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# Scarred souls, weary warriors, and military intervention: the emergence of the subject in the just war writings of Jean Bethke Elshtain

PETER LEE

**Abstract.** Over the past three decades Jean Bethke Elshtain has used her critique and application of just war as a means of engaging with multiple overlapping aspects of identity. Though Elshtain ostensibly writes about war and the justice, or lack of justice, therein, she also uses just war a site of analysis within which different strands of subjectivity are investigated and articulated as part of her broader political theory. This article explores the proposition that Elshtain's most important contribution to the just war tradition is not be found in her provision of codes or her analysis of *ad bellum* or *in bello* criteria, conformity to which adjudges war or military intervention to be just or otherwise. Rather, that she enriches just war debate because of the unique and sometimes provocative perspective she brings as political theorist and International Relations scholar who adopts, adapts, and deploys familiar but, for some, uncomfortable discursive artefacts from the history of the Christian West: suffused with her own Christian faith and theology. In so doing she continually reminds us that human lives, with all their attendant political, social, and religious complexities, should be the focus when military force is used, or even proposed, for political ends.

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## Introduction

Of all the contributions to the debate surrounding the response of the US and its allies to the epoch-changing terrorist attacks of 2001, among the most controversial was Jean Bethke Elshtain's 2003 book *Just War Against Terror*. Countless words have been written about the events that shaped the opening decade of the twenty-first century and a considerable number have already been written about Elshtain's contribution to the political debate in general and to just war theory in particular. However, a decade further on and with military operations in Afghanistan drawing inexorably towards an acrid conclusion, the themes addressed by Elshtain remain highly relevant and her arguments just as provocative.

Analysis of Elshtain's work at this time is of particular significance to just war theory for two reasons. First, because of the unique perspective she brings as political theorist and International Relations scholar who adopts, adapts, and deploys familiar but, for some, uncomfortable discursive artefacts from the history of the Christian

West: suffused with her own Christian faith and theology. Where others shy away – preferring the relative cultural safety of a secular approach to just war – Elshtain unapologetically and unflinchingly interpellates theological and political concepts from key Christian just war writers of the past 1,600 years and argues for their relevance in an age where religion, in the shape of Christianity, is increasingly in retreat in the West whilst, in the form of Islam, it is on the advance in the Middle-East, North Africa, and elsewhere. Forgoing the presumption that politics and religion do not mix Elshtain reminds us that they continually overlap in the battle for hearts, minds, and souls in the never-ending struggle for ideological dominance and control over human lives. In that regard, all religion is politics and all politics is religion. Second, Elshtain goes beyond a superficial interpretation and application of just war theory that somehow just *is*, vigorously problematising just war discourse itself and highlighting how the subject has emerged in different forms over time: most notably the gendered subject and the ethical subject.

This article will therefore explore the emergence of Elshtain's subject of war as a means of transgressing what she calls 'the classic levels-of-analysis or three images model ... the individual, the state, and the anarchic international arena'.<sup>1</sup> The use of subject-as-object cuts across the structural analyses of military intervention, the codes of just war, and the complexities of applying international law in shifting political landscapes. Focusing on the subject of Elshtain's just war discourse provides a means of speaking about issues of insurgency, terrorism, justice, and force in what Michael Walzer describes as 'the in-between space' that is neither 'a zone of peace nor a clear zone of war'.<sup>2</sup>

Drawing upon a Foucaultian conception of subjectivity, this article investigates the way in which the subject emerges in Elshtain's writings on just war and military intervention. I will explore how Elshtain's subject is constituted simultaneously in two conceptually different but interdependent ways: first, in conforming to code-oriented moralities and, second, through creative self-forming in ways that go beyond the limitations of codes. Examples of the codes in relation to which Elshtain's subject emerges include just war, international law, and the texts of Augustine to which she attributes significant moral and intellectual authority. These will be juxtaposed with ethical sources that transcend the limitations of established codes: sources such as a desire to promote justice, establish equality, demonstrate bravery, or institute democracy where totalitarianism has previously held sway. Though Elshtain ostensibly writes about war and the justice, or lack of justice, therein, she also uses just war a site of analysis within which different strands of subjectivity are explored and articulated as part of her broader political theory. From the subject of gender differentiation to the ethical subject of war we can identify the non-essentiality of the subject as it is constituted in Elshtain's just war discourse. This article goes so far as to suggest that it is the exploration of subjectivity in the political domain that is a central connecting thread that runs through her just war writings and broader political theory.

The first section will begin by setting out the methodology to be used in the remainder of this article, before moving on to consider aspects of subjectivity in Elshtain's earlier writings on war. She will then be located in relation to more recent

<sup>1</sup> Jean Bethke Elshtain, 'Women and War: Ten Years On', *Review of International Studies*, 24 (1998), p. 455.

<sup>2</sup> Jean Bethke Elshtain, 'A Response', *International Relations*, 21:4 (2007), p. 503.

debate, identifying the subject in her justification of military intervention in Afghanistan. The second section will explore further the emergence of the subject in Elshtain's writings, highlighting her use of Augustine and Aquinas, demonstrating not only the conceptual continuities between past and present but discontinuities as well. This exploration of her just war will be augmented with reference to the subject in her wider political theory, especially in her 2008 book, *Sovereignty: God, State, and Self (The Gifford Lectures)*. The third section of the article will draw upon Elshtain's conceptions of the subject of war, using her ideas as the lens through which to view multiple stands of subjectivity in Afghanistan War discourse today. Lastly, the conclusion will draw together a number of strands from the discussion and highlight the unique contribution Elshtain has made to just war before summarising the ongoing relevance of her writings for contemporary political discourse surrounding war and military intervention. For some just war proponents Elshtain's *Just War Against Terror* signalled a departure from, and inconsistency with, her previous approach to foreign intervention. My closing comments will offer a view on the extent to which she has remained consistent in her arguments over time.

### Foucault and subjectivity

In the years leading up to his death in 1984, Michel Foucault explored the recreation of the self as an ethical subject, a subject that can form herself, or himself, in discourse. Foucault wrote of his work: 'My objective . . . has been to create a history of the different modes by which, in our culture, human beings are made subjects . . . Thus, it is not power, but the subject, that is the general theme of my research.'<sup>3</sup> When Foucault referred to 'our culture', he was referring to liberal Western culture. He spent considerable time and effort analysing what he described as 'the phenomena of power'<sup>4</sup> within that liberal culture, to the extent that towards the end of his life he felt the need to clarify for his readers what he claims as his true goal – the emergence of the subject.<sup>5</sup> Foucault stated: 'There are two meanings of the word "subject": subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to.'<sup>6</sup> If these two dimensions of the subject could be considered separately it might be possible to imagine that the individual subject to the control of another has one level of freedom (largely constrained), while the individual made subject to, or by, his own conscience or self-knowing somehow possesses another level of freedom (less constrained). The rereading of Elshtain to be conducted here begins with an acknowledgement that no such splitting of the subject is possible. As this article goes on to explore the emergence of the subject in Elshtain's just war discourse, these two strands of Foucault's approach will become apparent.

<sup>3</sup> Michel Foucault, 'The Subject and Power', in Michel Foucault and James D. Faubion (eds), *The essential works of Michel Foucault 1954–1984 Volume 3: Power* (London: Allen Lane, 2001), p. 326.

<sup>4</sup> Ibid.

<sup>5</sup> Challenges to Foucault's conception of the subject can be found in W. E. Connolly, 'Taylor, Foucault, and Otherness', *Political Theory*, 13:3 (August 1985), pp. 365–76; M. J. Shapiro, 'Charles Taylor's Moral Subject', *Political Theory*, 14:2 (May 1986), pp. 311–24; C. Taylor, 'Foucault on Freedom and Truth', *Political Theory*, 12:2 (May 1984), pp. 152–83; C. Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1989).

<sup>6</sup> Foucault, 'The Subject and Power', p. 331.

For example, the soldier is expected to operate within the legal constraints of Rules of Engagement and strictly codified and enforced military discipline; at the same time the subjectivity of the soldier is creatively self-formed in relation to multiple discourses such as the brave warrior, familial loyalty, regimental honour, or national pride.

Foucault said more about his subject: '[The subject] is not a substance. It is a form.'<sup>7</sup> In other words, the subject is only a fragment of its full or potential selfhood, constituted in discourse, with ethical subjectivity a constituent part of that potentiality. The specific fragment depends on the orientation of the subject at any particular time. Ethical subjectivity, for example, emerges in different forms and trajectories in relation to ethical modes as diverse as sexual responsibility or environmental concern. Foucault sought to understand the ethical, desiring subject as a means of comprehending the broader emergence of the subject. In pursuing this emergence, Foucault identified systems of morality based on rules, prohibitions, and interdictions, which he named the 'moral code',<sup>8</sup> juxtaposed with 'ethical problematizations based on practices of the self'.<sup>9</sup> This article therefore seeks to apply this Foucaultian notion of subjectivity beyond the realms of Foucault's own inquiries and use it as a means of interrogating the emergence of the subject in Elshtain's just war discourse, before moving on to highlight different aspects of subjectivity in Afghanistan War discourse today.

In conducting this study a number of assumptions apply. The first is that any truth or knowledge claims pertaining to the subject of war are historically situated, constituted in relations of power within multiple social, cultural, institutional, and religious discourses. Second, morality itself – whether in relation to war, sexuality, or any other discursive formation – is contingent upon, and subject to, prevailing, transient ontological conditions. Third, subjectivity is similarly contingent and non-essential, with subjectivation and self-subjectivation occurring within relations of power, shaped by code-oriented morality, and ethics-oriented moralities. Code-oriented moralities can be written or unwritten and include proscriptions and interdictions as set down in laws, customs, and other teleological sources. Ethics-oriented moralities, as they are understood here, refer to non-teleological, nontheistic motivations for shaping individual conduct, such as a desire for justice, will to power, or the pursuit of particular forms of self-actualisation.

Michael Clifford provides a helpful interpretation of Foucault on genealogy, subjectivity and emergence:

Genealogy exposes the nonessentiality of the political subject through a historical analysis of its constitution . . . The exposure of political subjectivity is effected by recognizing in it the axial interplay of discursive practices, power relations, and processes of subjectivation. Yet what is exposed in this analysis is not the 'origin' of the political subject, understood as the transcendental conditions of its appearance. Rather, what genealogical critique exposes is the *Entstehung* of the political subject, its *emergence* as an event.<sup>10</sup>

<sup>7</sup> Michel Foucault, 'The Ethics of the Concern for Self as a Practice of Freedom', in M. Foucault and Paul Rabinow (ed.), *The essential works of Michel Foucault 1954–1984 Volume 1: Ethics – Subjectivity and Truth* (New York: The New Press, 1997), p. 290.

<sup>8</sup> Michel Foucault, *The History of Sexuality Volume 2: The Use of Pleasure*, trans. R. Hurley (London: Penguin Books, 1984), p. 25.

<sup>9</sup> *Ibid.*, p. 5.

<sup>10</sup> Michael Clifford, *Political Genealogy After Foucault* (New York and London: Routledge, 2001), p. 151.

This article assumes that the nonessentiality of the subject described here is echoed in Elshtain's use of identity within her political theory. Reflecting upon her analysis of gendered identity in *Women and War* she wrote:

Thinking about men, women and war implicates one necessarily in the politics of representation and of identity, and such considerations, in turn, force one to cut through and across the 'levels-of-analysis' framework that has so dominated international relations theory and that now unnecessarily hobbles it.<sup>11</sup>

The remainder of this article will show that the emergent subject of military intervention is not a fixed or even an evolving entity; rather the subject is continually reproduced, located in war discourses that are themselves socially, culturally, and historically situated. So, instead of asking who the ethical subject of a just war *is*, as though such a subject could be simply identified, observed, and appropriated unproblematically, this article will examine how Elshtain has used just war discourse as a lens through which to catch glimpses of emerging subjectivity.

### **Elshtain, Augustine, and the subject**

Elshtain has never sought to artificially limit or hide from the moral and political ambiguity necessarily present in the murky business of war making and war fighting. She has repeatedly demonstrated a willingness to confront the trivial, engage with the controversial and wrestle with matters of right and wrong, good and evil, religion and secular: all within a discursive landscape that acknowledges the non-essentiality of the subject and the contingency of the just war tradition that she both interrogates and promulgates. In one of her earlier books Elshtain described just war in terms that reveal some of the key figures and discourses that she would later rely upon in setting out the case for military intervention in Afghanistan and Iraq following the events of 9/11. She saw it as

an authoritative tradition dotted with its own sacred texts, offering a canonical alternative to realism as received truth . . . just war as continuous narrative starts with Augustine; takes up a smattering of medieval canonists; plunges into the sixteenth century with Luther as the key figure; draws on a few natural/international-law thinkers . . . then leapfrogs into the era of modern nation-states – and wars.<sup>12</sup>

Elshtain's language is full of religious imagery and terminology, with references to 'sacred texts', 'canonical', 'canonists', and specific mention of Augustine and Luther. Elshtain's use of such language is neither arbitrary nor peripheral to her just war theory; this use of Christian symbolism, vocabulary, and selection of authoritative thinkers are the genetic identifiers that so distinctly mark out her work as she straddles the oft-distinct fields of political theory, International Relations, and theology. The juxtaposition of her Lutheran upbringing and her subsequent spiritual journey towards Rome and the Catholic Church (not completed) runs as an invisible thread throughout her corpus, illustrated by her choice here of Augustine and Luther. A Presbyterian, for example, would most likely acknowledge the contribution of Luther to the Christian

<sup>11</sup> Elshtain, 'Women and War: Ten Years On', p. 449.

<sup>12</sup> Jean Bethke Elshtain (ed.), *Just War Theory* (Oxford: Basil Blackwell Ltd, 1992), p. 323.

Reformation but then point to John Calvin as having greater significance. (Then again, Christians have also argued over how many angels could dance on a pin head.)

Consequently, for Elshtain, just war is a received truth, a truth that has an existence of its own, carried throughout the ages in sacred texts written by authoritative individuals; though she also acknowledges the separation of religious and international law discourses within just war as the tradition approaches the present. However, in her complex engagement with just war she also rejects the notion that its ideas, once framed, are possessed of some kind of 'timelessness'.<sup>13</sup> There is no hint of romanticism in her assessment of its heritage: 'Just war discourse, like realism, has a long and continuing history; it is a gerrymandered edifice scarred by social transformation and moral crisis.'<sup>14</sup>

The study and application of just war has never been an end in itself for Elshtain: '[J]ust war is not *just* about war: it is an account of politics that aims to be non-utopian yet to place the political within a set of moral concerns and considerations, within an ethically shaped framework.'<sup>15</sup> She accepts that the worlds of domestic and international politics cannot easily be confused with a domain where simplistic ideals thrive; yet they still provide a discursive terrain from where the subject can emerge and the possibility of ethical judgements and actions remain. Further, such judgements are necessary for the internal cohesion of political communities and the peaceful coexistence of such communities. Elshtain challenges both positivism and 'scientific neorealism' and their respective places in international politics.<sup>16</sup> In the process she states: 'description and evaluation are not entirely separate activities. We do not layer evaluations onto neutral description; rather, moral evaluation is embedded in our descriptions. How we describe is itself a moral act.'<sup>17</sup> Just war discourse is therefore used not as an end in itself but a means of addressing 'a wider theory of politics, elaborating what she takes to be its strengths and weaknesses in light of a politics for our difficult times'.<sup>18</sup> In *Women and War*, which we will return to later, we find exactly that in 'a series of sustained reflections on men, women, and war',<sup>19</sup> each constituted in the ebb and flow of political discourse.

One of Elshtain's aims has been the decentring of the *homme de guerre* in the domain of just war.<sup>20</sup> The locus of this decentring is the theological-political writings of Augustine, to whom Elshtain repeatedly returns and who provides key ontological building blocks for her conceptions of both just war and the subject of war. In providing an alternative reading of the subject of just war discourse, she draws on the writings of Augustine, who 'sees human beings as innately social'.<sup>21</sup> For Augustine the household is the site of the double emergence of male and female, whose subjectivity is constituted by Elshtain as complementary rather than segregated: subjectivity that transcends any public/private dichotomy. Explaining her choice to use Augustine

<sup>13</sup> Elshtain, 'A Response', p. 506.

<sup>14</sup> Jean Bethke Elshtain, 'Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age', *Political Theory*, 13:1 (February 1985), p. 44.

<sup>15</sup> Elshtain, *Just War Theory*, p. 3.

<sup>16</sup> J. B. Elshtain, 'What's Morality Got To Do With It? Making The Right Distinctions', *Social Philosophy and Policy*, 21:1 (January 2004), p. 1.

<sup>17</sup> *Ibid.*

<sup>18</sup> Elshtain, *Just War Theory*, p. 6.

<sup>19</sup> Elshtain, 'Women and War: Ten Years On', p. 448.

<sup>20</sup> Elshtain, 'Reflections on War', p. 42.

<sup>21</sup> Elshtain, *Just War Theory*, p. 265.

in this way she states: 'the peace and ideals of the household were seen as analogous to a transformed image of political life and political rule'.<sup>22</sup>

Elshtain's reading of Augustine receives mixed support within the text of *City of God*, for example. For Augustine, the peace of a household is ontologically similar to the peace of a city and the peace of the Heavenly City, all based on command and obedience within the divinely created order.<sup>23</sup> Divine order, in both Augustine's Earthly City and Heavenly City is essentially social, reflecting the inherently social nature of God within Augustine's Trinitarian theology: 'These two we call the Father and the Son, and both, together with the Holy Spirit, are one God.'<sup>24</sup> Contrarily, it is possible to identify aspects of Augustine's writings that could support a reading of misogyny, in opposition to Elshtain's interpretation, with suggestions – at least in the sequence of creation – that pre-eminence is given to the masculine over the feminine. Quoting Genesis Augustine writes: 'At the beginning of the human race, the woman was made from a rib taken from the man's side as he slept.'<sup>25</sup> Yet Augustine is not concerned with the physical sequencing of creation, rather he co-locates male and female: 'But by the fact she was made from the man's side unity is commended to us.'<sup>26</sup> Given Augustine's emphasis on unity between man and woman, especially when viewed against the backdrop of the internal unity of his Trinitarian God in whose image man and woman was made, Elshtain's reliance on his conception of subjectivity in her feminist critique of just war is strengthened. Such a move seems almost counter-intuitive in an age where gender bias frequently frames debates within the Christian church, for example: the lack of women Roman Catholic priests; a similar lack of women Anglican bishops; increased exposure to HIV and multiple pregnancies where church doctrine prohibits the use of condoms. Yet Elshtain's Christianity, highly pragmatic and self-consciously aware of the contradiction that arises when fallen people in a fallen world<sup>27</sup> try to make good choices, prompts her to engagement with, rather than retreat from, the political world.

Elshtain's reliance on Augustine's subject plays a crucial role in both her critique and application of just war concepts. She is critical of the way in which the subject emerges in the just war tradition – and other discourses – over time, whereby the unity of male and female in Augustine's writings eventually gives way to the dichotomy of 'Just Warriors and Beautiful Souls'.<sup>28</sup> However, the purpose of her analysis is: 'to disenthral us from the grip of [those] two images – the Beautiful Soul and the Just Warrior – which now permeate much of our thinking on matters of women, men and war'.<sup>29</sup> In such a dichotomy men are public figures: brave, violent, just warriors. In contrast, women are private figures, constituted as virtuous, self-sacrificing, non-combatants: the beautiful souls. In *Reflections on War and Political Discourse*, a

<sup>22</sup> Elshtain, 'Women and War: Ten Years On', p. 453. See also Jean Bethke Elshtain, *Augustine and the Limits of Politics* (Notre Dame: University of Notre Dame, 1995), pp. 34–42.

<sup>23</sup> Augustine, *The City of God Against the Pagans*, ed. and trans. R. W. Dyson (Cambridge: Cambridge University Press, 1998), Bk XIX, chap. 13, p. 938.

<sup>24</sup> *Ibid.*, XI.10, p. 462.

<sup>25</sup> *Ibid.*, XX.17, p. 1145.

<sup>26</sup> *Ibid.*

<sup>27</sup> In this regard I am referring to the Christian doctrine of 'the Fall', when disobedient humans and their conduct created a permanent schism between God and creation.

<sup>28</sup> Jean Bethke Elshtain, *Women and War* (London & Chicago: University of Chicago Press, 1987), p. 4.

<sup>29</sup> Jean Bethke Elshtain, 'On Beautiful Souls, Just Warriors and Feminist Consciousness', *Women's Studies International Forum*, 5:3/4 (1982), p. 341.

clear emancipatory dynamic is evident as Elshtain highlights how the just warrior/beautiful soul distinction collapses in the context of nuclear war.

The difficulty facing just war thinkers in the context of the ‘totalistic deadliness of weapons’ was the difficulty in applying ‘appropriate rules to cover increasingly horrific situations’.<sup>30</sup> Two related aspects of Elshtain’s theorising are identifiable here: first, the meaning of ‘war’ is itself constituted in multiple layers of political and military discourse; second, just war is viewed as a set of rules to which the just will conform in the domain of war. These two problematics, however, are addressed by the same solution. If just war cannot effectively address the complexities of its ‘discursive object’<sup>31</sup> – war – one alternative approach is to shift the focus, as this article does, from war as its object onto the subject of war. Such an approach also helps address the difficulty of applying historically distilled just war rules because the Foucaultian conception of the subject through which Elshtain is being reread here extends beyond simple conformity to rules and codes to include the ways in which the subject is discursively formed and self-forming.

Shifting the focus of this reading of Elshtain from war as the object of just war onto the subject of just war is not only consistent with her reliance on Augustine but draws out ways in which Augustinian subjectivity informs her just intervention discourse. If Elshtain’s use of Augustine provides her, and her reader, with new ways of thinking about just war or just intervention, her use of Augustine also provides the ontological basis for her subject of just intervention.

### **From the gendered subject to the ethical subject of war**

As a monk, priest, and bishop, Augustine’s priority was to create good Christians in this life whose souls would take up eternal residence in the City of God in the next. In so doing his ethical subject was formed in ways that went beyond simple rule following. This, in turn, meant inciting individuals to be good Christians whose attitudes and behaviours were oriented towards a divine *telos*. This subject was constituted in two mutually implicated ways. First, in conformity to Augustine’s moral code, which was defined by divine order: order as command and order as design. Second, Augustine encouraged and practiced creative self-formation – in relation to God – in the acts of self-observation, confession, and self-policing. His ethical subject of war was constituted, and self-constituted, in one additional way: by opposing those who were either barbaric in their actions towards Christians, who did not share Augustine’s belief in God or who rejected his Catholic doctrine. The ethical subject of war did not emerge in simple conformity to Augustine’s just war arguments. On the contrary, Augustine’s just war discourse relied on the *a priori* existence of the ethical subject – the ‘wise man’, who only pursued only just wars.<sup>32</sup> Augustine’s ethical subject of war emerged in relation to God’s teleological order and it is from this ordering that the good ruler and the ethical soldier emerge, preceding the formal *ad bellum/in bello* distinction that would follow in later centuries.

Throughout her writings over many years Elshtain repeatedly returns to Augustine as a means of challenging modern political practice and assumptions, both those

<sup>30</sup> Elshtain, *Just War Theory*, p. 267.

<sup>31</sup> *Ibid.*, p. 268.

<sup>32</sup> Augustine, *City of God*, XIX.7, p. 929.

of sovereign states and individuals, moving beyond the confines of narrow communitarian argument and counter-argument. She summarises what she sees as Augustine's contribution to contemporary politics and conceptions of subjectivity as follows: '[Augustine] gives us the great gift of an alternative way of thinking and being in the world, a way that is in many vital respects available to those who are not doctrinally Augustine's brothers and sisters.'<sup>33</sup> And why is this of such importance to Elshtain, and further, to any who seek to analyse or comment upon political violence? Because, she adds: 'In the twentieth century, justification and rationalization of violence as the *modus operandi* of social change introduces an element of remorseless moral absolutism into politics.'<sup>34</sup> Augustine wrote during a period shaped by different forms of violence: military violence used both to attack and defend the Roman Empire; religious violence as Christianity struggled to sustain its religious authority in the face of resurgent, traditional Roman religious practice; and doctrinal violence against heretics who sought to undermine the Church from within. Augustine was no pacifist, but neither was he permissive towards the unconstrained use or abuse of imperial military might, limiting his advocacy of violence to only the most important of reasons as legitimised in his just war writings. Different aspects of Augustine's political theology continue to be used to justify as well as oppose violence today, in particular his just war writings which – for many – are part of the unquestioned moral and cultural fabric of the West.

Elshtain is partly drawn to Augustine because he rejected the classical view of the male subject as one who dominated others, including women: 'Augustine shifts the ontology of the self, relocates the self in a transformed understanding, and moves toward a self that is no longer dominated by a need to dominate.'<sup>35</sup> This is the Augustine whose *Confessions* show him 'becoming a question to himself'.<sup>36</sup> However, Augustine's *cogito* is not a testament to anthropocentric self-knowing, rather it is an invitation to self-knowing, and beyond that self-forming, in light of an awareness of God and the example of Christ to which he aspired. In contrasting Augustine's notion of the self with modern selfhood Elshtain makes the following distinction: 'we have turned the loss of a confessing self who is drawn *out* of the self in order to be *for* others into an all-consuming self, an expressivist exhibition'.<sup>37</sup> This is why she turns to Augustine in the first place: she wants to engage with the world and the subject of her writings emerges in multiple contexts like war and politics. 'What does Augustine offer...? No cure for one's ills. Rather, a dauntingly complex philosophical discourse *about* our ills, about the nature of memory itself, and about the distinction between literal, allegorical, and figurative meaning.'<sup>38</sup>

In her 2005–6 Gifford Lectures – 'Sovereign God, Sovereign State, Sovereign Self'<sup>39</sup> – Elshtain adopted a 'history of ideas'<sup>40</sup> approach to tracing the emergence of a modern conception of selfhood by tracing the shifting locus of sovereignty over

<sup>33</sup> Elshtain, *Augustine and the Limits of Politics*, p. 114. Elshtain's language is wrought through with Christian terminology such as 'brothers and sisters' here, an expression used dozens of times in the New Testament to denote a group of Christians (for example, Romans 12:1; 1 Corinthians 1:10; Galatians 1:2).

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, p. 11.

<sup>36</sup> *Ibid.*, p. 10.

<sup>37</sup> *Ibid.*, p. 6.

<sup>38</sup> *Ibid.*, p. 7, emphasis in original.

<sup>39</sup> Elshtain's Gifford Lectures were subsequently published in book form as Jean Bethke Elshtain, *Sovereignty: God, State, and Self (The Gifford Lectures)* (New York: Basic Books, 2008).

<sup>40</sup> *Ibid.*, p. xvi.

time. From early Christian understandings of sovereignty rooted in God, *via* state-centric sovereignty, to present expressions or manifestations of self-sovereignty and the political and ethical dilemmas they pose. If the emergence of Elshtain's subject is glimpsed throughout her just war writings then it is in the Gifford Lectures that she provides comprehensive exposition and analysis. Rooting her understanding of sovereignty in her Christian theological conception of the divine *logos* – the creative, revealed 'word' of God; source of reason and intelligibility in the world<sup>41</sup> – she maps out a clear trajectory for that sovereignty, suggesting that the modern self is in some way linked to, and dependent upon, the sovereign state as the site of subjectivation. She writes:

A streamlined version of my thesis would go like this: as sovereign state is to sovereign God, so sovereign selves are to sovereign states. Given that sovereignty in the political sense 'named' self-determination for a territorial, collective entity, it is altogether unsurprising that the logic of sovereignty came unbound and migrated, becoming attached more and more to notions of the self.<sup>42</sup>

Elshtain's allocation of primacy of sovereignty to God is consistent with her own Christian perspective, demonstrated in her reliance on Augustine, and to a lesser extent Aquinas, in her just war. However, within her ontology the self-determining sovereign state has primacy over individual existence; with subjectivity formed in relationship to the state, as well as the family and broader community. In the process of tracking the passage of sovereignty from the transcendent to the earthly she identifies a corresponding shift in theological emphasis from sovereignty's basis in *logos* and the unadulterated, pure will of God to a basis in the fallen, self-centred individual. Along this morally darkening way she sees signs of hope in Luther's 'priesthood of all believers',<sup>43</sup> before human will manifested itself in greed and violence, reaffirming the schism between God and humankind.

One area of Elshtain's explication of emerging subjectivity that could be developed further – if it is not rejected out of hand because of its Christocentrism – is the question of *why* Christian theology and the ontology of sovereignty took the turn that it did between Augustine in the fifth century and the Reformation a millennium later. The answer, at least in part, is to be found in the discourse of Augustine and Aquinas respectively. Augustine emphasises the importance of Christian morality in the face of Roman depravity: 'If [everyone] together were to hear and embrace the Christian precepts of justice and moral virtue, then would the commonwealth . . . ascend to the summit of life eternal.'<sup>44</sup> The ontology of Augustine's 'life eternal', like his Heavenly City, draws upon the ideas of Plato received *via* Plotinus the Neo-Platonist. Augustine says of that relationship: 'No one has come closer to us than the Platonists.'<sup>45</sup> By drawing upon and synthesising biblical and Platonic conceptions of the divine in his theology, Augustine's God, and therefore the personal *telos* of the subject, is decidedly transcendent: Other; out there; distinct. In contrast, Aquinas eschews

<sup>41</sup> *Ibid.*, p. 3.

<sup>42</sup> *Ibid.*, p. 159.

<sup>43</sup> *Ibid.*, p. 85. Luther's 'priesthood of all believers' rejects the need for priestly (for example, Roman Catholic) intermediaries between God and humanity, granting additional freedoms and responsibilities to individual Christians. This precept alone, regardless of other obstacles, would make it difficult for Elshtain or anyone else from a Protestant background to make that final step to Roman Catholicism.

<sup>44</sup> Augustine, *City of God*, II.19, p. 74.

<sup>45</sup> *Ibid.*, VIII.5, p. 318.

Augustine's reliance upon Neo-Platonist ideas in favour of the importation of Aristotelian ethics into his *schema*: notably, the notion of the common good. Where the *telos* of Augustine's subject is to be fulfilled in the next life in the City of God, the attainment of the *telos* of Aquinas' subject is inaugurated – if not fully achieved – in the society in which the individual lives, applying reason in pursuit of the common good in this life. Elshtain observes: '[T]he Thomistic God is the apogee of goodness, reason, and love, and the bringing into being of Creation is an act of love . . . God's omnipotence remains but he is bound in ways accessible to human reason'.<sup>46</sup> The 'logic of sovereignty',<sup>47</sup> to use Elshtain's phrase, was making its way from heaven to earth. Despite the above observation the trajectory of Elshtain's argument concerning the subject is sustained: as long as her presumption of the significance of Christian political theology and doctrine to later and contemporary thought is upheld. That is a paradigmatic choice rather than an argument to be logically developed.

Completing the ontological migration of sovereignty, or at least the migration of the logic of sovereignty, from the divine to the state to the individual, Elshtain rejects "'hard" self-sovereignty"<sup>48</sup> where human existence will inexorably be dragged into a battle of all *versus* all. For Elshtain, such a 'notion of the sovereign self leads to the destruction of the human person, to a nadir, not an apogee',<sup>49</sup> so she argues instead for notions of selfhood that continue to be formed in social contexts. On individual morality Elshtain writes: 'We live in our own heads. We promote disciplinary codes: just consider how excessively legalistic our own society has become. We are moralistic – consider the almost hysterical moralism involved in campaigns against trans fats or God knows what.'<sup>50</sup> She acknowledges a relationship between the individual and codes: codes that shape a shared common life as well as being shaped *by* that common life. These codes can be expressed in legal terms as well as in a morality that requires conformity to, or avoidance of, particular behaviours. Yet she also goes beyond any straightforward conformity to simple code-oriented morality; her Augustinianism prompting a self-reflexive, self-forming subject to action:

The pilgrim of Augustinian Christianity is one who can challenge the idolatries of his or her day without opting out (as if one could) or fleeing into a realm at least theoretically removed from the vortex of political and social life. The pilgrim of Augustinian Christianity offers up that possibility, as the late antique world makes startling contact with late modernity.<sup>51</sup>

For Elshtain, the ethical subject – as in the selfhood she advocates – cannot opt out of engagement with political and social life. This may manifest itself in different ways but this article is particularly concerned with military intervention and the subject of war. Elshtain ascribes moral responsibility to both the state and the individual, and places on each a responsibility for active engagement in the world. It is such a sense of responsibility that underpins her *Just War Against Terror* and, in particular, the need for America to act beyond its own borders to exert what she sees as its moral responsibility. However, as Cian O'Driscoll points out this is where we find Elshtain speaking to the American Left and challenging those individuals concerned, inciting

<sup>46</sup> Elshtain, *Sovereignty*, p. 22.

<sup>47</sup> *Ibid.*, p. 159.

<sup>48</sup> *Ibid.*, p. 210.

<sup>49</sup> *Ibid.*, p. 227–8.

<sup>50</sup> *Ibid.*, p. 232.

<sup>51</sup> *Ibid.*, p. 241.

them, to engage with force overseas.<sup>52</sup> This – an America that acts beyond its own borders – becomes a site for the emergence of ethical subjectivity, both of the leaders who take those decisions and of the combatants who will engage an enemy on the field of battle. Individual ethical subjectivity can be seen constituted by Elshtain in relation to both self as self, and self who acts in relation to others: ‘It is unsurprising that we flinch and heartening that so often human beings rise to the occasion as they answer generously and forthrightly not only the question, Who am I? But also, Who is my neighbor?’<sup>53</sup> In terms of the responsibility to act to protect her, or his, neighbour Elshtain interpellates Aquinas’s position on protecting the innocent:

During the run-up to the Iraq War . . . I reminded those debating the war that St. Thomas Aquinas, among others, insisted that preventing the innocent from certain harm could well be a justified *casus belli* – the innocent being those without the means to defend themselves . . . What is the point of bold commitments to universal human rights – the most fundamental of which is a right to life itself – if such rights can be violated systematically and the so-called international community, rather than enforcing those rights, wrings its hands and expresses regrets?<sup>54</sup>

In turning to Aquinas and his arguments in favour of protecting the innocent, Elshtain seeks to add a further dimension of historical support for her contemporary position: a position that includes a commitment to liberal values and human rights, and a willingness to use of force to protect them. O’Driscoll has criticised Elshtain’s collocation of human rights and just war reasoning with regard to her use of Augustine, a criticism that can be similarly applied to her invocation of Aquinas here: ‘By treating universal human rights and just war argument within the same frame, Elshtain lends the just war tradition a strong juristic element and produces an interventionist *jus ad bellum* that is not entirely in keeping with the right to war as originally articulated by Augustine.’<sup>55</sup> Elshtain rejects O’Driscoll’s criticism, defending her use of Augustine – which would apply equally to her use of Aquinas – as ‘an act of *ressourcement*, a fresh look at the sources of wisdom and instruction a thinker from our past may offer’.<sup>56</sup>

It is possible to see the potential advantages offered by Elshtain’s *ressourcement*, and her reasons for introducing Augustine as a means of addressing the intractable problem of intervening militarily across state borders. However, her approach prompts two radically contrasting responses, one which points to a discontinuity in Elshtain’s just war discourse when *Just War Against Terror* is compared with her earlier writings, while the second points to continuity and consistency in her approach. The first of these readings – O’Driscoll’s – highlights the incommensurability of the codes of early just war and modern human rights as used by Elshtain. Whether she wishes to accept O’Driscoll’s criticism or otherwise, his prescient analysis flows from the text of *Just War Against Terror*. However, in fairness to Elshtain, her Gifford lectures (2005–6) and the resultant book *Sovereignty: God, State, and Self* set out in considerable detail the conceptual links she makes between Augustine and the present. In addition, there would appear to be a clear movement towards

<sup>52</sup> Private communication with the author.

<sup>53</sup> Elshtain, *Sovereignty*, p. 241.

<sup>54</sup> Jean Bethke Elshtain, *Just War Against Terror* (New York: Basic Books, 2004), p. 185.

<sup>55</sup> Cian O’Driscoll, ‘Jean Bethke Elshtain’s *Just War Against Terror*: A Tale of Two Cities’, *International Relations*, 21:4 (2007), p. 490.

<sup>56</sup> Elshtain, ‘A Response’, p. 506.

the adoption of a more permissive stance on the use of military force between the publication of *Just War Theory* in 1992 and the publication of *Just War Against Terror* in 2003. The second reading – mine – produces a radically different outcome to the first when conducted through the lens of the subject rather than codes. In *Just War Against Terror* we see the emergence of the ethical subject of military intervention in Afghanistan. However, while she might focus on a different strand of subjectivity to the gendered subject of *Women and War* and other earlier just war-themed writings, the subject remains the focus of her work: in that respect *Just War Against Terror* does not signal the radical departure in her work that some might be tempted to assume.

In constructing a case for intervening in Afghanistan, Elshtain goes beyond the self-defence argument which is based on a response to the September 2001 attacks on the US. She constitutes the ethical subject of intervention as the one who opposes the maltreatment of women by the Taliban.<sup>57</sup> Earlier, Elshtain began *Augustine and the Limits of Politics* with a stout defence of Augustine, his complexity and enduring significance, against a number of what she calls, ‘*reductio hit and runs*’.<sup>58</sup> Issues of identity, subjectivity, and self-formation are examined alongside the role of political violence in Elshtain’s defence of Augustine, drawing upon a number of disputes concerning the struggle to comprehend the nature of the self in his *Confessions*. Her targets include liberal theologians, historians, and psychological commentators. Elshtain identifies Augustine’s use of spiritual self-formation as a means by which the Church can shape the individual through self-analysis and confession, encouraging a kind of self-policing. This self-policing in Augustine is based, not on self-knowing, but on self-doubt: ‘we know that we exist not because “I think therefore I am,” but, rather, “I doubt, therefore I know I exist.”’<sup>59</sup> Whilst accepting, conditionally, Elshtain’s observation here, it should be borne in mind that the doubt which is captured in Augustine’s self-reflection does not exist in tension with knowledge alone; it also exists in tension with faith – faith in the Christian God – since faith, for Augustine, was the basis of knowledge.

In Augustine’s *City of God* the ethical subject of war emerges as an instrument of divine punishment in the shape of the legitimate ruler who obeys and reinforces God’s chastising commands:

The desire for harming, the cruelty of revenge, the restless and implacable mind, the savageness of revolting, the lust for dominating, and similar things – these are what are justly blamed in wars. Often, so that such things might also be justly punished, certain wars that must be waged against the violence of those resisting are commanded by God or some other legitimate ruler and are undertaken by the good.<sup>60</sup>

Augustine describes here those who can legitimately be opposed by a just war – in this case perhaps more rightly referred to as just punishment. The subjectivity of those to be punished is formed from ethical sources such as cruelty, vengefulness, and savagery. Such subjects are not characterised simply as standing in opposition to his – and therefore God’s – order as code-oriented morality. War as punishment

<sup>57</sup> Elshtain, *Just War Against Terror*, pp. 39–40.

<sup>58</sup> Elshtain, *Augustine and Politics*, p. 12.

<sup>59</sup> Elshtain, *Sovereignty*, p. 162.

<sup>60</sup> Augustine, *Against Faustus the Manichean*, chap. XXII.74, in E. L. Fortin and D. Kries (eds), *Augustine: Political Writings*, trans. M. W. Tkacz and D. Kries (Indianapolis: Hackett, 1994), pp. 221–2.

is instituted by God against such a subject and is carried out in conjunction with two aspects of Augustine's moral code: order as divine command and order as God's design. These are just wars against the violent at the direct command of God, undertaken by the good ruler, or in the vocabulary of this article, the ethical subject of war. This punitive aspect of Augustine's just war is advocated explicitly as *casus belli* by Elshtain in *Just War Against Terror*, both in the context of Afghanistan involving the need to punish the perpetrators of 9/11, and the need to punish Saddam Hussein and his regime for atrocities committed against the Kurds, Marsh Arabs, and Shiite Muslims in the 1980s and 1990s.<sup>61</sup> The legitimate ruler, who is not necessarily 'good' in Augustine's Christianised sense but who nonetheless acts punitively against the violent and cruel Other, thereby forms herself, or himself, at least partially as ethical subject of war in relation to Augustine's teleological morality.

### **Afghanistan and military intervention**

Having traced some conceptual links between Augustine and Elshtain's subject, this section will build on the theme with a specific focus on Afghanistan and the constitution of multiple strands of subjectivity. Several years before the drastic events of 9/11 Elshtain wrote of Augustine and the significance of the household in his political writings:

Augustine finds in the household 'the beginning', or rather a small component part of the city, and every beginning is directed to some end of its own kind, and every component part contributes to the completeness of the whole of which it forms a part. The implication is quite apparent that domestic peace contributes to the peace of the city – that is, the ordered harmony of those who live together in a house . . . contributes to the ordered harmony concerning authority and obedience obtaining among the citizens.<sup>62</sup>

Augustine's household, and the emergence of the subject therein, had already been used by Elshtain as a means of subverting the Beautiful Souls/Just Warriors, Public Man/Private Woman dichotomies. In this section the meme of the household will provide both a starting point and a destination as we examine aspects of subjectivity as it continues to emerge in political discourse surrounding the ongoing Afghanistan War.

In early 2001, Elshtain, in setting the scene for the application of just war arguments to the question of military, or humanitarian, intervention, identified a number of moral sources that she would later call upon. She expressed the need for codes to govern everyday practices, including the taking life in war: '[The] denial of humanity is also a denial, or a refusal to recognize that all cultures, without fail, define and refine moral codes, and that these moral codes invariably set norms for the taking of human life; all have some notion of what counts as a violation of this norm.'<sup>63</sup> She stressed the plurality of human existence and the value, and validity of, such plurality, while also identifying a common thread in the importance placed across

<sup>61</sup> Elshtain, *Just War Against Terror*, pp. 108, 186.

<sup>62</sup> Augustine, *City of God*, Book XIX, chap. 16, p. 876 quoted in Elshtain, *Augustine and the Limits of Politics*, p. 34.

<sup>63</sup> Jean Bethke Elshtain, 'The Third Annual Grotius Lecture: Just War and Humanitarian Intervention', *American University International Law Review*, 17:1 (2001), p. 2.

cultures in the protecting of human life. However, her starting point was an assumption where she affirmed ‘solidarity within the particular communities of which we are a part – for every human being is a member of a way of life that embodies itself institutionally as family, tribe, civil society, state. This plurality is a constant feature of human political and moral life.’<sup>64</sup> After setting out this neo-Hegelian position on the ‘family, tribe, civil society, state’<sup>65</sup> as the sites from which the ethical subject emerges, she added: ‘We may launch ourselves into wider or more universalistic possibilities from this particular site, seeking to affirm our common humanity through organizations [and] institutions.’<sup>66</sup> The trajectory of her argument is clear: the basis of her moral code is a shared social life, with subordinate universalising tendencies being expressed as circumstances allow or require. Due recognition and respect are given to other cultures and peoples who form their own moral codes, and to fail to do so would demonstrate, for Elshtain, a lack of humanity towards the Other. Later in 2001, following the Al-Qaeda attacks, a different emphasis emerges in her intervention discourse.

In *Just War Against Terror* we find a liberal emphasis in Elshtain’s use of international agreements and treaties as moral sources to guide how power should be exercised in the current global system. She appeals to the UN’s Universal Declaration of Human Rights to underpin her arguments: ‘The principle I call “equal regard” underlies the Universal Declaration of Human Rights . . . [which] as we are coming to understand, must sometimes be backed up by coercive force.’<sup>67</sup> This equal regard refers to the individual rights enjoyed by people everywhere to life, liberty, and freedom. Elshtain even goes on to ask: ‘[S]houldn’t an international body be its guarantor and enforcer?’<sup>68</sup> This, for her, is a rhetorical question; the UN should enforce human rights, with states and individuals supporting such action. At this point, her moral argument is shaped by the codification of rights and the need to ensure that they are guaranteed. However, a tension emerges in her desire to enforce the Universal Declaration of Human Rights that was issued under the auspices of the UN because the rules of the UN also allow other permanent members of the Security Council to veto any proposed military action to enforce or protect such rights. Here Elshtain moves beyond a desire to settle for moral arguments that simply require conformity to international law and introduces an ethical dimension to her argument that is particularised and located in the individual subject and the need for that subject to form herself, or himself, as ethical by acting in particular ways. She writes, ‘We, the powerful, must respond to attacks against persons who cannot defend themselves because they, like us, are human beings, hence equal in regard to us.’<sup>69</sup> The reference to all human beings being equal can be found in a number of historical locations: from the Christian conceptions of Augustine and Aquinas who – in different ways – would locate any notion of equality among human beings in relation to God, to notions of equality that have emerged in recent centuries in liberal, rights-based political discourses.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Elshtain, *Just War Against Terror*, p. 168.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., p. 170.

When Elshtain shifts her focus to the subject she avoids some of the difficulties raised by appeals to codes such as international law. She calls for ‘We, the powerful’ to heed ‘all cries for justice and relief from people who are being preyed upon, whether by nonstate marauders (like terrorists) or by state-sponsored enforcers.’<sup>70</sup> In so doing, Elshtain prioritises liberal concern for individuals, and their freedoms, above the rights of states to remain immune to external interference. She discursively locates the actions of ‘we, the powerful’ with notions of ‘justice’ and ‘relief’, inviting her readers to form themselves as ethical at different levels of responsibility as they supported (or otherwise) her case for military action. Political leaders can emerge as ethical depending on their willingness to pursue the actions against wrongdoers: the ‘nonstate marauders (like terrorists)’ and ‘state-sponsored enforcers’. Similarly, fellow citizens can form themselves as ethical by supporting such action. Moreover, Elshtain forms herself as ethical in proposing the projection of the liberal democratic values that represents her community, her state, onto others whose moral codes are formed differently to her own and do not reach the standard of her own: including, perhaps especially, the right to equality as a woman and the right to equality and freedom of religion.

In *Augustine and the Limits of Politics* Elshtain wants to defend Augustine from any charge of misogyny, highlighting how he makes clear that women and men share a common nature and that for Augustine, a ‘woman’s mind and rational intelligence are “the equal of man’s”’.<sup>71</sup> Her attitude to the maltreatment of women in Afghanistan – and her use of the maltreatment as part of her *casus belli* for the war on terror – is based on the ‘ontology of equality’<sup>72</sup> that she roots in those writings of Augustine. She refers to the need to protect the rights and lives of women as one of her justifications for military action in Afghanistan as part President Bush’s War on Terror.

Although pre-Taliban Afghanistan, a Muslim society, had included a significant number of professional women, women were forced under Taliban rule to withdraw from law, government, and teaching. These practices show us that gender practices are not a sidebar to the war on terrorism as a cultural struggle, but a central issue.<sup>73</sup>

Written in 2002 after the post-9/11 US-led invasion of Afghanistan, these were words of hope for Afghan women and women elsewhere who might aspire to some degree of previously-denied freedom. Viewed retrospectively, the same words will prompt bitter tears from the very Afghan women who dared to dream, at least temporarily, of emancipation. Elshtain went on to cite a common proverb from the group that gave the world the Taliban: ‘Women belong in the house or the grave.’<sup>74</sup> A decade later, at a cost of tens – perhaps hundreds – of thousands of lives and billions of dollars, Human Rights Watch reported comments from Abdul Hadi Arghandiwal, the Hezb-i-Islami political faction leader: ‘On April 4, 2010, he told a gathering of women leaders discussing reconciliation [with the Taliban] that women would have to sacrifice their interests for the sake of peace.’<sup>75</sup> Individual rights for women would

<sup>70</sup> Ibid.

<sup>71</sup> Elshtain, *Augustine & Politics*, p. 43.

<sup>72</sup> Ibid., p. 45.

<sup>73</sup> Elshtain, *Just War Against Terror*, pp. 39/40.

<sup>74</sup> Ibid., p. 40.

<sup>75</sup> Human Rights Watch (2010), *The ‘Ten-Dollar Taliban’ and Women’s Rights: Afghan Women and the Risks of Reintegration and Reconciliation*, p. 45. Report located at: {<http://www.hrw.org/reports/2010/07/13/ten-dollar-talib-and-women-s-rights>} accessed 9 March 2012.

not be part of that society's values: they would be surrendered *to* that society's values.

Peace in this context means the absence of fighting between warriors, just or otherwise; it is the antithesis of the peace of the household on which Augustine rested his civic peace. A few months after Arghandiwal's comments, in August 2010, *Time* magazine gave the world a visual representation of what such a peace will mean to Afghan women if the Taliban gain wider political power, its cover photo featuring Bibi Aisha.<sup>76</sup> Aged eighteen, and having endured marital abuse for several years already, Aisha fled – only to be caught, tried, and punished for her 'crime' of fleeing. Her ears and nose were sliced off by her husband and other family members at the command of a Taliban 'judge'. Lest anyone should think this an aberration that took place in an outlying province away from the centre of power, consider the recent formalising of women's place in Afghan life. In March 2012 Afghanistan's Ulema [religious] Council set out a declaration enshrining the rights and responsibilities of women, framed by a strict (the kind of strictness favoured by the Taliban) reading of Sharia law. This declaration has been endorsed by President Karzai and formally sets out the religious/philosophical basis of women's subordinate position in the household and in society: 'In consideration of the clarity of verses 1 and 34 of Surah an-Nisa' [of the Qur'an], men are fundamental and women are secondary; also, lineage is derived from the man.'<sup>77</sup> Women are constituted as second-class citizens and made subject to those who hold the 'fundamental' position in society: men. There can be no *rapprochement* between such a philosophy and either The Universal Declaration on Human Rights or Elshtain's Augustinianism. Augustine emphasised the unity of man and woman within the household, thereby providing Elshtain with a means of subverting the gendered subjectivities that emerged in the just war tradition in subsequent centuries. Meanwhile, Afghanistan's highest religious council has formalised the subordination of women to men, enforced by violence and endorsed by the President of that country.

Elshtain's motivation for justifying military intervention in Afghanistan can best be understood in terms of the subject: 'because I am a woman who believes women must have the scope to exercise their educated powers to the fullest . . . because I am a believer who believes that other believers have the same rights that I do because we are all equal before God'.<sup>78</sup> However, Elshtain's hopes of female and religious emancipation in Afghanistan could not be brought to fruition through the bravery of the Just Warrior. A vast Western military presence for over a decade has allowed some Afghan women to glimpse a possible future where they live and love and work and play and worship in the public domain. However, the transient presence of Western liberal democratic ideals has not brought the representative Beautiful Afghan Soul out of the privacy of the household and into public life. Though there may still be some Afghan women who risk their lives to engage in politics they cannot be said to be Public Women in any meaningful understanding of that phrase. They live under the constant threat of death, exposing their families to danger, and requiring

<sup>76</sup> *Time Magazine* (9 August 2010). Image and further details of Aisha's story located at: {<http://www.time.com/time/magazine/article/0,9171,2007407,00.html>} accessed 2 March 2012.

<sup>77</sup> Declaration from Afghanistan's Ulema Council (2 March 2012), Section 5, Para. F.1.D. The original can be located at the website of President Karzai, {<http://president.gov.af/fa/news/7489>}. Translation located at: {<http://afghanistananalysis.wordpress.com>}.

<sup>78</sup> Elshtain, *Just War Against Terror*, p. 7.

rigorous and ongoing personal security. Worse, the Just Warrior has not been able to protect those Beautiful Souls in the households that have become domestic battlefields. The effectiveness and determination of the Taliban, Al-Qaeda and other insurgent fighters (who to their own constituents are just warriors seeking to repel aggressive invaders) has left NATO's warriors – just or otherwise – barely able to protect themselves.

### **Scarred souls and weary warriors**

Attempts to introduce and protect the rights of Afghan women seem destined to be sacrificed so that the US, UK, and other International Security Assistance Force (ISAF) governments can proclaim, 'Job done!' and extricate themselves from their Afghanistan misadventure no later than 2015. Consequently, Afghan women now have the worst of both worlds. They cannot be the self-sacrificial, compassionate, pacific but safe, Beautiful Souls of private, domestic isolation that Elshtain railed against; now they are combatants within their own homes as well as in Afghan society more widely, where war is waged for the people, amongst the people and against the people simultaneously.

The Beautiful Soul has become, at the hands of men of violence, the Scarred Soul in the very place that has been their sanctuary down the ages. The soldiers sent to Afghanistan for reasons that are frequently beyond their interest and understanding have ceased to be warriors seeking after justice; he, and sometimes she, seeks after survival, counting the days until their tour of duty is over. They have grown weary of war and weary of their leaders, political and military, even as those leaders have grown weary. They no longer fight a war on terror – they are fighting a war *in terror*. Terror induced by the unseen sniper, the hidden roadside bomb and the suicide attacker; terror of death and a greater terror of limbless near-death. As the Beautiful Soul has given way to the Scarred Soul so the Just Warrior has given way to the Weary Warrior. It is of little consolation that some of the Scarred Souls are men and some of the Weary Warriors are women.

The issue of the status of women goes to the heart of the principles – religious and secular – upon which social life and political community is predicated, hence some form of accommodation between Westerners and Afghans would be unacceptable to both sides. The alternative is equally impracticable: forcing one inflexibly held view onto those who would reject it. For Elshtain's Western liberal democratic-based view of women's equality to be forced upon a society that rejects the principles upon which it is founded would violate the ontology and principles of freedom from which it came in the first place. This incommensurability is given perhaps its most forceful expression in the contrasting social and individual responsibilities set out in the event of a woman being sexually assaulted or raped. Elshtain recalls Augustine's position in support of the violated woman: 'We have given clear reason for our assertion that when physical violation has involved no change in the intention of chastity by any consent to the wrong, then the guilt attaches only to the ravisher, and not at all to the woman forcibly ravished [sexually assaulted or raped] without any consent on her part.'<sup>79</sup> Augustine went on to make explicit: 'We are defending the chastity

<sup>79</sup> Augustine, *City of God*, I.19, p. 28, quoted in Elshtain, *Augustine & Politics*, p. 46.

not only of the minds but even of the bodies of ravished . . . women.<sup>80</sup> Augustine's purpose was to challenge the Roman honour code which said that a woman so violated could restore her honour only in the act of committing suicide.<sup>81</sup> Augustine's forcibly-made point being that where a woman is violated against her will and intention to remain chaste, there is no dishonour, no corruption of her chastity.

After a decade of military intervention by US and allied forces in that country, the situation faced by Afghan women could hardly be further removed from the position set out by Augustine 1,600 years ago. Take the example of Gulnaz. Raped and made pregnant by her cousin's husband, Gulnaz was jailed for the crime of 'adultery by force'.<sup>82</sup> Under pressure from the US, President Hamid Karzai granted her a pardon, which carried with it the proviso that she should marry her attacker in order to preserve her honour. Should she fail to do so, or should her attacker be unable to produce an adequate dowry, she and her family will remain dishonoured – with potentially lethal consequences for her. So, she risks death and continued abuse by marrying her attacker and risks death at the hands of her own male relatives by not marrying him. Or she could stay in jail. Is that the 'progress' that billions of dollars and the blood of thousands of Afghan civilians and allied military personnel has bought? Another Beautiful Soul – to stick with Elshtain's phrase – becomes Scarred, violated *within* the privacy of her household; her 'shame' made public and her life reduced to an honour sacrifice between the men of two families.

Shifting focus to an act of violence perpetrated by an American Weary Warrior against a number of Afghan Scarred Souls in their own homes, how do we describe, attempting to look through the lens of Elshtain's subject, the murders of 16 Afghans in the middle of the night? My initial response is: cautiously. In the same way that hard cases do not make for good law, complex cases do not make for easy ethical arguments. However, it would be too simplistic to fall back on the defence that one rogue soldier acting alone is not representative of the overwhelming majority of US and other ISAF forces in Afghanistan: which is exactly the response given by President Obama. He referred to 'a lone gunman who acted on his own, in just a tragic, tragic way. In no way is this representative of the enormous sacrifices that our men and women in uniform have made in Afghanistan.'<sup>83</sup> Given Elshtain's emphasis on using force for the just defence of the polity and the collective responsibility of the armed forces to do so, it would be unreasonable, or at least unrealistic, to insist that US (and ISAF) personnel are collectively just – except for that one. (I'm not pregnant if I ignore the tiny little bit of me that is!) In Elshtain's discourse the ethical soldier does not emerge in a political and social vacuum. On the contrary, her Augustinianism sees her subject of war emerge explicitly in the socialised context of the household, the community, and the state. The soldier and the political community are, for Elshtain, mutually constitutive: a point that can more easily be seen when viewed from a non-Western, Afghan perspective.

In contrast to the response of President Obama, President Karzai, and the Afghan Parliament – and if countless news reports and eye witness accounts are to be given

<sup>80</sup> Ibid.

<sup>81</sup> Elshtain, *Augustine & Politics*, p. 46.

<sup>82</sup> 'What future for Afghan woman jailed for being raped?', {<http://www.bbc.co.uk/news/world-south-asia-16543036>} accessed 14 March 2012.

<sup>83</sup> From {<http://abcnews.go.com/Politics/video/obama-calls-afghanistan-shootings-tragic-15905683>} accessed 16 March 2012.

any credence, many Afghan people as well – see the soldier as murderous and representative of Americans and their allies:<sup>84</sup>

President Karzai: ‘When Afghan people are killed deliberately by US forces this action is murder and terror and an unforgivable action.’

Afghan Parliament: ‘The Wolesi Jirga [parliament] announces that once again Afghans have run out of patience with the arbitrary actions of foreign forces.’

If we return to Obama’s response we see the word ‘tragic’ being used. However, where Elshtain applied the term to both the deliberate and accidental deaths of Afghan civilians, Obama applied the term, twice, to the individual accused of killing Afghans in cold blood. If Maja Zehfuss<sup>85</sup> was critical of the way in which Elshtain used the term ‘tragic’ in constituting the subjectivity of the innocent victims of military violence, how much further is the definition of the term being stretched by President Obama?

Elshtain’s reliance on Augustine in the course of engaging with the horrors of unmitigated violence is given a modern voice as she calls upon Hannah Arendt’s notion of the ‘banality of evil’ to cast light on the incomprehensible actions that shock humanity.<sup>86</sup> That ‘banality’ speaks of the corruption of the ordinary and the unspeakable actions of the anonymous killer who laughs with friends, loves his family, and sees himself in some way as doing his duty or fulfilling some higher calling. The banality of evil has made its face known on both (or perhaps more accurately, multiple) sides in Afghanistan. To use the language invoked by Elshtain, the evil that takes place there – from the placing of suicide bombers in market places to the, at this stage alleged, deliberate killing of 16 civilians by Staff Sergeant Robert Bales – is a ‘taking away’ from the good. Beauty is stripped from the souls of those once thought safe in their households; justice is removed from the *casus belli*, to be replaced by a self-perpetuating cycle of violence; and hope is taken from those (especially women) who dared to aspire to freedom, education, and a public existence. The actions of Robert Bales inexorably and unavoidably detract from whatever claims to *jus in bello* are made by the US and its allies.

## Conclusion

The two decades since the end of the Cold War have seen numerous military interventions, often by Western powers led primarily by the US and supported most enthusiastically by the UK. As debate continues in 2012 about how the world can best respond to escalating politically-driven violence – *if* it should respond to such violence – in Syria, the political ambiguities only seem to increase the need for a practical and relevant ethics discourse. Viewed against the toxic blend of religious and ethnic rivalry in the region, the politics of self-interest that provide the perpetual backdrop to UN Security Council discussions, votes and vetoes, Elshtain’s just war discourse continues to challenge and be challenged.

<sup>84</sup> From {<http://www.aljazeera.com/news/asia/2012/03/201231242342723175.html>} accessed 16 March 2012.

<sup>85</sup> Maja Zehfuss, ‘The Tragedy of Violent Justice: The Danger of Elshtain’s Just War Against Terror’, *International Relations*, 21:4 (2007), pp. 493–501.

<sup>86</sup> Elshtain, *Augustine and Politics*, p. 76.

Perhaps Elshtain's most significant contribution to the just war tradition has been to demonstrate that just war offers much more to political theory and military intervention discourses than a set of propositions against which the individual conduct of political decision-makers and combatants in the field can be assessed. Added to that, Elshtain has demonstrated that just war is not some neutral site of emergence of the subject but rather that just war is implicated in that emergence. Elshtain clearly and deliberately does not settle for questions of what was done and whether or not the actions were legitimate. She goes further, addressing questions such as, who are these people that just war speaks of and what makes them the way they are? How do their identities emerge in just war discourse? What assumptions are in play as subjectivity – for example, gendered subjectivity – is constituted in just war discourse? Should these assumptions be challenged?

Elshtain's stated motivations are multifarious, informed by a whole range of issues including ontology, citizenship, security, peace, gender, religious faith, individual rights, communal existence, and legitimate use of force. The rereading of Elshtain that has been carried out here reveals some of the nuances of her position on just war and, consequently, the ethical subject of military intervention. Her use of ancient Christian texts in debates that are typically secularly defined help the reader to appreciate a *telos* of the subject in her work that goes beyond an instrumental association with, or commitment to, the state in time of war. Elshtain's subject of war – from the gendered subject of just war to the ethical subject of just intervention – provides us with an alternative way of discussing morality in the rapidly shifting discursive landscape that we still call war:

Contesting the discursive terrain that identifies and gives meaning to what we take these realities to be does not mean one grants a self-subsisting, unwarranted autonomy to discourse; rather, it implies a recognition of the ways in which received doctrines, 'war stories', may lull our critical faculties to sleep, blinding us to possibilities that lie within our reach.<sup>87</sup>

Elshtain's response to the limitations of the Beautiful Souls/Just Warriors stereotypes she identified in her earlier work is to move beyond them in search of the 'chastened patriot', whose emergence transcends the 'grand teleologies of winners and losers, or bad war people versus good peace people'.<sup>88</sup> Such an approach necessarily cuts across much of the war discourse that surrounds ongoing military operations in Afghanistan where 'winning' in any historical sense – when applied to the war as a whole – looks impossible to define and even less possible to achieve.

Overall, Elshtain's writings, especially her just war theory, have a richness and a power to provoke friend and foe alike that is matched by few contemporary public intellectuals. The place of *Just War Against Terror* in her *oeuvre* will continue to be debated. Critics who focus their attention on the application of just war's codified criteria will point to a shift in her pre-9/11 position and dwell on inconsistencies therein. However, if – as this article contends – Elshtain's just war provides the means by which broader, searching questions can be asked of the subject in her political theory, we can see a much greater consistency of approach to war and intervention. Furthermore, her closing words from *Just War Theory* (1992) leave open the possibility that changing circumstances might lead to changing perspectives on war: 'the structure of a particular nation's history and experience will be more salient to

<sup>87</sup> Elshtain, *Just War Theory*, p. 276.

<sup>88</sup> Elshtain, 'Women and War: Ten Years On', pp. 458–9.

political decision makers who enter into debates of moral principles than will be finely honed ethical systems'.<sup>89</sup> When we read these words through the lens of 9/11 and the impact those events had on recent American history, it should come as no surprise that Elshtain might want to move her arguments in a new direction: which is different to saying that she changed her mind or that she has been inconsistent.

With regard to the complexities of applying early, Christian just war principles in an era of universal rights and international law, Elshtain's legacy will not be the elucidation of codes or criteria, conformity to which adjudges war or military intervention to be just or otherwise. Rather, it will be her provocative reminder that human lives, with all their attendant political, social, and religious complexities, should be kept in focus when military force is used, or even proposed, for political ends. In *Augustine and the Limits of Politics* Elshtain quotes from Augustine's *Confessions* and his recollection of the brave words of his mother before she died: 'It does not matter where you bury my body. Do not let that worry you! All I ask of you is that, wherever you may be, you should remember me at the altar of the Lord.'<sup>90</sup> Perhaps these words should be adopted and adapted as a benediction to the aspirations of Afghan Scarred Souls in the wake of the tragic folly of trying to impose 'rights' (if that is not an oxymoron) at gunpoint, and an Amen to the lost idealism of the Weary Warriors who have been asked to keep fighting and dying out of a desire to limit the loss of national face by pretending that some kind of 'victory' can be achieved:

It does not matter where you bury my body. Do not let that worry you! All I ask of you is that, wherever you may be, you should remember me at the altar of political expediency.

<sup>89</sup> Elshtain, *Just War Theory*, p. 332.

<sup>90</sup> Augustine, cited at Elshtain, *Augustine and Politics*, p. 9.