

Response to Jean Bethke Elshtain, "Thinking about War and Justice"

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As usual, Jean Elshtain's thinking is provocative, incisive, and illuminating. It is especially welcome in the current situation: whereas most religious intellectuals seem not to be thinking, so much as relying on old postures and defunct ideological frames, Elshtain's work has the freshness and vigor of a mind alive to reality. For those who are impressed or provoked, I recommend her recent book *Just War against Terror* for a more extended and systematic proposal. But this essay contains the pith of her larger proposal, and it is most welcome. Nonetheless, there are inevitably places where I would extend or emend her thinking, as will be seen below. Most basically, I might want a more thoroughly *theological* proposal, because such a proposal has more power in shaping the characters of those involved in just wars, and we endanger ourselves if we ignore it.

1. Elshtain is certainly right, and importantly so, in emphasizing the myopic focus on "peace" assumed, with astonishing self-righteousness, by many self-proclaimed "peace activists." Such people seem unable to imagine anything might be worth going to war over, that peace--or rather, the absence of combat--trumps all other goods. This explains the breathtaking admission by Ariel Dorfman in the *Washington Post* on February 23, that he would consciously accept the torture of little children in front of their parents rather than have the United States intervene, because--well, why exactly? It was never made clear. Or Scott Ritter's recent admission in *Time Magazine* that he won't talk about a prison he stumbled upon (as a UN inspector) in Iraq in 1998--a "horrific" prison filled solely with children, "toddlers up to pre-adolescents"--because that might give credence to the pro-war camp, while he is "waging peace." A peace in which children are tortured systematically by a state is no peace; and those who insist that it is--the Dorfman and Ritters of the world--are at least indirectly culpable for those tortured children.

But at least these thinkers are clear about what their positions entail; most of the religious voices, particularly Christian voices, in the various anti-war movements were even less mature than this. For them it was enough to oppose the Bush administration. One of the most depressing of events for me, in the months preceding this war, was how most religious groups systematically evaded genuine engagement with opposing arguments, and indeed refused even to grant moral seriousness to those arguments. Their "contributions" to public discourse never rose above cries of "no blood for oil!" and mocking snipes at George Bush's intelligence and "moralistic posturing." There was no acknowledgment that there might be any good reasons to contemplate a war, even if one judged those reasons to be outweighed by other reasons.

Of course there were good arguments against the Iraq war, as there were good arguments for it, and the debate about the war has to be judged one of the most sustained and rich public discussions in recent memory. (I do not include here the non-debate in the political arena.) The best thinkers on these issues on both sides were able to capture the complexity of the judgments. Michael Walzer, for example, offered a quite nuanced argument for why he thought war would be wrong--but he did so after granting the force of arguments for war. On the other side, Kenneth Pollack argued for the war as the "least worst" thing to do. In such instances, the positions granted the force of the other side's arguments.

But by and large, the religious advocates were so fundamentally captive to an essentially otherworldly and ideological picture of what was going on that they could not even imagine there *was* another side. "Why would you want a war?" was a question several friends asked me at different points in the fall and winter; and the clumsiness of the question (I didn't *want* a war, but I was willing to countenance one) and the naiveté of the presumption (were there *any* grounds on which a war could be justified?) masked a fundamental--not innocence, that's too pretty a word for it--ignorance of the facts on the ground in Iraq. (Sometimes, in fact, they seemed to cross into actual anti-knowledge, as when George Hunsinger argued in the *Christian Century* that the Hussein regime hadn't really gassed the Kurds in 1988, on the basis of a decade-old discredited report.) But their sheer ignorance of history and the current situation in Iraq was not the driving force; what was, was the thought that anyone arguing for a war is morally wicked. My friends were flummoxed; I didn't smell of brimstone, so why was I arguing "for war"? The idea was that

war, *any* war, is so obviously, patently bad that those who might endorse it are beyond the pale of discussion, hence crippling one's ability to engage intelligently with others in authentic public discussion. --And this from people who accused Bush of simplistic moralism!

How has this happened? Elshtain is partly right: Over the past few decades, there has been a conceptual migration towards a picture of "peace" as immediately attainable, and obviously good--and a picture of war as never, ever an alternative to be contemplated. The eschaton has come down to earth; people think that the end-time vision of the lion lying down with the lamb is, in Reinhold Niebuhr's terms, a "simple possibility." But the psychology here is important. It is not that people actually, consciously, directly decided that eschatological peace was attainable. Rather, people "backed into" affirming this, albeit still implicitly, by their terrific recoil from the idea of war as ever a good thing. Certainly this was encouraged by the identification of war with nuclear war, in the minds of many people, after World War II, so that the desperation to avoid nuclear apocalypse drove people to hope for a permanent peace. The problem is not, as Elshtain seems to suggest, simply a naive hope that the eschaton can be realized on earth; the problem is more complex--an unwillingness to imagine that war may not be the absolute horror we have generally come to believe that it is. We suffer from an utter inability to imagine that sometimes "peace," or a significantly less violent condition, only comes out of the barrel of a gun. We forgot that sometimes you have to give war a chance.

Since 1991 this has been the lesson we have been asked to (re-)learn: Again and again in the past decade, it has been the failure of powers to intervene militarily, and to sustain those interventions, that has led to humanitarian catastrophes, or the failure to halt such crises. Think of the ignominious failures in Iraq in 1991 (during the post-war rebellions against Hussein), Somalia in 1993 and Bosnia until 1995, and the failures even to fail in Rwanda in 1994 and Afghanistan after 1992; in all of these situations many more humans died and suffered because of a lack of will among the international community to impose a military solution. In contrast, think of Bosnia after 1995, Kosovo after 1999, and Afghanistan after 2001: none of them are flourishing liberal democracies by any means, but they at least stand some chance of becoming stable and viable societies. But in the debates before the Iraq war, the anti-war arguments proceeded as if nothing of any relevance had been learned since Vietnam. Perhaps the lesson here is that you can't teach an old Boomer new tricks: the generation formed by Vietnam may be, by and large, simply untutorable about the new world in which we find ourselves. In any event, one cannot be responsible for others' mistakes; all one can do is correct our own. And by now we should be re-thinking the idea of war as, well, *thinkable*; and Elshtain helps immensely in that regard.

2. None of this entails that the decision to go to war is a light one; if war is thinkable, that means it demands hard consideration. And that hard consideration involves realizing that one may be obligated to do something that is, in some way, potentially morally distasteful, perhaps even compromising. As Elshtain says, "the use of force may be necessary, though it is always an occasion for moral regret." But again, as Elshtain would say, the question is, what are the other options? And here again she's right on target. The tragic opacity, contradictions, and corruptions of human beings stymie the impatient antiseptic fantasies of utopian thinkers in ways that make it impossible to find the perfect solution they presume to be possible.

But the tragic opacity of human life makes me go farther than Elshtain, beyond regret into remorse: Not only is the idea of a perfectly immaculate policy not to be had in our world; our sense of the flaws in our policy should help us cultivate a recognition of our own sinfulness, and likely complicity, in the evils we intend to stop.

Elshtain approaches recognizing this when she insists that just-war theory cannot be a "tick-list"--a relatively portable set of criteria, a geopolitical-ethical algorithm applicable by just anybody. It requires properly formed--morally and religiously--agents to enact it. I want to say that part of the formation of these agents is their coming to see themselves as tragically mal-formed in certain ways. And in going farther than Elshtain here, I will highlight something she seems to let pass--namely, the irredeemably *theological* context of just-war reasoning. It is not just that the *origins* of just war thinking lie in Christian theology; parts of it may be embedded in international law, and the laws of war, but the position itself is far more organically theological than is often acknowledged.

Some people see claims of this sort as an especially distasteful form of apologetics--as if only Christians can use just war, and so we all must be Christians today. But that's not my aim at all; I want rather to point to the ways in which uprooting just-war reasoning from its theological setting encourages a dangerous distortion of just-war theory, to which all of us must be sensitive.

Most especially, just-war theory emerges out of an account of human fallenness without which just warriors may delude themselves into assuming that they are ever other than significantly morally compromised. The "justice" in just-war theory should never be claimed to be more than *relative* justice. That is, just war theory is not only based on the "Christian universalism" of egalitarianism and universal concern that lies at the basis of international law, as Elshtain puts it; it is also based on that other, less palatable, Christian universalism, unacknowledged in international law but even more basic in international relations: the universalism of sin.

Just-war theory, that is, is part of a larger theological worldview which begins from a vision of human life as tragically, irremediably corrupted, and it describes one facet of how humans should participate properly, or least improperly, in life so conceived. But it harbors no pretense of offering a tidy resolution to the problems which it is designed to address, and to suggest otherwise is to court a dangerous hypocrisy. Just-war reasoning is not undertaken most primordially by rulers and other political actors; it is undertaken by those people, to be sure, but most primordially undertaken by them as *sinner*s--creatures who suffer from the same basic maladies as their opponents.

Thus Augustine's pellucid picture of the "tragic vocation of the judge," which Elshtain discusses, does not simply stop with Augustine's urging Christians to accept the vocation of political authority; Augustine goes on to insist that a Christian occupying the judicial bench does not have her conscience cleansed by knowing God wants her in that position. And if the judge makes tragic though unculpable mistakes, "is it a problem if, while he is innocent, he is yet not happy? How much more considerable and worthy is it when he acknowledges our miserable necessities, hates his part in them, and, if he is pious and wise, cries out to God, 'from my necessities deliver me!'" The exercise of political power--an exercise sometimes entailing the use of force, and typically relying implicitly on the potential use of force--is not something which we ought to expect not to affect our souls; it should trouble, humble, even perhaps *break* our wills, make us wish we were other than who we are. Happy is the land that is ruled by someone who does not enjoy ruling too much; best is the war that is waged by someone who wishes they did not have to wage it.

Just-war reasoning, as part of a larger worldview, not only must *not* be an algorithmic system or check-list aimed at exculpating those who act; it must also discourage any moralistic evasions of responsibility, remorse and regret and so, positively, encourage our recognition of our sinfulness. It must not merely make warriors, it must make *mournful* warriors, those who live with the thought that their decisions have been made at real moral cost. Elshtain's recognition of the import of "regret" does not go far enough, I fear, in recognizing the moral state of near-despair which "just warriors" ought to cultivate.

It is this lacunae in the public just-war rhetoric, by the way, that made me (among others) decry the light way in which Americans took the Iraq war, as if we were not complicit in the accidental deaths of innocents, and the intentional deaths of combatants. There was no public proclamation of a day of fasting, a day of mourning, a day of public, if diverse, forms of remorse; not only does this miss a chance at good foreign public relations, not only does it suggest that we do not really live in a republic where the whole citizenry are responsible for the state--most troublingly it reveals a deep moral disconnect from the acts done in our names, a disconnect which suggests that we simply don't realize we live in a real world, that ours was a real war, and that people really died in it. And that we, indirectly, were and remain responsible for these things.

3. Finally, Elshtain is right that to attempt to live by an "end-time ethic" is hopelessly other-worldly. As she says, "The 'peace of Christ' exchanged by believers on Sunday morning has never and will never descend on our fallen world short of the eschaton." But her rejection of eschatology may sound too absolute. We must be careful not to simply put eschatology up on a shelf to be forgotten. Eschatology is no more simply otherworldly than it is a simple possibility in our world; it operates in our world today, and we must remain alert to its energies, both in our awareness of self-condemnation and in our hope.

To say this is to say something that is inescapably theological. Our recognition of the tragedy of war, our sense of our moral implication in its necessity and in the particular implications of its waging, is decisively shaped by our eschatological sense that "this"--how much horror pressed into one bland word!--is not how things should be, and it is not how things will finally be. Our moral remorse and regret are or should be in large part informed by the very disquieting idea that we *will* be made to answer for our complicity in these events; that we will be held to account, if not here on earth, in some final court of justice; that justice is not forever deferred; that the blood of the innocent cries from the ground; that God is not mocked forever. Paradoxically, our sense of sin is based on our hope, and indeed the former is unintelligible without the latter. Eschatology is the traditional form that that sense of hope has taken: We are to hope for and fear God's judgment at one and the same time, and cling not to our own righteousness--which we know to be an illusion--but the righteousness we have as an alien gift.

Having moved from the relative justice of some wars to arguing for our need, in and after such wars, to bewail our sins and beseech God for forgiveness, this seems a good place for a theologian to stop--with gratitude to Jean Bethke Elshtain for having offered so stimulating a paper.