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Lubin earns prestigious Baxter Prize

Posted on [January 31, 2022](#) by [joboyd](#)

The Lieber Society on the Law of Armed Conflict has named Maurer School of Law Associate Professor [Asaf Lubin](#) the winner of the 2022 Richard R. Baxter Military Writing Prize.

The annual award is presented by the Lieber Society, an interest group of the American Society of International Law (ASIL).

Lubin's winning work, "[The Reasonable Intelligence Agency](#)," is forthcoming in the *Yale Journal of International Law*.

The Baxter Prize recognizes scholarship that "significantly enhances the understanding and implementation of the law of war (also known as



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law or “IHL”).

Prof. Lubin is a former intelligence analyst with the Israel Defense Forces Intelligence Branch and has extensive practical training and expertise in national security law and foreign policy.

“The Reasonable Intelligence Agency” sheds a spotlight on the legal vacuum surrounding the wartime production, verification, and dissemination of intelligence under “our contemporary laws of war.” The article further demonstrates the existence of an accountability gap in international humanitarian law for “faulty intelligence used in targeting decisions.” As noted by the Baxter Award Selection Committee, Prof. Lubin’s paper is “an excellent and engaging work that tackles an important (and under-researched) area of IHL.”

Under the existing treaties of IHL, militaries are required “to do everything feasible to verify” the objects of attacks and minimize civilian casualties and collateral damages. But the treaties stop short of defining what constitutes an effective intelligence gathering system that would meet this obligation. As a result “wartime intelligence errors that cause avoidable civilian harms are allowed to pass with impunity,” and “civilian victims are left with no recourse to seek compensation, let alone justice.”

Through the use of historical case studies and contemporary best practices, Prof. Lubin defines a new duty of care—“The Reasonable Intelligence Agency” test—a breach of which through negligent intelligence production could trigger international liability and responsibility for States. In the [wake of recent reporting](#) on the Pentagon’s own record revealing patterns of intelligence in calamitous air campaigns in Iraq and Syria,



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future.”

The Baxter Prize will be presented at ASIL’s annual meeting in April in Washington, D.C.

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