

## RELIGION, JUST WAR AND LIBERALISM

---

---

*Christopher J. Eberle*  
United States Naval Academy (Annapolis, Maryland)

Fechas de recepción y aceptación: 31 de marzo de 2010, 5 de mayo de 2010

*Abstract:* The last several decades have witnessed a vibrant discussion about the proper political role of religion in pluralistic liberal democracies. An important part of that discussion has been a dispute about the role that religious and secular reasons may play in the justification of state coercion. Many political theorists have endorsed a restrictive understanding of that role. This restrictive view includes the following two claims: (1) that religious reasons cannot play a decisive role in justifying state coercion and (2) that citizens and public officials in a liberal polity should not endorse state coercion that requires decisive religious support. I doubt that there are compelling reasons to accept general restrictions of this sort. Of course, I do not deny that various constraints delimit the justificatory role of religious reasons. Rather, I am skeptical of restrictions that apply to religious reasons as a class, to any and all religious considerations, to religious reasons as such. Moreover, I believe that there is a morally more satisfying alternative to the standard, restrictive view –an alternative captured by what I have called an ideal of conscientious engagement.

*Keywords:* religion and politics, just war tradition, coercion, respect for persons, liberalism.

*Resumen:* Las últimas décadas han presenciado una discusión vibrante acerca del papel político adecuado de la religión en las democracias liberales y pluralistas. Una parte importante de esa discusión ha sido una disputa sobre el rol que las razones religiosas y seculares pueden desempeñar en la justificación de la coacción estatal. Muchos teóricos



políticos han refrendado una interpretación restrictiva de ese papel. Esta visión restrictiva incluye las siguientes dos reivindicaciones: (1) que las razones religiosas no pueden jugar un rol decisivo a la hora de justificar la coacción estatal y (2) que los ciudadanos y los funcionarios públicos en un sistema de gobierno liberal no deberían aprobar la coacción estatal que exige un apoyo religioso decisivo. Dudo de que haya razones de peso para aceptar restricciones generales de esta clase. Por supuesto, no niego que diversas restricciones delimiten el papel justificativo de las razones religiosas. Más bien soy escéptico con respecto a las restricciones que se aplican a las razones religiosas como clase, a todas y cada una de las consideraciones religiosas y a las razones religiosas como tal. Además, creo que existe una alternativa moralmente más satisfactoria a la visión restrictiva clásica: una alternativa conseguida gracias a lo que he denominado un ideal de compromiso serio.

*Palabras clave:* religión y política, tradición de la guerra justa, coacción, respeto por las personas, liberalismo.

## 1. INTRODUCTION

The last several decades have witnessed a vibrant discussion about the proper political role of religion in pluralistic liberal democracies. An important part of that discussion has been a dispute about the role that religious and secular reasons may play in the justification of state coercion. A veritable pantheon of contemporary political theorists (Rawls, Habermas, Rorty, Larmore, Audi, Gaus) has endorsed a restrictive understanding of the role available to religious reasons. For the sake of convenience, I will call this restrictive understanding “the standard view.” My main aims in this paper are to motivate skepticism regarding the standard view and to sketch a more satisfying alternative. I will try to achieve these two aims by reflecting on what I take to be the paradigmatic case of state coercion, that is, the use of military violence in war. This somewhat unusual focus provides an opportunity to enrich and deepen the relatively recent conversation between advocates of the standard view and their critics by drawing on the venerable “Just War Tradition” (JWT) regarding what makes for justified military violence.



## 2. THE STANDARD VIEW OF THE RELATION BETWEEN RELIGION AND COERCION

I will begin my discussion by explicating the main outlines of the standard view.

### 2.1. *The presumption against coercion*

I will begin to specify the core commitments of the standard view by identifying an assumption held in common by its advocates and critics: the very plausible and widely affirmed claim that there is a general presumption against coercion<sup>1</sup>. This claim seems particularly compelling with respect to the most brutal kind of coercion –the use of military violence in war. Given that waging war obliterates soldiers, terrorizes civilians, dehouses populations, orphans children, and so on, each and every community have powerful reason to refrain from waging war. Consequently, many have argued that we should understand the dominant western conception of justified war –the so-called Just War Tradition– to include the claim that each and every war is presumptively wrong. But, of course, this presumption applies more broadly. So, for example, when the state incarcerates citizens who refuse to comply with a duly enacted law, it deprives them of the goods of friendship and familial belonging that are an important component of human fulfillment. But there is always reason for the state to refrain from depriving human beings of such morally important goods. Similarly for other coercive measures: the execution of criminals, the banishment of traitors, even the imposition of fines. All of these are presumptively wrong.

For both liberals and just war theorists, it is moral bedrock that the presumption against coercion is not an absolute prohibition. In some cases, the use of military violence is just and the presumption against war overcome. In some cases, government must incarcerate criminals. When the totality of relevant normative considerations override the presumption against coercion in some particular case, then, and only then, is coercion morally permissible.

### 2.2. *Overcoming the presumption against coercion*

But what makes it the case that the presumption against coercion is actually overcome? Here we have a crosscutting and disharmonious blizzard of proposals. In order to

<sup>1</sup> I have explicated and defended this claim in some detail in my *God and War: An Exploration*, unpublished manuscript.



keep this discussion manageable, consider the manner in which advocates of the JWT answer that question. According to that tradition, the presumption against war can be overcome only if a number of substantive conditions are satisfied: a political community must have just cause to wage war, legitimate authorities in that community must authorize war, waging war must achieve an acceptable proportion of relevant moral goods and evils, recourse to war must be a last resort, and so on. I take it that these conditions are familiar and will not explore them in detail.

Nevertheless, one point is worthy of note: at least some of these conditions specify the kinds of reason that can and cannot overcome the presumption against war. This is how I understand the just cause requirement: certain kinds of moral wrongs (unprovoked military attacks, massive violations of human rights) can provide a community with sufficient reason to employ military violence, but other kinds of wrong cannot (insults to communal honor, delinquency on debts, rejection of the True Faith). So the JWT includes a specific set of restrictions on the kinds of reason that can justify a particular kind of coercion –the use of military violence in war. That is, the JWT incorporates both a presumption against war and an account of the kinds of consideration that can overcome that presumption.

Advocates of the standard view take up a similar line of work: they assume that state coercion is presumptively wrong and propose a very broad set of constraints on the kinds of consideration that can overcome that presumption. But the constraints they favor tend to be far more capacious than those incorporated into the JWT –the restrictions they favor apply to *all* instances of state coercion and to a *very* broad range of justifying reasons. One such restriction is particularly relevant, viz., that *religious considerations* cannot play a decisive role in overcoming the presumption against coercion<sup>2</sup>. A bit more precisely, when the coercing agent is the government in a liberal polity, religious considerations cannot decisively justify coercion. Although religious reasons can corroborate (certain kinds of) secular reasons that are by themselves sufficient to overcome the presumption against coercion, state coercion that would not be justified ‘but for’ some religious reason is morally impermissible. This restriction applies irrespective of the content of a given religious reason. Let us call the claim that religious reasons

<sup>2</sup> The (PRI) presupposes some conception of what makes for a religious rationale. I grant that various competing conceptions are open to reasonable disagreement. I will therefore stipulate and live with the ensuing disagreement. So here goes: a rationale (or reason) R is religious just in case R has theistic content. So, for example, ‘God has commanded us to X’ is a religious reason, as is ‘Zeus has commanded us to X,’ but ‘Our Dear Leader has commanded us to X’ is not, precisely by virtue of the fact that the first has a monotheistic, and the second a polytheistic, content that the third clearly lacks.



cannot decisively justify state coercion in a liberal polity the *Principle of Religious Insufficiency* (PRI)<sup>3</sup>.

Distinct from, but closely related to, the Principle of Religious Insufficiency is a claim about the duties of citizens and public officials. Presumably, citizens and public officials ought to do their level best to refrain from endorsing moral wrongs. But, given the Principle of Religious Insufficiency, religious reasons cannot overcome the presumption against coercion and so state coercion that requires a religious rationale is morally wrong. Consequently, citizens and public officials have a moral duty to *restrain* themselves from endorsing state coercion that cannot be justified absent some religious rationale. This is the so-called *Doctrine of Religious Restraint*.

The Principle of Religious Insufficiency and the Doctrine of Religious Restraint capture an important component of the standard view that religion should be subject to important political restrictions in a liberal democracy. More precisely, they capture the assumption, crucial to the standard view but often unstated, that religious reasons are subject to restrictions that do not apply to all secular reasons. How so? Advocates of the standard view are liberals, not anarchists, and so they must claim that state coercion is sometimes permissible. Given that state coercion is sometimes permissible, given that religion cannot overcome the presumption against coercion, it follows that at least *some* secular reasons can, and do, overcome that presumption<sup>4</sup>. Nearly every advocate of the standard view accords to at least *some* secular reasons a justificatory potential that they deny to *any and all* religious reasons. This kind of asymmetry is deeply embedded in a great deal of contemporary political theory.

### 3. THE ARGUMENT FROM RESPECT

But why accept this kind of discriminatory treatment? How could it be the case that religious reasons cannot even *in principle* justify state coercion but that some secular reasons can? Advocates of the standard view often answer this question by appealing to some version of the argument from respect. What is that argument?

<sup>3</sup> I grant that the constraints on justified coercion constitutive of the standard view tend to be less capacious than those constitutive of the JWT in one important respect, viz., the former apply to coercion directed by governments in liberal polities at their citizens, whereas the latter apply to any and all nation-states, whether liberal or otherwise.

<sup>4</sup> Of course, this conclusion follows only if religious and secular reasons exhaust the justificatory possibilities. If coercion must be decisively justified, and coercion can be decisively justified by either religious or secular reasons, and if coercion cannot be decisively justified by religious reasons, then coercion must be decisively justified by secular reasons.



Fundamental to the argument from respect is the claim that human beings possess a distinctive moral status—equal dignity, worth or sacredness. *Due respect* for the worth of our fellow human beings forbids us to treat them as mere playthings, objects to be manipulated at will, mere means to our ends. Very plausibly, due respect grounds a presumption against coercion: to subject a human being to coercive measures for which there exists no compelling rationale is to disrespect that human being. On that point, advocates and critics of the standard view can agree.

But advocates of the standard view argue that due respect implies a further constraint. Not only must the presumption against coercion be overcome by a sound rationale, not only must each coercive measure *be* justified, but each must be justified *to* those who are coerced. In order for a coercive measure to be justified to the coerced, the coerced must be able to *see for themselves* that the measure to which they are subjected is legitimate. Presumably, this condition is satisfied only if the coerced have access to what *they* regard, or would regard on due reflection, as a decisive rationale for the relevant coercive measure. So, due respect requires that each coerced human being have access to some rationale that each would on reflection regard as justifying the coercive measures to which they are subject.

Thus far, the argument from respect specifies a broad constraint on what makes for justified coercion—and so justified *state* coercion. It says nothing explicitly about the role religious reasons may play in justifying coercion. But the implications of the argument from respect are easy to draw out when we make explicit the relevant social and political context. A well-functioning liberal democracy is just a kind of political structure that effectively protects a number of rights that allow citizens to decide for themselves what to believe about religious matters. But when human beings have the freedom to determine for themselves what to believe about religious matters, they will inevitably reach different and often conflicting conclusions. As a consequence, then, of its constituent normative commitments, a liberal democracy will inevitably include a pervasive pluralism of religious belief and practice.

In that pluralistic context, only certain kinds of reason can justify state coercion. As Charles Larmore has argued, reasonable and respectful citizens resolve their differences by retreating to common ground and so the only kind of rationale that can justify coercion in a pluralistic liberal polity is one that can be shared by, or that is accessible to, a diversely committed population<sup>5</sup>. But the only shared or accessible reasons are secular: only the secular is the universal, natural and common; the religious is invariably particular, sectarian and idiosyncratic. Religion *always* divides; the secular *can* unite. Thus

<sup>5</sup> Larmore, C. E. (1987), *Patterns of Moral Complexity*, Cambridge, Cambridge University Press, 40-68; Larmore, C. E. (1996), *The Morals of Modernity*, Cambridge, Cambridge University Press, especially at 134ff.



the Principle of Religious Insufficiency: only the secular, never the religious, can justify state coercion in a liberal polity. Of course, if the Principle of Religious Insufficiency is correct, then citizens and public officials should not violate that principle. Given that citizens and public officials ought not violate the PRI, they should restrain themselves from endorsing state coercion that cannot be justified absent some religious rationale. That is, citizens and public officials ought to comply with the Doctrine of Religious Restraint.

#### 4. WHY THE ARGUMENT FROM RESPECT IS UNSOUND

So much for explication. Now for evaluation: what should we make of the argument from respect? It is doubtful that respect for persons required that we justify coercion on shared or accessible grounds. Moreover, even if due respect does require that we justify coercion on shared or accessible grounds, it is doubtful that religious reasons must be inaccessible in any relevant sense. I discuss these two claims seriatim.

##### 4.1. *Respect for persons does not require shared reasons*

Imagine a possible world very different from the one we actually inhabit. In that possible world, the United States invades Afghanistan, American citizens and public officials fully endorse that invasion, but they diverge radically as to why the United States may do so. For convenience sake, focus on three stylized citizens.

Citizen A is an advocate of the JWT, believes that the invasion is decisively justified as an act of righteous punishment for the wrongful attacks on September 11<sup>th</sup>, 2001, but denies that the invasion is justified as an act of liberation, or to spread democracy, or to further US security interests.

Citizen B is a utilitarian who denies that war may be waged merely to punish prior wrongful attacks and or to further the narrow self-interest of particular nation-states, but who believes the invasion is justified by virtue of its excellent consequences –the promotion of democracy, free markets, religious freedom, the liberation of women, and so on.

Citizen C is a realist about war who thinks that invading Afghanistan is absolutely crucial to the long-term security of the United States, but denies that moral reasons are even relevant to the justification of military violence and so denies that the invasion could be justified on the basis of either punitive or humanitarian considerations.



Now I take it that A, B, and C have what each regards as a compelling reason to endorse a coercive act of considerable brutality. Nevertheless, there is no shared reason that each regards as decisively supporting the invasion and they do not retreat to common ground. This is because there *exists* no common ground to which they *could* retreat, given their fundamentally incompatible conceptions of the morality of war<sup>6</sup>. Here we have an act of coercion committed by the government of a liberal polity which each citizen supports for his or her own reasons but without recourse to shared or accessible reasons.

Now it seems that the (highly unlikely) state of affairs I have sketched need not involve either a jot or a tittle of disrespect. Given that each has what each regards as decisive reason to believe the invasion justified, neither A, nor B, nor C can justifiably claim to be treated as a manipulated object. Each is treated with due respect despite their deep disagreements. If this is true, it seems that due respect provides no reason to prefer state coercion justified by some 'ecumenical' reason over state coercion justified by a diverse spread of 'sectarian' reasons. It follows directly that due respect does not require that state coercion be justified by shared or accessible reasons.

This line of argument has direct implications for the duties of citizens and public officials. At least with regard to the requirements of due respect, there is no morally relevant difference between a citizen or public official who articulates one reason that convinces A, B, and C to endorse the invasion of Afghanistan and another who articulates three distinct, incompatible, and highly sectarian arguments that severally provide A, B, and C with what each regards as decisive reason. So long as each ends up with what each regards as a decisive reason, and therefore is not forced to go along with a policy he or she rejects, none can reasonably claim to be treated with disrespect.

#### 4.2. *No reason to discriminate between religious and secular reasons*

Suppose that advocates of the standard view insist that only shared or accessible reasons can decisively justify state coercion. That claim precludes religious reasons from justifying state coercion only if no religious reason counts as shared or accessible in the relevant sense. But here we should be skeptical.

It will be helpful to reflect on a particular case. Consider in this regard certain considerations that are, I believe, relevant to the justification of military violence. According

<sup>6</sup> The justificatory divergence modeled by A, B, and C is just the sort of intractable yet reasonable disagreement that we cannot but expect in a liberal polity in which citizens have a right to decide for themselves what to believe about the morality of military violence.





to the JWT, which I accept, the presumption against war can be overcome only if the relevant goods to be achieved by a given war are proportionate to the relevant evils associated with that war<sup>7</sup>. Given this proportionality requirement, the United States' invasion of Afghanistan was justified only if some version of the following claim is true:

(P) The moral goods to be achieved by the United States' invasion of Afghanistan are proportionate to the evils that will occur as a direct consequence of that invasion.

I take (P) to be a kind of reason that is decisively able to justify the most brutal kind of state coercion. This is the manner in which proportionality judgments are often regarded in the JWT –‘but for’ the required kind of proportionality between goods and evils, waging war is impermissible. On the plausible assumption that (P) is a secular consideration, (P) plays a justifying role disallowed to any and every religious consideration. So, then, inquiring minds want to know: what is it about secular (P) such that (P) can play a justifying role disallowed to any and every religious reason?

I doubt that there is a principled and otherwise defensible answer to that question. My suspicion is that (P) differs in no relevant respects from at least some religious claims and so the differential treatment of religious and secular reasons presupposed by the standard view lacks a principled basis.

So, for example, it is doubtful that (P) possesses any *epistemic* excellence that is unavailable to any and all religious reasons. Frankly, this is because (P) is not all that epistemically impressive. Consider that vindicating (P) requires that we possess factual information about temporally distant events that is exceedingly difficult to acquire, that we weigh many barely commensurable normative considerations, that we identify a disparate spread of goods and evils relevant to the moral permissibility of war, and so on. Put more concretely, even if we could uncontroversially identify all of the relevant goods and evils to be engendered by the US invasion of Afghanistan, the epistemic status of the judgment that that invasion was “worth it,” all told, is exceedingly murky. Put even more concretely, if we grant that the US invasion has prevented some future unjust attacks by Al Qaeda, propped up a government that is comparatively less repulsive than its predecessor, and provided all manner of educational possibilities to a deprived population, it is exceedingly difficult to show that those goods are worth the suffering engen-

<sup>7</sup> Because the general point I want to make here does not depend on this particular understanding of the JWT's *ad bellum* proportionality requirement, feel free to formulate it differently. That said, I find plausible the understanding of proportionality developed by Hurka, T (2005), “Proportionality in the Morality of War”, *Philosophy and Public Affairs* 33/1, 34-66.



dered by many years of low-intensity conflict, the perception that the United States has imperial aspirations, the destabilization of nearby countries, and so on.

Now perhaps (P) is correct after all. Nevertheless, our basis for believing it seems ‘subjective’ and contentious in ways that cannot but remind us of the manner in which believers form some of their religious convictions. Otherwise put, when we appreciate the exceedingly tenuous epistemic hold we have on some of the secular reasons, like (P), that are crucial to the justification of the most brutal kind of state coercion, it seems hard to believe that *no* religious reason enjoys the epistemic credentials needed to play a decisive role in justifying coercion.

## 5. A CONVERGENCE CONCEPTION OF THE STANDARD VIEW

So much for a *prima facie* case against the “shared reason” conception of the standard view. No doubt there are worthy responses to be considered. But I would like to reflect briefly on an alternative conception—one that replaces recourse to shared or accessible reasons with an appeal to a ‘convergence’ of sectarian reasons<sup>8</sup>.

### 5.1. *A brief explication of the convergence conception*

This convergence conception retains the claim that due respect for human worth requires state coercion to be justified to the coerced. But it lays down no general, substantive constraints on the kinds of reason that can satisfy that requirement. So long as each coerced citizen has access to what each regards as decisive reasons, it does not matter that those reasons are widely appealing or intransigently particular. Any reason can count—Hindu or Habermasian, Christian or Kantian, Utilitarian or Unitarian. *Convergence on policy* is required, rather than *consensus* as to *why* that policy is required<sup>9</sup>.

The implications of this convergence conception are far-reaching. How so? If due respect requires the justification of state coercion to the coerced, but justification to the coerced is not cashed out in the denomination of shared reasons, then it seems that state coercion must be justifiable to religious believers *as believers*. That is, if a citizen has

<sup>8</sup> This conception has been developed in Gaus’s, J. “The Place of Religious Belief in Public Reason Liberalism”, in Dimovia-Cookson, M. and Stirk, P.M.R (eds.), (2009), *Multiculturalism and Moral Conflict*, London, Routledge, 19-37; Gaus’s, J. and Kevin, V. (2009), “The Roles of Religious Reason in a Publicly Justified Polity”, *Philosophy & Social Criticism* 35, 51-76.

<sup>9</sup> See D’Agostino, F. (1996), *Free Public Reason: Making It Up As We Go*, Oxford, Oxford University Press, 30.



what he or she regards as a decisive religious objection to some coercive measure, then that it cannot be justified to his or her, in which case it would be disrespectful and so impermissible to impose it on his or her. So the convergence conception accords to religious believers a potentially decisive role in determining the legitimacy of state coercion: should a citizen have what he or she takes on due reflection to be a religious objection to some coercive measure, then that measure would lack legitimacy, even if it *would* be legitimate 'but for' his or her religious objection.

This convergence conception is more inclusive than more familiar, "shared reason" formulations. It is far more friendly to religious belief.

Nevertheless, not everything goes. After all, if the only plausible rationale for some coercive measure is a religious rationale, then there will inevitably be some secular citizens to whom it cannot be justified. According to the view under consideration, such a coercive measure would be illegitimate. So this convergence conception of the standard view maintains the core conviction that religious reasons cannot decisively justify state coercion in pluralistic liberal polities and thus includes as a necessary constituent the Principle of Religious Insufficiency. Religious reasons can play a decisive role in *defeating* state coercion but they cannot play a decisive role in *justifying state coercion*.

## 5.2. *Criticism of the convergence conception*

There is good reason to be skeptical of the convergence conception of the standard view. Although it is quite permissive in its treatment of religion, it is too demanding in other respects. How so?

Few claims are more central to liberalism than that each human being has great and equal worth and should be treated accordingly. Liberal polities achieve that end by limiting what government can do to citizens –by institutionalizing a right to religious freedom, we prevent government from tearing down churches and forcing citizens to attend meetings of Fundamentalists Anonymous, thereby violating them in pretty fundamental respects. But respect for human worth does not only ground policies that limit what government can do to citizens by way of coercion. Although coercion is a dangerous tool to be used sparingly, a failure to coerce can also be dangerous. Too little governmental coercion can be just as morally troubling as too much. Liberal polities must protect the innocent from those who would violate their rights. So, for example, they must arm police with guns and authorize them to kill the murderous. They must arm soldiers and authorize them to repel aggressors. These protective measures are absolutely crucial to the overall liberal aim of treating human beings as befits their great worth: given the



broken world in which we live, we cannot effectively protect the innocent unless government authorizes some of us to kill others. Liberalism is a militant creed.

But some citizens believe that it is never morally permissible for one human being to kill another and oppose any measure that authorizes the use of lethal violence. Consider, for example, a citizen who takes Jesus' command that we love our neighbors as ourselves to forbid the lethal use of violence and therefore war. According to this citizen, for any human being to use lethal violence is for his or her to violate a divine command to love the enemy-neighbor as himself or herself. From his or her perspective the use of lethal violence is apostasy. Note well his or her position: he or she does not object only to his or her being forced to kill his or her fellow human beings; he or she denies that any human being may intentionally kill others, even if doing so is required to prevent egregious violations of human rights. He or she objects to the very existence of a military, not merely to his or her being required to join the military.

The moral of this story is rather straightforward: liberalism cannot survive the convergence conception of justified coercion. Because the liberal commitment to human dignity and rights cannot be effectively implemented absent the state's willingness to use lethal violence, and because pluralistic liberal democracies will always include citizens who have excellent reason from their own perspective to reject all lethal violence, liberals have excellent reason to deny that state coercion must be justified to the coerced.

Liberals are not the only ones to have excellent reason to reject the convergence conception. As I have noted, I adhere to the JWT and I take it that advocates of that venerable tradition should also reject the convergence conception. Why?

I have been exclusively concerned with the claim that the coercive measures employed by a liberal polity must be justified *to the citizens of that polity*. In so doing, I have followed the self-understanding of every advocate of the standard view with whose work I am familiar. But advocates of the JWT have very little reason to accept that self-understanding. Why? At the core of the JWT is the claim that the just use of military violence respects the worth of all human beings. So, for example, the principle of noncombatant immunity is an absolutely essential component of the JWT and that principle presupposes respect for the worth of non-combatants in enemy states imposes potentially severe restrictions on the manner in which states wage war. Now if states must wage war in a manner that respects the worth of any and every human being, and if respect for human worth requires that coercion be justified to those coerced, then due respect requires that military violence be justified, not only, or even primarily, to the citizens of the political community that wages war but also, and most importantly, to those against whom that violence is directed.

But this requirement cannot actually be satisfied. Given familiar details regarding the vastly different ways in which the members of warring communities are socialized,



their differential access to relevant information, and so on, the members of warring communities will often rely on vastly different evidential sets when they reflect on the morality of the wars in which their community is involved. As a consequence, the members of warring communities will often, and perhaps typically, be in a condition of what Vitoria called “invincible error”: no matter how responsibly and conscientiously they evaluate the available evidence, citizens (and soldiers) in a polity that wages an *unjust* war will often be unable to discern the injustice of the war in which their community is implicated<sup>10</sup>. So, for example, given the propaganda to which they were subjected, large numbers of Japanese soldiers who defended the island of Okinawa in 1945 were in no strong epistemic position to believe anything other than that they were defending their homeland against an unjust, and indeed, monstrous, aggressor. They had no access to anything like a decisive reason to believe that the invading Americans were justified in attacking them.

It seems, then, that if due respect requires the justification of coercion to those coerced, and if human beings are typically invincibly ignorant of the justice of the wars their communities wage, it will never actually be the case that a political community may wage war. The convergence conception of what makes for justified state coercion, combined with the epistemic circumstances of those caught up in war, lead to a kind of contingent pacifism in which waging war might be justifiable in principle but never in the actual world. Advocates of the JWT have excellent reason to reject this kind of ‘contingent pacifism’ and therefore excellent reason to reject the conception of justified coercion that otherwise drives us to that dubious position.

## 6. AN ALTERNATIVE TO THE STANDARD VIEW

If coercion need not be justified to the coerced, it is hard to see why religious reasons cannot play a decisive role in justifying state coercion. If religious reasons can play a decisive role in justifying state coercion, then it is hard to see why citizens and public officials may not endorse coercive measures that require religious support. That said, it does not follow that ‘anything goes.’ Various moral constraints apply to the manner in which citizens and public officials endorse political coercion.

<sup>10</sup> Francisco de Vitoria, “On the Law of War”, in Pagden, A. and Lawrence, J. (eds.), (1991), *Political Writings*, Cambridge, Cambridge University Press, 313.



### 6.1. *An ideal of conscientious engagement*

I try to capture many of those moral constraints in what I call an ‘ideal of conscientious engagement,’ of which the following is an adaptation:

- (1) Citizens and public officials should pursue a high degree of rational justification for the moral propriety of the coercive measures they endorse.
- (2) They should not endorse coercive measures for which they lack an adequate moral rationale.
- (3) Citizens and public officials should listen to their compatriots’ criticisms and be willing to change their favored coercive policies if given adequate reason to do so.
- (4) They should sincerely and responsibly attempt to articulate reasons for their favored coercive measures that their compatriots regard as decisive.

I will not argue in detail for each of these requirements. But the basic idea is as follows. A citizen or public official who endorses a coercive measure contributes to a collective undertaking that affects the well-being of many others and perhaps in ways that they find deeply objectionable. So, for example, a citizen who endorses the invasion of Afghanistan has to know that such an invasion would cause enormous anger and frustration among those who believe that it would constitute an unjustifiable act of state aggression. But one of the central ways in which we respect the worth of others is to further their well-being –their well-being matters to us because *they* matter to us. Given that each citizen and public official should treat his or her compatriots in a properly respectful manner, it therefore cannot be a matter of indifference to his or her that he or she contributes to a collective undertaking that will engender great frustration and anger among his or her compatriots. So he or she must at the very least attempt to determine whether or not there is a morally adequate rationale for the United States’ invasion of Afghanistan (1). If, after having fulfilled the relevant epistemic duties, he or she concludes that there is no adequate rationale for that invasion, then he or she should withdraw his or her support. Otherwise, he or she provides the occasion for some of his or her compatriots to suffer but for, as he or she then justifiably believes, no good reason. So, respect for the worth of his or her compatriots requires a citizen or public official to exercise a certain kind of restraint: not with respect to coercive measures that require a religious rationale, but with respect to coercive measures that lack a morally adequate rationale (2).

That said, in order to be confident that there exists an adequate rationale, each citizen and public official must be appropriately sensitive to countervailing considerations, particularly objections persuasive to those coerced by the measures he or she endorses. Should some of those objections persuade him or her as well, he or she should with-



draw his or her support. As I see it, genuine willingness to change in response to the objections of others is crucial to conscientious engagement (3). Finally, each citizen and public official ought to do what he or she reasonably can to diminish the objectionableness of the coercive measures he or she supports and he or she can do that by striving to articulate reasons that will persuade skeptics (4). What sort of reasons should he or she pursue? Although he or she might have pragmatic reason to articulate some sort of widely persuasive, non-sectarian, shared reasons, due respect for human worth implies no such requirement. So long as he or she genuinely tries to persuade his or her compatriots by reasons that they find compelling, whatever he or she happens to think of the adequacy of those reasons, he or she is free to do so in as 'sectarian' a manner as he or she wishes.

So, we should form our political commitments as best we can given our epistemic resources, listen to others and revise our commitments in light of what they say, try to persuade others by appealing to their commitments and hopefully get them to see matters our way. Moreover, we should expect others to return the favor: they should form their political commitments as best they can given their epistemic resources, they should listen to us and revise their commitments in light of what we say, they should try to persuade us by appealing to our commitments and hopefully get us to see things their way. In so doing we strive to maximize the number of those who support the coercive measures we believe in good conscience to be morally correct at the same time that we do our level best to endorse the very coercive measures we actually believe to be just and correct.

What good does *striving* to persuade others accomplish if a citizen or public official knows that he or she will be unable to convince many of his or her compatriots? The manner in which he or she engages others can reduce the occurrence of certain *kinds* of frustration. There is, of course, no alternative to the frustration engendered by losing out in a fair and free political contest. But there is an alternative to losing out to those who exhibit a callous indifference to one's well-being and thereby to the impact of their winning policies on one's life prospects. On the assumption that it is particularly alienating to have others callously and indifferently make decisions that affect one's well-being, a citizen or public official can forestall such alienation by trying to articulate to his or her compatriots some rationale that addresses them in their particularity.

This is not just a matter of being polite; it is a matter of taking other human beings seriously, as both suffering and reason-giving agents, as any of us can recognize when others make decisions that affect us but do not bother to consult us, reason in common with us, and try to persuade us that their decision does in fact conduce to justice and the common good. That said, reducing frustration does not eliminate it: advocates of the invasion of Afghanistan could hardly fail to realize that their political success would be



profoundly troubling to their compatriots and so a source of intense frustration and anger. There is nothing they can reasonably do to eliminate that kind of frustration. There is nothing we can reasonably do to avoid imposing one or another policy on dissenters. Given the nature of the dispute, and given the inevitable disagreements in a liberal democracy about the moral propriety of the state's use of lethal force, someone is going to lose that political battle –invariably the pacifist in the actual world, the advocate of the JWT in some distant possible world, and perhaps the realist in some even more distant possible world.

## 6.2. *Religion and conscientious engagement*

Now the ideal of conscientious engagement I have just sketched mentions nothing in particular about the proper political role of religious reasons. But its implications for that topic are not difficult to draw out. I will mention two and then draw a general conclusion.

First, the ideal of conscientious engagement requires us to do our level best to articulate some rationale that our compatriots find persuasive, and because a pluralistic society will inevitably include some secularists, it follows that those who support some coercive measure on religious grounds must do what they can to articulate some secular rationale for that measure. So religious citizens must exit their parochial perspective, inhabit the mindset of their secular compatriots, and attempt to articulate secular reasons for their favored coercive measures. Note, though, that what is good for the religious goose is equally fine for the secular gander. If secularists support some coercive measure to which their compatriots have religious objections, then secularists have an obligation to exit their parochial perspective, inhabit the mindset of their religious compatriots, and do what they can to persuade their religious compatriots to support their favored policy.

Of course, I am assuming here that for a secularist to provide a religious believer with a secular rationale need not be for the secularist to provide the believer with any reason that does or should persuade the believer. If this is correct, then due respect forbids secularists merely to provide religious believers with 'widely appealing' or accessible reasons when they know that the believers they putatively address will find such reasons utterly alien.

Second, although conscientious engagement requires us to strive to persuade our compatriots, it recognizes that our aspirations will sometimes meet with failure, and it permits us to support coercive measures for which some of our compatriots lack what they regard as an adequate rationale. This general claim applies to religiously grounded coercive measures: a citizen or public official can in principle fully comply with the





ideal of conscientious engagement and yet endorse some coercive measure that requires religious support. This possibility is not, so far as I can tell, a political feasibility in the liberal democracy with which I am most familiar, the United States, where any coercive measure must, as a practical matter, have the support of no doubt a variety of secular reasons. Nevertheless, it is a logical possibility and should it be realized, nothing morally wrong need have been done: a coercive measure that requires a religious rationale need not be morally defective in any respect.

These two implications of the ideal of conscientious engagement exemplify an important principle: *any* normative constraint that applies to the reasons on the basis of which citizens and public officials endorse coercive measures must apply impartially to religious and secular reasons. Equal treatment of religious and secular reasons is the order of the day: religious believers have no more, and no less, a responsibility to aspire to persuade their secular compatriots than secularists have an obligation to aspire to persuade their religious compatriots; if coercive measures that lack a plausible religious rationale are permissible, then so are measures that lack a plausible secular rationale; if secularists may support coercive measures solely on the basis of reasons that fail to persuade religious believers, then so also may religious believers support measures solely on the basis of reasons that fail to persuade secularist; if secular legislators may advance secular arguments in legislative session, then so may religious legislators. In a liberal polity characterized by pervasive pluralism, both religious and secular, genuine respect for human worth requires nothing less.

#### BIBLIOGRAPHY

- D'Agostino, F. (1996), *Free Public Reason: Making It Up As We Go*, Oxford, Oxford University Press, 30.
- Gaus, J. and Kevin, V. (2009), "The Roles of Religious Reason in a Publicly Justified Polity," *Philosophy & Social Criticism*, 35, 51-76.
- Hurka, T. (2005), "Proportionality in the Morality of War," *Philosophy and Public Affairs*, 33/1, 34-66.
- Larmore, C. E. (1987), *Patterns of Moral Complexity*, Cambridge, Cambridge University Press, 40-68.
- Larmore, C. E. (1996), *The Morals of Modernity*, Cambridge, Cambridge University Press.
- Francisco de Vitoria, "On the Law of War", in Pagden, A. and Lawrence, J. (eds.) (1991), *Political Writings*, Cambridge: Cambridge University Press.

