

# The U.S. Military–Industrial Complex is Circumstantially Unethical

Edmund F. Byrne

**ABSTRACT.** Business ethicists should examine not only business practices but whether a particular type of business is even *prima facie* ethical. To illustrate how this might be done I here examine the contemporary U.S. defense industry. In the past the U.S. military has engaged in missions that arguably satisfied the just war self-defense rationale, thereby implying that its suppliers of equipment and services were ethical as well. Some recent U.S. military missions, however, arguably fail the self-defense rationale. At issue, then, is whether a business supporting these latter missions may not be circumstantially unethical. No it is not, say defense industry advocates, for two principal reasons. For one, this business benefits society at large in numerous ways. And, for another, the organizer of these military missions is a superpower which by its very nature is not subject to the ethical constraints of the self-defense rationale. I dispute both reasons, argue against the second, and conclude that the U.S. military-industrial complex (MIC) is circumstantially unethical.

**KEY WORDS:** military-industrial complex, circumstantially unethical business, superpower, imperialist amorality, domination

## Components of the argument

Working hypothesis I: A business may be *ipso facto* unethical because its products, services, or marketing are unjustifiably harmful either (a) always or (b) circumstantially.

Working hypothesis II: The U.S. military-industrial complex (MIC) consists of a principal customer – the U.S. military establishment and its corporate clientele – and a principal provider: the U.S. defense industry.

Thesis I: The ethicality of the U.S. MIC depends primarily on the ethicality of its principal customer.

Thesis II: The U.S. MIC has not always been unethical but at the present time it is circumstantially unethical.

## *Relevance of this argument to business ethics*

Over time any number of businesses have been declared unethical in their entirety – not, however, by business ethicists. Sometimes, of course, business ethicists do consider a business practice to be unethical, and may even say so in some fashion: e.g., “unethical business behavior” (Long and Rao, 1995), “the apparent moral bankruptcy of people in business” (Piety, 2004, p. 114) or a business that “violates the established norms of business practice” (Shaw, 2009, p. 566). And in response some have called, e.g., for an “ethical business climate” (Victor and Cullen, 1987, and many thereafter), or a “moral business culture” (Roussow, 1998). But they rarely question the ethicality of an entire institution or enterprise; and still less often do they ask, meta-ethically, what considerations enter into a judgment about the ethicality of a business. Others, though, e.g., government officials, do raise these questions with regard to various businesses. Their answers are at times critical, and in such instances they generate public controversy (Frontline, 2009). That is all the more reason, though, why questions of this kind should be included within the scope of business ethics.

## **Some businesses are circumstantially unethical**

A business may be *ipso facto* unethical because its products or services are unjustifiably harmful either (a) always or (b) circumstantially. With this distinction in mind, I now turn to the problem of identifying a

morally objectionable business. In doing so, I will rely on a consequentialist approach to ethics.

Governments have quite often attempted to prohibit a particular business. But participants and proponents of an allegedly “shady” business typically describe it in complimentary terms. Moreover, its shady activities may be ensconced in a complex of different divisions some of which are wholesome and as such lend an aura of respectability to those that are not. So there need to be criteria by reference to which ethical and unethical business activities can be distinguished regardless of their interrelationships. On the basis of somewhat informal criteria, in any event, some businesses have been deemed inherently unethical and accordingly prohibited.

Some businesses have been prohibited because unduly harmful to their employees or their clients. Thus prostitution has been because deemed harmful to sex workers; and tobacco, because harmful to users. Similarly, some cultures ban dealing in alcoholic beverages (notably, Islamic countries) or so-called recreational drugs. Also banned are businesses that cause undue financial harm, e.g., those that charge interest on loans (still prohibited in Muslim societies) and those that are inherently fraudulent.

Some businesses are circumstantially problematic because of various harmful side effects. Among these are electronic entertainment and communications industries that offend dictatorial government interests. Others are controversial almost everywhere, e.g., fertility services that entice poor women into becoming surrogates for wealthier couples. Also controversial are injury-causing businesses such as professional boxing and football, environment- and health-threatening resource retrieval businesses, and the privatized prison industry in the United States, which thrives by expanding both prisons and prison populations. Still higher on the list of businesses that cause undue physical harm are, of course, those that engage in killing for hire: assassins, hit men, and, indirectly, protection rackets.

This reference to protection points to the tendency of criminal justice professionals to identify certain collaborative endeavors as “organized crime.” Organized crime is purportedly ipso facto wrongful and therefore likely to be illegal. But sometimes a business once classified as illegal loses that designation, e.g., one dealing in alcoholic beverages, or in marijuana, which now is recognized as having medically

beneficial properties (*Economist*, 14 November 2009, pp. 70–71). Inversely, numerous violence-oriented businesses have over time been suppressed by stronger organizations that prefer not to have competitors in their area of hegemony. Thus the demise of privateering, for example, which was a leading industry in pre- and post-Revolution America, is subjected to opprobrium only if it involved trading with the enemy (Brandes, 1997, pp. 21–24, 56–58, 92–95).

These normative reversals typically involve a weaker competing faction being whittled down by others that are stronger, including in particular those that achieve the status of nation-states (Tilly, 1985). Something similar happens less belligerently within industries in which smaller participants are bought out by larger ones or are otherwise neutralized, e.g., by anticompetitive patent laws. In this and other ways businesses that lack legal clout to protect themselves against predacious competitors are handcuffed by unfavorable governmental regulations. At the other extreme, though, some legislators are once again questioning the ethicality of not regulating a business that left unattended can cause serious economic instability, e.g., derivatives dealing. Another still legitimate business that some question and even recommend banning is private military companies (Kramer, 2009; Orts, 2002, p. 48). And still broader in scope is a growing question as to whether militarism, including the arms industry, is inherently unethical.

### **The U.S. military-industrial complex is circumstantially unethical**

Conceding for present purposes that the U.S. military-industrial complex (MIC) may have been ethical under former conditions, I here focus on whether it is now circumstantially unethical. No it is not, say defense industry advocates, for two principal reasons. For one, this business benefits society at large in numerous ways. And, for another, the organizer of these military missions is a superpower which by its very nature is not subject to the ethical constraints of the self-defense rationale.

The social benefits reason has a factual basis. For, both the military and its defense industry suppliers generate positive consequences, including profits for shareholders and employment for workers. But these

objectives could be achieved *via* alternative government funded businesses that have far fewer ethical deficiencies (Razis, 1998). Hence, as Michalos (2003) argued so meticulously with regard to the Canadian arms industry, these benefits do not single-handedly justify the business's primary objective, which is to supply ethically controversial military endeavors. I will not address this reason any further here.

The second reason, that the industry's customer is a superpower and hence not subject to ethical constraints, is asserted to neutralize the preceding criticism. But even if the U.S. arms industry's customer is a superpower, this does not exempt the industry from ethical evaluation. For, like any other business, it should have a morally satisfactory primary objective that more than counterbalances the harm inflicted on the world by the customer it supplies. Absent such an objective, the secondary objectives alone constitute no satisfactory ethical substitute. Having shown this to be the case, I will conclude that the U.S. MIC is circumstantially unethical. Towards this end, I begin by placing this issue in its historical context.

Throughout the history of the United States there has been widespread agreement on two premisses with regard to ethics and war: (1) a war fought for national defense is ethically justifiable; and (2) no individual or corporation should garner extravagant profits by marketing war-related goods to the nation. The second premiss has long been and remains an established principle in U.S. public policy, in spite of disagreements about particular practices or practitioners. The first premiss has also been broadly accepted over time, in spite of disagreements about the justice of one or another war. I acknowledge and will briefly address the excess profits issue here – primarily in order to show its limits as an ethical determinant. I will then focus on the first premiss because at present the country's foreign policy stance involves replacing it with an imperialist amorality. This replacement, I contend, supports my claim that the U.S. MIC is circumstantially unethical.

#### *Excess war profits as a political issue*

Consider first the rejection of excess war profits in U.S. public policy. This rejection of profiteering has

prevailed in the U.S. since earliest colonial days. Leading political figures from George Washington to Woodrow Wilson and Franklin D. Roosevelt took significant steps to limit providers of weapons and other supplies to a reasonable rate of return on their investment. A number of government committees have investigated charges of profiteering and recommended various legislative constraints. Only rarely, however, have these investigations led to any charges being filed against individuals or corporations. Nor have they accommodated various public organizations that oppose any taxpayer-funded government contracts for war materiel in wartime or peacetime. The debate has addressed all sorts of interrelated issues for over two centuries; but in substance it has been less about ethical than about military, political, and commercial considerations.

As noted, the most intensely ethical concern mooted in the war profits debate involves the unfairness of some people getting rich by marketing war materiel while others are risking and giving their lives. This concern has been more intense during periods when there was no universal (male) military service, i.e., before 1940 and after 1973. Never adopted was a tangential desire on the part of some to conscript the labor force as well. These fairness issues aside, however, the war profits debate has been largely one of strategy.

As a general rule, military spokespersons have favored preparedness in peacetime so as to minimize production delays in the event of war. Thus, in order to maintain quality production of arms after World War I, U.S. army strategists favored continuing arms sales; and some manufacturers and President Franklin D. Roosevelt seized the opportunity (Brandes, 1997, pp. 195–196, 214–217, 233–234). In view of the gross inferiority of American aircraft during World War I (Brandes, 1997, pp. 155–164), air power advocates also sought but failed to win approval for developing military or at least advanced civilian aircraft in the decades preceding World War II. Similarly, naval officers at this time favored building a fleet large enough to defend U.S. interests as far away as the western Pacific; but others, looking only to defend our own continent, argued for a “small navy” instead (Brandes, 1997, pp. 202–204).

To politicians in times past the war profits issue had to do mostly with proper limits on taxpayer expenditures. Some prioritized preparedness. But

not the so-called isolationists. Executives of both Ford Motor Company and the Du Pont Company, for example, actually opposed U.S. government efforts to prepare for World War I (Brandes, 1997, pp. 128–129, 133–135, 222). Inside government, isolationists were mostly Republicans representing states where few defense industry projects were located – e.g., Gerald P. Nye of North Dakota, who in the 1930s chaired a U.S. Senate committee formed to investigate the munitions industry (Brandes, 1997, pp. 208–225). This political climate changed during World War II and was transformed thereafter as the defense industry and its advocates mastered the art of distributing production of military materiel and location of military personnel among every Congressional district.

Strewing the political arena with business-sustaining contracts has become de rigueur in the federal defense budgeting process, to the point that the military's need for a given program no longer determines its political viability. Rather have government contracts as such become the very *raison d'être* of a significant part of today's defense industry (Arnold, 2008; Berrios, 2006). In this context, as the separation between public and private sector becomes increasingly porous, the contracting process has become ever more bureaucratic but less morally straightforward.

In response to this ethical laxity the government has introduced various devices – notably, excess profits taxes – that impose some limits on corporate exploitation of warfare business. But few considered either World War II or the cold war to be inherently immoral. So the American public was shocked to learn in the mid-1980s that the MIC had practically institutionalized overpricing. There ensued many fines, civil recoveries, settlement agreements, reimbursements, and restitution payments amounting to over \$2,000,000,000 (Mayer-Sommer and Roshwalb, 1996, p. 1260). Few defense contractors or contracting officers were convicted of fraud (Lansing and Burkard, 1991; *New York Times* 12 Nov. 1990, p. A1; Pasztor, 1995, p. 11). In response to the scandal, defense industry booster President Ronald Reagan appointed a Blue Ribbon Commission to study the problem. It found not fraud but inefficiency and recommended defense procurement codes of ethics (Packard, 1986). Many companies subsequently adopted such a code voluntarily as the

Defense Industry Initiative (Kurland, 1993); but a company's participation in this endeavor ameliorated its public image rather than its employees' ethical behavior or the size of its contributions to influential politicians (Mayer-Sommer and Roshwalb, 1996). The government did impose some tighter regulatory standards: notably, the Federal Sentencing Guidelines for Organizations (1991) and the Sarbanes–Oxley Act (2002). But overcharging has nonetheless not been eliminated.

War profiteering has become a side-issue regarding a national endeavor that is on the whole deemed morally unobjectionable. The generic question as to the defense industry's overall moral status is occasionally raised (e.g., Orts, 2002) but has been largely suppressed. To restore this question to public discourse one must build on the actions of courageous individuals such as Daniel Ellsberg (who leaked the Pentagon Papers) and groups that protest U.S. wars, notably in Vietnam and later Iraq. One way to do this is to examine important changes in U.S. war justification theory.

#### *Emergence of the imperialist amorality claim*

Turning to Thesis II, I now posit that an arms industry is circumstantially unethical in its entirety if a war that it supplies is unjust. For, if a given war is unjust, then, my argument runs, so too is the process of aiding and abetting it by providing the means to pursue it. To determine whether this sort of interlocked immorality is in fact the case, a traditional theorist seeking to establish the ethicality of an actual war would turn to just war theory criteria. However, current U.S. foreign policy does not depend on such a justification. Being now the sole superpower, its brain-trust foreign policy formulators claim, the United States has a global responsibility to the world at large (e.g., Ignatieff, 2003), and this exempts it from the collective defense rationale that applies to lesser nation-states.

Actually this imperialist amorality claim was already in place early in the twentieth century. At that time, however, it was called the Open Door policy. The open door then being touted involved spreading U.S. corporations' access to markets everywhere – in such a way, however, that the doors needed to open only outward (Stromberg, 2007, pp. 8, 13).

Proponents disagreed among themselves as to how much the government ought to facilitate this objective. But throughout the twentieth century every U.S. government administration did in fact help advance the Open Door Empire, as Joseph Stromberg calls it. The means used for this purpose were as varied as treaties and military interventions. However, because of the incorporation of just war theory into international law, the economic basis of the policy had to be downplayed. So diplomatic discourse has come to focus more on national defense and, more recently, on the defense of others who depend on American power for their well-being.

In the words of recent co-authors: “The United States leads a global network of alliances, a position that commits Washington to protecting countries all over the world” (Lieber and Press, 2009, p. 39). This alleged “responsibility to protect” is widely opposed in international circles (*Economist*, 25 July 2009, pp. 58–59). If one brackets this absence of agreement, however, and asserts that the United States does have such responsibilities, then the U.S. defense industry is also ethically immune because it is in the service of this omni-protective superpower. One cannot accept this open-ended grandiosity at face value, however, without deviating considerably from the more mainstream belief that going to war is a matter that is open to public debate, both as to end and as to means. For, from long before its founding the United States has been a forum for debating the morality of weapons providers, especially in times of war (Brandes, 1997).

Each time a war arose on the horizon opposing sides appeared to debate the case for or against such weaponry positions as “preparedness.” Different ideologues and business leaders would take sides as to whether the government should become involved in a particular war. For, there was seldom a simple and straightforward relationship between the nation’s war-making and a given company or industry’s level of profit. This changed as contractual arrangements became more regularized during the cold war era. When that era ended the military-industrial complex floundered for a time, leading some to argue that there was no such complex (Gholz, 2000). There were in any event many companies involved in producing military materiel, and they had to reorganize quite drastically (Anand, 2004). Now there are far fewer independent companies. And the sur-

vivors are allegedly not as profitable as in the past in part because they lack sufficient funding and sufficient trained personnel (Harbison et al., 2001; Thompson, 2009) to satisfy the demands placed on them by the nation’s imperial prerogatives.

Problems aside, then, the U.S. empire-oriented defense industry purportedly has as its *raison d’être* to provide the world’s only superpower with whatever it needs to maintain global hegemony. And as provider to the superpower it too is arguably exempt from compliance with the self-defense rationale to which lower echelon nation-states need to appeal. I contend, however, that this extension of ethical impunity from customer to provider is without justification. To show this, I will first review how the imperialist amorality claim gained ground among intellectuals and politicians. Then I will criticize this claim directly.

#### *Reasoned endorsements of the imperialist amorality claim*

Under international law and mainstream just war theory, the principal if not only adequate rationale for going to war is collective self-defense. It should remain so. Few scholars, however, still think of this criterion as exclusive, and neither do the political and economic instigators of military missions.

The most fundamental just war theory criteria are that a nation-state have a just cause for going to war, meaning ordinarily collective defense, and that noncombatants not be harmed. The latter criterion has, regrettably, become increasingly meaningless in the wake of saturation bombing and both nuclear and conventional genocide. And during the cold war era the former criterion lost much of its meaning because the way to peace was based on bilateral confrontation *via* mutually assured destruction. Since then, all sorts of non-state agents have upended the assumption of just war theory that the actors in question are legitimate states. Against this background, just war theorists have perhaps unwittingly lent their support to the imperialist amorality claim.

Consider, for example, the loopholes in political scientist Walzer’s (1977) widely studied approach to just war theory. Walzer focused his attention on limiting permissible killing in wartime situations to what is required out of “military necessity.” To this

end he recommends assessing every aspect of war ethically (1977, pp. 11–16), i.e., drawing on “the set of articulated norms, customs, professional codes, legal precepts, religious and philosophical principles, and reciprocal arrangements that shape our judgments of military conduct.” (1977, p. 41). With the aid of this convention, he believes, we can preserve noncombatant immunity by applying “individual rights under the (collectivized) conditions of war and battle” (1977, pp. 136, 137).

This concern about the scope of ethical war-making behavior (*jus in bello*) is commendable. Moreover, it has spawned a number of targeted objections to the production and use of particularly indiscriminate weapons (e.g., Elm, 1998; Fichtelberg, 2006) or distribution of weapons to unethical users (Maitland, 1998). But Walzer gives away the store when he sets about determining the ethicality of entering into a particular war (*jus ad bellum*). He looks to self-defense up to a point. But, he adds, a state may respond even preemptively to a threat from another state; for, it is not simply an individual writ large but has responsibilities between and among other states (1977, p. 72). On this state-to-state level, Walzer contends, the self-defense analogy is irrelevant. For, a state may intervene on behalf of another state besieged by an aggressor, or of a national liberation movement against an oppressive state, or of another state’s citizens whose human rights are being grossly violated. Such military actions “are not fought in self-defense or against aggression in the strict sense” (1977, p. 90).

Walzer’s openness to rationales for going to war that are not tied to self-defense is perhaps not surprising for a political scientist. For, he would be more likely than some just war theorists to take into account the many occasions when political leaders chose war not for any defensive motive but for some sort of national aggrandizement. In lieu of reciting the entire history of empire building in the name of manifest destiny, I here recall only more recent U.S. endeavors beyond North America, beginning with Theodore Roosevelt’s appropriation a century ago of Spanish holdings in the Caribbean and in the western Pacific. Since that time the U.S. has often intervened to direct the course of events in countries it associates however obliquely with its national interest. These interventions may take the form of technologically advanced strategic bombing, notably

of Kosovo and Iraq in the 1990s and of Iraq again more recently (Halberstam, 2002, pp. 449–453, 457–460, 471), or actual invasion by heavily armed ground troops, as currently in Iraq and Afghanistan.

In support of this ongoing interventionism, some assert that if America is to prosper it must be able to promptly ward off attacks by hostile outsiders, and to this end it must have a superior killing capacity and be prepared to use it wherever challenged. Moreover, they insist, the country can be adequately secure only if this capacity can be activated not only when actually attacked but when merely threatened. This so-called “anticipatory” self-defense has a long history in government policy (Casey and Rivkin, 2001; Chomsky, 2000, pp. 18–19) and in its military rules of engagement (Bolgiano, 2002). Its roots are said to be in an individual’s right to armed self-defense.

To be sure, U.S. discourse regarding its military motivations has emphasized defense ever since it substituted this word for war to characterize the institutions and activities of its MIC. But, although of longstanding duration (since shortly after World War II), this association of U.S. military activities with defense does not explain the literally global scope of its numerous (now over 75) bases in foreign lands (Johnson, 2004, Chap. 6, 2008, Chap. 4; Monthly Review, 2002) and its seemingly unending series of missions. Some people just go along with these; others are simply unaware of all that is involved. Some more knowledgeable people see a need for an alternative rationale.

As an alternative rationale for these U.S. military interventions one might cite supra-community normative criteria other than self-defense or lay claim to some exception (e.g., Fotion, 2007, pp. 1–6). Walzer’s widened scope in this regard suggests that exceptions might overwhelm and eventually become the rule. In this way, an ethicist might openly espouse a realist objective, e.g., to gain territory or resources. And he or she might embed this realism in a more subjective attitude, e.g., patriotism (contrary to MacIntyre, 2008). Unresolved in this distancing from the self-defense rationale is whether any such alternative rationale suffices to salvage ethicality for the MIC. This is at present, however, a “politically incorrect” question. For, the motives driving the war-making customer have nothing to do with ethicality in any ordinary sense, as I will show. What

they involve, in final analysis, is nothing less than dominance.

*Dominance as the goal of imperialist amorality*

Various reasons are routinely given in support of U.S. empire-oriented missions and materiel manufacturing. These, however, have little to do with ethicality. Nor do they involve linking government endeavors to anyone's self-defense. Such linkages, though rhetorically useful, are functionally irrelevant. For, the interests being served by the U.S. MIC are not those of threatened individuals. Rather are they those of major corporations whose interests involve serving or being served by the military anywhere on and even above this planet (Johnson, 2008, Chap. 6). What they seek, in short, is corporate dominance on a global scale.

Where is this objective articulated? In a sense, nowhere, because people who seek to direct the military towards objectives in their own company's interest do not formulate their strategic preferences in any public discussion. They make their will known behind closed doors. Their influence merits our attention, however, because it is far more extensive than just that of the narrower war materiel businesses that make up the defense industry. Thus they should be identified as indirect components of the MIC. Like the direct components these too base their proposals for military intervention on comparatively amoral justifications.

Stated bluntly, U.S. MIC spokespersons do not look to the self-defense rationale for going to war because it happens to be far removed from the reasons they have in mind in favoring military endeavors. To them, these endeavors are aimed at achieving market advantages that corporate interests persuade government to fund (Ikenberry, 2002). As these objectives are pursued, U.S. spokespersons still cite national defense as their overarching objective. But inconsistently they insist that the United States, being a superpower, is exempt from the moral constraints applicable to ordinary nation-states. So, they assume, it is free to use its military might to advance whatever interests its corporate sponsors pursue.

Given this context, defense industry companies are not easily held to the standards of corporate social responsibility, although it has been argued that they

should be (Byrne, 2007; Orts, 2002). For, their rationale is dominance, which they seek in order to accommodate the interests of major corporations.

To achieve their objectives, corporations exercise considerable power in their own right. And if their power proves too limited to achieve everything they seek, they may look to the power of the state for assistance through diplomacy or military action. The governmental power exercised in these quests for domination may be based on influence, which one foreign policy theorist calls "soft power" (Nye, 2002, pp. 8–12, 2003); or it might seek to have its way through coercion. This coercion might consist of threats alone (which some label coercive diplomacy) or might be bolstered by the introduction of force. Political entities' resort to force is a basic tool whereby they seek to attain their objectives in either intra- or international affairs. Diplomacy is also a tool, of course, but so is politically organized violence. This recourse to violence may be as primordial a device as Friedrich Nietzsche's will to power or what Hannah Arendt viewed as a fallback device that is used only when power alone fails to achieve domination. In either case, it is commonly practiced.

Those whose professional *raison d'être* consists of planning and achieving command and control over others, notably the military, tend to identify domination as the primary rationale for politically organized killing (Leaphart, n.d.; Mahajan, 2003). Viewed impartially, though, this rationale is indistinguishable from bullying, which has a bad press in civilian circles. So it is not a very appealing analogue for collective domineering. But bullying by whatever name is thought better of among people who strategize how to achieve the objectives of domestic and/or foreign policy. For, what interests them is determining how much pressure up to and including violence might be required in order to achieve preferred outcomes.

In discussing such matters, they might say that the forces they favor are involved in "extending power" whereas those they disfavor engage in "coercion and even aggression" (Krepinevich, 2009). Similarly, the agents of an empire may be said to seek "preeminent power" over others who are "power competitors" (Glennon, 2003, p. 29). The reality to which they refer is authorized bullying.

Stripped of all pretenses the cumulative mission of military personnel is to bully targeted others into

complying with their directives. If feasible without recourse to violence, so much the better. But if not, then the chips are let fall where they may; and for this purpose guns and other weapons come into play. As the pro-gun adage notes, however, “Guns don’t kill people, people kill people.” In civilian life this is an issue for criminal lawyers, because few civilians who are armed have a mission to kill other human beings. Military personnel, however, are agents with a mission; and their mission may involve killing people. How free they should be to kill others has long been a subject of debate and of efforts to impose restraints by means of rules of engagement (Martin, 1994), especially now that their missions are increasingly being intertwined with those of humanitarian organizations (Humanitarian Policy Group, 2006). This expanded role has been said to involve “healing people and building things,” while remaining “prepared to kill people and break things, too.” The conventional role, namely, “to kill people and break things,” has in the meantime been extended in complex and troublesome ways to private military firms (PMFs) (Singer, 2003, 2005, 2006). Their largely unregulated assumption of traditional military responsibilities does not displace but rather complicates the case for claiming a freedom to kill.

At issue here is how to justify any official (or quasi-official) authorization of a military mission that involves killing people. Theorists, as intimated above, no longer agree about the conditions under which this may be done and the reasons why. Some appeal to an individual’s right of self-defense; others, to a delegation of authority from the state (Stephens, 1998). Such theorizing is demonstrably flawed (Rodin, 2003); but military educators seem able to cover the ethics of the profession without any direct reference to killing (Axinn, 2009). It is left up to drill sergeants to interiorize in raw recruits the right and if need be duty to kill. As for the outcome of a military engagement, this may depend on how those targeted for domination choose to respond.

In this regard, prudence is at times the greater part of valor. But resistance may be called for at other times. All bets are off, unfortunately, if one faces far superior military forces. As one contemporary proponent of strategic bullying points out (Glennon, 2003, p. 26), this conundrum is at least as old as the ancient Melians’ attempt to deal with Athenian troops. As Thucydides reported (431 BCE, Bk. V,

Chap. 17), when the Melians rejected the Athenians’ insistence that they should surrender, they were quickly conquered and all their men of military age were slaughtered. So also many people throughout history have been unable to defend themselves against military overreaching that made them victims of sieges, saturation bombing, tactically motivated raping, torture, even systematic genocide. In such situations, bullying is at work as a collective quest for dominance, carried out as directed by authority figures. But why should dominance be glorified as a rationale for war?

Those whose interests have to do primarily with achieving business success in a global market – that is, transnational corporations – have a strong tendency to identify business advantage as the bottom-line rationale for resorting, if need be, to coercion and even aggression for that purpose. This rationale is formulated in many different ways depending on the businesses involved and the coterie of hindrances to their success. Its application, however, is not contained just within the private sector but spills over into the public sector as well. How this works out in practice, according to experienced practitioner Perkins (2004), is by using market-force pressures as weapons to implement U.S. foreign policy. And should market-force pressures prove insufficient to effect compliance, military intervention may be added as a further inducement.

Over millennia, business-related military operations have had as their underlying objectives every conceivable good, ranging in scope from acquiring wood for ships or plutonium for nuclear weapons. In recent times, controlling access to petroleum has become a high priority for U.S. military strategy (Byrne, 2006; Johnson, 2004, pp. 167–185). The current way of expressing such an objective is that it is one of the nation’s “vital interests.” These, in turn, are still tied rhetorically to national defense.

As did empire builders in the past, then, the U.S. uses military power to achieve corporate preferences. Does this fact alone, however, enable one to conclude that its MIC constitutes an inherently unethical business? Pacifists might answer in the affirmative. But there is at least one complicating consideration that is endemic to an analysis that focuses on economic advantage: is there no meaningful distinction between an advantage-seeking corporation and a criminal organization that uses killing to achieve its ends?



Human groups have engaged in organized killing throughout history. But in the popular imagination only two groups do so on a regular basis: nation-states, which have acquired killing rights over time, and criminal consortia, which have not. Left out of this simplistic dichotomy, however, are some other initiators if not practitioners of organized killing: business interests or, in contemporary terminology, corporations. Their objectives are seldom openly identified with the objectives proffered by those who initiate military operations. It is hardly coincidental, though, that the objectives thereby achieved as national priorities rarely fail to advance favored corporate interests.

Eschewing such misapplications of “business necessity,” one might build a far better case for pursuing mercantile objectives by peaceful rather than imperial means (Eland, 2004). This done, might one not at last be justified in declaring complete the argument that the U.S. empire-oriented MIC is circumstantially unethical? Actually not, it so happens, because there remains another powerful argument for saying the present circumstances are ethical. This argument is based on the continuing psycho-social appeal of a military persona in the United States. The data on which this argument is based involve the fact that even in the absence of a military draft young men and more women than ever before still sign up to serve their country. This continuing willingness to serve in the military must, then, be addressed before concluding.

*Voluntary participation does not make imperial amorality moral*

Individuals continue to join the U.S. military even in this age of imperial amorality. This, however, does not make imperial amorality moral. Why? Because there is a demonstrable disconnect between the motives of enlistees and those of war instigators.

Obviously, the leading instigators of business-oriented war do not leave it up to individual participants to select the objectives for which that war is initiated. Even though much business-oriented war is carried out to achieve capitalists’ objectives (Foster et al., 2008), this is not negotiable among participants. So in a given instance a country’s leaders might authorize a war to gain control of certain

natural resources, say, without ever explaining this objective to those recruited to do the killing and dying. Given this failure to communicate, then, one needs to ask what does motivate those who agree to participate.

Individuals who are far removed from the sort of strategic planning that translates economic and military rationales into politically organized killing can be inspired to participate on the basis of rationales that are within their own worldview. These tend to be ethically neutral but often prove to be psychologically destructive.

For generations in the United States many elders have taught their descendants that a military way of life builds character and discipline, which are in turn what makes one a real man (or, more recently, a real woman). Financial constraints add to this a supplementary motive, namely, that people join the military for money and benefits (*Financial Times*, 21–22 Nov. 2009, p. 2), that is, they become (publicly paid) mercenaries. And so it has been for millennia. Nonetheless, most unskilled military recruits (i.e., not private military agents) still need a motivating rationale that is larger than themselves. Patriotism and desire for dominance (if not for bullying as such) are useful in this respect. So it should come as no surprise that these objectives are disseminated by military recruiters.

The U.S. armed services (now deprived of a mandatory draft) spend about a hundred million dollars a year to make enlistment seem enticing *via* such ploys as video war games, service-provided race cars, funded entertainment events, and various other advertising industry strategies directed at enlistment-age youth (Turse, 2008, Chap. 12). And the overall aim of these lures is to persuade targeted youth that the ability to kill and to do it well form character far more effectively than any other available option. So too in former times a man concerned about maintaining his social status had been taught he would be required to fight a duel if shamed by another man. This social system, though obsolete, has been subsumed under military values.

Military values, in other words, include an orientation to efficient and dutiful killing. But, as noted, this is anything but inborn and is to some extent contrary to whatever values are inborn. Indeed, researchers found that in World War II only one-fourth of U.S. infantry soldiers tried to kill

anyone when in a position to do so – a finding that has led the military establishment to use operant conditioning as a corrective (Grossman, 1999; Marshall, 2000). In other settings, by contrast, politically organized killing has proven to be more logistically successful.

At the extreme, of course, are a few war participants who derive satisfaction from committing atrocities. For their ilk the concepts of war crimes and crimes against humanity have been created. But for others who kill if at all only on command more subtle psychic chains of command are apropos. Religious mandates might suffice to motivate some individuals. Others might alternatively find fulfillment in self-sacrifice that is packaged as patriotism.

Perhaps more so in the United States than elsewhere, religious mandates do influence the decision-making processes of appropriately taught individuals. This problematic reality was recently made manifest by a jury in Texas that sentenced a man to death on the basis of biblical texts they introduced into their deliberations. As that jury's behavior illustrates, one way in which religious mandates are disseminated is *via* appeals to sacred texts. The texts appealed to typically describe what some culture's forebears (or even their gods) allegedly did; and what they did is taken to show what humans should do. In other words, ought is derived from is (or was). Such text-based claims have no evidentiary weight. But they may be persuasive if the reader (or listener) is predisposed to the interpretation that is put upon them.

Take, for example, some Biblical texts that gun rights advocates cite for their claims. They say *Exodus* 22:2–3 favors armed self-defense because it deals more harshly with the killer of a daytime than of a nighttime intruder. Actually, it is just one of a list of legal rules regarding restitution for harm to others (Einwechter, 1997). In the same vein, they say *Proverbs* 25:26 endorses armed self-defense because it criticizes a “righteous man who falters before the wicked.” What these and other unscholarly interpretations miss is the collective context in which certain rules or recommendations are made. They also overlook the fact that the Israelites' god (Jahweh or Elohim) is no role model with regard to homicidal behavior. After all, this god is often portrayed as killing off humans who displease him and doing so sometimes to benefit and at other times to punish his “chosen” people.

The foregoing texts, which purportedly authorize killing evil-doers in self-defense, do help bolster a military mind-set in susceptible recruits. No less important for this purpose are inputs that help neutralize the counter-consideration that they might themselves be killed in pursuit of a military mission. This is done, as it has been for millennia, by stressing self-sacrifice and linking it to patriotism. To this end, various devices ranging from toy soldiers to war video games to TV commercials help potential recruits embrace the idea of sacrificing themselves for their country when and where sent to do so. Such devices do, it seems, transform the idea of risking one's life in the line of duty into a patriotic act. What is less obvious, though, is what drives any particular individual to engage personally in harm-causing behavior.

This very question has been dealt with in detail in pertinent psychological research, notably by Milgram (1974) at Yale in 1961 and by Zimbardo (2007) at Stanford a decade later. The results of such studies are not uniformly accepted as valid. But they have certainly persuaded the U.S. military industry that altogether ordinary people whose personal identities are submerged can while in this anonymous state be commanded by an authority figure to harm other persons. This is preeminently the case in military settings, including torture chambers such as the French maintained in Algiers and the Americans in Iraq, Afghanistan, Cuba, and elsewhere in the world.

### Closing observations

This analysis of the priorities and practices of the U.S. MIC at the present time is intended to show that it is arguably unethical under the circumstances. The circumstances involve its pursuit of imperial hegemony in the interest of corporations that seek its assistance. A key consideration here is that the corporations able to influence the U.S. government to act militarily in their behalf let neither legal nor ethical constraints stand in their way.

Some spokespersons do try to justify these unilateral excesses by appeal to traditional normative criteria; but others cite a less demanding test, namely, that of legitimacy. A state action is said to be legitimate if it issues from a rightful authority and

violates no legal or ethical norm. Even this standard is likely to be disregarded, however, if it faces no unfavorable opinion (Tucker and Hendrickson, 2004, p. 18). That was the case for a time regarding U.S. incursions into Iraq and Afghanistan, but is far less so now in both the occupier's and the occupied countries. Meanwhile Okinawans, at last encouraged by a sympathetic Japanese government, are again protesting the U.S. military bases that occupy one-fourth of their island allegedly to protect them. In short, the mantle of imperial responsibilities is wearing thin (Zakaria, 2008); and as it does the ethicality of the defense industry that exists to serve it is open to ethical scrutiny as well.

There is no smoking gun here to prove that this industry is circumstantially unethical so long as its customer continues to act on the basis of imperialist assumptions. But enough relevant information has been introduced above to show that the question of ethicality merits the attention of business ethicists. If they do take up this challenge, however, they will have to proceed with little help from the subjects of their studies.

The U.S. MIC is hardly going to appreciate any resurrection of the excess profits debate or the overcharging scandal. Likewise, the size of the market for replacement supplies, equipment, and personnel deters agents of this industry from studying ways to mitigate the horrible consequences of these war-making activities. This industry has no business interest in helping foster just war theory.

Nor are just war theorists themselves likely to encourage business ethicists. For, most of them accept the legitimacy of war in principle as they confine their objections to details of politically organized killing. In the past, theorists thought well of going to war to protect the innocent, recover something wrongly taken, punish evil, or defend against a wrongful attack in progress. During the twentieth century, the first three rationales, each of which assumes righteousness, fell out of favor. So defense against aggression in progress became the core of just war theory. But ever since catastrophic annihilation became a live possibility, even that rationale is controversial (Johnson, 1992). But so is the recent U.S. government claim that spreading or defending democracy is reason enough to go to war.

Most just war theorists still hold that collective self-defense ("national defense") is the acceptable

war-making motive par excellence. Few, however, have come to terms with the alleged responsibilities of empire. Some are cautious about making exceptions to the basic doctrine; but none has told us how to prevent broadening it in support of imperial protectionism. Nor is the received code of martial conduct able to screen out unfounded rationalizations that manufacture an enemy, portray aggression as national defense, and conceal the actual aggressor's true motives. So a war-oriented industry with a superpower for a customer is far better situated than any organized crime to carry on its arguably nefarious business with minimal interference from any law enforcement agency.

## Conclusion

This overview regarding the U.S. MIC is, of course, incompatible with presentations put forward by mainstream journalists, spokespersons, and scholars. If the latter are correct in their assessments, the foregoing overview is not. My point here, however, is not to decide who is correct. My point is rather to introduce legitimate reasons for declaring the empire-oriented U.S. MIC to be circumstantially unethical. Perhaps in light of additional considerations (e.g., the seriousness of the threat posed by terrorists) mine is not the best interpretation of the data. But I have introduced enough evidence and reasoning here to constitute a prima facie case that this business is unethical under present circumstances. So too are other businesses mentioned above. My conclusion, then, is that the ethicality of a business is an investigatory concern fully deserving the time and attention of business ethicists.<sup>1</sup>

## Note

<sup>1</sup> Special thanks to Anne Donchin, Ph.D., for her wise editorial and scholarly suggestions.

## References

- Anand, J.: 2004, 'Redeployment of Corporate Resources: A Study of Acquisition Strategies in the US Defense Industries, 1978–1996', *Managerial and Decision Economics* **24**(6), 383–400.

- Arnold, S.: 2008, 'Does DoD Profit Policy Sufficiently Compensate Defense Contractors?', [http://www.ida.org/upload/research%20notes/rm\\_fall2008\\_profit.pdf](http://www.ida.org/upload/research%20notes/rm_fall2008_profit.pdf).
- Axinn, S.: 2009, *A Moral Military*, Revised Edition (Temple University Press, Philadelphia).
- Berrios, R.: 2006, 'Government Contracts and Contract Behavior', *Journal of Business Ethics* **63**(2), 119–130.
- Bolgiano, D.: 2002, 'Defining the Right of Self-Defense: Working Toward the Use of Deadly Force', Appendix to the Standing Rules of Engagement for the Department of Defense, *Infantry Magazine*, Summer (Abstract of 31 *Univ. Baltimore Law Review* **157**, Spring 2002).
- Brandes, S. D.: 1997, *Warhogs: A History of War Profits in America* (University Press of Kentucky, Lexington).
- Byrne, E. F.: 2006, 'Leave No Oil Reserves Behind, Including Iraq's: The Geopolitics of American Imperialism', in T. Smith and H. Van der Linden (eds.), *Philosophy Against Empire* (Philosophy Documentation Center, Charlottesville), pp. 39–54.
- Byrne, E. F.: 2007, 'Assessing Arms Makers' Corporate Social Responsibility', *Journal of Business Ethics* **74**(3), 201–217.
- Casey, L. A. and D. B. Rivkin, Jr.: 2001, "'Anticipatory" Self-Defense Against Terrorism is Legal', Washington Legal Foundation, Legal Opinion Letter, Vol. 11, p. 19.
- Chomsky, N.: 2000, *Rogue States: The Rule of Force in World Affairs* (South End Press, Boston).
- Einwechter, W.: 1997, 'Biblical Law and Self-Defense', *The Christian Statesman* **140**(1).
- Eland, I.: 2004, *The Empire Has No Clothes: U.S. Foreign Policy Exposed* (The Independent Institute, Oakland).
- Elm, N.: 1998, 'The Business of Unethical Weapons', *Business Ethics: A European Review* **7**(1), 25–29.
- Fichtelberg, A.: 2006, 'Applying the Rules of Just War to Engineers in the Arms Industry', *Science and Engineering Ethics* **12**(4), 685–700.
- Foster, J. B., H. Holleman and R. W. McChesney: 2008, 'The U.S. Imperial Triangle and Military Spending', *Monthly Review* **60**(5), 1–19.
- Fotion, N.: 2007, *War and Ethics: A New Just War Theory* (Continuum, New York).
- Frontline: 2009, 'The Warning', PBS, October 22, <http://www.pbs.org/wgbh/pages/frontline/warning>.
- Gholz, E.: 2000, 'The Curtiss–Wright Corporation and Cold-War Era Defense Procurement: A Challenge to Military-Industrial Complex Theory', *Journal of Cold War Studies* **2**(1), 35–75.
- Glennon, M. J.: 2003, 'Why the Security Council Failed', *Foreign Affairs* **82**(3), 16–35.
- Grossman, D.: 1999, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Little, Brown & Co., New York; orig. 1995).
- Halberstam, D.: 2002, *War in a Time of Peace: Bush, Clinton, and the Generals* (Simon & Schuster Touchstone Book; Orig. 2001).
- Harbison, J. R., T. S. Moorman, Jr., M. W. Jones and J. Kim: 2001, 'U.S. Defense Industry Under Siege – An Agenda for Change' (Booz-Allen & Hamilton), <http://www.boozallen.com/media/file/80445.pdf>.
- Humanitarian Policy Group: 2006, *Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations*, in V. Wheeler and A. Harmer (eds.) (Overseas Development Institute, London), <http://www.odi.org.uk/resources/download/233.pdf>.
- Ignatieff, M.: 2003, 'The Burden', *The New York Times Magazine* (Jan. 5), 22–27 and ff.
- Ikenberry, G. J.: 2002, 'America's Imperial Ambition', *Foreign Affairs* **81**(5), 44–60.
- Johnson, J. T.: 1992, 'Threats, Values, and Defense: Does the Defense of Values by Force Remain a Moral Possibility?', in J. B. Elshtain (ed.), *Just War Theory* (New York University Press, New York), pp. 57–60.
- Johnson, C.: 2004, *The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic* (Holt Metropolitan Books, New York).
- Johnson, C.: 2008, *Nemesis: The Last Days of the American Republic* (Holt Metropolitan Books, New York; Orig. 2006).
- Kramer, D.: 2009, *Private Military and Security Companies: Choices, Problems, Pitfalls and Prospects* (Verlag für Sozialwissenschaften, Wiesbaden).
- Krepinevich, A. F. Jr.: 2009, 'The Pentagon's Wasting Assets', *Foreign Affairs* **88**(4), 18–33.
- Kurland, N. B.: 1993, 'The Defense Industry Initiative: Ethics, Self-Regulation, and Accountability', *Journal of Business Ethics* **12**, 137–145.
- Lansing, P. and K. Burkard: 1991, 'Ethics and the Defense Procurement System', *Journal of Business Ethics* **10**, 357–364.
- Leaphart, C. J. R.: n.d., *A Moral Framework for War in the 21st Century Strategy* (Research Project, U.S. Army War College, Carlisle Barracks, PA), <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA4982108&Location=U2&doc=GetTRdoc.pdf>.
- Lieber, K. A. and D. G. Press: 2009, 'The Nukes We Need', *Foreign Affairs* **88**(6), 39–51.
- Long, D. M. and S. Rao: 1995, 'The Wealth Effect of Unethical Business Behavior', *Journal of Economics and Finance* **19**(2), 65–73.
- MacIntyre, A.: 2008, 'Is Patriotism a Virtue?' in T. Pogge and K. Horton (eds.), *Global Ethics: Seminal Essays* (Paragon House, St. Paul), pp. 119–138; Orig. University Press of Kansas, Lawrence, 1984.
- Mahajan, R.: 2003, *Full Spectrum Dominance: U.S. Power in Iraq and Beyond* (Seven Stories Press, New York).

- Maitland, G.: 1998, 'The Ethics of the International Arms Trade', *Business Ethics: A European Review* 7(4), 200–204.
- Marshall, S. L. A.: 2000, *Men Against Fire* (University of Oklahoma Press, Norman; Orig. 1947).
- Martin, M. S. Maj.: 1994, 'Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering', *Military Law Review* 143(Winter), 3–160.
- Mayer-Sommer, A. P. and A. Roshwallb: 1996, 'An Examination of the Relationship Between Ethical Behavior, Espoused Ethical Values, Financial Performance in the U.S. Defense Industry: 1988–1992', *Journal of Business Ethics* 15, 1249–1274.
- Michalos, A.: 2003, 'Militarism and the Quality of Life', Chap. 4 in *Essays on the Quality of Life* (Kluwer Academic Publishers, Dordrecht); orig. 1989 in *Annals of the New York Academy of Sciences* 577, 216–230.
- Milgram, S.: 1974, *Obedience to Authority* (Harper & Row, New York).
- Monthly Review: 2002, 'U.S. Military Bases and Empire', by the Editors (J. B. Foster et al.), 53(10), 1–16.
- Nye, J. S. Jr.: 2002, *The Paradox of American Power* (Oxford University Press, Oxford).
- Nye, J. S. Jr.: 2003, 'U.S. Power and Strategy After Iraq', *Foreign Affairs* 82(4), 60–73.
- Orts, E. W.: 2002, 'War and the Corporation', *Business Strategy Review* 13(3), 44–51.
- Packard, D. chair: 1986, 'A Quest for Excellence: Final Report to the President by the President's Blue Ribbon Commission on Defense Management' (June).
- Pasztor, A.: 1995, *When the Pentagon Was for Sale: Inside America's Biggest Defense Scandal* (Scribner, New York).
- Perkins, J.: 2004, *Confessions of an Economic Hit Man* (Berrett-Koehler Publishers, San Francisco).
- Piety, M. G.: 2004, 'The Long Term: Capitalism and Culture in the New Millennium', *Journal of Business Ethics* 51(2), 103–118.
- Razis, V.: 1998, 'Arms Reduction and Global Reconstruction: Can Tanks be Beaten into Tractors?', *Journal of Business Ethics* 17(1), 1–5.
- Rodin, D.: 2003, *War and Self-Defense* (Clarendon Press, Oxford).
- Roussow, G. J.: 1998, 'Establishing Moral Business Culture in Newly Formed Democracies', *Journal of Business Ethics* 17(14), 1563–1571.
- Shaw, W. H.: 2009, 'Marxism, Business Ethics, and Corporate Social Responsibility', *Journal of Business Ethics* 84(4), 565–576.
- Singer, P. W.: 2003, *Corporate Warriors: The Rise of the Privatized Military Industry* (Cornell University Press, Ithaca).
- Singer, P. W.: 2005, 'Outsourcing War', *Foreign Affairs* 84(2), 119–132.
- Singer, P. W.: 2006, 'Humanitarian Principles, Private Military Agents: Some Implications of the Privatized Military Industry for the Humanitarian Community', in Humanitarian Policy Group, 2006, pp. 67–79 or online pp. 73–85.
- Stephens, D. G.: 1998, 'Rules of Engagement and the Concept of Unit Self-Defense', *Naval Law Review* 45, 126–151.
- Stromberg, J. R.: 2007, 'Imperialism, Noninterventionism, and Revolution: Opponents of the Modern American Empire', in R. Higgs and C. P. Close (eds.), *Opposing the Crusader State: Alternatives to Global Interventionism* (Independent Institute, Oakland), pp. 3–42.
- Thompson, L. B.: 2009, 'The Defense Industry Outlook Through 2012', <http://www.defense-aerospace.com/article-view/verbatim/101453/us-defense-industry-outlook-through-2012.html>.
- Thucydides: 431 BCE, *History of the Peloponnesian War* (R. Crawley, Trans.). Internet Classics Archive at MIT, <http://classics.mit.edu/Thucydides/pelopwar.5.fifth.html>.
- Tilly, C.: 1985, 'War Making and State Making as Organized Crime', in P. Evans, D. Rueschmeyer and T. Skocpol (eds.), *Bringing the State Back In* (Cambridge University Press, Cambridge).
- Tucker, R. W. and D. C. Hendrickson: 2004, 'The Sources of American Legitimacy', *Foreign Affairs* 83(6), 18–32.
- Turse, N.: 2008, *The Complex: How the Military Invades Our Everyday Lives* (Holt Metropolitan Books, New York).
- Victor, B. and J. B. Cullen: 1987, 'A Theory and Measure of Ethical Climate in Organizations', *Research in Corporate Social Performance and Policy* 9, 51–71.
- Walzer, M.: 1977, *Just and Unjust Wars* (Basic Books, New York).
- Zakaria, F.: 2008, 'The Future of American Power: How America Can Survive the Rise of the Rest', *Foreign Affairs* 87(3), 18–43.
- Zimbardo, P.: 2007, *The Lucifer Effect: Understanding How Good People Turn Evil* (Random House, New York).

*Emeritus Professor of Philosophy,  
Indiana University,  
Indianapolis, U.S.A.  
E-mail: ebyrne@iupui.edu*