

## An Ethical Defense of Citizenship

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In many parts of the Western world, we have reached a low point in public confidence in the moral value and relevance of citizenship, in the integrity of our political institutions, and in the nobility of public office. Consequently, if we are to secure the political field for those among us virtuous enough to serve the common good, we need to restore public confidence in the ethical value of citizenship and public service. One small step in this direction would be to allay understandable moral qualms about the practice of citizenship. And that is precisely what I aim to do here. By deflating some serious ethical objections against citizenship, I aim to pave the way for the larger task of developing an ethical ideal of citizenship that can inspire citizens to put their talents at the service of the common good. The three objections I address here are rooted in (i) the alleged complicity of ordinary citizens in a range of collective and institutional evils, (ii) the alleged necessity of ruthless utilitarian reasoning in political life, and (iii) the alleged incompatibility of modern citizenship with the Christian way of life. I show that each of these objections can be answered, or at least significantly deflated.

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*I die the King's good servant, but God's first.*

—Thomas More's last words before his beheading on 6 July, 1535

*...it is necessary to a prince, if he wants to maintain himself, to learn to be able not to be good, and to use this and not use it according to necessity.*

—Niccolo Machiavelli, *The Prince* (1532)<sup>1</sup>

In many parts of the Western world, we have reached a low point in public confidence in the moral value and relevance of citizenship, in the integrity of our political institutions, and in the nobility of public office.<sup>2</sup> There appears to be a creeping cynicism about the very

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<sup>1</sup> Machiavelli 1998, Chapter xv, p. 61.

<sup>2</sup> For example, according to annual Gallup polls conducted in the United States between 1973 and 2013, the proportion of the population who had either “quite a lot” or “a great deal” of confidence in the Supreme Court

possibility of an ethically inspired and inspiring form of participation in the public life of one's city and country. The cynicism I refer to is more than an acknowledgment of the corruptibility of the political community and its participants: it is a deep pessimism about their perfectibility. As such, it can be very destructive for political and social life, because it can demoralize citizens and rob them of energy and enthusiasm for putting their talents at the service of the community, especially the political community. The best persons in our society may not see the point of serving a community that is morally degenerate or on the brink of moral bankruptcy, leaving the political field wide open for the less scrupulous to enter where the virtuous dare not tread.

If we are to secure the political field for those among us brave enough to enter and virtuous enough to serve the common good, we need to restore public confidence in the ethical value of citizenship and public service. This would require the elaboration of an attractive ideal of citizenship capable of speaking to people's ethical concerns. But in this essay, rather than developing a full-fledged ideal of citizenship, I prepare the ground for such an ideal by

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dropped from 45% to 34%; in Congress from 42% to 10%; in the presidency from 52% to 36%. The only public institutions for which a *majority* of respondent expressed "quite a lot" or "a great deal" of public confidence as of 2013 were the military (76% compared with 58% in 1975); small business (65% compared with 63% in 1997); and the police (57% compared with 52% in 1993), though in light of the latest rash of police scandals, that figure is likely to now be much lower. The results of these polls can be found at <http://www.gallup.com/poll/1597/confidence-institutions.aspx#1> (accessed June 24, 2015). Significant declines in trust in national and European political institutions have been recorded in European countries over the past decade. For example, Eurobarometer polls showed that 32% of Europeans tended not to trust the EU in early 2007, compared with 60% in 2013. Interestingly, Eurobarometer polls also show that in most European countries the levels of distrust in national parliaments has also increased during this period, and has remained consistently higher than distrust in European Union institutions.

defending the moral legitimacy of modern citizenship against some fairly influential objections. I hope that by pre-empting some serious ethical concerns about citizenship in the Western world, I can at least help pave the way for those brave enough to embark on the larger project of developing an ethical ideal of citizenship suitable for a postindustrialized, postwestphalian society. The three objections I address are rooted in (i) the alleged complicity of ordinary citizens in a range of collective and institutional evils, (ii) the alleged necessity of ruthless utilitarian reasoning in political life, and (iii) the alleged incompatibility of modern citizenship with the Christian way of life.<sup>3</sup>

### **1. The Problem of Civic Complicity**

It is frequently objected against citizenship that in spite of its manifest benefits (representation, protection, public order, and so on), it implicates us directly in grave wrongdoing, including the evils of deception and state-sponsored violence. The objection goes something like this:

Nobody would dispute the fact that people do good and just things in their capacity as citizens, and that citizens are justly honored for brave and generous deeds. However, even the most well-intentioned and just people can find themselves thrust, in spite of their best intentions, into webs of complicity with evil. Insofar as I participate in a representative political system, I must take on at least *some* responsibility for the good and bad actions that are undertaken on my behalf, by my government and political representatives. In addition, insofar as I pay taxes into the public coffer, I must

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<sup>3</sup> This chapter reframes and reworks material scattered across my book, *Citizenship and the Pursuit of the Worthy Life* (Thunder 2014). In particular, the three objections fielded in this article are discussed on pp. 103-119, 123-131, and 176-180.

acknowledge that I am supporting, albeit indirectly, the good and bad activities being funded by my government. Thus, just by being a citizen, I automatically get implicated in evil or unjust projects.<sup>4</sup>

Of course, this objection would have no purchase if our governments happened to be consistently just or at least never seriously unjust, for then we could simply take credit for the good actions of our governments and never have to take responsibility for grave injustices. However, it seems hard to deny that many constitutional democratic governments, no matter how robust their commitment to domestic and international justice may appear on its face, can and do undertake deeply unjust projects on behalf of their citizens. For example, even if we happen to approve some military interventions, it would seem unreasonable to expect state military expeditions to be just *as a matter of course*, given the scale of violence and deprivation inflicted by war, and the complex mix of economic and political interests at stake.

Assuming that constitutional democratic governments do in fact inflict grave injustices, whether through war or through misguided domestic policies, and assuming that these injustices are carried out on behalf of citizens and with their financial contributions, what conclusions follow when assessing the degree of a citizen's complicity with evil? Some have argued, based on these sorts of assumptions, that citizens are inevitably complicit in wrongdoing, just by virtue of exercising their role as citizens.<sup>5</sup> However, it is not clear to me

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<sup>4</sup> Cf. Beerbohm 2012 for an in-depth discussion of this problem.

<sup>5</sup> For one version of this argument, see Kateb 2008, esp. 15: "How can one love such a mottled or hybrid entity as a country, particularly when, as in a democracy, the country's people are (always by imputation and sometimes in fact) directly and indirectly responsible for the country's wicked policies?" Beerbohm 2012 accepts that citizens have at least indirect responsibility for their country's unjust policies, but he suggests they can mitigate their personal complicity by taking certain measures to dissociate themselves from the policies, such as active resistance or protests against the injustices of their government.

why a citizen who objects to his government's unjust policies in a democratic electoral system is necessarily complicit in those policies. When I elect someone to represent my interests and the interests of the nation, my agency does not get absorbed into his. In other words, when I elect him to represent me, I am not thereby endorsing every possible policy he might enact. What if all viable candidates are committed in advance of the election to what I take to be deeply unjust policies? Then I have the choice to abstain from voting and/or to voice my opposition to the injustice in question. Even if a questionable candidate is subsequently elected, and the real impact of my dissent is negligible, my decision not to vote, coupled with a good faith effort to voice my opposition publicly, may serve as a symbolic gesture of dissociation from the unjust policies that the available candidates intend to perpetrate.

A similar line of argument applies to the question of taxation. It is true that once my taxes are collected, they get allocated to a wide range of different government undertakings, and that unless I am an elected representative, I have little or no say over how exactly my tax contributions are spent. Even if I attempt to punish a government for misallocating taxpayers' money or using it for immoral purposes, there is no guarantee that my vote will be effective, or that the new government will be much better. Thus, nobody can guarantee that their tax contributions are used exclusively for noble purposes. A critic of citizenship might draw the rather disheartening conclusion that citizens are complicit in serious wrongdoing just by virtue of the fact that they pay taxes.

This argument is not unreasonable. On its face, there is something ethically dubious about paying money into a giant fund knowing full well that that money is likely to be used, at least in part, for gravely unjust purposes. However, there are several considerations that significantly attenuate (even if they do not entirely eliminate) the responsibility of taxpayers for the misguided uses to which their money is put: first, paying taxes does not rise to the

same level of voluntariness as, say, contributing to a charity of one's choice, given that failure to pay taxes incurs hefty penalties, including fines and imprisonment, while the only way to evade such punishments is either to conceal one's income or to stop earning income and thus expose oneself and one's dependents, if any, to poverty or at least significant economic insecurity.

Second, the social advantages of widespread tax compliance may override the objection that some of one's tax contributions are spent unwisely and unjustly. One might just bite one's lip and hand over one's taxes, not because every cent is well spent, but because the overall impact of tax compliance on the common good is positive: many public funds are indeed spent on infrastructure, public services, the arts, and other worthy, and in some cases necessary projects. A government that cannot efficiently collect taxes cannot successfully perform its normal functions, while individual citizens' refusal to pay taxes is sure to foster feelings of mistrust and resentment among their peers, as they will frequently be perceived as free-riding the system under the cloak of moralistic justifications. In short, a legal or moral exemption from paying taxes would likely destabilize a political order and render government ineffective, unable to serve the public interest. These social costs significantly weaken the case for withholding taxes from partially unjust regimes, while the social benefits of tax compliance seem to provide strong reasons for participating in a taxation system even if one has reservations about how some of one's taxes are spent.

If one paid taxes precisely with the intention of supporting unjust causes, then the fact that there is a balance of good consequences would not let one off the hook. Tax compliance is expressive of human virtue (most obviously, the virtue of justice) only when it is *intentionally* directed to the common good and *not intentionally directed toward unjust projects*. It may seem puzzling to insist that a good intention can redeem an action that contributes causally to

bad projects, but this is not so strange when we consider the role of intention in other contexts. To pay taxes is to channel resources into the hands of other people, whose decisions about how to use those resources we cannot directly control. In this respect, it is similar to many other actions that contribute to collective outcomes, such as the work of a civil servant or the purchases of a consumer. In cases where the good outcomes to which the action contributes are at least as significant as the bad outcomes to which it may causally (though not willingly) contribute, the agent may decide that the good effects of his action, which he *intends*, justify his *tolerance* of the bad effects to which he *unintentionally* or unwillingly contributes.<sup>6</sup> We should add one more proviso, namely that citizens should take action to mitigate or eliminate serious injustices that they may be facilitating through their tax contributions, to the extent that this lies within their power, whether through political advocacy, public protest, or some other countervailing measure. Any complex system of human action raises these sorts of difficulties, and if we were unwilling to play a facilitating role within social and economic systems with mixed outcomes and some degree of waste and abuse along the way, a great deal of human collaboration, especially involving complex large-scale systems, would be impossible.

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<sup>6</sup> This is an application of the doctrine of double effect. For an early formulation of this doctrine, see Aquinas 1981, II-IIae, q. 64, a. 7. For an overview of the doctrine, see the *Stanford Encyclopedia of Philosophy*, “Doctrine of Double Effect” (<http://plato.stanford.edu/entries/double-effect>, accessed June 24, 2013) and Mangan 1949. According to Mangan, the doctrine of double effect asserts that “[a] person may licitly perform an action that he foresees will produce a good effect and a bad effect provided that four conditions are verified at one and the same time: that the action in itself from its very object be good or at least indifferent; that the good effect and not the evil effect be intended; that the good effect be not produced by means of the evil effect; [and] that there be a proportionately grave reason for permitting the evil effect” (p. 43, as quoted in *Stanford Encyclopedia of Philosophy*, “Doctrine of Double Effect,” <http://plato.stanford.edu/entries/double-effect/>).

We could imagine our skeptical friend pressing his case further: “even if we err on the side of paying taxes,” he might argue, “nevertheless, when a government intends to undertake gravely unjust actions on a large scale, such as a long-drawn-out war of conquest, surely this must tip the balance in favor of withholding taxes?” I am certainly willing to concede that in cases where a large portion of a government’s budget is dedicated to unjust or immoral policies, a citizen may be justified in withholding taxes from such a government – the government in question may have simply forfeited its right to the citizen’s financial support. However, it is less clear to me that a citizen would be ethically *obligated* under such circumstances to withhold taxes from the government, for the following reason: since taxes are allocated, in principle, to the whole machinery of government, one may contribute taxes with the intention of supporting a government’s legitimate purposes, while *tolerating yet resisting* through other means such as lobbying and public protests, the financial empowerment of unjust actions as an unintended effect of one’s contribution. Especially in cases where the costs of withholding taxes constitute a crippling burden (e.g., imprisonment or unemployment), which is what we would normally expect, a citizen may legitimately pay his taxes while seeking other ways to resist and mitigate the unintended bad effects of his contributions.<sup>7</sup>

## **2. The Alleged Ruthlessness of Political Life**

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<sup>7</sup> Henry David Thoreau 1993 seems to constitute a conspicuous counter-example to this claim: he refused to pay at least a portion of his taxes because of what he perceived as the injustices of his government, and was willing to suffer imprisonment as a consequence. There is certainly something admirable about someone who suffers in defense of his principles. But it is less clear that all citizens are morally obliged to suffer in the same way, or that Thoreau was advocating that all citizens, no matter their circumstances, withhold taxes from unjust governments.

Another fairly common objection against citizenship and in particular against the notion that public office is a morally ennobling calling is that it generates demands and responsibilities that simply cannot be met by a morally “scrupulous” or sensitive soul. Citizens who serve in public office should be willing to get their hands “dirty,” or even bloody if necessary to protect the security of their nation. Strict fidelity to ethical principles might be possible for ordinary citizens with little direct involvement in affairs of state, but it is not a luxury our statesmen and legislators can afford, if they hope to fulfill the demands of public office. Our legislators and political leaders must be willing to forge dubious alliances, authorize morally questionable military operations, and drag their country into all-out war when the public interest demands it, even if it keeps them up at night. This sort of argument has its fair share of defenders, most famously – or infamously – Niccolo Machiavelli.<sup>8</sup>

The force of this argument is difficult to resist, especially in a time when cynicism about political life is quite pervasive. Nevertheless, we should not concede the “dirtiness” of political office too quickly, because it has deeply disturbing implications: first, if the responsible exercise of political office requires the lowering of ethical standards of conduct and character, then those who care about their soul would do well to stay out of the affairs of state, leaving the field open to the less scrupulous. Second, if we endorse the exemption of politicians from standard ethical requirements in the name of political responsibility, we are

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<sup>8</sup> See Machiavelli 1998, esp. Chapter xv, p. 61: “...many have imagined republics and principalities that have never been seen or known to exist in truth; for it is so far from how one lives to how one should live that he who lets go of what is done for what should be done learns his ruin rather than his preservation. For a man who wants to make a profession of good in all regards must come to ruin among so many who are not good. Hence it is necessary to a prince, if he wants to maintain himself, to learn to be able not to be good, and to use this and not use it according to necessity.” For other defenses of the courage to make ethical compromises in politics, cf. Weber 1946; and Walzer 1973.

providing a dangerous pretext for unscrupulous or self-serving politicians to rationalize their misconduct by appeal to political “necessity.” Last but not least, the credibility of the regime as a whole may suffer a substantial blow if those at its helm are perceived to be exonerated from the ethical demands of everyday life on account of the “dirty work” they have to do on our behalf.

We have good reason, then, to put up a fight before conceding that holders of public office are condemned to immorality. Rather than addressing broad generalities, I would like to address three specific ways in which public office is alleged to require some sort of departure from ethical principles we feel bound by in ordinary life.<sup>9</sup> In the first case, an electoral candidate agrees to award a building contract to a dishonest ward boss to secure his own election; in the second, a political leader authorizes the torture of a political dissident to secure intelligence on the location of a bomb targeting innocent civilians; and in the third, a political leader authorizes a war to avert an imminent genocide. For each case, I consider to what extent, if at all, the agent in question finds himself under the necessity of acting unethically in virtue of his office.

Let us begin with the building contract case. Walzer imagines a politician who wishes to “do good by only doing good” confronted by the choice to do a backroom deal with a dishonest ward boss:

In order to win the election the candidate must make a deal with a dishonest ward boss, involving the granting of contracts for school construction over the next four years. Should he make the deal? Well, at least he shouldn’t be surprised by the offer, most of us would probably say (a conventional piece of sarcasm). And he should accept it or not, depending on exactly

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<sup>9</sup> The first two of these cases are taken directly from Walzer’s essay “Political Action: The Problem of Dirty Hands” (1973).

what is at stake in the election. But that is not the candidate's view. He is extremely reluctant even to consider the deal, puts off his aides when they remind him of it, refuses to calculate its possible effects upon the campaign (Walzer 1973, 165-166).

Walzer goes on to make two judgments about this case: first, that because this man has scruples about making such a backroom deal, "we know him to be a good man"; and second, that if we estimate the importance of the campaign "in a certain way," we will "hope that he will overcome his scruples and make the deal...we don't want just anyone to make the deal; we want him to make it, precisely because he has scruples about it" (166). Presumably the reason we want him to make the deal with the ward boss is because that is the only realistic way for him to win office; and the reason we want a man of scruples to make the deal is because his scruples suggest that he will make ethically questionable deals only reluctantly and for the public interest rather than for his own selfish goals. Paradoxically, if Walzer is right, then the only way to ensure that principled people participate effectively in public office is by allowing them some leeway to cut questionable deals along the way.

The question whether or not political efficacy requires serious ethical compromises such as questionable backroom deals cannot be answered in abstraction from the details of particular cases. It certainly seems likely that winning certain elections, or securing the passage of certain laws, or winning support for certain policies, may require ethically questionable actions. For example, there are surely times when the only way an officeholder can gain the requisite votes for his favored law is by pledging his support for laws to which he has a principled objection. The popular perception, which I cannot verify based on philosophical arguments and casual observations, is that strict adherence to principles of honesty, fairness, truthfulness, etc. is generally or very often an obstacle to political efficacy. Whether or not this is in fact the case, however, is not dispositive for the normative question at

issue, namely, whether or not politicians *ought to* give up or compromise their important ethical commitments for the sake of political efficacy. Nothing Walzer has said convinces me that they should.

The first problem with Walzer's argument is that he assumes that a person of principle can be prepared, albeit reluctantly, to cut questionable deals with dishonest ward bosses, and nonetheless remain loyal *in general* to the ethical principles for which his peers and constituents admire him. Even if we grant, *arguendo*, that a candidate in certain political contests must engage in unethical behavior in order to stand a realistic chance of success, the sort of pragmatic calculus that permits a candidate to secretly grant building contracts to a dishonest ward boss is not the mark of a person of integrity. While it is conceivable that someone might make one or two isolated deals of this sort and still retain a steadfast commitment to living a worthy life, in practice the sort of reasoning that justifies those deals gradually but steadily becomes entrenched as a habit of mind. If winning office can justify *this* questionable deal, then why not undertake *that other questionable deal* to get my policies passed once I've won office? In short, the frame of mind that justifies questionable backroom deals, even if accompanied initially by "scruples," cannot easily be restricted to one or two extreme situations. Rather, it is symptomatic of a significant shift in moral sensibility, and unavoidably impairs the wholeheartedness of a person's commitment to do what is right and avoid what is wrong.

The second problem with Walzer's argument is that it assumes too blithely that just because the stakes are high in an election, a candidate is well advised to put his electoral success above his ethical principles. But as St. Thomas Moore reminded his betrayer, Richard Rich, what good is it to win the whole world and suffer the loss of one's soul? It seems both unfair and unreasonable to expect political candidates or holders of public office to sacrifice

their ethical principles for the sake of desirable political outcomes. As Bernard Williams famously argued, making people's ethical decisions wholly contingent on a consequentialist calculus blatantly violates their integrity by putting their choices at the mercy of events and choices completely beyond their own control. They become a cog in a "utility" machine, and all of their personal projects and commitments become instrumentalized to some external good to be maximized or protected no matter what (Williams 1973). If the ability to adopt and remain faithful to ethical principles is a crucial dimension of a worthwhile and dignified human life, then a common good that requires politicians to make dishonest deals does not seem like a common good worthy of our allegiance: indeed, it does not seem like a genuine *common good* at all!

Now, let us turn to a second case that allegedly illustrates the necessity of ethical compromise in politics. This case, also presented by Walzer, concerns the use of torture to avert a terrorist attack:

[C]onsider a politician who has seized upon a national crisis – a prolonged colonial war – to reach for power. He and his friends win office pledged to decolonization and peace; they are honestly committed to both, though not without some sense of the advantages of the commitment. In any case, they have no responsibility for the war; they have steadfastly opposed it. Immediately, the politician goes off to the colonial capital to open negotiations with the rebels. But the capital is in the grip of a terrorist campaign, and the first decision the new leader faces is this: he is asked to authorize the torture of a captured rebel leader who knows or probably knows the location of a number of bombs hidden in apartment buildings around the city, set to go off within the next twenty-four hours. He orders the man tortured, convinced that he must do so for the sake of the people who might otherwise die in the explosions – even though he believes that torture

is wrong, indeed abominable, not just sometimes, but always. He had expressed this belief often and angrily during his own campaign; the rest of us took it as a sign of his goodness. How should we regard him now? (How should he regard himself?) (166-167).

Two things are worth nothing about this second case: first, the stakes have been raised considerably higher than before – now, it is not simply a question of “making a difference” by being elected, but of preventing the callous murder of hundreds, perhaps even thousands, of innocent civilians. Second, the action required of the officeholder is deemed by him not only ethically questionable but also “wrong, indeed abominable.” Walzer argues that the “good politician” in this case will authorize the torture but also acknowledge that he is thereby guilty of wrongdoing. “His willingness to acknowledge and bear (and perhaps to repent and do penance for) his guilt,” Walzer suggests, “is evidence, and it is the only evidence he can offer us, both that he is not too good for politics and that he is good enough” (167-168).

The basic thrust of Walzer’s argument concerning the torture case is that a responsible politician cannot afford to be “too good” to discharge his responsibilities, even if they require him to do something he believes to be “wrong, indeed abominable.” Again, there is something quite appealing about this argument. After all, there is no denying that the goal of saving people from terrorist attacks is noble, urgent, and compelling; and if we have good reason to believe that *this* suspect has information to prevent the attacks, information he is refusing to disclose, then torturing him may well be the most efficient way, indeed the *only* realistic way, to secure the intelligence required in order to intercept the bombs in a timely manner. In this particular case, we can be reasonably certain of his complicity in the crime, so we are not torturing an innocent. Why not torture a guilty criminal to save thousands of innocents, even if we find torture morally objectionable? Is the sacrifice of a moral principle an unreasonably

high price to pay for the protection of thousands of civilians, especially when it is a presumptively guilty party who is to be tortured?

A full examination of these arguments would require a comprehensive treatment of the morality of torture, including a close examination of the definition of torture and a distinction between torture and other forms of intimidation and violence. For our immediate purposes, I will just assume that torture is understood as the “[infliction of] severe or excruciating pain or suffering (of body or mind)”<sup>10</sup>; that the politician authorizing the torture considers torture “wrong, indeed abominable”; and that the form of coercion being contemplated is severe enough to fall squarely within the category of torture as opposed to mere intimidation or manipulation. I shall also assume that the politician is reasonably certain that this man knows where the bombs are located, and that torture is the only reliable method for obtaining that information from him. These may seem like generous concessions,<sup>11</sup> but they enable us to consider Walzer’s argument in the most favorable light possible.

This case is structurally similar to the building contract case—a certain form of political efficacy is assumed to require an ethically dubious action. But in this case, the political success being contemplated is the protection of hundreds or perhaps thousands of innocent civilians against a terrorist attack. Thus, it might appear more self-indulgent in this case to forego political success in order to honor an ethical principle. However, I believe we should resist the conclusion that the torture should be authorized, for two reasons: first, I do not

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<sup>10</sup> “Torture, n.”. OED Online. November 2010. Oxford University Press. <http://www.oed.com> (accessed March 14, 2011).

<sup>11</sup> Particularly the concession that torture is the only or indeed the most reliable method to obtain information from prisoners. For one argument against that position by a former interrogator at Guantanamo Bay, see <http://www.thepublicdiscourse.com/2011/09/3934/> (accessed November 19, 2013).

believe it is fair or reasonable to expect a politician to act in profoundly immoral ways, and in so doing, to defile his conscience, for the sake of achieving a desirable political outcome – even if that outcome is noble and vitally important. It might be fair to demand this sacrifice *if* politicians could be held responsible for all outcomes it is within their physical power to prevent. However, this is not a reasonable view of political responsibility. Nobody holds me responsible for the deaths of thousands of people because a mass murderer orders me to shoot my children “or else I will detonate the bomb,” and I refuse to cooperate. Those deaths are morally attributable to the mass murderer, and are in no morally relevant sense attributable to my inaction, because I cannot be blamed for refusing to undertake actions that I reasonably judge to be egregiously wrong.<sup>12</sup> The same principle applies to the holder of political office: he is not responsible for outcomes that can be prevented only by his acting against his own conscience. Otherwise a person’s ability to guide his own life by his own ethical lights, in short his ethical integrity, is held hostage to a range of contingencies totally beyond his control, including the malice and wickedness of other agents.<sup>13</sup>

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<sup>12</sup> Of course, this does not mean that someone will not feel deep regret and sorrow when he finds himself unable to prevent a tragedy or crime from occurring. However, this is not the same as guilt or culpability. If I am right, then in those cases where a person does feel guilty for a tragedy he cannot prevent in an ethical manner – assuming, of course, that he is not morally complicit in the chain of events leading to it – that feeling of guilt is not rationally warranted.

<sup>13</sup> The implausibility of the general principle that “if action x is necessary to avoid a horrible calamity, then action x is morally obligatory,” is illustrated by Bernard Williams’ imaginary case in which “Jim,” a wandering botanist, is ordered by a “captain” in a remote village to shoot an innocent prisoner and thereby liberate nineteen other prisoners. The captain has told Jim that if he refuses to comply, he (the captain) will order all twenty prisoners shot. I do not believe Jim is under any obligation to comply with the captain’s order. That is because we cannot reasonably be held responsible for outcomes that are caused by the evil actions of *other agents*, just because those outcomes could be prevented by our own abandonment of an important ethical

A second reason to resist Walzer's conclusion about the moral necessity of torture is that it would set a dangerous and easily manipulated precedent. The danger of the logic of "emergency exceptions" to weighty ethical principles is highlighted by Jeffrey Stout:

When their dirty hands come to light, and there is no denying the bad things they have done, officials often plead necessity. They claim that they had to do bad things if they were to serve us well in dire circumstances. There was no choice. That, they say, is the way politics works in the real world. At one level, the problem of dirty hands is the question of how democratic citizens ought to respond when political officials make this excuse for admittedly bad acts. Often the excuse turns out to be phony – another bad act. The circumstances are not what the dirty politician says they were. Perhaps they were not dire at all [...] In most cases where people plead necessity in ordinary life, there is more room for maneuver than they acknowledge. They say, "I had no choice," but what they really mean is that the alternatives they did consider seemed unacceptable at the time (Stout 2004, 186).

If "wrong, indeed abominable" actions can be justified to save innocent civilians in order to secure intelligence on a bomb threat, why not undertake a series of morally dubious or even "abominable" actions in other instances where there are perceived or real threats to national security? Where do we draw the line if we permit politicians to set aside weighty ethical principles in order to address emergency situations? Walzer's justification of torture and other "abominable" actions, if accepted, provides an easy pretext for politicians to take

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commitment (in this particular case, the principle, "do not kill innocent persons"). As Williams puts it, "each of us is specially responsible for what *he* does, rather than for what other people do" (Williams 1973, 99).

convenient moral shortcuts rather than searching creatively for an ethically acceptable solution. What other sorts of conduct might be authorized in times of war, if we accept Walzer's rationale for torture in "extreme" situations? Illegal internments? Terror campaigns against innocent civilians? Nuclear holocausts?

Of course, Walzer might push back by insisting that I am underestimating the likely political backlash of acting with integrity, irrespective of the consequences. He might point out that a politician bound by the principle, "do no evil that good may come of it," would be considered reckless by his voters, who would understandably question why a man entrusted with matters of public security would not use every tool available to him to prevent terrorist attacks or other threats to public safety. The politician who "sticks to his guns" and refuses to bow to such public pressure for "results" may be forced by his voters or allies into early retirement. The politician whose decisions of conscience endanger national security or put soldiers in harms' way will have to face the political consequences of his decisions, sooner or later. Can we reasonably ask this sort of sacrifice of someone in public office? Clearly, the answer will depend on whether or not we believe their actions are justifiable. If one accepts that there are certain types of actions that are morally offensive irrespective of their alleged utility, then one naturally expects a person of integrity to refuse to either endorse or be complicit in such actions. In an ideal world this choice would not be politically suicidal or damaging. But in a fallen world, doing the right thing often comes at a price. It is the mark of a morally virtuous agent to be prepared to pay that price. We may have compassion for someone who succumbs to public pressure and acts unjustly but that is not the same as excusing or justifying their behaviour.

I would like to consider one more case that might be taken to illustrate the necessity of ethical compromise in the political arena: imagine that the President of the United States

obtains reliable intelligence that a popular militia group, with the tacit support of its national government, is on the verge of committing genocide against all citizens belonging to a particular tribe or ethnicity. Diplomatic efforts have broken down and the perpetrators have publicly declared their intentions to “wipe out” their enemies, and show them “no mercy.” The tribe under attack is in a minority, in many cases largely defenseless against the violent mobs, while government soldiers at best turn a blind eye. Unless the U.S. president authorizes the American army to intervene, he will almost certainly witness one of the worst atrocities of the century. What should he do?<sup>14</sup>

On the one hand, it might seem clear that he should authorize his troops to insert themselves between the marauding mobs and their intended victims. Naturally, war is a messy business: there will be deaths and injuries on both sides of the conflict. But the costs of inaction are too shocking to contemplate: if the use of military force is the only way to prevent the genocide, then so be it. After all, military might brings with it the responsibility to protect the defenseless against their would-be aggressors.<sup>15</sup>

On the other hand, upon closer inspection, there may be reasons to hesitate about engaging in war. Even if every effort is made to avoid or minimize civilian casualties, the ravages of war are nearly always visited on guilty and innocent parties alike. When food distribution, medical supplies, and infrastructure are crippled, innocent civilians are not only exposed to great personal inconvenience; they are also threatened with insecurity, poor health,

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<sup>14</sup> The case I am describing is not entirely fanciful – it closely resembles the 1994 Rwandan genocide.

<sup>15</sup> The International Commission on Intervention and State Sovereignty, established by the Canadian government, issued a document in December 2000, entitled “The Responsibility to Protect,” articulating the doctrine that the international community has a responsibility to intervene, if necessary with force, to prevent mass atrocities. A version of this doctrine was subsequently ratified by the United Nations at the 2005 World Summit (Outcome Document, pars 138 and 139).

hunger, and possibly even death from malnutrition or inadequate access to medicine and healthcare facilities. When military installations in close proximity to civilian populations are targeted, civilians may be killed in crossfire or because of inaccurate intelligence, or they may be used unscrupulously as human shields. In short, even if we set aside the *direct* targeting of civilian populations such as the Dresden bombings, and insist on the minimization of civilian casualties, the *probable and foreseeable* effects of war include the impoverishment, heightened insecurity, ill health, psychological trauma, and death of innocent civilians.

Assuming that this is true of war in general, a responsible political leader would authorize a war only with a heavy heart, and when all other viable options have been exhausted. He would have to ensure that the likely ravages of war – the death and destruction it will visit on combatants and noncombatants alike – are proportionate to its likely benefits, in this particular case, the likelihood that it will be successful at averting the genocide. I say that he would authorize war only with a “heavy heart,” because he would do so in the certain knowledge that innocents will either die or have their lives turned upside down as a direct or indirect result of his decision, and this is deeply regrettable and heart-wrenching. However, so long as the anticipated costs of war, tragic and regrettable as they are, are not disproportionate to its anticipated benefits, every reasonable effort is made to minimize harm to civilians, and those harms that are inflicted on noncombants are unintended, the war may be ethically permissible. After all, there is a great moral difference between directly targeting innocent civilians and tolerating their death or injury as an *unintended effect* of a military campaign.<sup>16</sup>

The upshot of this argument is that a political leader might authorize a military attack, which will foreseeably result in grave harms to innocent parties, without foresaking his commitment to live a worthy life. In extreme situations a statesman may be required to

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<sup>16</sup> This is essentially an application of the doctrine of “double effect,” discussed briefly in fn. [83] above.

undertake actions that rightly bring him great sorrow and regret, because none of the available choices is something to celebrate or be complacent about. Nonetheless, a person of integrity, when confronted with a difficult situation of this sort, continues to struggle to act according to the highest ethical standards, even in the face of ruthless and unscrupulous enemies. A decision to go to war to protect the innocent need not entail any betrayal of core ethical principles, so long as a serious effort is made to honor them to the best of one's ability. Nor need such a decision entail an abandonment of the principle, "evil may not be done that good may come of it."<sup>17</sup> For the toleration of evil as an *unintended effect* of one's actions, however regrettable and saddening, is not equivalent to directly performing an evil deed.

### **3. The alleged incompatibility of citizenship with the Christian way of life**

A third objection could be pressed by a citizen who also happens to be a deeply committed Christian.<sup>18</sup> Such a citizen could argue that modern political community is premised on secular ideas like freedom, equality, and economic growth, and as such cannot make room for the "folly" of the Christian way of life, whose model is the man-God who died a cruel death on a cross, and whose message is that we are called to live a life of faith and love against all human odds. If St. Augustine was even half right, then the gulf between the worldly

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<sup>17</sup> Such a principle is cited disapprovingly by St Paul in Romans 3:8.

<sup>18</sup> A similar inquiry could be undertaken concerning the compatibility of constitutional democratic citizenship with versions of other major religious faiths, in particular Judaism, Hinduism, and Islam. I have only pursued this inquiry in regard to Christianity because being a practising Christian with some acquaintance with the Christian tradition, I feel I can make an informed argument about the implications of constitutional democracy for Christian faith. Given my limited knowledge of other religious traditions, I leave a proper treatment of the implications of citizenship for Judaism, Hinduism, and Islam to scholars better positioned to address them than I am.

purposes of the “city of man” and the heavenly purposes of the “city of God” cannot be collapsed in this life. We may of course build what Hauerwas calls “ecclesial communities” founded explicitly on faith, but large-scale religiously diverse democracies are a far cry from *that*. They are unified around ideas of national identity and self-interest rather than around Gospel ideals of faith, hope, and love. To dream of a full reconciliation between the values of “worldly” citizenship, and the values of a community of faith, is to dream of pie-in-the-sky.

Our Christian critic would likely resist the notion that we ought to strive to excel as citizens, seeing in such an ideal a serious temptation to compromise the integrity of the Gospel, to scale back one’s Christian commitments for the sake of being good citizens of the “city of man.” Some theologians, such as Stanley Hauerwas, have argued that faith and the values of constitutional democracy are ultimately irreconcilable. That is because where communities of faith emphasize the value of submission to religious authority, humble service of the community, and renunciation of one’s own interests for the good of others, constitutional democratic polities exalt individual freedom, self-assertion, loyalty to the nation-state, and liberation from traditions and authorities beyond the state. The church of God is called to stand for a very different model of justice and social order, premised on the divine authority of Revelation, mutual trust and love rather than on contingent human agreements, fear and coercion:

The challenge is always for the church to be a “contrast model” for all polities that know not God. Unlike them, we [Christians] know that the story of God is the truthful account of our existence, and thus we can be a community formed on trust rather than distrust. The hallmark of such a community, unlike the power of the nation-states, is its refusal to resort to violence to secure its own existence or to insure internal obedience. For as a community convinced of the truth, we refuse to trust any other power to compel than the

truth itself [...] Put starkly, the way the church must always respond to the challenge of our polity is to be herself. This does not involve a rejection of the world, or a withdrawal from the world; rather it is a reminder that the church must serve the world on her own terms. We must be faithful in our own way, even if the world understands such faithfulness as disloyalty (Hauerwas 1981, 84-85).

If the church is called to “be herself” and witness to the “scandal of the Cross,” even on pain of being perceived as disloyal to the secular polity, then surely from the standpoint of the Christian, conformity to an ideal of citizenship tailored to the secular polity and its needs is either unrealistic or an invitation to political conformism and moral hypocrisy. If Christians were to sincerely strive to adapt themselves to their political roles, they would become moral hypocrites, embracing individualism, autonomy, and self-interest in certain circumscribed situations such as political advocacy, and love, service, and religious authority at church services on Sundays. To the extent that Christians become “good citizens,” the distinctiveness of ecclesial communities and their power to witness to the Gospel is weakened, and the “adaptation” to citizenship may literally end in the death of the church to the values it originally stood for. Sooner or later, the embrace of worldly citizenship would convert churches into voluntary associations of autonomous individuals who happen to have shared religious interests, not divinely ordained sources of salvation.

Or so the Hauerwasian critique of citizenship might go. What is one to say in response to such a critique? One possible response would be simply to assert the priority of constitutional democratic culture and its associated values over all rival values, including Christian values. On this view, insofar as constitutional democracy presents problems for Christian integrity, there must be something wrong with Christian integrity – perhaps it is unreasonably dogmatic, fideistic, or blind to the values of political order. But that is not the

response I would offer, because I think this is conceding far too much ground to the Hauerwasian critique, insofar as it significantly exaggerates the distance between Christian faith and constitutional democratic citizenship. Furthermore, this exaggeration makes the prospects of a rapprochement between Christianity (at least of the sort described by Hauerwas) and constitutional democracy very dismal indeed. Hauerwas's characterization of constitutional democracy effectively renders citizenship completely unacceptable to a significant portion of the inhabitants of Western democratic polities, at least those who share Hauerwas's counter-cultural Christian faith.

The Hauerwasian critique of modern democratic citizenship as I have presented it can be greatly softened by two considerations: first, Hauerwas's critique of the modern nation-state derives an unfair advantage from his tendency to identify the objects of civic allegiance in an indiscriminating way with the values of the surrounding culture. But in fact, what citizens are asked to support *as citizens* is something much less ambitious than the whole ensemble of values associated with a secular liberal culture. Few would deny that many aspects of the Christian way of life, including the submission to ecclesial authority in matters of dogma and moral practice, the sense of sin, and belief in the redemptive value of suffering, are baffling to many citizens of constitutional democracies, and it is clear enough that the lifestyles, motivations, and commitments of many citizens of constitutional democracies are incompatible with the teachings of many Christian churches. However, none of this demonstrates any principled opposition between constitutional democratic *citizenship* and Christianity.

Where Hauerwas and other radical critics of democracy go wrong is in their move to equate constitutional democracy and constitutional democratic citizenship with Enlightenment

ideals of individual autonomy or with the predominant values of a secular liberal culture.<sup>19</sup> The values that happen to be socially dominant and institutionally reinforced within the jurisdiction of a polity, whether narcissism, individualism, or materialism, are not what citizens give their allegiance to *as citizens*. Their ultimate allegiance as citizens is to the fundamental animating values of their polity and to the good of its people, not the perpetuation of its regnant institutions and its dominant cultural values. Citizens can be critical of their nation and of its dominant cultural values and engage in and support radical reform of their shared institutions, even abolition of those institutions in extreme circumstances, where they conscientiously judge that this is the only responsible way to serve the common good of the people. Thus, citizenship properly understood, while it requires an acceptance of the equal dignity of all, rule of law, and other basic constitutional democratic values, does not require one to be an uncritical patriot, or to subscribe to the dominant values of a secular liberal culture.

A second point that should greatly soften the force of the Hauerwasian critique is that the moral legitimacy and value of citizenship does not entail that political life can be preserved

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<sup>19</sup> For example, in a chapter entitled “Why Justice Is a Bad Idea for Christians,” Hauerwas observes that “[g]eneral appeals to justice too often result in contradictory social strategies that offer little evidence of the integrity of Christian witness on such matters” (Hauerwas 1999, 47). He then points out that we hear appeals for women’s liberation, which rest on the value of autonomy, along with egalitarian appeals for humanitarian assistance, which rest on values of equality, while egalitarian and libertarian values cannot be fully reconciled. But the way in which some, or even many, citizens happen to appeal to the idea of justice, while it may be a feature of the political culture of constitutional democracy, is not necessarily what defines the content of the principles that citizens pledge their allegiance to as citizens. Clearly, any plausible understanding of constitutional democracy must affirm a more moderate and nuanced view of liberty and equality than one in which equal welfare systematically overrides liberty or liberty overrides all claims of individual need.

from all ethical tensions, or that civic roles do not pose serious ethical challenges from time to time. Any sensible and honest person should recognize that a certain degree of tension is the price of living a human life in community with others, something we need to learn to manage as effectively as we can, rather than to suppress at all costs. For example, certain public roles may expose Christians to temptations to greed and corruption, yet they may undertake them for the common good, and do their best to resist the associated temptations with the grace of God. To completely avoid all circumstances unfavorable to Christian integrity, or to insist that all roles be entirely supportive of Christian faith, would be utterly unrealistic and probably self-indulgent. There will always be opportunities in this world for brave Christian witness, and this is something the defender of modern citizenship can acknowledge just as much as Hauerwas.

The probability of conflicts between Christian faith and public roles appears to be borne out by the historical record: Christians have had their fair share of conflicts with the authorities of constitutional democracies, and have not always been well received in secular liberal cultures. Even if citizenship in a constitutional democracy is in principle compatible with the Christian way of life, clearly this does not guarantee that the institutions and practices of constitutional democracy will *in practice* accommodate the integrity of Christian citizens in all times and places. For example, there have been times when Christians were victimized or punished for living up to the demands of their highest principles, even when those principles represented humanly noble and admirable ideals. Think of Martin Luther King's struggle to recognize the equal dignity of blacks and whites, a struggle that was profoundly motivated by a biblical vision of justice for all of God's children. More controversially, Catholic hospitals and businesses in the United States that refuse to provide their employees with insurance coverage for contraceptives (including abortifacients) may find themselves facing heavy legal

sanctions, including hefty fines, under President Obama’s Affordable Care Act (specifically, the “HSS mandate”).<sup>20</sup> These sorts of political conflicts arise from the choices of political actors, whether legislators, executives, or judges, at particular times and places. While such policies are typically implemented through constitutional democratic institutions and *in the name of* constitutional democratic values, they do not necessarily represent a correct application of the values and demands proper to constitutional democracy. As such, they do not prove that citizenship in a constitutional democracy is inherently opposed to the wholehearted practice of Christian faith.

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I opened this discussion by remarking that in many countries, at least in Europe and the United States, public confidence in the moral values and relevance of citizenship, in the integrity of our political institutions, and in the nobility of public office, have dropped to alarmingly low levels. The notion that citizenship is a natural expression of high-minded commitment to the common good rings hollow in the face of the rot of corruption, populism, and sectarianism that we see eroding political culture and institutions in many Western countries. Yet if we are too zealous in our condemnation of politics, we run the risk of

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<sup>20</sup> I give this example simply to illustrate the fact that church–state conflict is not something we are likely to put behind us anytime soon. This point can be appreciated independently of one’s opinion concerning the rights and wrongs of this particular dispute. The mandate has been challenged in the courts on grounds that it constitutes an unconstitutional attack on religious freedom. Some of these challenges have been successful. For a statement by American bishops condemning the mandate on grounds that it attacks the religious freedom of Catholics, see <http://www.usccb.org/issues-and-action/religious-liberty/our-first-most-cherished-liberty.cfm> (issued on April 12, 2012, last accessed April 11, 2016).

discouraging our best and brightest young citizens from investing their energies in the common good, and serving their countries in political careers. To the extent that virtuous citizens defect from the political process, they unwittingly leave the political field wide open to calculating, unscrupulous, and careerist politicians who are more committed to their own prestige and bank account than to the common good of their polity. Political philosophers can do their part in averting this disastrous outcome by developing ideals of citizenship and public service that can resonate with decent, ordinary people. I hope to have removed some of the obstacles that stand in the way of such a project, by refuting or at least heavily blunting three powerful objections that skeptics might bring against the ethical value of citizenship and public office.

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