

Boris Kashnikov

National Research University Higher School of Economics, Moscow

THE LOST VICTORY*

Summary

The author in this paper presents the dilemmas over the meaning of victory in contemporary wars, arguing that wars such as “war on terror”, “humanitarian intervention” and especially a “just war” seem to be unwinnable. In the first part of the paper the author presents the normative meaning of the term “victory” which goes beyond the military success in a war, encompassing also virtuous motives, efforts and goals. In the second chapter the author considers the transformation of the contemporary war as a form of transformation of political sovereignty. The decline of victory, which is a subject of the third chapter, is in close relation with the transformation of contemporary war due to the emergence of unwinnable wars. Finally, in the fourth chapter, the author is setting the relation between the meaning of victory and the so called “just war theory”, and concluding that it is not possible to win the “just war”.

Key words: victory, war, just war, war on terror, humanitarian intervention

INTRODUCTION: THE MEANING OF A VICTORY

What does it mean to win the war? We do not often pose this question, because the answer seems to be evident. But we often disagree about the meaning of victory and it could hardly be otherwise, since victory is a normative term. Besides, many contemporary wars are problematic in terms of victory, to say the least. The “war on terror”, “humanitarian intervention” and many other wars waged by a sole and

* This research carried out in 2015 was supported by “The National Research University ‘Higher School of Economics Academic Fund Program” grant № 15-05-0069.

unhappy superpower seem to be unwinnable. Our intuition tells that something is wrong with the notion of victory. The normative terms always tend to conserve some archaic meanings, which sometimes seize to correspond to more recent realities and practice. Something like that presumably happens to “victory” as it does not fit the reality of the contemporary war, or the reality of values, or both.

My exposition will be developing in four steps. First, I will try to catch the formal normative meaning of the term by using the simple ordinary language analysis. Second, I will address the problem of the transformation of the contemporary war to see what exactly gets changed, if anything. Third, I will try to relate the changed war to the meaning of victory in war and see if the transformation of war triggers the transformation of victory. Fourth, I will try to link the meaning of victory to the so called “just war theory.” I am going to prove four interrelated statements:

1. Victory is a normative term; it is an admirable military success. It presupposes virtuous motives, virtuous efforts, virtuous goals plus the success in war.
2. The transformation of the contemporary war is above all a transformation of the political sovereignty. We are heading to the new, global sovereignty. War in the form of low intensity policing by the global empire has become absolute.
3. The term “victory” is inapplicable to the wars of a new sovereign. This war is unwinnable, but permanent.
4. Even if some wars are possible to win, it is not possible to win the “just war”.

Let us start with the normative meaning of the term. Perhaps, we may relate victory to a success in war. Victory seems to be a military version of a success. But victory is not simply a success; there is something else to it. This “something” makes an important difference. Success may also be a normative term, but evidently less so, at least it can be more or less grasped by the descriptive statement. The success may be described as a matter of fact. By claiming success we state the fact of a realization of our desire. We may be wrong. It may happen that the success was too costly, like in “Pyrrhic victory”, or we did not really desire it. Still, it was a success, or something mistakenly taken for a success. We can to some extent verify the statement empirically. Did we have a desire? Was it realized? Was it truly realized? The claim of victory is somewhat more complicated.

The statement of victory is a prescriptive statement and cannot be empirically verified. The successful war does not immediately yield victory. Victory evaluates a military success in three dimensions and thus makes a trinity: a true motive, a true effort and a true goal. Victory should be regarded as a threefold virtue of a success. In other words, it is an admirable success. The virtues of a success seem to be the following: The motives must be prudent, efforts shall be courageous and honorable, goals must be glorious. Victory is a military success plus prudent motives, courageous and honorable means and glorious goals. This is what I claim to be the unique normative formula of victory.

The victorious war is supposed to be a prudent war, or driven by prudent motives, not simply by a whim. Even a successful whim does not make a victory. It means that the motives, which drive a nation to war, are supposed to be constrained by reason. War is not to be taken lightly. "War is no pastime; it is no mere a joy in daring and winning, no place for irresponsible enthusiasts. It is a serious means to a serious end, and all its colorful resemblance to a game of chance, all the vicissitudes of passion, courage, imagination, and enthusiasm that it includes which are merely its special characteristics."¹⁾ The motives of a victorious war are well pondered, balanced and reflective. The basic motives, which make nations fight, according to Ned Lebow are interest, security, standing and honor.²⁾ These motives are resultant from more basic driving forces such as appetite, spirit and reason. Since none of them usually works alone and since these basic motives are distributed unequally among the agents (people, army and government) the motives are always a combination in different proportions of the major driving forces. The prudent motive constitutes a reasonable golden mean. Thus fear is nothing else but unreasonable security. Greed is unreasonable interest. Hubris is unreasonable standing. Revenge is unreasonable honor. The victorious war is the war motivated by prudent motives of interest, security, standing or honor. If it is not truly so, the nation may at least think, and make others think that it is so. Otherwise we simply do not call it a victory, even if the military effort was a successful one. Of course the level of prudence is a matter of dispute. The victorious nations tend to exaggerate the prudence of their motives.

1) Carl von Clausewitz, *On War*: Michael Howard and Peter Paret, editors and translators, Princeton University Press, Princeton, New Jersey, 1989.

2) See Richard Ned Lebow, *Why Nations Fight. Past and Future Motives for War*, Cambridge university press, Cambridge, 2010.

The second component of victory constitutes virtue of means. “No one starts a war – or rather no one in his senses ought to do so – without first being clear in his mind what he intends to achieve by that war and how intends to conduct it.”³⁾ The means must have something to do with fortitude (including courage) and honor if it is truly a victory. An effortless war or a war without any risk to life and limb does not make a victory. If our enemy is too weak, and we are too strong, we do not even call such an engagement a war, much less a victory. The component of courage may be less evident at least for the contemporary war, but it is also important. Courage is more archaic, it is more about man to man fight, which is rare in the contemporary technological warfare.

Honor as a virtue of means may be divided into two subgroups: the honor in relation to enemy and honor in relation to noncombatants. The honorable warrior is supposed to be magnanimous. He keeps his word. He demonstrates some chivalry, if it is at all possible in the contemporary war. He spares life of noncombatants, even at his personal risk. In the contemporary information war it is always the prerogative of “they” to lack fortitude, courage and honor. “They” tend to fight dirty war, “they” target civilians, violate cease fire agreement, are treacherous and are lacking in valor, courage and fortitude. Which is why even if “they” have a success, “they” are not truly victorious. On the contrary, “we” are waging only the cleanest of wars, “we” never target civilians, and “we” stick to agreements and are the embodiment of courage and fortitude. Even if “we” have no success, “we” still “win” the war because we demonstrate exceptional virtues. That is one of the usual myths or memes of war. This is the story we always tell. In any case, we still continue to believe in the old lie of war, which makes the lie little different from the truth. In history the victors always tended to exaggerate their war efforts as well as the strength of their enemies. They also tended to exaggerate the moral ills of the opponent and to diminish their own ills. It has always been so, and it could hardly be otherwise.

Even a hard won and honorable success, could hardly count as victory if it is not related to the glorious goals. What goals are deemed to be glorious is a matter of dispute and culture. The goals may be religious, political, economic, ideological and moral or a combination of two or more. But in any case, there is a military goal of war, which is to “to compel our enemy to do our will” (Clausewitz). The military

3) Clausewitz, *op.cit.*, p. 579.

goal never goes alone at war. The tradition of modernity, the schools of Kant, Hegel and Clausewitz have taught us to relate victory to political goals only. According to Kant, the states should withdraw any particularistic and moralistic qualifications of each other, which could suspend political peace among them. According to Clausewitz, war is a continuation of politics by other means. Victory of modernity is not supposed to be about crusade, holy war, economic advantage, moral domination or whatever. The political victory is victory, which does not ruin the sphere of the political, and which does not go to the extremes of absolute war. In the words of Clausewitz: “Were it a complete, untrammelled, absolute manifestation of violence (as the pure concept would require), war would of its own independent will usurp the place of policy the moment policy had brought it into being; it would then drive policy out of office and rule by the laws of its own nature, very much like a mine that can explode only in the manner or direction predetermined by the setting.”⁴⁾ That is exactly what happens if we leave behind the political sphere and use war as a continuation of religion, morality or economy. War becomes absolute, peace relative, victory unclear. The political dimension of victory presupposes that we win the war with the main goal to achieve peace, reestablish harmony of interests of the sovereign states and to stay away from absolute war.

THE TRANSFORMATION OF WAR

The classical European war of modernity has been shaped between 16th and 19th centuries and passed through different stages of development thereafter. The classical war was above all a socially organized activity, a rational instrument of sovereign states promoting their political ends by using organized and highly institutionalized violence subjected to a set of certain laws. This form of violence was symmetrical and kept within political sphere. Our current concept of victory still shadows the classical concept of war, which no longer exists. There can be different accounts of the transformation of war in our condition of post modernity.

Martin van Creveld argues that war has become “transformed” as we enter warfare between ethnic and religious groups waged not by armies but by terrorists, guerillas, bandits, and robbers. According to Barbara Ehrenreich new wars are less disciplined and more spontaneous than the old. Mary Kaldor holds that new wars are about

4) Clausewitz, *op.cit.*, p. 87.

identity politics, fought in a context of globalization by paramilitary units, local warlords, criminal gangs, police forces, mercenary groups and also regular armies including breakaway units of regular armies. John Mueller believes that the transformation of war is its extinction. War is a kind of atavism; it is about to die out, as we are getting disgusted by war. The war of major powers is no longer possible and may be checked globally.⁵⁾

It may all be true, but none of these viewpoints goes deep enough. According to Clausewitz war is a real chameleon, which changes constantly, which does not know any fixed form, much less color. But there is some foundation, which predetermines the changes. Any major type of war is related to the dominant type of sovereignty. Tribal wars, wars of kings, wars of nations-states were all different wars.⁶⁾ We are currently witnessing the global transformation of sovereignty and that is the major driving force of the transformation of war. The sovereignty of nation-states, which were waging wars on each other in the past, is no longer a dominant or actual form of sovereignty; it is in decline as well as the sovereign states, propelling it. Hardt and Negri rightfully hold that a “network power,” a new form of sovereignty, is now emerging and it includes as its primary elements, or nodes, the dominant nation-states along with supranational institutions, major capitalist corporations, and other powers.⁷⁾ The core of this global form of sovereignty is constituted by the United States as the sole superpower. The contemporary wars are by and large dividable into two major groups: the wars of the global network power and all the rest. The dominant wars of today are the wars of the sole superpower. These wars are rather different to what we usually knew as war (the wars of nation-states). In what follows, we are going to refer to these wars as “new” or “transformed” wars. Other wars, old wars, still occur, but they are of little importance and interest to us.

The central component of the political project of modern theories of sovereignty was to isolate war at the margins of society by separation of war from politics. War was supposed to be the break in the continuity, a violation of the norm, rather than norm itself. The

-
- 5) Martin van Creveld, *The Transformation of War*, The Free Press, New York, 1991; Mary Kal-dor, *New and Old Wars*, Polity Press, Cambridge, 2012; John Mueller, *The Remnants of War*, Cornell University Press, Ithaca and London, 2004; Barbara Ehrenreich, *Blood Rites. Origins and History of the Passions of War*, Henry Holt and company, New York, 1997.
 - 6) See Azar Gat, *War in Human Civilization*, Oxford University Press, Oxford, 2006.
 - 7) See Michael Hardt, Antonio Negri, *Multitude: War and Democracy in the Age of Empire*, The Penguin Press, New York, 2004.

enemy was supposed to be a public enemy and not a perpetrator of any moral or religious norms. War was a limited state of exception. The enemy was not to be treated as a criminal. The goal of the war was also limited: “It almost never aims at overthrowing a sovereign or changing the government of a country, and is usually fought simply to achieve territorial objectives.”⁸⁾ *Jus publicum europaeum* which substituted for the Medieval doctrine of the “just war”, was a political doctrine of the war in due form. It was based in the idea of equal sovereign states. Wars were symmetrical wars. They reminded the duel, in which the adversaries observe the rules of the code. The Westphalian order, which was established in Europe by the end of the 17th century prevented armed conflicts from degenerating into absolute war of absolute enmity and annihilation. The wars of modernity were based on conventional enmity.

The central component of messianic project of the contemporary sovereignty is different. It is to isolate politics at the margin of the global society by introducing permanent low intensity police war on the perpetrators of the global order. With the transformation of war we seem to be moving back in time into the perpetual state of war. The traditional distinction between war and politics are blurred again. War itself has adopted a status of a constructive force, an organizing principle of the global society. Wars must be fought for the very purpose of supporting the new form of sovereignty. The goals of the contemporary war tend to exceed the limits of the political and enter the sphere of religion, morality or economy. The classical formula of Clausewitz, which presupposes that war is continuation of politics, is reverted. Rather, it is politics, which tends to serve as continuation of war by other means and war in its turn serves morality, religion or economics. War reformulates itself as a kind of battle between the forces of good and the forces of evil. The U.S. and its satellites arrogate to themselves the right to judge what is legitimate, moral or proper in the perpetual war of good on evil. The forces of evil, namely, terrorists, rouge states and other dark forces do not have such a right. Not even a right to resist the authority of the joined forces of light.⁹⁾ The very legitimating of the global order is based predominantly on war. War thus is adopting the capability of imposing its own framework. The international law tends to degenerate.

8) Alain de Benoist, *Carl Schmitt Today: Terrorism, 'Just' War, and the State of Emergency*, ARKTOS, London, 2013, p. 23.

9) See Jeff McMahan, *Killing in War*, Clarendon Press, Oxford, 2009. McMahan claims that illegitimate combatants not even have the right to resist the legitimate ones and may be thus prosecuted for the very attempt to resist.

The violence of the strong is immediately legitimated and the violence of the weak is immediately called terrorism.¹⁰⁾ In many respects, this postmodern state of war resembles the pre modern wars, constantly over coded in moral and religious terms.

THE DECLINE OF VICTORY

The current transformation of war invariably results in the transformation of victory, which means that the basic virtues of victory tend to decline. The contemporary wars of the global empire are predominantly motivated by fear, to some extent greed, revenge and hubris, much less by rational motives of security, interest, standing and honor. The difference of fear and a reasonable concern for security is the lack of the readiness to provide equal right for security concerns for the others. The so called “Bush doctrine” reveals these motives fully. The new American strategy (Bush doctrine) was officially stated in a public report in September 2002. “The United States will no longer allow its enemies to attack first: America will act against such emerging threats before they are fully formed.” The preventive attack thus becomes the rule. “We will defeat adversaries at the time, place and in the manner of our choosing – setting the conditions for future security.”¹¹⁾ It is made clear that the sovereignty of countries that represent a threat will not be respected. The problem states are defined as those that are hostile to U.S. interests. Therefore, the United States must defeat the most dangerous challenges early and at a safe distance, not allowing them to mature. This doctrine evidently contradicts the Charter of the United Nations under which defensive wars are only legitimate. Besides, fear cannot lead to victory, which was demonstrated once again in numerous American wars, from Kosovo to Libya, even if the war is a success. As Jean Baudrillard holds: “It is the real victory of terrorism that it has plunged the whole of the West into the obsession with security – that is to say, into a veiled form of perpetual terror.”¹²⁾ John Mueller claims: “Although it is sensible to be alert and to take precautions, many of the extreme forms alarmism has taken are not reasonable – in fact, they often verge

10) Immediately after the violent American backed coupe in Ukraine in February 2015, the entire population of the provinces, which did not support to illegitimate change of power, was declared “terrorists”. The war of extinction was started on Donetsk and Lugansk.

11) National Security Strategy of the United States of America (NSS) at www.whitehouse.gov/nss.pdf. There are two versions of NSS: one from 2002 and one from 2006.

12) Jean Baudrillard, *The Spirit of Terrorism and Other Essays*, Verso, London, 2003, p. 81.

on hysteria.”¹³) Paul Virilio also interprets the recourse to preventive war by reference to the omnipresence of fear: “The preventive war of George Bush is an act of panic by the Pentagon. The preventive war is, in fact, a war lost in advance. To attack preventively proves that one is not sure of oneself. America and its hyper power are in fact impotent in relation to the novelty of the strategic event.”¹⁴) The so called war on terror and many other wars of the global empire should be regarded as motivated predominantly by fear. The invasion to Afghanistan seems to have been as much a matter of rage and revenge as one of sober calculation or national interest. The invasion of Iraq is a vivid manifestation of greed as well as fear. The invasion of Kosovo has much to do with pure hubris as well as greed.

We often hear that democratic societies are not driven by the desire to wage war. But democratic societies are often driven by fear, a lack of wisdom and democratic people can be easily tricked by demagogues. Democracy is strictly speaking a mob rule; Aristotle has much to tell about this matter. If the masses are adopting poor moral qualities are infected by the virus of militarism, so is the government.¹⁵) In fact the American public is infected by a strange kind of militarism, the so called soft militarism, when people are frightened of everything happening outside, gain pleasure from the feeling of belonging to the mighty Empire capable of delivering just strikes all over the globe, with little consideration of international law and order, just like in American cowboy’s movies.¹⁶) This kind of public motive should be regarded as a combination of a hubris, fear and revengeful spite.

As to the virtue of the means of war, fortitude is no longer a much needed virtue. The contemporary war technology makes robotization a clear prospect for the future.¹⁷) Even now, high altitude bombing of Yugoslavia is a case of risk free warfare.¹⁸) Little fortitude

13) See John Mueller, *op.cit.*

14) The citation is provided by Alain de Benoist, *op. cit.*

15) See Richard Sennett, *The Fall of the Public Man*, Cambridge University Press, Cambridge, 1977.

16) Andrew Bacevich, *The New American Militarism. How Americans are Seduced by War*, Oxford University Press, Oxford, 2005.

17) See Michael L. Gross, *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict*, Cambridge University Press, Cambridge, 2010; P.W.Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century*, Penguin Press, New York, 2009.

18) See Ivo H. Daalder, Michael E. O’Hanlon, *Winning Ugly: NATO’s War to Save Kosovo*, Brookings Institution Press, Washington, 2000. The authors claim that although the engagement should be regarded as NATO’s success, there is still no victory exactly because of the ugliness of means (little fortitude, no courage and honor from the side of NATO’s “warriors”).

is needed for the pilot of the contemporary bomber, who drops the bombs from the heights of 15 thousand feet, which makes him above the range of attack of any surface to air missiles. Even less courage is needed for the operator of the drone, who does not even have to be physically present at the theater of military actions. The contemporary democratic nations demonstrate low tolerance for casualties of their own soldiers, but have nothing against the high casualties of the civilians at the other side, if it is the so called “collateral damage”. In general the “civilized” nation at war does not suffer or risk anything. One can courageously sip bear and watch the CNN account of the glorious attacks on the terrorists by drones. Besides, the armies of the civilized nation are no longer nations at arms and the soldiers are not citizen-soldiers. The armies are professional and the majority of rank and file represents the most vulnerable population groups, like Blacks or Latinos. The American army is often called the “green card army”. Joining U.S. army gives you a green card or even a citizenship.

As to the honor, the contemporary war knows little chivalry. The words of Hegel about modern wars that are waged in a humane manner and persons do not confront each other in hatred, sound like anachronism or a bad joke. That is no longer the case. And there are reasons for that, provided by the vicious war of 20th century. The Russian philosopher of the early 20th century Nikolay Berdyev revealed the secret of the contemporary absolute war: “Warfare is possible only against an object. You cannot make war on a subject. If in your enemy you recognize a subject, a concrete living being, human personality, war becomes impossible. The war has been turned into objects. In warring armies there are no subjects, no personalities.”¹⁹⁾ The contemporary warring parties do not fight as individuals; they also do not fight the individuals. They fight the gooks, commies, terrorists, vatniks, ukras, etc. In fact, the ideal of moral equality of combatants has little to do with the reality. The moral subject does not exist in the contemporary war. In terms of hatred, the contemporary war should be regarded as a global civil war. In addition to the depersonalization provided by the very nature of the contemporary weapons, the belligerents resort to the special methods of depersonalization. One of them is torture, another is terror. These two forms of violence are reciprocal. Both are directed at the same goal – to depersonalize the enemy. Both are not designed to deal with the political enemy. Both demonstrate little respect for moral equality of combatants. The first

19) Nikolay Berdyev, *Slavery and Freedom*, Scribner's, New York, 1944, p. 162.

should be regarded as the way of underdogs, the second – over dogs of the contemporary asymmetric warfare. But they are twins, one does not exist without the other; they should be regarded as a linked form of communication. “In that register, violence aims not only to injure but to degrade, and not simply to degrade the immediate victim, but also all those who see in the victim’s actions an expression of their own political beliefs.”²⁰⁾ If our enemy is a terrorist, everything goes, including torture, extermination, violation of the agreements and of course, terror. It is natural to use terror on terrorists.

In addition the warrior’s honor is no longer extended to noncombatants. In fact there are no noncombatants in the contemporary war; the war tends to become total and absolute almost from the start. The goals of war may be achieved much more easily with strikes on civilians, even if we do not really “desire” it and thus are capable to claim an excuse of a “collateral damage”. The myth of the collateral damage of the contemporary war can hardly deceive anyone. The contemporary war with the smartest of weapons is waged against civilians and it does not matter if nobody really wants it or not. One can simply see the figures. The most morally significant fact about the development of modern warfare over the last hundred years has been the increase in civilian casualties – from 10 to 90 percent of the total. The amount of the civilian losses grows exponentially from war to war. It does not matter what you desire, if your military inevitably produce heavy death toll. One has to know in advance, that any war results in great casualties of the civilians, even if it is a so called “humanitarian intervention”. According to John Tirman the ratio of Americans killed to the deaths of the others was 1 to 200 in Iraq, which is even higher in comparison to the vicious Korean war (1 to 100).²¹⁾

The recourse to indiscriminate aerial bombardment may not be any longer at use by the belligerents, because there is no much need and too costly. But, to take only one example, it is well documented by the OSCE that the Ukrainian forces on siege of Donetsk and Lugansk were using all kinds of the most indiscriminate weapons including aviation bombardment, cluster bombs, white phosphorous bombs and even ballistic missiles against their own fellow countrymen in 2015,

20) Paul W. Kahn, *Sacred Violence. Torture, Terror and Sovereignty*, The University of Michigan Press, Ann Arbor, 2008.

21) John Tirman, *The Deaths of others. The Fate of Civilians in American Wars*, Oxford University Press, New York, 2011, pp. 3-12.

with not a single reprimand from the U.S. or the so-called international community, simply because the war was against “terrorists”. They were deliberately attacking highly populated areas and targeting hospitals, kindergartens and schools causing the heavy civilian casualties. The general contempt for civilians as legitimate target in war was perfectly expressed by Madeline Albright. In a public debate on CBS in 1996, the former Secretary of State, she was questioned by Leslie Stahl on the necessity of establishing a blockade against Iraq, thereby bringing about the death of 500 000 Iraqi children (‘We have heard that a half million children have died in Iraq. I mean, that’s more children than died in Hiroshima. Is the price worth it?’). Albright’s reply was unequivocal: ‘I think this is a very hard choice, but we think the price is worth it.’ (CBS, 60 Minutes, 12 May 1996).²²⁾ It is simply a matter of price. In many cases of the contemporary warfare with “humanitarian” purposes the deliberate targeting of civilians simply does not worth the price. But the nature of the contemporary war presupposes the targeting, if needed.

When it comes to the virtue of goals, which makes the third component of victory, we will have to deal with the “Bush doctrine” again, which sees a military force as an appropriate means to utilize in pursuit of some goal. The proper end for American wars was found in 2002 by introducing the notion of the global war on terrorism as well as rogue states. The underlying idea here is the claim to embody the abstract moral justice. The notorious messianic viewpoint, which goes back to the Pilgrim Fathers and the myth of the ‘city on the hill’, which was once propelled by the British Puritanism doctrine of the 16th century of the Holy War without reservation. Historically universalism like that has always favored expansionism and colonialism. The explicitly stated goals of the Bush doctrine are not only to defeat terrorism, but to spread democracy, defend human rights and end tyranny with the eventual triumph of freedom. Of course the American interests should also prevail, simply because America is indispensable nation. Already in 1991 Charles Krauthammer writes, “We are living in a unipolar world. We Americans should like it and exploit it.”²³⁾ Since the major threat in realization of these goals is terrorism, war is waged against indefinite, immaterial enemy. The war on terror, which was started on 11.09.2001 should be regarded as a permanent war without any possible end and final victory. The term “terror” is extraordinarily

22) I have taken it from: Alain de Benoist, op.cit., p. 32.

23) The Washington Post, 22 March 1991.

vague. One of the most prominent contemporary linguists claims, if we use any of the official definitions of terror, the USA itself may be regarded as the greatest terroristic threat.²⁴⁾

Kahn has correctly observed that Bush – bin Laden confrontation fundamentally brings into play two political theologies of equal footing. Both are the goals predetermined by the absolute enmity. But there is a difference. To establish a new global world order, perceived as a necessary condition of national security, Bush doctrine presupposes global opening of markets, access to energy resources, the suppression of regulations and borders, the control of communications, and so on. This new type of war resembles a total, absolute, moral or police war, where the objective is not only to defeat the enemy but to wipe him out, although not necessary using weapons, but information war, colored revolutions, cyber war, targeted killings, etc. These are mostly policing war to pacify civil conflicts and to topple regimes deemed harmful. These wars are absolute wars by definition and may easily degenerate into total war of blind extermination. What is very remarkable is the Manichaeic systems, which conceives of the world as a battlefield of good and evil, is that Islamic fundamentalism and liberal conservatism look very much alike. The permanent and perpetual war is thus the most obvious result of both outlooks. The prospect of gaining victory looks dim in any case. The wars where the enemy is considered as a criminal or an outlaw betray their religious character. The new crusades, conducted against heretics and pagans, are wars without limits and without end. These wars are unwinnable by definition.

THE IMPOSSIBILITY TO WIN THE JUST WAR

It is even less possible to win the contemporary war, if the war is supposed to be just. Of course, just war is a myth, which helps to preserve the old lie of war, “that war is a noble endeavor and that the wars *we* fight are unequivocally just”.²⁵⁾ I do regard just war as a myth, but the myth that works. It may help to win the war. There is a certain paradox of the just war theory, which makes it relevant to the current transformation of war, namely just war theory tends to degenerate into a mere propaganda.²⁶⁾ The theory proclaims two sets

24) Noam Chomsky, *9-11*, Seven Stories Press, New York, 2001.

25) Andrew Fiala, *The Just War Myth: The Moral Illusions of War*, Rowman and Littlefield Publishers, INC., Lanham, 2008, p. III.

26) See Michael Walzer, *Just and Unjust Wars. A Moral Argument with Historical Illustrations*, Basic Books, New York, 1976. Michael Walzer, *Just and Unjust Wars*, Basic Books, New

of principles: Jus ad Bellum principles and Jus in Bello principles. They obviously contradict each other. The principles of Justice in War (Jus in Bello) put a constraint on the way we fight and thus may prove to be a heavy burden and even prevent the success. The principles of Justice of the War (Jus ad Bellum) are of different nature. They are developed directly out of the holy war ideal. They oblige us to fight if the cause is sacred or just. The paradox which is at starkest display here may be referred to as the paradox of impossibility to win the Just War. The more just our war is in terms of Jus ad Bellum, the less it is just in terms of Jus in Bello. The more our war is just in terms of Jus in Bello, the less it is just in terms of Jus ad Bellum. The two parts of the Just War theory simply do not fit each other. In the Just War Theory the problem is resolved by the doctrine of the “supreme emergency”. Both Walzer and Rawls admit the possibility of a “supreme emergency exemption” from the restrictions of the Jus in Bello principles of discrimination and proportionality.²⁷⁾ If there is no supreme emergency, we may stick to the principles of Jus in Bello. This conception could be applied only if we assume that wars can be of different level of enmity (conventional war and absolute war). If it is an absolute war, we may forget about the constraints. The just war theory tends to be extremely flexible in this case. It tends to justify torture, extrajudicial detention, targeted killings, which are widely used as means in a war on terror.²⁸⁾ If it is a conventional war, we stick to the constraints, since we do not have much to lose in case of a defeat. But the contemporary wars are not conventional, but absolute wars, based on moral and religious distinctions, not political ones. It means that the supreme emergency can always be claimed, if needed. It also means that all the wars of the sole superpower are just simply by definition and all the wars of the opponents are unjust due to the same reason. Carl Schmitt holds: “The present theory of ‘just war,’ aims to distinguish the opponent who wages unjust war. War becomes an “offense” in the criminal sense, and the aggressor becomes a “felon” in the most extreme criminal sense: an outlaw, a

York, 1992. See also Paul Christopher, *The Ethics of War and Peace*, 2nd edition, Westview Press, Boulder, CO, 1999; Nick Fotion, *War and Ethics. A New Just War Theory*, Continuum, London, 2007.

- 27) Michael Walzer, *Just and Unjust Wars*, Basic Books, New York, 1977, chap. 16; John Rawls, *The Law of Peoples*, Harvard University Press, Cambridge, MA, 1999, chap. 14.
- 28) See for example: *Elshain Bethke, Just War against Terror. The Burden of American Power in a Violent World*, Basic Books, New York, 2003. This is a remarkable document of total permissiveness of the Just War Theory in case of emergency. In addition to the Just War Theory we should have a Just Torture Theory.

pirate.”²⁹⁾ If all the enemies of the empire are criminals and there is no need in Jus in Bello, it simply means that we cannot win a holy war by sticking to the political constraints of Jus in Bello, they do not mix. This paradox simply illuminates what we have been trying to reveal above: the notion of victory is inapplicable to the contemporary asymmetrical wars of the global empire; these wars are permanent and unwinnable. These are sacred wars, not constrained ones.³⁰⁾

LITERATURE

- Bacevich, Andrew, *The New American Militarism. How Americans are Seduced by War*, Oxford University Press, Oxford, 2005.
- Baudrillard, Jean, *The Spirit of Terrorism and Other Essays*, Verso, London, 2003.
- Berdyaev, Nikolay, *Slavery and Freedom*, Scribner's, New York, 1944.
- Bethke, Elshain, *Just War against Terror: The Burden of American Power in a Violent World*, Basic Books, New York, 2003.
- Chomsky, Noam, *9-11*, Seven Stories Press, New York, 2001.
- Christopher, Paul, *The Ethics of War and Peace*, 2nd edition, Westview Press, Boulder, CO, 1999.
- Daalder, Ivo H.; O'Hanlon, Michael E., *Wining Ugly: NATO's War to Save Kosovo*, Brookings Institution Press, Washington, 2000.
- De Benoist, Alain, *Carl Schmitt Today: Terrorism, 'Just' War, and the State of Emergency*, ARKTOS, London, 2013.
- Ehrenreich, Barbara, *Blood Rites. Origins and History of the Passions of War*, Henry Holt and company, New York, 1997.
- Fiala, Andrew, *The Just War Myth: The Moral Illusions of War*, Rowman and Littlefield Publishers, INC., Lanham, 2008.
- Fotion, Nick, *War and Ethics. A New Just War Theory*, Continuum, London, 2007.
- Gat, Azar, *War in Human Civilization*, Oxford University Press, Oxford, 2006.
- Gross, Michael L., *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict*, Cambridge University Press, Cambridge, 2010.
- Hardt, Michael; Negri, Antonio I, *Just and Unjust Wars*, Basic Books, New York, 1992.

29) Carl Schmitt, *The 'Nomos' of the Earth in the International Law of the 'Jus Publicum Europaeum'*, Telos Press, New York, 2003, p. 26.

30) Of course some self-inflicted constraints are possible. They are possible even in a Jihad. In fact the Holy Quran demands the constrained war even on Dar-al-Harb. See James Turner Johnson, *The Holy War Idea in Western and Islamic Traditions*, Pennsylvania State University Press, Pennsylvania, 1997.

Борис Кашњиков

ИЗГУБЉЕНА ПОБЕДА

Резиме

Феномен победе у рату у савременом друштву није једноставно одредити. Шта значи победити у рату, зависи како од значења „победе“, тако и од одређења савремених ратова. „Победа“ је првенствено нормативни термин, са донекле архаичним значењем, које не одговара реалности савремених ратова и савремених вредности. Пуки успех у рату се не може сматрати победом, већ се мора посматрати кроз призму мотива, средстава и циљева. Успех у рату, праћен разборитим мотивима, храбрим и честитим средствима и славним циљевима, представља нормативну формулу победе.

Традиција модерности, у виду школа Канта, Хегела и Клаузевица, повезивала је победу само са политичким циљевима, јер рат према овим схватањима није био апсолутан по свом карактеру. Рат је представљао друштвено организовану активност, којом су суверене државе спроводиле своје политичке циљеве, а насиље је било симетрично и задржавало се унутар политичке сфере. Постмодерно схватање рата подразумева напуштање политичке сфере и улажење у сфере религије, морала и економије, при чему рат постаје апсолутан, мир постаје релативан, а победа нејасна. Претерано присуство моралних и религиозних термина доводи до извесне сличности постмодерних ратова са предмодерним, док значење победе и даље носи терет модернистичког схватања рата.

„Нови“ или „трансформисани“ ратови, које у данашњем свету води једина суперсила, Сједињене Америчке Државе, носе карактеристике сталног стања рата, при чему рат прераста у организациони принцип савременог друштва, и централна компонента савременог схватања суверенитета. Рат није више наставак политике другим средствима, према схватању Клаузевица, већ је политика постала наставак рата другим средствима, при чему је рат преформулисан у борбу између снага добра и зла. Уместо рационалних мотива безбедности, интереса, позиционирања и чисти, савремени ратови су мотивисани страхом, похлепом, осветом и охолошћу.

Најмања могућност победе у рату постоји у рату који претендује на то да буде праведан, јер се у теорији праведног рата

стално сукобљавају принципи *Jus ad Bellum* (право на вођење рата) и *Jus in Bello* (право у рату). Док су принципи *Jus in Bello* ограничавајући, јер могу да представљају терет који ће спречити успех у рату, дотле су принципи *Jus ad Bellum* изведени из идеала светог рата, који нас приморава на борбу уколико је циљ свет или праведан. Парадокс који онемогућава победу у праведном рату се састоји у чињеници да, што је праведнији рат у смислу *Jus ad Bellum*, тим је мање праведан у смислу *Jus in Bello* и обратно. Уколико се на непријатеље у светом рату не примењује *Jus in Bello*, то значи да се свети рат не може водити уз ограничења *Jus in Bello*. Тиме појам „победе“ постаје неприменљив на савремене асиметричне ратове, јер су они стални и свети, због чега победа у њима постаје немогућа.

Кључне речи: победа, рат, праведан рат, рат против тероризма, хуманитарна интервенција

* Овај рад је примљен 18. фебруара 2016. године, а прихваћен за штампу на састанку Редакције 23. марта 2016. године.