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REINHOLD NIEBUHR & THE PROBLEM OF PARADOX By Marc LiVecche

THE GREAT WAR & THE DAWN OF THE AMERICAN CENTURY By Joseph Loconte

WILL CHRISTIANITY SURVIVE IN THE MIDDLE EAST? A CHRISTIAN PERSPECTIVE By Kent R. Hill

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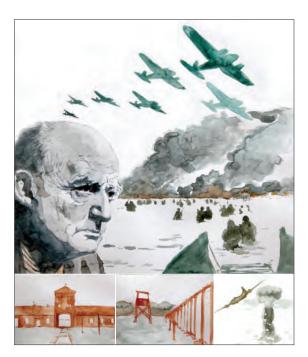
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KENT R. HILL WILL CHRISTIANITY SURVIVE IN THE MIDDLE EAST? A CHRISTIAN PERSPECTIVE



Portrait of Reinhold Niebuhr by Hannah Strauss, original commission, 2017. A pensive Reinhold Niebuhr considers the scene before him, surrounded by iconic images from the Second World War. While referencing historical events, horrific locations, and the machinery of warfare, these images also suggest the focal points of Niebuhr's internal conflicts as he wrestled with his own theological and ethical conceptual dilemmas. Immediately behind Niebuhr is an amphibious assault, with warfighters disembarking a landing craft and wading toward a shoreline already engaged with the fire, smoke, and din of battle. Above him, bombers swarm in deadly formation. Below are rendered scenes depicting the hated guard towers and dreaded gate of Auschwitz-Birkenau and the atomic bombing of Hiroshima, Japan. Taken together, these scenes begin to describe the reach, the moral and political complexity, and the devastation of human conflict.

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ESSAY



Jean Bethke Elshtain. Amongst students, she shone. Source: Errol Elshtain.

JEAN BETHKE ELSHTAIN: AN AUGUSTINIAN AT WAR

Lubomir Martin Ondrasek

ean Bethke Elshtain (1941-**J** 2013) was an American political theorist, ethicist, and public intellectual who made scholarly contributions to the debates on feminism, marriage and the family, democracy and civil society, theology and religion, and war and international relations. Indeed, such was the scope of her contributions that four multi-day conferences were required to assess and honor her work. Sponsored by the McDonald Agape Foundation and convened at the University of Chicago, where she had taught since 1995, these events, dubbed "The Engaged Mind," were held annually from 2010-2013. The last conference, which evaluated her concerns regarding war, was held posthumously in the months shortly following her death. Taking up the same focus, this essay will elucidate Elshtain's understanding of the just war tradition—a long and important mode of thinking about the ethics of war and peace in the West—which she always insisted remained relevant today, even if certain aspects might bear reexamination and further development in light of the new realities of 21st-century conflict.

JUST WAR TRADITION: A Conceptual framework For the ethics of war & Peace

Jean Bethke Elshtain was a political realist, but not in the usual sense of the word.¹ Like other realist thinkers, she takes the dynamics of self-interest and power in domestic and international relations seriously, emphasizes the important role of sovereign states in the international system, believes in the practical inevitability of conflict in human society, worries about the danger of societal disintegration and anarchy, and yearns for order, security, and civic peace. Furthermore, she recognizes that peace cannot be attained without a certain level of coercion and occasionally even the use of military force. Like Augustine, who is widely considered the father of the Western just war tradition, and unlike other realist thinkers such as Thomas Hobbes and the more contemporary E. H. Carr, Elshtain was also a moral and theological realist² who maintains that ethics should not be separated from politics. Elshtain rejects the classical realists' belief that any reference to ethics and morality in politics is just an ideological cover up, smokescreen, or window-dressing that conceals the true intentions of the political actors involved. She would not deny this as a possibility, but believes political conflicts and wars can seldom be reduced to the basic principles

of *realpolitik* since people usually act from a multiplicity of motives, including moral ones, even if never in a completely pure form.

Although her political realism is anchored in moral realismshe argues that the veracity or falsity of moral claims can be established independently of commonly-held beliefs of a particular culture and are not just an expression of the subjective attitude of a particular individual or a matter of social contract—Elshtain is not a sententious moralist. She agrees with another Augustinian thinker, Reinhold Niebuhr, who asserts that to treat Jesus' ethics as a "simple possibility" directly applicable to political and social life would be an egregious error and that any attempt to, as Martin Luther says, "try to rule the world by the Gospel" would fail and have disastrous consequences. Thus, Elshtain both rejects moral relativism, which has become prevalent in present-day Western society, and is cognizant of moral ambiguities, especially in politics. Elshtain's metaethical position can be characterized as a form of minimalist universalism, and its practical application can be seen in an important document-written in response to the 9/11 terrorist attacks-titled "What We're Fighting For: American Intellectuals Defend the War against Terrorism."3 Elshtain was one of the principal authors of this open letter signed by sixty scholars and public intellectuals. In it they defend the war against terrorism on moral grounds, starting their argument with the affirmation of "five fundamental truths that pertain to all people without distinction" and the declaration that "we fight to defend ourselves and to defend these universal principles."4

She acknowledges three fundamental ethical assumptions—or as she calls them, "self-evident truths"—that guide (also her) just war thinking: "the existence of universal moral dispositions," "an insistence on the need for moral judgments," and "the power of moral appeals and arguments."⁵

The ethical framework within which Elshtain conducts her just war thinking is casuistry-"moral reasoning" based in cases, which according to her "drove the just war tradition historically."6 In this form of practical reasoning, one relies on paradigm cases and basic moral norms and principles, arguing by analogy and applying them to unsettled novel cases, while being attentive to the complexities of the world that may change the moral evaluation of any one act. Elshtain subscribes to neither a deontological nor consequentialist approach in ethics, but maintains that just war interacts with these modes of moral reasoning to transcend the field's typical fault lines. That same interaction enables the just war approach to transcend the realist-idealist dichotomy of international relations.7 Elshtain is not only critical of thinkers who refuse to apply any moral standards to the use of force, but also those who apply "deontological rigidities rather than casuistical rules"8 to question the use of force. She consistently reminds us that one must "reason from principles but there may, in practice, be exceptions to the principles."9 In other words, the principles may be-after rigorous exercise of prudential judgment-"overridden" in certain cases. Some just war thinkers ground their ethics of war and peace in a strict deontological tradition, which Elshtain finds problematic because she views Kantian ethics as too formal and narrow, abstract, inflexible for interpretation, excessively moralistic, and based on the faulty assumption that moral values can never conflict with one another.¹⁰

Elshtain posits that the just war tradition, as an alternative to realism on one hand and pacifism on the other, seeks to provide justification for the use of force and at the same time puts significant limits on its potential destructiveness.¹¹ Elshtain frequently warns that "just war is and must remain a cautionary tale,"12 referring to Augustine's teaching that "war and strife, however just the cause, stir up temptations to ravish and to devour, often in order to ensure peace."13 War is and always will be a tragedy, even when justified, and one must therefore approach it with great reluctance and regret. But despite the terrible tragedy of war, just war thinkers argue that "even more tragic is permitting gross injustices and massive crimes to go unpunished."14 Guided by the principal conviction that the aim of war is to the restoration or defense of a just peace, Elshtain recognizes that the deployment of force can be a tragic necessity.

Locating the justified use of force in a framework of Augustinian realism, she expounds:

> Augustinian just war thinking imposes constraints where they might not otherwise exist, generates a debate that might not otherwise occur, and promotes skepticism and uneasiness about the use and abuse of power without opting out of political reality altogether in favor of utopian fantasies and

projects. It requires action and judgment in a world of limits, estrangements, and partial justice. It fosters recognition of the provisional nature of all political arrangements. It is at once respectful of distinctive and particular peoples and deeply internationalist. It recognizes self-defense against unjust aggression but refuses to legitimate imperialistic crusades and the building of empires in the name of peace.15

Elshtain further argues that Augustinian realism acknowledges the limits of the human ability to bring about perfect peace to our earthly existence. Her approach also recognizes the paradoxical nature of power, appreciating both the warning that power must be distrusted and the contention that power is an inescapable reality in our world. On my reading of Elshtain's works, her Augustinian realism is undergirded by three essential concepts-limits, responsibility, and hope-which are visible in the following citation: "Augustinian realists are not crusaders, but they do insist that we are called upon to act in a mode of *realistic hope* with a hardheaded recognition of the *limits* to action"16

In summary, Elshtain insists that the just war tradition is not a rigid moral system with "immutable rules so much as [it is a means of] clarifying the circumstances that should—and actually, if imperfectly—do justify a state in going to war (*jus ad bellum*), and what is and is not allowable in fighting the wars to which a state has committed itself (*jus in bello*)."¹⁷ When scrutinizing various criteria of the tradition, it is worth noting that, for Elshtain, these criteria



Augustine in His Study, by Sandro Botticelli, 1490-94. Uffizi. Source: Wikimedia Commons.

do not represent some sort of simplistic "check-list" but rather complex ethical principles that are put at the service of moral and political deliberation in concrete situations. The political theorist is not dogmatic on the precise number of criteria that should be fulfilled when deciding whether to use force, and does not ascribe them equal importance. She acknowledges that "just war principles are ambiguous and complex. Evaluations have to be made at each step along the way. New facts may alter previous assessments. Greater and lesser evils must be taken into account."18

Let us now briefly analyze the guiding principles that Elshtain uses to determine when the initiation of force is justified and what criteria should guide just conduct in the midst of war.

JUS AD BELLUM

First, a just or justified war can only begin and be conducted under a legitimate political authority. Elshtain notes that the

purpose of this criterion is to "forestall random, private, and unlimited violence."19 The just war must be "openly declared or otherwise authorized," but the question of what constitutes a legitimate authority remains open. In recent decades, there has been an increasingly popular notion that the United Nations possesses the ultimate right to authorize the use of force, with the underlying assumption that this policy would prevent the unilateral use of force, which is generally viewed in a strongly negative light as unjust and even imperialistic. Elshtain disagrees, claiming that "there is nothing in the just war tradition that requires that a decision to go to war, in order to be legitimate, must be made by a group of states or by some other body by contrast to de jure state itself."20 This is not to say that a state should not attempt to present a strong case before an international body or that it would not be prudent to create a coalition of states to fight war, but one thing that Elshtain wants to unequivocally argue, is that "just war doctrine does not stipulate that only the UN can legitimately declare war."21

In her writings, Elshtain seems to focus on the second ad bel*lum* criterion, namely, having a just cause for war. According to her, wars of "aggression," "self-aggrandizement," and "holy wars" that seek to expand the boundaries of faith by military means are clearly prohibited within the just war tradition.22 Conversely, any response to aggression against one's homeland (self-defense) or another country (humanitarian intervention) comprises just cause. Elshtain has become a leading voice among contemporary just war thinkers who identify humanitarian intervention as a justifiable cause for war.

Because of such cases in which sufficiently grave aggression clearly must be resisted, one of Elshtain's more contested views is the insistence that we ought never to claim that peace is in all cases preferable to war.23 Accordingly, while some contemporary just war thinkersperhaps most notably observed in the U.S. Bishops' pastoral letter The Challenge of Peace (1983)-began to recast the just war tradition as beginning with a "presumption against war," Elshtain pressed in the opposite direction and substantially shifted the just war emphasis back toward a "presumption for justice." Aligned with this presumption, Elshtain, acknowledging the morality of force in cases of intervention against "organized, continuing and systematic violence or the imminent threat of such,"24 welcomed the emergence of a related concept called the "Responsibility to Protect" (R2P), initiated by the Canadian government in 2001 and endorsed by the United Nations in 2005, as a response to the international community's utter failure to prevent several mass atrocities in the 1990s. Moreover, Elshtain belongs to a group of just war thinkers who believe that under certain circumstances the use of preventative force may be justifiable, even if the concepts of preventive and preemptive war and how she understands them are beyond the scope of this essay.25

There are many significant questions and dilemmas that surround the issue at hand, including how wide or narrow should be the option for humanitarian intervention or what criteria should be used for determining the potential justifiability of using force for humanitarian purposes. Using military force for humanitarian purposes in



An Augustinian in hers. Source: University of Chicago Divinity School.

every justifiable situation would be both impossible and impractical, yet it also does not follow that one should therefore not intervene anywhere. Perhaps the most controversial element of waging a war of humanitarian intervention is compromising the national sovereignty of the country under attack. Elshtain, realizing this conundrum, offers the following interpretation and imperative:

> We must recall and recuperate an earlier moral conception of sovereignty to live alongside the monopoly of the means of violence definition of the state, namely, an understanding of sovereignty as responsibility; Correlatively, this means sovereigns can "unsovereign" themselves, as Kings could unking themselves and transmogrify into tyrants: this in the medieval right of resistance tradition.²⁶

Elshtain's insistence on viewing sovereignty in the context of the just war tradition primarily from an ethical perspective, rather than as it has been commonly understood in the post-Westphalian era, may be difficult for some to accept, but it appears to be the only way one can legitimately justify the use of force in order to prevent a severe humanitarian catastrophe.

The third ad bellum criterionclosely related to the just cause principle-is that a war must be undertaken with the right intention. For Elshtain, this does not mean that a country or coalition must be "entirely disinterested" when entering war.27 Here is an "insurmountable tension" between the Kantian and Augustinian approaches to just war: while the former insists on purity of intention, the latter maintains that "all human motives are mixed, we are limited, finite creatures who often will and nill simultaneously."28 Elshtain believes a state cannot and should not be absolutely disinterested in the use of force for humanitarian purposes because the primary reason for the existence of a state is "to protect its own citizens and to defend the national interest."29 The right intention within Augustinian framework is ultimately love (caritas) for one's neighbor, which unlike the pacifist tradition does not exclude the use of military force. Considering how challenging it is to evaluate true motivations of the human heart and the fact that human behavior consists of a multiplicity of motives, it is not surprising that Elshtain does not put too much emphasis on this principle in her writings.

Another *ad bellum* criterion of the just war tradition maintains that there should be a reasonable chance of success before engaging in war. This criterion is centered on prudential judgments regarding the course and outcome of the war. It is generally presumed that one should only engage in a military operation when it is probable that such an operation is going to be successful and the sacrifice of blood and treasure would not be in vain. This criterion is discussed by Elshtain only sporadically, perhaps partially because it seems-at least in the case of the United States, the world's sole military superpower for the past quarter-century-much less relevant than, for instance, the principle of discrimination.

The final criterion for entering combat in the just war tradition is the principle of last resort. Elshtain seems to be a little inconsistent here when she in her earlier works lists this criterion as one of the "seven (or more or less) requirements"30 found in Augustine, and then later asserts that this is a minor and relatively new criterion which "did not really figure in the thinking of Ambrose, Aquinas, or Augustine."31 Elshtain does not interpret this criterion in the strict sense, viewing "last resort [as] a resort to armed force taken after deliberation rather than as an immediate reaction."32 Rather than indefinitely trying various alternatives, one only needs to take them seriously into account and never use force as the first option. Elshtain would endorse reasonable attempts at a peaceful resolution of conflict (e.g. negotiations, sanctions, deterrence), but she rejects an overly rigid interpretation of the last resort criterion that would set a prohibitively high bar for entering war. In such cases, one would effectively join the ranks of the functional pacifists, who claim to be working within the just war tradition but who in fact have a hard time identifying any war that could be labeled as "just."

JUS IN BELLO

There are two interrelated criteria that pertain to just conduct in war: discrimination and proportionality. The primary purpose of both principles is to restrain the use of force in combat and thus limit destruction emanating from it. Elshtain's work is particularly attentive to the discrimination principleknown also as non-combatant immunity-which she considers "the most important *in bello* criterion."33 "Discrimination," Elshtain explains, "refers to the need to differentiate between combatants and noncombatants. Noncombatants historically have been women, children, the aged and infirm, all unarmed persons going about their daily lives, and prisoners of war who have been disarmed by definition."34 It is important to note that Elshtain's understanding of this criterion underscores that civilians can never be intentionally targeted by countries in war.35

To illustrate the principle of discrimination, Elshtain chastised the Clinton administration for how it conducted the 1999 Kosovo War. While realizing the impossibility of waging a zero-civilian-casualty war and affirming the principle of double effect, the Elshtain nevertheless insisted that the United States was obligated to do its utmost to minimize the number of civilian deaths and unnecessary destruction of infrastructure. This was hardly the case, considering that the bombing campaigns were carried out from a minimum altitude of 15,000 feet, which, while protecting American aviators, significantly lowered the accuracy of bombing runs, thus increasing the likelihood of civilian deaths. Evaluating the war efforts from the just war

tradition perspective, Elshtain writes:

[W]e made no attempt to meet the strenuous demand of proportionality; rather, we violated the norm of discrimination in a strange up-ended kind of way by devising a new criterion, it seems: combatant immunity ranked higher as a consideration than did noncombatant immunity for Serbian-or Albanian Kosovar-civilians. With our determination to keep NATO soldiers-in other words, American soldiers-out of harm's way, we embraced combatant immunity for our own combatants and, indirectly, for the Serb soldiers. Instead, we did a great deal of damage from the air, reducing buildings to rubble, tearing up bridges, killing people in markets and television stations.36

In a different context, she remarked that it is "better by far to risk the lives of one's own combatants than the lives of 'enemy' infants."37 Even though it should be acknowledged that modern weaponry such as a precision-guided munition (PGM) greatly enhanced the possibility of discriminating between legitimate and illegitimate targets in military operations, Elshtain insists that one should always remember the inherent dignity of each human person and never take lightly the tragic loss of innocent life.

Elshtain interprets the second *in bello* criterion of proportionality generally in line with the majority of classical and contemporary just war thinkers. The principle "requires that the nature of one's coercive force

should be proportional to any injury sustained or planned, and that at whatever minimal force can be used to do the job should be deployed."38 She expressed deep regret over "the extraordinary lopsidedness of deaths and causalities" in the Persian Gulf War, a situation in which the United States military may disproportionately have used force against its ill-resourced Iraqi counterpart.39 Finally, this latter position should render clear that Elshtain is not only opposed to the use of excessive force with its adverse impact on the civilian or combatant populations, but also views the use of weapons of mass destruction as, by definition, prohibited by just war criteria.40

CONCLUSION

Jean Bethke Elshtain, a political theorist who admired Augustine and exhibited a serious interest in the ethics of war and peace, represents a unique voice in the contemporary just war tradition, and remains a complex thinker whose thought is difficult to neatly categorize. This is nowhere more evident than in the battles she would launch, and that were launched against her, as she brought the resources of just war casuistry to bear on the "war on terror," a subject beyond the scope of this essay but one worthy of a future work. Here I have attempted to introduce one crucial area of her scholarship, the popular and scholarly articulation of a moral framework by which American citizens and their allies-military and civilian-can evaluate, resist, and overcome the complex threats arrayed against us. And to do so justly. P

Lubomir Martin Ondrasek

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(Endnotes)

¹ My portrayal of Elshtain as an "Augustinian realist" can be found in "Augustinian Realism as a Foundation for Christian Public Engagement: Lessons from Jean Bethke Elshtain," Lubomir Martin Ondrasek & Ivan Moďoroši (eds.), Cirkev a spoločnost: Smerom k zodpovednej angažovanosti & Church and Society: Towards Responsible Engagement (Ružomberok, SK: Verbum, 2015), 214-227. I have written on Elshtain as "A Different Sort of Political Realist" in this chapter and used a portion of the material from there in this section of the essay.

² For discussion on the different types of realism, see Robin W. Lovin, Reinhold Niebuhr and Christian Realism (Cambridge, UK: Cambridge University Press, 1995), 3-24.

³ Jean Bethke Elshtain, Just War Against Terror: The Burden of American Power in a Violent World (New York: Basic Books, 2003), 182-198.

4 Ibid.,182-183. (emphasis added) ⁵ Jean Bethke Elshtain, "Just War as Politics: What the Gulf War Told Us About Contemporary American Life," in Jean Bethke Elshtain (et al.) & David E. Decosse (ed.), But Was It Just?: Reflections on the Morality of the Persian Gulf War (New York: Doubleday, 1992), 44-45. ⁶ Jean Bethke Elshtain, "Varieties of

'Violence': Thinking Ethically about the Use of Force in the War on Terror, in John D. Carlson and Jonathan H. Ebel (eds.), From Jeremiad to Jihad: Religion, Violence, and America (Berkeley, Los Angeles: University of California Press, 2012), 280.

⁷ Jean Bethke Elshtain, "Introduction," in Jean Bethke Elshtain (ed.), Just War Theory (New York: New York University Press, 1992), 2.

⁸ Jean Bethke Elshtain, "Peace, Order, Justice: Competing Understandings, Millennium-Journal of International Studies (Volume 36, Number 3, 2008), 415.

⁹ Jean Bethke Elshtain, "On Never Reaching the Coast of Utopia." International Relations (Volume 22, Number 2, 2008), 164.

¹⁰ Jean Bethke Elshtain, "Just War Tradition," Class Lectures (University of Chicago Divinity School, Spring 2008). ¹¹ Elshtain, "Introduction," in Just War Theory, 1.

¹² Jean Bethke Elshtain, Augustine and

the Limits of Politics (Notre Dame, IN: University of Notre Dame Press, 1996), 111.

13 Ibid.

¹⁴ Elshtain, Just War Against Terror, 54. ¹⁵ Jean Bethke Elshtain, "Just War and Humanitarian Intervention," Ideas from the National Humanities Center (Volume 8, Number 2, 2001), 19.

¹⁶ Elshtain, Just War Against Terror, 70. (emphasis added)

⁷ Elshtain, "Epilogue," in Just War

Theory, 324. ¹⁸ Elshtain, "Just War as Politics: What the Gulf War Told Us About Contemporary American Life," in But Was It Just?, 48.

¹⁹Elshtain, Just War Against Terror, 57. ²⁰ Elshtain, "New Preface," in Just War Theory, xiv.

²¹ Elshtain, "Comments on the Libya Intervention in Light of Just War Doctrine on 'Right Authority'," Capital Commentary, April 8, 2011.

²² Elshtain, "Just War Tradition," Class Lectures.

23 Elshtain, "Thinking about War and Justice," The Religion and Culture Web Forum (University of Chicago Divinity School, Martin Marty Center, May 2003).

²⁴ Elshtain, "Comments on the Libva Intervention in Light of Just War Doctrine on 'Right Authority'," Capital Commentary.

²⁵ See Jean Bethke Elshtain, "Prevention, preemption, and other conundrums,' in Deen K. Chatterjee (ed.), The Ethics of Preventive War (Cambridge, UK: Čambridge University of Press, 2013), 15-26.

²⁶ Elshtain, "Peace, Order, Justice: Competing Understandings, Millennium-Journal of International Studies, 422. (emphasis added)

³⁰ Elshtain, "Epilogue," in Just War Theory, 324.

³¹ Elshtain, "The Just War Tradition and Natural Law," Fordham International Law Journal (Volume 28, Issue 3, 2004), 750.

³² Elshtain, Just War Against Terror, 61. ³³ Elshtain, "New Preface," in Just War Theory, xiv.

³⁴ Elshtain, Just War Against Terror, 65. ³⁵ Elshtain, "New Preface," in Just War Theory, xiv-xv.

³⁶ Elshtain, "Just War and Humanitarian Intervention," Ideas from the National

Humanities Center, 15. ³⁷Jean Bethke Elshtain, "Kosovo and the Just War Tradition," in William Joseph Buckley (ed.), Kosovo: Contending Voices on Balkan Interventions (Grand Rapids, MI: Eerdmans, 2000), 365.

38 Elshtain, "New Preface," in Just War Theory, xv.

³⁹ Elshtain, "Just War as Politics: What the Gulf War Told Us About Contemporary American Life," in But Was It Just?, 53.

⁴⁰ Elshtain, Just War Against Terror, 69-70.

²⁷ Ibid., 420.

²⁸ Ibid.

²⁹ Ibid.



DOMINION /də'minyən (IS NOT) DOMINATION /dämə'nāSH(ə)n/

"Let us make mankind in our image; and let them have dominion over all the earth..." Called to share the Divine likeness, human beings were made to exercise rule in the form of dominion: delegated, providential care—responsibility—for the conditions of history, in history. Such care is characterized by other-centered acts of self-donation. This contrasts sharply with domination. Since the Fall in the Garden of Eden, human beings have been afflicted by the *libido dominandi*—we have been ruled by the lust to rule. Domination is characterized by self-centered acts of other-donation that feed our hunger for power, advantage, and glory through the forced submission of the powerless to our will.

The political-theological patrimony of the Christian intellectual tradition, including just war casuistry, helps guide human beings back to the just exercise of our governing vocation. In our private and public lives, including through the work of government, human dominion is approximate, limited, and imperfect. Following after God's work of creating, sustaining, and liberating all of creation, human beings exercise power with the aim of peace, characterized by the presence of justice and order as oriented toward genuine human flourishing.