REPLY TO JEAN BETHKE ELSHTAIN

# For a Cautious Utopianism

## *Anthony Burke*

I thank Professor Elshtain for her response to my article, and the editors for inviting me to make some clarifications and engage in what is emerging as a profound normative dispute about the underlying hopes and worldview of "just war" thinkers and various post-Kantian tendencies. This dispute is centered on our view of the role of war in international society, the normative promise and understanding of "peace," and, to a lesser extent, on critiques of sovereignty and the state. If our exchange has any value, it will be to highlight the considerable stakes of this dispute, which might have otherwise remained hidden in a few short pages of Elshtain's important *Women and War*.[1]

True, I don't spell out my critique of just war theory in depth, having done so in a 2004 *International Affairs* article.[2] While there is value in the legacy of just war thinking, I saw problems with its idea of "right authority" (central to my dispute with the new internationalists), the concepts of "proportionality" and "unintentional" killing, and its confidence in a procedural ethics. That article convincingly highlighted such problems in the conduct of the war on terrorism, even if I do agree that *jus ad bellum*—but not *jus in bello*—was satisfied in the U.S. war in Afghanistan.

While it is welcome that states prosecute (some) violations by their own troops, the use of airpower—arguably the most destructive element of modern warfare—

has not been subject satisfactorily to restraint, a problem compounded by Secretary of Defense Donald Rumsfeld's insistence on substituting technology for troops in his plan for "defense transformation." My solution—I *did* have one—was a new test: "avoidable harm." This would put the onus on operational commanders to devise tactics that put consideration of damage to innocents and crucial infrastructure before short-term operational priorities. The challenge is to reconceive the relationship between tactics and strategy beyond the narrowly instrumental: more restraint would have important strategic benefits, especially when states are engaged in struggles against terrorism and insurgency in complex conflicts.

Abu Ghraib adds a further disturbing element to this problem—but rather than being the "aberrant behavior" of "out-of-control rogues," as Elshtain claims,[3] there is now a small library of journalism and analysis showing that it was the logical endpoint of a systematic policy approved at high lev-

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[1] Jean Bethke Elshtain, *Women and War* (Chicago: University of Chicago Press, 1995), pp. 254–56.

[2] Anthony Burke, "Just War or Ethical Peace? Moral Discourses of Strategic Violence after 9/11," *International Affairs* 80, no. 2 (2004), pp. 329–53.

[3] Jean Bethke Elshtain, "Against the New Utopianism: Response to Burke," *Ethics & International Affairs* 19, no. 2 (2005), p. 94. All in-text citation references are to this article.

els of the Bush administration.[4] Hence, my problem with sovereignty and the state.

Elshtain is right to say that states can be nurturing, and neither they nor their defense forces will disappear, but she is wrong to say I think that states must be "dismantled" (p. 92). My problem is not with states per se, but with conceptions of national sovereignty and identity that create exclusivist moral communities and secure them through violence against others. This occurs historically when the social contract, via a philosophy of history, morphs into the national security state.[5] Hence, my critique is of an *existential conception* of the state that, when married to political and strategic action, threatens to perpetuate violence and war rather than turn toward obvious paths to their amelioration. (Bin Laden and his followers are obviously marked by a similar commitment to a violent conception of the political, with far less moral anguish, and Elshtain was right in *Just War Against Terror* to criticize some Muslim leaders for failing to speak out more clearly.[6])

Thus, Elshtain does my argument a disservice by portraying me as some starry-eyed cosmopolitan dreaming of perpetual peace tomorrow. I agree that there is a need "to reconcile competing human [and state] wills" (p. 93), but all conflicts have a history, and it is wrong to obscure the rationalizing logics of modern strategic and political violence beneath an appeal to the historical endlessness of armed conflict. Conflict may be central to human society, but war and terrorism need not be. If a cautious utopianism is all I can oppose to such a dystopian vision of global possibility, then I am happy with that.

My argument for "ethical peace" is a hybrid of realist and liberal thinking about deterrence, conflict resolution, and disarmament that is far from novel—it trades an acceptance of deterrence, defense, and international law today for a normative commitment to disarmament and conflict resolution in the future. This is why I strongly distinguish between the *norms* of war and of peace, a distinction that is at the core of our dispute and one that students of international relations should place under close analysis.

It is important to remind ourselves that Professor Elshtain and her fellow new internationalists are not arguing for greater doses of realist prudence; they are arguing for very radical change to the fundamental norms and architecture of the international system under the banner of a moralizing (and highly selective) liberal idealism. While the normative force of his vision remains, Kant is certainly criticizable, and Habermas and others have made the point that his arguments need revision in the light of the events of the last two centuries.[7] In the face of new hatreds and proliferation challenges, not to mention the potential unraveling of the international security regimes we've managed to construct since 1945, we cannot—as Kant thought—wait for history to play out peacefully. We must make a new kind of history, but make it cautiously.

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[4] Seymour Hersh, "The Gray Zone," *New Yorker* 80, no. 13 (2004), pp. 38–45; Mark Danner, *Torture and Truth: America, Abu Ghraib and the War on Terror* (New York: New York Review of Books, 2004); and Karen J. Greenberg and Joshua L. Dratel, eds., *The Torture Papers: The Road to Abu Ghraib* (New York: Cambridge University Press, 2005).

[5] Anthony Burke, "Aporias of Security," *Alternatives: Global, Local, Political* 27, no. 1 (2002), pp. 1–28.

[6] Jean Bethke Elshtain, *Just War Against Terror: The Burden of American Power in a Violent World* (New York: Basic Books, 2003), pp. 134–38.

[7] See, e.g., James Bohman and Matthias Lutz-Bachmann, eds., *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal* (Cambridge: MIT Press, 1997).

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