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To the editor:

A colleague brought your "review" of my recent book, Just War Against Terror, to my attention. I had never heard of "The Mises Review" prior to that, I must admit. I'm not sure what cause the reviewer thinks is advanced by his snide and caustic tone. Illumination does not seem to be his purpose. Suggesting that I require a "remedial course in logic" is a sentence that could only have been written by a crude positivist, a sexist, or both. I am one who is loathe to suggest that anyone is a sexist. This is a term bandied about too readily. But when a reviewer charges a senior woman, one who has edited or authored 20 books, a number of which have received awards, with being a stranger to logic, something is going on. It would seem that the reviewer shares the benighted view (at least in this matter) of Aristotle that women are wanting in the "deliberative faculty." More likely, however, the reviewer is still strangled in a long discredited positivism that shuns any hermeneutical enterprise and accepts a very narrow view of logic as a result.

Although it seems the "Mises Review" does not print letters to the editor—how very handy!—I want to reply to a few errors or misstatements in this cranky and ill-tempered 'review'. First, of course, you didn't ignore the Gregory the Great/Gregory VII "confusion"—nor should you. When my manuscript was cut from 300 some pages down to a more reasonable size for keeping it priced where the publisher wanted it priced, chunks fell out, including a chunk that made absolutely clear the distinction. Worried that that distinction was blurred, I called the attention of the copy-editor to the confusion in a desperate last-minute email and FAX but, apparently, to no avail. In a second edition to the book, forthcoming soon in paperback, that correction will be made. I fail to see what is "astonishing" in simply stating the fact of the matter concerning Gregory's deposition of Henry IV. On Boniface VIII—if the secular sword requires papal supervision, the distinction grows very fine indeed between a fused single sword and the classic two-swords doctrine. This, at least, is the way most of the masters of medieval history, and I studied with several of them, interpret it.

Second, as to Lincoln and the "Dred Scott" case, my reference, obviously, was to Lincoln's insistence in his debates with Douglass that Douglass, in defending "Dred Scott", was "blowing out the moral lights among us" insofar as it left standing precisely "the notorious Fugitive Slave Act." Everyone but the reviewer seems to recognize this as he strains at elephants and yields forth a gnat. Be that as it may, my book is not a general or particular history of any epoch but, rather, a genealogy of a great tradition of moral reasoning, namely, the just war tradition and the ways in which it is brought to bear (or not) in the war against terrorism.

Third, it is simply not the case that I argue the United States was justified in going to war against the Taliban regime in Afghanistan because of its brutal ill-treatment of women. The ill-treatment of women is noted as illustrative of but one of the issues at stake as between the United States and its constitutive principles and the Taliban-al Qaeda world of radical Islamist fanaticism. There are many others. The justification for going to war is that one could not disrupt al-Qaeda training camps and fight them exclusive of fighting their Taliban recruits, protestors, supporters, and sponsors. A less snide, school-boy 'smarty pants' reviewer would note that. But the reviewer is so hell-bent on demonstrating a woman's flawed logic he just plows right on. On "last resort", I make it clear that last resort is always a judgment call, always an exercise in prudential reason. There will be differences in assessing whether that criterion has been met. Surely I made that clear.

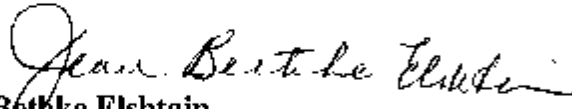
Continuing: it is preposterous to suggest that the United States failed to meet the proportionality requirement. When one is attacking civilians directly (violating the principle of discrimination), one clearly also stands in danger of violating proportionality. The proof here is usually in the pudding. Is the civilian population so thoroughly terrorized that they flee the country? An egress of civilians is a sign that a war against civilians is going on. That did not happen. One would also see much, much more damage to the infrastructure of the society—although the Afghan infrastructure had been let to rot over the Taliban years long prior to the war against al-Qaeda and the Taliban. Not only is there no evidence of the U.S. led effort doing extensive damage, subsequent to the war U.S. civilian affairs teams are at work helping to build up the infrastructure; girls are able to go to school again; hospitals are running, etc. Another sign here is that international humanitarian aids groups are able to operate freely in Afghanistan once again. Most of them had either been kicked out or departed Afghanistan because of the hostile environment in Taliban-dominated Afghanistan. Clearly, one develops a proportionate response to indiscriminate killing by observing the norms of discrimination and proportionality. Since the reviewer seems to know everything, perhaps he would share with us what he believes is a proportionate response? How many unintended civilian casualties would he accept as proportional, or a sign of proportionality? Zero? Under 100? This sort of thing gets grotesque fast. I make it clear that every civilian casualty is a tragedy; not every civilian casualty is a crime.

I searched through my book but could not find an argument about, or defense of, natural law. I am not a natural law thinker. But to display the natural law dimensions of certain traditions or documents is only to try to be accurate in indicating how certain principles or

traditions emerged, what holds them together, etc. Niebuhr was certainly right that natural law can run afoul by turning into legalism. On the other hand, there is a danger in unbound prudence, as well. Prudence should never be unbound and Niebuhr never unbound it. His prudence always emerged within a complex Gospel narrative.

I realize that this letter will go into nowhere land. It must be great fun to commit hit and run without any fear of debate or response!

Sincerely,



Jean Bethke Elshtain

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