

Liberal Democracy, Military Officers, and Religious Faith

Abstract. My intention in this paper is to reflect on the role that religious reasons may play in the social role of military officer in a liberal democracy. One feature that defines that social role is command authority: constitutive of being an officer in the military is having the authority to issue orders that generate moral and legal obligations that are binding on subordinates. These orders can be quite coercive: disobedience can be punished by fines, demotion, imprisonment, expulsion, and the like. Given its impact on the well-being of subordinates, an officer ought to exercise command authority over others only given adequate reason to do so. But what counts as an adequate reason? Might a religious reason qualify? Correlatively, as state officials, may military officers determine how to exercise command authority by having recourse to their religious convictions? Must they restrain themselves from using their authority in ways that depend decisively on their faith commitments? No: although the exercise of command authority ought to be constrained in various important ways -- liberal values, relevant legislation, military regulation, and superior orders, military officers may be guided by their faith commitments as they exercise command authority within those constraints. More particularly, an officer may direct an order to subordinates, and thereby bind them morally and legally, even though that order depends decisively for its justification on a religious rationale. I will explicate and defend these claims by reflecting on a number of cases from recent military history: *Prayer in Ramadi*, *Abortion in Diego Garcia*, and *Tactics in Fallujah*.¹

1.0 Liberal Democracy. My intention in this paper is to reflect on the role that religious reasons may play in the social role of military officer in a liberal democracy. Given that aim, it will be helpful briefly to clarify what I take a liberal democracy to be. I favor a minimal, substantive conception, one formulated by Michael Perry some two decades ago in response to earlier skeptics. Here is Perry:

We live in a time when demagogues, polemicists, and pundits have largely succeeded in turning the word 'liberal' into an epithet.... Let us reclaim our

¹. The views expressed in this article are those of the author and do not reflect the official policy or position of the U.S. Naval Academy, Department of the Navy, the Department of Defense, or the U.S. Government.

discourse. We Americans are all liberals now, because we affirm the true and full humanity of every person, without regard to race, sex, religion, and so on, and we also affirm, therefore, certain basic human freedoms ... to speech, press and religion. It is this twofold affirmation that makes a democracy a 'liberal' democracy, a political morality a 'liberal' political morality, and a person a 'liberal.'"²

Perry's minimalist conception appeals to me for several reasons. It's true: each human being really is sacred and inviolable. It comports with important elements of the American political tradition -- which, for reasons of convenience, will remain my focus throughout. It's ecumenical: even in our partisan and polarized time, many diversely committed citizens affirm equal human dignity and various rights grounded thereon. Perhaps most pertinently, it's compatible with very different conceptions of the proper role of religious reasons in the various social roles that impact public life -- citizen, legislator, judge, and, my focus in this paper, military officer.

Although Perry's minimalist liberalism is ecumenical, it's not uncontroversial. Different theorists employ various competing conceptions of what makes for a liberal democracy. This provides ample opportunity for dialectical mischief. One or another critic decries liberalism, yet it turns out that what's rejected isn't liberal democracy but some tendentious, controversial, or corrupted conception thereof. So, for example, if Yoram Hazony is correct, liberalism is inextricably tied to a kind of Enlightenment Rationalism, according to which basic political norms must satisfy quite demanding epistemic standards -- they must be either self-evident or derived demonstratively from self-evident propositions.³ Now if commitment to liberal democracy really did have this association, then we should follow Hazony in rejecting it. Indeed, we should do so for excellent liberal reasons. After all, despite the declarations of some of my American forebears, it is neither self-evident nor demonstrable that each human being is created equal, the epistemic standards that Hazony attributes to liberalism would therefore preclude liberals from assenting to that paradigmatic liberal norm, and so liberalism would turn out to be self-referentially incoherent. Liberals have

². Michael J. Perry, **Under God?: Religious Faith and Liberal Democracy**, (Cambridge: Cambridge University Press, 2003), p. 37.

³. Yoram Hazony, **Conservatism: A Rediscovery**, (Washington DC: Regnery Gateway, 2022), p. 332f.

excellent reason to reject epistemic constraints that undermine their basic commitments.⁴

Although we should reject liberal democracy as Hazony construes it, we shouldn't reject liberalism itself. Does each human being enjoy equal dignity, whatever each's distinguishing characteristics? Does each therefore possess basic rights to speak freely, to own property, to worship God as conscience dictates? Do ordinary people have a right to participate in elections to determine the composition of their governing authorities? If you respond affirmatively in each case, then you affirm liberal democracy. So committed, you are free to disagree with your fellow liberals about almost everything else -- abortion, taxation, marriage, war, whatever.

2.0 Religious Restraint. The scope of disagreement among liberals includes the proper role of religion in public life. For liberals, the right to religious freedom is basic and non-negotiable. A state that effectively institutionalizes and protects that right will, as a causal consequence, be characterized by a more or less extensive religious pluralism. As a matter of fact, when human beings are genuinely free to determine for themselves what to believe about religious matters, they'll inevitably disagree. If the state really does leave it up to citizens whether to believe in God, they will affirm very different conceptions of what God is like. If the state really does allow citizens to decide which church, mosque or temple to attend, then ordinary citizens will attend very different temples, churches, or mosques, if any at all. And so on. As a consequence, then, of its core commitments, a liberal democracy will inevitably include some degree of religious pluralism. Unlike liberalism and Enlightenment Rationalism, liberal democracy and religious pluralism actually are inextricably entwined.

Religious pluralism naturally elicits certain moral problems. We have to reach collective agreements on matters that affect us all, we must deliberate with one another about the laws by which we are all bound, and we must authorize the

⁴. This abbreviated argument has important implications for my discussion, though I will not take the opportunity in this paper to address them in detail. Suppose that we claim, as some do, that an adequate conception of liberal democracy must incorporate some epistemic criterion that filters certain kinds of consideration out of public life. As I see it, that criterion must be *quite* permissive. The claim that each human being is created equal is difficult to formulate coherently and even more difficult to vindicate to those not already so committed. If that claim, difficult as it is, passes the required epistemic muster, then so also may nearly any other claim. But then it's unclear what important moral purpose an epistemic filter serves.

state to coerce compliance with our collective agreements. Given that we disagree pervasively about religious matters, how are we to enact coercive state policies in ways that respect core liberal values -- the equal dignity of each citizen, each's right to religious freedom, and the like? For some liberals, any morally decent response to religious pluralism requires that we restrict the role that the religious plays in public life. One commonly proposed restriction is the so-called Doctrine of Religious Restraint (DRR). It has many complications, almost all of which I will forego discussing in detail. Here is a simple initial formulation: if you are a citizen in a liberal democracy, and you are trying to decide which policy to support (say, by voting for it directly in a referendum or by donating money to an advocacy organization), then you should refrain from supporting a policy that you conclude depends for its justification on a religious rationale. So understood, the DRR is a moral duty that attaches to the social role of citizen. It applies to all inhabitants of that social role as they decide which policies merit their support. It permits them to do so on religious grounds, but not decisively so. And its scope can be more or less extensive: it can restrict reliance on all and only religious reasons, on all religious reasons and some relevantly similar non-religious reasons, or on some religious reasons and some non-religious reasons. At the end of the day, the claim is that adherence to something like the DRR is an important element of a morally decent response to the pluralism that results from the effective implementation of core liberal commitments.

3.0 Citizens, Legislators, and Officers. In my simple formulation, the DRR applies to those who inhabit one very important social role: citizen in a liberal democracy. That social role was once a central focus of an extensive literature. Sensibly so: after all, in a liberal democracy, political power ultimately depends on the various decisions and deliberations of those ordinary people who show up to the polls, vote for or against some public official, and in so doing at least indirectly influence which coercive state policies are eventually enacted. But however powerful the role played by the citizenry at large, individual citizens have negligible influence over their elected officials and even less over actual policy. Perhaps for this reason, interest in the role of religious reasons in the decision-making and advocacy of ordinary citizens seems to have faded. Given their exceedingly indirect influence over which state policies are actually enacted, ordinary citizens may pretty much vote and advocate as they wish. But there are many other social roles to which the DRR might still apply. Consider that of legislator -- say, a member of the US House of Representatives. Given that such a state official has a much greater influence over the enactment of coercive state policies than do ordinary citizens, we might reasonably conclude that

legislators at least ought to adhere to the DRR.⁵ In short, ordinary citizens may vote and advocate as they wish, but those they elect are duty bound not to enact state policies that they realize cannot be justified absent some religious rationale.⁶ And so, should a legislator realize, after appropriate deliberation, that some coercive state policy depends for its justification on a religious rationale, then that legislator should refrain from supporting that policy.

If the, or at least an, important reason to require legislators to exercise religious restraint has to do with the degree and directness of their influence over coercive state policy, then it's plausible to suppose that the inhabitants of equally impactful social roles ought also to exercise restraint. Few social roles afford their inhabitants greater influence over coercive state power than that of an officer in the military. Although liberal democracies affirm the equal dignity of citizens, the professionalized militaries by which they are defended are partly constituted by a pervasive and consequential hierarchy of ranked positions. The position that an officer inhabits in that hierarchy provides its possessor with command authority over subordinates. Those who enjoy command authority can generate moral and legal obligations that are binding on their subordinates. Those obligations are enforced by various kinds of coercion – expulsion, fines, imprisonment, and so on. In short, officers enjoy a coercive power over subordinates with a directness that surpasses that of even the most influential legislator. Plausibly, if citizens need not exercise restraint, if legislators must, and if the explanation for this differential treatment is a function of influence over coercive state power, then it is plausible to suppose that military officers ought also to exercise restraint.

I doubt the Doctrine of Religious Restraint: citizen, legislator, or military officer, I doubt that those who inhabit any of those social roles are morally required to refrain from making political decisions or engaging in public advocacy as required by the DRR. I have elsewhere done my best to make this case with

⁵. Influence over state coercion is only one potential reason we might want legislators but not citizens to exercise restraint. So, for example, we might think that they ought also adhere to the DRR because they represent many citizens who do not share their faith commitments.

⁶. Here, for example, is Jurgen Habermas: “. . . [T]he liberal state . . . cannot . . . expect of all citizens that they also justify their political statements independently of their religious convictions or world views. This strict demand can only be laid at the door of politicians, who within state institutions are subject to the obligation to remain neutral in the face of competing world views; in other words it can only be made of anyone who holds a public office or is a candidate for such.” Jurgen Habermas, “Religion in the Public Sphere, *European Journal of Philosophy* 14:1, p. 8-9.

respect to citizens and legislators.⁷ I want now to do so for the social role of military officer. My hope is that the distinctive features of that social role provide an ideal opportunity to address familiar normative questions about religion in public life from an unfamiliar angle. I will make that case by reflecting on three cases that I've drawn from recent US military history.

3.0 Prayer in Ramadi. Let me begin with the simplest and most straightforward. LT Donovan Campbell was deployed in 2005 as a Marine Platoon Commander to Ramadi, Iraq. His mission was to quell an ever more lethal insurgency. Executing this mission was exceptionally dangerous and so generated well-known problems. Marines in combat can turn negative in a heartbeat: the death of friends, the inability to identify enemies, betrayal by higher authority -- each of these familiar constituents of small-unit combat can generate intense moral emotions (despair, rage, hatred, etc.). Emotions of this sort can impede mission success. As a consequence, one of Campbell's primary duties was to help his subordinates control their moral emotions.⁸ In order to combat the rage and despair that can "destroy a unit and get Marines killed," in order to foster hope for survival and success among his subordinates and thereby to execute their shared mission, Campbell required his platoon members to participate in corporate prayer imploring divine aid for his platoon.⁹ Perhaps the intimation of divine goodness elicited by corporate prayer would maintain hope in otherwise dark and despairing circumstances.

Note three things about this simple case. First, Campbell exercised command authority over his subordinates. Because he believed that corporate prayer was instrumental to group morale and group morale necessary to achieving their mission, he concluded that each member of his platoon needed to participate. That was not going to happen spontaneously. And so he employed his authority

⁷. See Christopher J. Eberle, **Religious Conviction in Liberal Politics**, (Cambridge: Cambridge University Press, 2002); "God and War: An Exploration," **Journal of Law and Religion**, 28/1 (2012-13): 37-46; **Justice and the Just War Tradition**, (New York, NY: Routledge, 2016); "Irreconcilable Disagreement: Supreme Emergency, Respect and Restraint," *Social Theory and Practice* 47/3 (July, 2021): 457-484; "The Continuing Search for the Grail: Perry on the Justificatory Role of Religious Reasons," **Emory Law Journal**, 71 (2022): 1387-1433.

⁸. See the excellent treatment of this complex of issues -- combat, moral emotions, and the duty of officers to manage those emotions -- in Jim Frederick's **Black Hearts: One Platoon's Descent Into Madness in Iraq's Triangle of Death**, New York, NY: Random House, Inc., 2010.

⁹. Donovan Campbell, **Joker One: A Marine Platoon's Story of Courage, Leadership, and Brotherhood**, (New York, NY: Random House, 2009), p. 97.

to require his platoon to engage in corporate prayer. Second, his reasons for doing so were thoroughly mundane. He didn't require his platoon to engage in corporate prayer in order to convert them or to promote spiritually beneficial practices. Campbell regarded corporate prayer as an effective means to fostering hope in an otherwise despairing condition, maintaining hope was conducive to his platoon's executing its mission, and so he had entirely non-religious reasons to require his platoon to engage in corporate prayer. Third, he employed his command authority to require his subordinates to engage in a paradigmatically religious practice. Whatever the many unclarities in what makes for a religious practice, corporate prayer imploring supernatural aid in troubling circumstances surely counts as such.

What should we make of the way in which Campbell exercised his authority over his subordinates? This is an easy case ... at least for those of us who do not find embedded ourselves in Campbell's circumstances. However understandable, Campbell misused his authority. He ordered his subordinates to engage in a paradigmatically religious practice, he thereby violated the right to religious freedom that lies at the very heart of a liberal democracy, and he thereby issued them what is clearly an illegal order. Of course, what makes his order illegal has nothing to do with his reason for issuing the order and everything to do with its content: using his command authority to order his subordinates to engage in corporate prayer violated their right to religious freedom, whatever his reason for doing so, religious or otherwise.

This assessment indicates an important feature of the social role of officer. An officer who exercises command authority must adhere to determinate and rather rigid constraints, both legal and moral. Military professionals are not free agents. They must defer to constitutional norms like the right to religious freedom. They must adhere to legislation imposed on the military by the civilian authorities. They must comply with a vast panoply of military regulations. And they must obey the legal orders of those higher in their chain of command. These constraints perform a critically important moral and military function. Those who are caught up in war are often tempted to act in ways that they would in other circumstances dismiss out of hand. Combat warps emotion, distorts judgment, assaults virtue, and so those caught up in war need clear, simple constraints that help them resist the temptation to abuse their authority in the very circumstances that so alluringly tempt them to succumb. There are many such constraints. Do not brutalize captured enemies, whatever the reason. Do not make it your aim to kill infants, whatever the reason. Do not order your

subordinates to engage in any clearly religious practice, whatever the reason. These are each bright legal and moral boundaries, they ought not be crossed, and those who do so abuse their authority to command.

4.0 Abortion In Diego Garcia. Consider a somewhat more complex case, one in which an officer's reasons do compromise his exercise of command authority. CAPT Joe Kennedy was the Commanding Officer of a Naval Base on Diego Garcia, a remote island in the Pacific. As a devout Catholic, he was committed to living in accord with the tenets of his faith. One of those tenets was the conviction that any abortion is the killing of an innocent human being and so an affront to God. As it happens, one of his sailors went home on leave and, after her return to the island, learned to her distress that she was pregnant. She wanted to get an abortion. She had access to military doctors, but they are forbidden by Congressional mandate to perform abortions. There were no civilian doctors on the island. So she requested emergency leave to return to the United States. His sailor had no right to go on emergency leave, she could still request that she be allowed to do so, but, committed to protecting the innocent, Kennedy denied the request.

Two facts about this case will help to frame my assessment. First, Kennedy's decision not to grant emergency leave was an exercise of his command authority over a subordinate: by virtue of his position in his sailor's chain of command, he enjoyed the authority to grant or deny her request for emergency leave. Moreover, by virtue of the decision he reached, Kennedy imposed both a moral and a legal obligations on his sailor. Were she somehow successfully to have exited Diego Garcia, she would have been both morally and legally culpable and so might very well have found herself serving time in the brig.

Second, Kennedy exercised his command authority by relying on his religious convictions: he believed that his subordinate intended to commit a grave moral injustice because he believed that getting an abortion is an affront to God. Moreover, his faith was decisive: *but for* his opposition to abortion, he would probably have granted her request for emergency leave. To be sure, there exist any number of mundane, non-religious reasons to reach his actual decision. So, for example, granting emergency leave to someone who only recently returned from leave might seem unfair to other sailors and thereby compromise 'good order and discipline.' But Kennedy didn't care about that reason and so it did not serve as even part of his basis for exercising his authority as he did.

So what should we make of CAPT Kennedy's decision to refuse his sailor's request? I am of course not asking whether his position on abortion was correct or incorrect, but whether it could serve as an appropriate basis for the way in which Kennedy exercised his authority over a subordinate. So, for example, did he abuse his authority by imposing his faith commitments on a subordinate?

There are important respects in which Kennedy acted admirably. I take as given that military officers morally ought to exercise their authority not only as constrained by the relevant law and regulation, but also in light of a reasoned assessment of their moral duties. More particularly, we should want them to exercise command authority in the light of core liberal commitments -- most importantly the equal dignity of each human being. This is particularly important given the fundamental purpose of any just military -- to employ lethal violence in the service of just ends. The dangers of insisting that military officers 'privatize' or diminish the importance of protecting the innocent from unjust treatment are apparent. This is the case even for those, like Kennedy, who exercise command authority outside of the context of war. Presumably, the deliberative habits an officer employs outside of combat persist within it.

However admirable Kennedy's commitment to protect the innocent, he misused his authority. At the time of his decision, the United States government recognized that citizens have a right to get an abortion. This is a right that the sailor who requested emergency leave had by law. Kennedy was morally required to respect that law however much he disagreed with it. Of course, he would insist that he *did* honor that right ... or at least that he did not dishonor it: he didn't order her to refrain from getting an abortion ... an order that would be no less an abuse than Campbell's requiring his platoon to engage in group prayer. He merely denied her request for emergency leave -- a decision that he indisputably had the authority to make. But this does not enable Kennedy to escape from criticism. Officers can exercise their genuine authority on the basis of morally suspect reasons. If his sailor has a right to get an abortion, then Kennedy ought not take preventing her from exercising that right as a reason for any decision that he has the authority to make.¹⁰ More generally, if subordinates have a right to some good, then officers ought not take preventing them from exercising that right, or enjoying that good, as grounds for any decision that

¹⁰. Again, if subordinates have a right to religious freedom, then officers may not take their opposition to the way that they exercise that right as a reason to make decisions that officers genuinely have the authority to make -- say, by scheduling mandatory meetings in order to prevent subordinates from attending worship services.

officers genuinely have the authority to make.¹¹ This is what Kennedy seems to have done: his reason for refusing to grant her emergency leave was that he wanted to prevent her from exercising her right to get an abortion.

Here is another way to make this point. CAPT Kennedy had a duty to be faithful not only to the letter but also to the spirit of the law. One of the main points of granting a sailor the right to get an abortion is to leave that decision to her: the fact that she enjoys a legal right to get an abortion means that, so far as the law is concerned, it is up to her to decide whether or not to do so, not someone else. He didn't order his subordinate not to get an abortion, but he did act for a reason the purpose of which was to make that decision for her. He denied her request for emergency leave in order to prevent her from doing something that she had a legal right to do. This is pretty much just what it is to violate the spirit of the law: complying with its explicit requirements but acting in ways that transgress the rationale for, or the purpose of, those explicit requirements.

Note that Kennedy's decision is not suspect by virtue of the fact that he exercised his authority in a way that flouted a determinate legal or military regulation, as with LT Campbell. It was suspect by virtue of Kennedy's reason for exercising his authority -- he denied his sailors request for emergency leave because he wanted to prevent her from doing something that she was entitled by law to do. But the impermissibility of his reason has nothing to the fact that he exercised his authority on religious grounds. It was not by virtue of that fact that Kennedy made a command decision on religious grounds that renders it problematic, but because the religious reasons on the basis of which he made his decision flouted the legal constraints by which the exercise of his authority was bound. Of course, it might well be the case that officers ought not exercise command authority on religious grounds, but reflection on Kennedy's case provides no reason that I can espy to reach that conclusion.

5.0 Tactics in Fallujah. Let me turn now to my final case. It involves a disagreement between a devout officer and his subordinates as to how aggressively they would carry out their mission of clearing houses of insurgents. It turns out that the officer's faith led him to impose on his subordinates a tactical policy to which they had principled moral objections. This case provides an ideal opportunity to reflect on an important question regarding the role of religion in

¹¹. This is a moral duty, not a legal duty, if for no other reason than that it will typically be unenforceable, given that there will almost always exist generically acceptable reasons -- e.g., considerations regarding 'good order and discipline' -- that mask the actual basis for decision.

the profession of arms: may an officer exercise command authority, within the bounds of constitution, law, and regulation, in a way that is decisively determined by that officer's religious faith? Given its complexity, and given its particular importance to my central topic, I will discuss this case in detail. Let me begin with necessary background.

5.1 Clearing Houses. In November 2004, the US military and its Allies executed a mission the central purpose of which was to clear the Iraqi city of Fallujah of an ever more dangerous insurgency. A city of roughly 300,000 inhabitants, Fallujah incorporated 400,000 rooms in 50,000 buildings. For some three weeks, soldiers and Marines moved from house to house with the aim of killing or capturing any and all insurgents that they encountered. Different platoons pursued their overall house clearing mission in morally and tactically different ways. We can capture some of those differences by reflecting on a generic case. So, for example, suppose that some Marines must enter a house absent any reliable way to determine whether it is empty, booby trapped, contains insurgents who've set up an ambush, or shelters some number of harmless, uninvolved civilians. Given what they know, who and what lies in wait for them is inscrutable. So circumstanced, they have a whole spread of martial resources at their disposal. These resources delimit the ways in which they can act. For example,

- (1) They can request indirect fire from artillery at the house and then enter to see if anyone inside is alive, killing the insurgents who resist, capturing any who surrender, and sparing any surviving non-combatants.

This aggressive tactical policy is the least dangerous for the Marines clearing the house and the most dangerous for those who might remain therein -- determined enemies, vacillating insurgents, harmless civilians.

Here's another, somewhat less aggressive alternative:

- (2) They can send tank rounds into the house and then enter to see if anyone inside is alive, killing the insurgents who resist, capturing those who surrender, and sparing any surviving non-combatants.

(2) is far less destructive than (1), but still considerably reduces the risk to the Marines, not least because it helps them to avoid ambushes that focus on fixed

entry points. Instead of barging through the 'front door,' as it were, you make your own entrance.

Here is a third, rather more restrained policy:

- (3) They can dispense with indirect fire and tank rounds, and prepare entry with grenades.

(3) poses less risk than (2) to any non-combatants who might be located in the house, provides vacillating insurgents with greater opportunity to surrender, but considerably increases risk to the Marines.

Here, finally, is an even more cautious alternative:

- (4) They can enter the building without any preparatory indirect fire, tank shells or grenades.

(4) is the safest policy for non-combatants, allows greater opportunity for enemies to surrender, is least effective in eliminating those determined to fight to their death, and so poses the greatest danger to the Marines.

That's the background. Now to the case itself.

5.2 LT Strabbing. LT Tim Strabbing served a commander of one of the Marine platoons tasked with executing the mission to clear houses in Fallujah. As a matter of contingent fact, he was given the authority to determine how aggressively or cautiously his platoon would pursue their mission. Of course, his military superiors might have ordered him to adopt a particular tactical policy.¹² Had they done so, then that authoritative order might well have provided sufficient reason for him to adhere to an aggressive tactical policy like (1) or (2). But it happens to be the case that no such order was directed at Strabbing. This is morally crucial: authority to determine his platoon's tactical policy had, in effect,

¹². He could also have been ordered to adhere to a policy of tactical caution, as with ADM McRaven's mandated (and controversial) policy of "tactical patience" or "courageous restraint." On that policy, Toby Harnden's excellent **Dead Men Risen: An Epic Story of War and Heroism in Afghanistan**, (Washington, DC: Regnery Publishing, 2014), pp. 87-88, 162f; Carter Malkasian, **The American War in Afghanistan: A History**, (Oxford: Oxford University Press, 2021), pp. 224-227; Bing West, **One Million Steps: A Marine Platoon at War**, (New York, NY: Random House, 2014), pp. 28-30.

been delegated to him. As a consequence, Strabbing possessed the normative authority to transform *his* judgments regarding how best to fight into moral and legal obligations on the part of his subordinates. Moreover, he had to exercise that authority: given his circumstances and social role, Strabbing had no moral option but to impose some tactical policy on his subordinates. He did so in a way that was pervasively and decisively shaped by his Christian faith: as I will soon explain, Strabbing's faith grounded his decision to impose on his platoon a tactical policy roughly captured by (4).

5.3 Tactical Aggression. Strabbing's decision so to impose turned out to be extremely controversial. Many of his subordinates, and some of his superiors, favored a far more aggressive tactical policy -- one roughly captured by (2). Their rationale for that aggressive policy relied on a moral framework they shared with Strabbing, one that incorporates a weighted assessment of considerations regarding enemy combatants, friendly combatants, and non-combatants.

(1) *Enemy Combatants.* For months prior to the assault, the Fallujan insurgency conducted a bombing campaign that threatened to engulf Iraq in a civil war between Sunnis and Shiites. Its pacification was therefore essential to preventing a moral catastrophe. And the only way to do so, under the circumstances, was for American Marines to kill or capture the insurgents operating out of Fallujah. Hence their mission to clear houses -- a duty that many Marines took clearly to count in favor of tactical aggression.

(2) *Friendly Combatants.* Strabbing and his Marines were also duty bound to protect one another. This duty is constitutive of the social role of Marine. Plausibly, the greater the danger, the greater its normative weight. And the danger was very great. Fallujah sheltered a significant number of determined enemies, some of whom had considerable experience in urban combat and were fortified by drugs that rendered them more difficult to kill or incapacitate. Given that they had to attack a prepared position defended by experienced, determined, and drug-enhanced enemies, Strabbing's Marines took their duty to protect one another to count powerfully in favor of tactical aggression.

(3) *Non-Combatants:* Strabbing's Marines discounted the normative weight of the right of Fallujan non-combatants not to be victimized by military violence. For weeks prior to the attack, the Americans repeatedly notified

the population of the impending battle. They encouraged, cajoled, and even mildly coerced ordinary citizens to vacate. By the beginning of the assault, the vast majority was gone. Many Marines believed that the decision of the remaining citizens not to exit permitted them to assume less risk to themselves than they would otherwise have had to assume in order to avoid unintended harm to innocents.

Here, then, are the bare bones of a rationale that convinced many of Strabbing's subordinates that they should clear houses in Fallujah with the level of aggression captured in (2). They were duty bound to kill or capture Fallujan insurgents. They were also bound by a weighty duty to protect each another from dangerous and determined enemies. Although they were morally required to assume some level of risk to avoid unintentionally harming the remaining non-combatants, the level of risk that they were required to assume was greatly reduced by the decision of Fallujan citizens to stay in the city. In short, two powerful reasons counted in favor of tactical aggression, the primary reason in favor of caution was considerably discounted, and so many Marines took themselves to have a compelling reason to fire tank shells into buildings from which they antecedently perceived no lethal threat and in which were housed, for all they knew, indeterminate numbers of harmless, terrified, and uninvolved human beings.

5.4 A Christian Case for Tactical Caution. Strabbing shared with his subordinates a broad understanding of the kinds of consideration relevant to their tactical consideration: he had to give due normative weight to all of those human beings in his battlespace -- non-combatants, enemy combatants, and friendly combatants. But his Christian faith shaped his assessment of each of those considerations. As a consequence, Strabbing decided to impose on his platoon a cautious policy roughly captured by (4).

I'll begin by considering Strabbing's reflections about Fallujan non-combatants. Christian moral teaching shaped his deliberations in three distinct but mutually supporting respects.

First, it rendered the moral standing of Fallujan non-combatants *salient* to him. "War is waged under the most emotion-wrenching conditions. It is the suffering and death of people you know[, and perhaps love,] set against a background of suffering and death [experienced by] those you do not." As a consequence, combatants tend to foreshorten the scope of their moral concern: the suffering of

their comrades is palpably present -- all but blotting out of awareness the death of 'unit outsiders.' Strabbing's faith helped him to overcome this deliberative occlusion. Christians characteristically believe that the duty to love neighbors is absolute. This duty has an indefinitely wide scope ... it applies to any human being upon whom one happens. As exemplified in the Parable of the Good Samaritan, it applies to the kind of circumstance in which Strabbing found himself -- to encounters between the members of hostile groups. As a consequence, Strabbing took himself to have an overriding duty to love each human being he encountered in the Fallujan battlespace. This shaped the way that he led his Marines in battle: "I wanted as a platoon commander to set an example for my Marines that I was going to treat every single Iraqi with whom I would interact ... as a child of God, made in His image ... a very difficult thing to do on a daily basis in that environment."

Second, Christian moral teaching provided Strabbing with reason to give especially great normative weight to the protection of non-combatants. He understood love of neighbor to require that we care in particular for the most vulnerable human beings we encounter. Plausibly, the most vulnerable human beings in Strabbing's battlespace were Fallujan non-combatants: they were caught up in a vicious conflict in which they were utterly unable to protect themselves from dismemberment, suffering, and death. This provided significant reason to favor tactical caution:

I felt a deep responsibility for innocent Iraqi civilians who were caught in the crossfire of a really nasty conflict. I felt a responsibility to them -- ensuring that insurgents weren't going to damage ... them, and that my Marines were not going to do that either. I was careful to emphasize to my Marines that we could expect innocent civilians to remain in the city. And we need to operate with that as a likely outcome for every house we entered and every round we fired."

Third, Christian moral teaching provided Strabbing with reason to diverge from his compatriots' assessment of Fallujan non-combatants. Dogmatically put, properly obedient love can require us to promote the genuine good of our fellow human beings even when they have no right to our doing so. And so Strabbing could grant that no right possessed by Fallujan non-combatants required that he assume the level of risk associated with (4) and still believe that he was duty bound to do so. This is 'obedient love' of the sort paradigmatically captured in the Parables of the Good Samaritan and the Prodigal Son -- self-sacrificial

beneficence for foolish, fearful or unfortunate human beings with whom we have no personal attachment whatsoever and who do not themselves have any right to some particular manifestation of our care. It's a paradigm case of sacrificial love for the vulnerable -- and so, for Strabbing, a natural expression of his Christian faith.

Christian moral teaching also shaped Strabbing's assessment of the moral standing of enemy combatants. "Jesus taught that we must love our enemies. That passage from the Sermon on the Mount carried great weight for me in Iraq.... This is something I thought a great deal about before and during my deployments, especially in Fallujah."¹³ There is, of course, a very long history of reflection regarding how Jesus' love command bears on the manner in which combatants treat their enemies. One interpretation ... or caricature ... of this injunction is that combatants must fight absent certain kinds of negative emotional states -- hatred, malice, desire for revenge, and the like. That is, the injunction to love enemies as it applies to combatants has nothing to do with *who* they kill, *which* weapons they employ, or *how* they use those weapons, and everything to do with the attitudinal states that accompany their use of military violence. By contrast, Strabbing took his duty to love his enemies to have *both* attitudinal *and* tactical implications. One of the main ways in which he could fulfill that duty was to fight in such a way as to provide his enemies with leeway to surrender. "For me, [says Strabbing,] one way to love our enemies is to provide them with an opportunity for surrender, should they choose not to fight."¹⁴ This he could do by imposing tactical caution on his Marines.

As it turns out, Strabbing's tactical caution seems to have had concrete results. His unit became known as "the PUC-Platoon." "PUC" is an acronym denoting a "Person Under Control" -- a prisoner of war. Apparently, Strabbing's platoon garnered a disproportionately high number of PUCs: "My platoon didn't have a single Marine killed the whole three weeks we took Fallujah, and while I don't have the data, we definitely took many more PUCs than any other platoon in my company."¹⁵ For Strabbing, this statistical reality was a manifestation of his tactical compliance with Jesus' command to love his enemies. It was also a source of great controversy: "My Marines chafed at my approach, and frankly, ... I was constantly pulling back on the reins to try to ... quell their aggression. [T]he rest

¹³. Tim Strabbing, Personal Communication.

¹⁴. Tim Strabbing, "The Warrior's Heart."

¹⁵. Tim Strabbing, "The Warrior's Heart."

of the company took notice, especially regarding surrendered combatants We got the nickname 'PUC Platoon'.... Let me tell you, my hard charging, intense Marines did not like being called [that]. Underneath the criticism is the thought that we should have killed them, not taken them prisoner.”¹⁶

I now turn from Strabbing's deliberations regarding Fallujan outsiders to those regarding Marine insiders. This is an absolutely vital consideration. After all, an officer's duty to care for subordinates is a *most* important normative consideration. A platoon commander like Strabbing is delegated military authority only under the proviso that he will exercise it in a way that is properly solicitous of the well-being of his subordinates. Many doubt that Strabbing's imposition of (4) was consistent with that duty.

In order to appreciate why Strabbing disagreed, we must reflect on the internal complexity of his duty to care for his subordinates. Of course, at the heart of any adequate conception of that duty is the responsibility to protect Marines from bodily evil: from death, wounds, and dismemberment. But bodily harm is not the only kind of evil that threatened Strabbing's subordinates. There is now a large literature on the manner in which participation in combat causes moral injury. As the gravity of moral injury has been recognized with ever greater clarity, it has become ever clearer that military superiors must be solicitous not only of the bodily but also of the moral well-being of their subordinates. So it was for Strabbing:

Part of the scourge of warfare is that no one emerges without moral injury. The question is how deep is the wound or trauma going to be? And can you lead in such a way that you protect your Marines from the worst of it or at least try to create a framework for honorable behavior in an incredibly morally compromised situation. ...One of my goals as a Platoon Commander was that everyone in my platoon ... could look ourselves in the mirror when we got home and know that we made the best decisions that we could ... in the midst of incredible evil and violence.

Strabbing believed that requiring tactical caution reduced the risk of moral injury to his subordinates. First, a cautious tactical policy straightforwardly decreased the likelihood that his Marines would kill innocent Fallujans -- a common source of moral injury, even when the unintended consequence of permissible acts of

¹⁶. Tim Strabbing, Personal Communication.

military violence. Second, it discouraged hostile emotions – hatred and vengeance – that can render otherwise permissible acts of military violence corrupt and so injurious. Third, and perhaps most controversially, it could help his subordinates resist a hatred for enemy combatants that precludes friendship with God and so impedes them from enjoying an important constituent of their well-being. Suffice to say that Strabbing concluded that his imposition of tactical caution best satisfied his paternal duty to protect his subordinates from an appropriately weighted balance of evils -- bodily, moral, and spiritual.

With respect to each of the considerations relevant to the tactical decision before him, then, Christian moral teaching provided Strabbing with reason to adopt a more cautious tactical policy than that favored by his fellow Marines. As a consequence, Strabbing refused to direct artillery to bomb, tanks to shell, or Marines to lob grenades into, houses in order to ‘neutralize’ threats that might, or might not, lie within. Rather, he resolved to adopt something like (4) as a tactical default, escalating the violence that his platoon employed in accord with the level of perceived threat.

This is not common sense. Anything but. Indeed, one company commander (not Strabbing's) explicitly forbade his platoon commanders to adopt Strabbing's approach:

Capt Bryan Heatherman commanded the respect of every Marine in his company -- not least because he refused to sacrifice any more of his men by minimizing the damage to Fallujah. ...The company had already lost more than seven dead, and nearly fifty percent of the men in the brigade had been wounded. ...The consensus was, "No more dead Marines." [So Heatherman] issued a new set of orders to his platoon leaders. "We're no longer in the business of clearing houses with Marines. Lay suppressing fire down on the houses and put a rocket in it first. No Marines going into houses without it getting rocketed first."

Just what Strabbing would have done were his company commander to have issued him such an order, I do not know. Perhaps he would have resigned his commission -- giving up his position of authority during a combat mission -- a most difficult thing to do. As it was, he was issued no such order ... only pressure to 'be more aggressive.' That pressure he resisted throughout the assault on Fallujah.

6.0 Religious Restraint in the Military. Strabbing's imposition of tactical caution was controversial among his Marines, primarily on substantive grounds: they doubted that his imposition of tactical caution was supported by the best overall assessment of the relevant moral and military considerations. But his imposition of tactical caution will also be controversial to others and on other grounds -- to those inclined to conclude that military officers ought to adhere to a version of the DRR tailored to that social role. Reflection on Strabbing's decision to impose tactical caution on his subordinates indicates why they ought to do so.

Strabbing relied on his religious convictions to exercise his command authority. This was not a matter of metaphysical necessity but of personal biography. Were he a different person -- differently socialized, differently convinced -- he would undoubtedly have settled on his favored tactical policy on other grounds. But Strabbing did in fact make that determination on the basis of theological commitments that mattered a great deal to him. Moreover, his faith played a decisive deliberative role: but for Christian moral teaching Strabbing would not have concluded that there was sufficient reason to require his subordinates to comply with (4). Indeed, were he to have reflected on the decision before him in a way entirely uninfluenced by his faith, he might well have adopted the kind aggressive tactical policy favored by his subordinates ... as he did early in his first deployment to Iraq ... prior to a crisis of faith that led him to reassess his initial tactical aggression. Intuitively, Strabbing 'imposed' his theological commitments on his Marines: his religiously grounded decision to adopt a cautious tactical policy rendered that policy obligatory for his subordinates, such that any attempt on the part of a subordinate to follow a more aggressive policy could have had severe repercussions.¹⁷ As such, it is anathema: a military officer who decisively depends on a sectarian theological rationale to impose a policy that risks the life and limb of those under his authority has clearly gone off the rails. Strabbing should therefore have adhered to a version of the DRR appropriate to the social role of officer: given that he was unable to discern any adequate rationale for his favored tactical policy other than one that included religious claims, Strabbing ought to have restrained himself from using his command authority to impose that policy on his subordinates.

¹⁷. Roughly this understanding of what makes for a religious imposition is articulated and defended by Michael J. Perry in one of his later contributions (of many) to the discussion of the proper role of religious reasons in liberal democracies. See his **The Political Morality of Liberal Democracy**, (Cambridge: Cambridge University Press, 2010), pp. 65-87, 188-199.

7.0 Religious Conviction in the Profession of Arms. I won't further articulate this intuition -- that would take us too far afield. I'll simply explain why I think that, while intensely controversial, Strabbing did nothing wrong. That is, Strabbing didn't wrongly impose tactical caution on his platoon *by virtue of* any role that his Christian faith played in his tactical deliberations. Let me make a number of general points.

First, let me reiterate that an officer like Strabbing must commit to abide by the moral and prudential determinations of the hierarchy of authorities above him, both civilian and military. This deference of subordinate to superior is a crucial component of a long-standing commitment to the civilian control of the military as well as to good order and discipline in the military. Those who are unwilling to subordinate themselves by allowing the moral and prudential determinations of their superiors to delimit the options morally open to them are unfit for military service.

Second, we, the citizenry in a liberal democracy, have every reason to want the officers whom we commission to protect us to rely on their own considered moral assessments as they discharge their public responsibilities. After all, we provide our military with exceedingly destructive weapons; we train its members to use those weapons with effect; we authorize them to employ those weapons. We thereby ought to take reasonable measures to ensure that those we authorize to employ military violence do so in a morally appropriate manner. Among the means at our disposal, we can encourage them to employ military violence in a manner that comports with the requirements of justice and human dignity. Although they certainly have it within their power to employ military violence without moral qualms, and although they could be trained to employ military violence without serious moral concern, they should not do so and we should not train them to do so.

Third, officers are sometimes circumstanced such that they must, and therefore may, impose exceptionally contentious moral judgments on their subordinates. This kind of imposition is at the very heart of what it means to be an officer in a modern military: officers have no option but to make life and death decisions on the basis of what we should expect to be their best assessment of the relevant considerations. That is, anyone who inhabits the social role of officer has no option but to impose her moral and prudential judgments on subordinates. We see this not only in Strabbing's actions in Fallujah but also in those who repudiated his religious convictions: those who adopted a more aggressive

tactical policy than that favored by Strabbing imposed their moral and prudential judgments on their subordinates no less, and no more, than did Strabbing.¹⁸ This is an essential element of what's distinctive about the social role of military officer.

Fourth, some officers do not distinguish between their moral and religious reasons for action. Their most basic moral beliefs about human dignity and the obligations they bear towards their fellow human beings are also religious convictions. Moreover, their unwillingness to distinguish between their religious and moral beliefs need not be problematic in any important normative respect. There are no grounds for criticism because there are no normatively relevant differences -- sociological, epistemic, or otherwise -- between the moral considerations that military officers ought to employ while discharging their official responsibilities and the 'religiously grounded' moral considerations that some believe that they ought to employ while discharging their official responsibilities.

Fifth, if there are no good reasons to discriminate between the moral claims on which officers ought to rely when they exercise their command authority and the religiously grounded moral claims on which some officers, like Strabbing, take themselves to be required to rely, then we cannot coherently forbid officers from making command decisions on the basis of religiously grounded moral claims. We should understand the duties attached to the social role of officer accordingly: we very much want officers to rely on considered convictions of conscience when they exercise command authority and they may rely on their considered religious convictions in exactly the same respects as they may rely on various familiar moral convictions while they fulfill their official duties and responsibilities.

The crucial claim here is that there nothing about the religious that could provide a coherent basis for prohibiting officers from making command decisions on religious grounds. Let me reflect on this claim by returning to the disagreement between Strabbing and his subordinates. It is clear that Strabbing had no demonstrative argument to the conclusion that his platoon should exercise tactical caution; he enjoyed no justification for his favored tactical policy such that it ought to convince any and every person of good faith capable of understanding it. His deliberative conclusion was grounded on a nuanced

¹⁸. I have in mind here the aforementioned order that Capt Heatherman issued to his platoon commanders to 'rocket then enter.'

assessment of distinct, widely shared considerations, where his weighting of those considerations was variously shaped by Christian moral teaching. As such, it could not but be controversial. But, of course, his assessment was in this respect relevantly similar to that of his fellow Marines. They too had to balance distinct, widely shared, moral considerations, and their weighting was no less objectionable to Strabbing as his assessment was objectionable to his fellow Marines. With respect to the kind of tactical decision Strabbing and his fellow Marines had to make, this kind of disagreement is unavoidable, even as among morally serious and militarily competent peers. We can perhaps best ascertain the unavoidability of disagreement by specifying a reality which I have to this point not emphasized.

When I initially framed the disagreement between Strabbing and his fellow Marines, I followed him in characterizing their disagreement as about tactical policies differentiated with respect to the kinds of weapon system deployed while clearing houses — (1) artillery, (2) tanks, (3) grenades, and (4) guns. This is a highly simplified formulation. It is surely the case that, for any particular tactical policy, there will be an indefinitely wide array of more or less cautious and more or less aggressive alternatives. The range of risk associated with distinct alternatives is not quadratic, much less dyadic, but scalar – a continuum of tactical aggression and caution. I have attributed to Strabbing's fellow Marines a rationale that counts in favor of a *rather* aggressive tactical policy. But there are certainly more aggressive policies that they could have adopted. Correlatively, I have attributed to Strabbing a rationale in favor of a *rather* cautious policy ... but there are certainly even more cautious policies that he could have imposed on his platoon.

These kinds of scalar judgment are incredibly difficult and contentious. It requires the kind of difficult balancing of multiple competing considerations that led Rawls to conclude that reasonable disagreement about all manner of moral, political, and religious matters is unavoidable as between free human beings. The cognitive capacities with which we human beings have been endowed are simply not powerful enough to make the kind of scalar determination implicated in the disagreement between Strabbing and his fellow Marines with anything like exactitude or certitude. In the absence of any clear and exacting way to make the kind of scalar judgment that they had no option but to make, Strabbing and his fellow Marines had no option but to advert to contentious and controversial considerations. The personal moral visions of those involved inevitably shaped those determinations. Most relevantly to my purposes, because some of our

moral and epistemic peers, like Strabbing, will adhere to religious convictions about which they care a great deal, they will leverage those religious convictions to determine how they ought to live, act, and feel, they will rely on their determinations as they fulfill their public duties, and they will reach different determinations than many of those who do not share those religious convictions. And given the kind of decision that they have to make, properly so.

7.0 Conclusion. Let me end at the beginning. I indicated at the outset that I intended to reflect on role that religious reasons may play in the social role of military officer in a liberal democracy. That social role is morally critical: no liberal democracy can thrive which lacks a professionalized military. This means that liberal democracies, which are committed to the equal dignity of each human being, cannot thrive absent a distinctly inegalitarian institution: all professional militaries include a hierarchy of ranks in which some fallible human beings enjoy the authority to impose moral and legal obligations on others. As we've seen, the authority that military officers enjoy over their subordinates must be constrained in a number of critically important respects: officers must abide by the moral and prudential determinations of their civilian authorities, such that when they exercise their command authority, they must comply with a panoply of constitutional, legal, and regulative constraints. Even so, those constraints will inevitably leave officers with considerable latitude: given the many unpredictable and time-sensitive decisions that officers have to make, they must be accorded considerable discretion in deciding how to exercise their authority. Given the impact of their decisions on the lives of other human beings, we have every reason to want them to do so in light of their best assessment of the normative considerations relevant to the decision that they have to make. In some cases, as with LT Strabbing, their best assessment of the relevant considerations leads them to accord decisive weight to religious considerations. This provides officers with a kind of religiously justified coercion unavailable to those who occupy more familiar social roles -- citizens and legislators. This allows us to reflect on the proper public role of religious reasons in a distinctively purified form: is it morally permissible for this fallible human being to coerce others on the basis of what turn out to be decisive religious grounds? There need be nothing wrong with this: officers who exercise their command authority in this way need not violate any requirement that should be attached to the social role of officer in a liberal democracy.