National intelligence agencies should focus on gathering useful wartime intelligence, militaries should effectively wage the war, and diplomats should be focused on gaining allies and discussing peaceful solutions to end the war. Everything that a country does in war time should be framed around the assumption that war is the number-one issue. A counter-argument presented to this point is that it could be impractical or dangerous for a country to focus all of its resources on a given war. However, if a war is truly legitimate and just, then it would necessitate the prioritization of the war. Any way in which it might be dangerous for the state would outweigh the detriment of losing the conflict. In line with this prioritization, governments should also not embark on multiple wars, as it divides resources and public attention. Only under unique circumstances, such as an impending attack, should a nation consider waging another war, and even then, it should disengage from the other war if an imminent threat is not present. However, one legitimate counterpoint is that nations may

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12 “Roll Call Vote 107th Congress - 1st Session,” U.S. Senate: U.S. Senate Roll Call Votes 107th Congress - 1st Session, September 14, 2001.

13 “Roll Call Vote 107th Congress – 2nd Session,” U.S. Senate: U.S. Senate Roll Call Votes 107th Congress – 2nd Session, October 12, 2002.

14 “Issues and the 2008 Election,” Pew Research Center - U.S. Politics & Policy, August 21, 2008.

15 Mona Chalabi, “What Percentage Of Americans Have Served In The Military?” FiveThirtyEight, March 19, 2015.

16 “US Veterans & Military Families,” Watson Institute of International & Public Affairs, Brown University, accessed May 8, 2020.

17 Anita Creamer, “Americans Less Likely to Have Served in Military or Have Close Relatives in Armed Forces,” *Sacramento Bee*, May 26, 2014.

18 Amy Williams, “The Civ-Mil Divide: What’s a Civilian Like Me Doing in a Veteran Leadership Program Like This,” Bush Center, August 22, 2019.



not be able to choose when to prioritize only one war. In some cases, nations must fight multiple wars in order to survive. During these situations, governments should still prioritize the act of war-making, even if both are just.

A second solution to “re-engage citizens,” in tandem with the first, is that the government should have clear, timely, and abundant information regarding the status of the war: government communication to citizens about the status of the war should be excellent. Leaders should conduct daily briefings to be sure that citizens are fully aware of the war’s situation, relaying transparent information to the public that does not compromise mission success. Casualty numbers and “mission updates” could be provided through government web pages. While “mission updates” must adhere to operational security, they could show the status of the conflict as well as progress toward the success of the overall mission.

Lastly, the final method a government could have to “re-engage” its public is through mandatory service or conscription. This option would close the civilian military gap by creating a shared standard for serving across a nation’s youth. Ideally, it would encompass the entirety of a nation: service would be mandatory for everyone, regardless of race, ethnicity, or class. Mandatory service has benefits that extend beyond simply war legitimacy. It would help foster unity within a country, bringing people together of diverse backgrounds much like the all-volunteer military does now, but on a nationwide scale. However, while this would close the civilian-military gap, it also has strong drawbacks. Many people consider conscription to be an infringement upon individual liberties, violating religious or pacifist beliefs. The system also has the potential to be manipulated by wealthy elites for their benefit, as is often the case with other institutions throughout the world. As well, conscription would only be successful in a war that is viewed as legitimate. It would not be morally right for a country to begin conscription part way through a war if the public is apathetic toward it. Likewise, countries that have mandatory service such as Israel, Taiwan, and South Korea do so because of an immediate and pressing threat proximate to them.<sup>19</sup> Conscription and mandatory service are certainly two of the most drastic measures a country could take to fight a war, but ones that would certainly engage the public in a national dialogue.

### **Other Challenges of the Legitimacy Principle in Autocratic and Democratic Societies: “Ignorant” and “Misled” Publics**

While the above section offered solutions for how governments should work to “re-engage” disengaged publics, there are other ways in which legitimate war should be questioned. Below, two of these challenges—“ignorant” publics and “misled” publics—are described.

#### ***The Existence of “Ignorant” Publics***

Of note, all of these measures of engagement of citizens described above apply solely to democratic societies. In each of these, the government is open, transparent, and accountable in a way that autocratic governments are not. In contrast, autocracies lack the incentives necessary to be held accountable by the people, oftentimes only wanting to maintain a hold on power. Thus, in many ways it would actually be counterintuitive for a dictatorship to give open and reliable information about the status of a war. If a war was being waged poorly, or seemed unlikely to have any success, a dictatorship would not want to make the public aware of it. Without a free press or reliable governmental information, there would be no way for the public to know about the status of a war. Conversely, in a democratic society, a robust and free press serves to keep government officials honest through rigorous fact-checking and holding public figures accountable. In situations where an autocratic society withholds information about a war from the public, this might be said to constitute an “ignorant” public, which, by virtue of this ignorance, cannot be said to give legitimacy to war.

Thus, in contemporary conditions, wars in autocratic regimes without public access to information can, under no circumstances, be seen as legitimate. If a society is unable to get reliable and accurate information on a war, then they are unable to give their full and knowing consent. For example, take the Soviet Union’s war in Afghanistan. According to some reports, many Soviet citizens did not know about the war in Afghanistan, and those that did

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19 “Mandatory Service Around the Globe,” National Commission on Service, Medium, December 6, 2018.

know were severely misled.<sup>20</sup> In cases such as these, because the public does not have full information about the war, it is not legitimate. This case is similar but distinct from that of an apathetic public. The public may be apathetic or may even seem supportive of a war, but because they do not have access to all of the information necessary to make an informed decision, they cannot bestow legitimacy upon the war. They are not aware of the casualty rate, how close the mission is to success, or even if a war is being waged. Additionally, any governmental actions that infringe upon individual liberties in this autocratic society cannot be seen as just because the public has not consented. Programs like mandatory service and conscription can only be seen as morally right in democratic societies. If a society is opposed to these programs, its members can elect politicians who would end them and, subsequently, the war for which they were being used. When the public lacks the ability to remove leaders, then there is not a case for legitimacy to be made.

One example of this can be considered what this author terms the “1984 effect.” In George Orwell’s dystopian novel, the citizens of the fictional country of Oceania are all feverishly patriotic and supportive of the regime’s war, despite knowing nearly nothing about the status of the war and seemingly forgetting the history of who they are fighting.<sup>21</sup> While an exaggerated example, no one would believe that the fictitious citizens of Oceania are legitimately consenting to the war they are fighting: they do not know anything about it other than what the government tells them. Similarly, autocratic governments lack the same legitimacy for war as the fictional government in *1984*. Despite how passionately the citizens of Nazi Germany may have supported the invasion of the USSR, because they had not been given a fair means of gathering information from an autocratic government, the war could not have legitimacy.

#### *The Existence of “Misled Publics”*

In contrast to “apathetic” and “ignorant” publics, described above, an analogous though distinct situation can also arise in democracies, resulting in “misled” publics. A “misled” public emerges when a nation’s government misleads or blatantly lies to the public, thus failing to provide them with the necessary information to grant legitimacy upon a war. While democratic societies have a free press with which to uncover these lies, if the press cannot and will not reveal these lies and the public does not have all the requisite evidence to make an informed decision, then the war is not legitimate. A prime example of this is the Vietnam War. In 1971, at the height of the Vietnam War, *The New York Times* published a leaked report known as the Pentagon Papers.<sup>22</sup> These papers revealed that the U.S. government had misled the American public about the origin and waging of the war. It revealed that the Kennedy administration had overthrown South Vietnamese President Ngo Din Diem, and that the carpet-bombing strategy had not been effective in defeating the North Vietnamese.<sup>23</sup> Because the U.S. government was purposefully misleading the American public, it makes any form of “legitimacy” given invalid. Part of the difficulty in the practical application of this principle is that the government holds all of the power. If only the government knows that it has been misleading the public, then it can claim legitimacy, despite this not actually being the case. No one knew prior to the Pentagon Papers that the U.S. government had been lying to its own citizens. In both democratic and autocratic societies, governments rarely admit their mistakes. Instead, it takes politicians with political will and a dedicated free press to reveal when the government has been misleading the public.

So too can the notion of “misled” publics be applied to covert military action within democratic societies. If members of democratic societies are unaware of the extent and level to which the government is using force in foreign nations, then they are again unable to “legitimize” this covert action. While there are certainly some differences between covert military action and traditional war, the same principle of legitimacy can be applied due to the similarities between the two. The U.S. Congress defines covert action “as an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended

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20 Ronald R. Pope, “Afghanistan and the Influence of Public Opinion on Soviet Foreign Policy,” *Asian Affairs* 8:6 (1981): pp. 346-352.

21 George Orwell, *1984* (Harlow: Pearson Education, 2008).

22 Niraj Chokshi, “Behind the Race to Publish the Top-Secret Pentagon Papers,” *New York Times*, December 20, 2017.

23 Ibid.

that the role of the United States will not be apparent.”<sup>24</sup> The main difference between covert military action and traditional warfare is that the instigating nation’s activities are anonymous. However, if covert action is intended to have the same outcome as traditional war, whether it be just or unjust, it still involves the use of violence and thus, the legitimacy principle still applies. The public should be aware of and consent to any covert military action that may occur, much in the way that it would for traditional warfare. While less lives may be endangered than in traditional warfare, covert military action is still an extension of foreign policy through violence, and thus cannot be legitimate without the public’s informed consent.

In sum, this section has offered overviews of two additional genres of publics—the “ignorant” public in autocratic societies and the “misled” public in democratic societies—that, in addition to the “apathetic” public, create challenges for the Principle of War Legitimacy.

### **Conclusion**

Drawing on Dubik’s Principle of War Legitimacy, when a national public is apathetic or unaware of its own waging of a war, said war cannot be legitimate. In order for a war to be sufficiently legitimate, it must receive affirmative public support, not merely lack opposition. The only justifiable way to measure this support is through elections. Elections serve as the ultimate “public opinion” poll that proves whether or not the populace is fully supportive of a war. In order to prevent the public from becoming disengaged with a war, the government must work to actively engage its citizenry. It can do this by prioritizing the war, having clear and consistent communication, and, as a last resort, undertaking conscription. The question of legitimacy is one that derives itself from the will of the people. When war is supported by the public, then it maintains its legitimacy. When a war is not legitimate—whether due to “apathetic,” “ignorant,” or “misled” publics—the morally just action to be taken by the government is to end the war as quickly as possible.

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24 Michael E. DeVine, “Covert Action and Clandestine Activities of the Intelligence Community: Selected



