**The Sniper and the Psychopath: A Parable in Defense of the Weapons Industry**

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**Introduction**

Two fundamental questions deserve particular attention when considering ethical issues in the global defense industry. First, is it inherently an unethical industry given that it makes its money by producing weapons for killing people? Second, the industry is a business, and as such should conform to the requirements of business ethics, just like any other business. But the industry is also implicated in the national security of its respective embedding nations, and in the advance of causes just and, sometimes, sadly, unjust. How then should the industry deal with the seemingly inevitable conflicts between normal ethical business practices, the needs of national security, and the possibility of its being involved in schemes variously good and evil? In this chapter, I seek to answer both questions.

On the first, is not the very idea of a defense industry ethically problematic given that the industry aims to produce lethal weapons for profit, a morally suspicious, even psychopathic, motive? Some would defend the industry by saying that, really, it has the virtuous motive of providing arms to help us prevail against evil; or at least it has that as a functional effect. But I shall argue that in fact sometimes the industry plays a morally valuable role in part precisely because of its prima facie problematic motive. The industry, so motivated, a) helps us to make progress in situations where an all-pervading morality of altruism would leave us paralyzed, b) leaves most of us with morally clean hands when morally problematic things need doing, c) helps to resolve conflicts where there are no moral markers for who should prevail, and d) helps resolve conflicts that are really about what decision theorists call pure and impure coordination problems. More controversially, the industry’s profit motive as expressed in selling to those who can afford to pay has the effect of advancing moral progress. For in the long run, being a wealthy enough culture to be able to buy the best, most expensive weapons tends to go hand in hand with being a morally better culture and one that ought therefore to prevail. These issues occupy the first two parts of this chapter. Part 1 comprises a parable that starkly shows the moral usefulness of psychopathy in a hypothetical scenario. Part 2 applies the resulting insights to the operation of the defense industry.

The first two parts of the chapter purport moral usefulness in the arguably psychopathic motivation that animates the defense industry as a whole. However there remains the issue of what comprises ethical business conduct in the behavior of individual players within the industry given the complicating fact of the security role the industry plays, and the fact that its products can be used for good or for evil. Thus Part 3 of the chapter addresses the following question: are the rules regulating the weapons industry—rules found in business ethics codes, engineering ethics codes, procurement ethics codes, and laws of the land, as well as the more informal rules provided by dicta of conscience informed by ordinary morality—properly seen as sufficient to guide moral conduct in that industry in all cases and absolutely morally binding? Or are there situations that should be seen as affording exceptions to such supposed duties, and where the codes therefore need supplementing by more general moral reflection? I argue for i) a limited form of the latter, ii) a principle that tells us how to draw the line, iii) a theory of rational choice on which choosing by this principle rather than cheating is rational (rational even for so-called psychopaths, and in effect supporting cooperative solutions to what I shall identify as defense industry Prisoners’ Dilemmas), iv) teaching that theory to defense industry employees, and v) adjusting oversight policy of the industry accordingly to focus on hiring people of integrity and training them in rational choice theory, rather than policing their actual behavior in their activities in the industry. This will be cheaper, more effective, will encourage better practices in nations with whom the defense industry does business, and, more generally, will help bring more people in the world into that total arrangement which is the best deal for everyone.

We will see that while unbridled selfishness expressed in the profit motive best guides the defense industry in its decisions about to whom to sell weapons, that very selfishness rationally justifies the adoption of dispositions rationally constraining its expression in the day-to-day business practices of the industry. This is because principled business practices recruit ever more people into a circle of trust, something which, again, helps produce a total world arrangement that is best for everyone, defense industry players included.

1. **A Moral Argument Justifying Immoral Motivations for Some People in the Division of Moral Labor: the Case for Psychopaths**

On the face of it, the defense industry is, well, indefensible. For it has the prima facie amoral aim of producing for profit devices meant to kill people. But I shall argue that an amoral entity such as this is needed to resolve moral dilemmas that cannot be properly resolved by ordinary morality, and yet whose proper resolution is essential to producing morally approvable outcomes. Sometimes morally best outcomes will be brought about only if some agents do not have normally morally approvable motives. Moreover, their lack of scruples and their readiness to be purely self-serving will liberate them to do things which happen to benefit all of us but which will leave most of us with morally clean hands. I propose then to make a case for the moral value of some people being in effect psychopathic and sociopathic, defined here non-pejoratively as those being disposed to self-serve, defy conventional morality, and test legal boundaries.

The logic in question can be illustrated by a parable, a scenario coincidentally military in nature: a sniper has pinned down a platoon. The sniper has wounded one platoon member. Other members are agonized by his cry for help. Every few minutes one of them dashes over to try to rescue the wounded man. But each time, the sniper kills the would-be rescuer. The platoon has a safe exit route but cannot bring itself to retreat because this would mean leaving their man behind.

The motives of the platoon members in refusing to leave vary: for one man the motive is friendship, for another, empathy, for another, a promise, for another, a sense of military duty, for another, a commitment to a moral principle, e.g., The Golden Rule, for yet another, a religious dictate, for another still, a view about dignity, for another, a respect for rights, for another, a view about what is virtuous conduct, for another, enlightened self-interest and the worry that him letting down the wounded member would result in others letting him down later. Each, then, has as a motive for not leaving, one or another of the things that have been thought by one theorist or another of morality to be the basis of all morality, the ground of all duty.

One of the platoon’s members is a psychopath. And since such persons cannot be moved by the sorts of considerations that move moral people, he is unmoved by friendship, for this friend (the wounded platoon member) has outlived his usefulness. Empathy is foreign to him because it is in his nature to be able to care intrinsically only for himself. And promises? They are made only for convenience to induce self-advantageous action from another; and they lose their force once compliance with them would have no benefit. Military duty? That is something to which you pay lip-service to rise in the ranks, but all duty except duty to self is a myth. Moral principles? Just rules one follows only if there is situational advantage to doing so. For how could following any rule for its own sake be a benefit to the self? Religious dictates? Rights? They do not exist, or they do but there is no reason not to violate them for personal advantage. Virtue? What is virtue talk but the attempt by one man to impose a groundless limitation on the behaviour of another? Is there a fear of later consequences? No, for psychopaths do not believe bad consequences will inevitably be imposed on them for bad action; in fact they are compelled to test boundaries, and they trust their own charisma, which is considerable, since there is nothing they will scruple from doing in order to charm their way out of punishments. So our man believes he has a good chance of evading all bad consequences for selfish action; indeed, he is compelled to try to prove this. And if he is caught for doing a “bad” thing, he thinks, whether caught by man or by God, he will figure out a way to escape the punishment when the time comes.

No, our psychopath quickly assesses the situation: he cannot get home without a team to help him. The team will not let him leave as long as they are bound to stay, for then he would be a mutineer. And the team will not leave as long as the wounded man is alive. Meanwhile the longer they stay the fewer of them there will be, because they keep sacrificing themselves trying to rescue the wounded man. So the longer they stay the fewer of them there will be to help get our psychopath home if they ever decide to leave.

On the other hand, if our psychopath were to kill the wounded man, while the rest of the platoon would be outraged they would secretly be grateful that there was no longer a basis for a duty to stay; and they would all retreat, grumblingly taking the psychopath along—partly because they would need his help in making their escape, and possibly for punishment later, but that is a bridge the psychopath will cross when the time comes.

So without a pang of conscience our psychopath rises up quickly and shoots the wounded man dead. “Problem solved,” he says, “let’s move out” (said in every war movie ever).

What is the lesson? There are a number of possibilities.

First, maybe the psychopath in fact took the morally correct path—it was better that the rest of the platoon survive. But did he take it for morally correct reasons? Arguably not: his only motive was self-preservation. And did he cause the outcome in a morally correct way? Arguably not. He was not consultative with his peers, for example. And he did not ask the victim’s permission. He knew consultation would only yield the status quo. And why take the risk of the wounded man’s pleading for help yet again?

Could not the platoon have come to the decision to do what the psychopath did, but by morally approvable deliberation? Arguably not. For each member would have the same reasons to vote not to kill the wounded soldier and retreat as each had to try to mount a rescue.

Could not all the members have reasoned together to the conclusion that it would be all-things-considered objectively and morally better that they survive than that they all die trying to save the wounded man? And then could not they figure out a morally right way to bring that about? They could all act together like a kind of firing squad to kill the man, putting him out of his misery in a way that shares out the responsibility, and freeing them to leave. Or maybe they would draw straws—short straw takes the shot. Either way, could not they have made the shooting righteous by asking permission of the wounded man?

All of these things might be possible. But as Bernard Williams points out in his discussion of the relationship between utilitarianism and integrity[[1]](#footnote-1), people who think duty requires only that they bring about the greatest good or happiness for the greatest number—utilitarians—fail to be able to explain why, where bringing about the greatest good requires sacrificing someone, it is appropriate to feel morally bad about what one has done. Each member of the platoon would have to feel some blame and regret about abandoning their man. And each might well have felt, and be expected to feel, that in this case acting on the utilitarian calculation would be self-serving in a way that is morally unseemly.

But if the psychopath solves their problem for them, they have no reason to feel guilt and nothing to regret. Indeed, since the psychopath is immune to these sorts of bad feelings the net result is better even by utilitarian measures—the wounded man is put out of his misery quickly (and he had no chance of surviving in any case); the rest of the men survive so their happiness is added into the equation; and the psychopath, since he does not suffer any pain of conscience about the killing, does not with such suffering detract from the pleasure added to the equation, and of course he adds in his own happiness at surviving. This outcome is then best by utilitarian measures even if non-psychopaths could have decided to kill the man. Of course, there is another measure by which this outcome is not the morally best. For surely the psychopath ought to have felt some remorse. It would be indecent not to feel in some way bad after having to do something like what he did. So the outcome is morally deficient for failing to contain guilt. On the other hand, arguably the psychopath has an excuse for not feeling remorse, namely that because of his psychological condition he cannot feel remorse. And an outcome cannot be morally faulted for failing to include an action or attitude that an excusing condition has made impossible.

Well, suppose the shooter had not been a psychopath but instead what we shall call an “altrupath”, someone exclusively motivated by altruistic considerations. Could not he have reasoned that the correct action would be the one bringing about the greatest good for the greatest number, vis., killing the wounded man? And could not he then have taken the shot and done so for morally right reasons? Well, perhaps such a person could make himself take the shot. But in doing so he would have to violate other things we think important in a moral agent, namely, each of the considerations that hypothetically motivate the other men to stay and attempt rescue—duty, promises, a sense of the other man’s rights, friendship, empathy, love of his fellow soldier, and so on. Indeed, in this way, our altrupath is like the psychopath: he discounts important moral considerations in driving towards a good outcome. In being motivated only by generalized altruism arguably he fails any number of other duties. In this regard, he is no better than the psychopath; and so he does not in those respects represent a superior solution to the problem. Furthermore, as an altruist, he would have to feel some pain at what he had to do. He would think it better that no one have had to be killed, for example, while the psychopath would be indifferent to this consideration. Again, advantage psychopathy, at least in terms of the overall balance of total resulting psychological pleasure and pain.

Another possibility: our psychopath did something wrong. But in so doing he made it possible for others to do right—to try to fulfill their duties of friendship, to follow their empathy, and so on. Indeed, maybe this was a better way for there to be the morally approvable outcome of the platoon being saved, namely, for them to be saved by the psychopath, and for each other member of the platoon to have the additional morally good status of trying to be a friend, fulfill a promise, and so on. This is a better way to the outcome than, for example, by each of them having had to vote to violate their various other moral duties. (The same result could have been brought about by the altrupath, but there would still be the disutility of the altrupath’s pangs of conscience making the outcome less good than the one able to be brought about by the psychopath.)

We now have a number of possibilities: maybe our psychopath did something purely wrong. Or maybe while his action was wrong, it was redeemed by its having the consequence of the platoon’s survival, and/or by its having provided the occasion for yet additional morally right things from other agents (their good intentions and good efforts towards rescuing the wounded), and/or by it having saved other agents from having to do bad things (e.g., compromise their principles, or commitments, or natures). Maybe too it was redeemed by the fact that, since it was performed by a psychopath—someone incapable of the pangs of conscience that would have been experienced by an ordinary person doing the same thing—the overall high utility of the outcome was not reduced by the disutility that would have been represented by a pained conscience.

To these possibilities we might add that the psychopath did something understandable and forgivable. Or did he? What would be the basis of our forgiveness? That we could imagine ourselves doing something similar in similar circumstances? But we cannot imagine it. That is what distinguishes psychopaths from us. Unlike us, they are not merely an admixture of selfish and generous. Rather, they are nothing but selfish. Would it be that we forgive the psychopath because he could not have done otherwise given his nature? But for that sort of consideration forgiveness is not appropriate at all. We do not “forgive” lions for eating meat.

At any rate, suppose we like the option that the psychopath did something wrong but redeemed by the good consequence of saving the platoon, the good result that each platoon member was able to be additionally morally good, and the absence of pangs of conscience: could we have designed the situation to be thus, to feature a psychopath? Could it have been morally required and permissible to put him in the mix?

Not obviously. For who could have made the decision to insert him in good faith? Arguably not any of the persons directly involved who had reason of duty, empathy, friendship, and so on to attempt a rescue. Their adding a psychopath would be the same as them indirectly pulling the trigger they morally cannot bring themselves to pull directly. And not any other person who might have anticipated having any of those duties. One might think that the commander who selected the troops for the platoon would have a duty to make sure that the outcome would represent a correct utilitarian calculation about what should happen, so he should be sure to include a psychopath. On the other hand, surely the commander too would have difficulty making this decision. For by adding in a psychopath he would in effect be conditionally pulling a trigger that would actually kill a man should the platoon face the foregoing scenario.

Perhaps the commander is in precisely the sort of situation that calls for him to make such choices. He is not supposed to be too close to his troop, precisely so that he can make the more impersonal decisions required to preserve his troop strength, and, speaking in more humane terms, to do right by the greatest number of people. Yet if the commander included a psychopath in the platoon, and later learned that a situation arose in which the psychopath did what he was put there to do, the commander would have some degree of understandable regret and guilt, even if his staffing decision was the ultimately right call.

Maybe the commander could have arranged for the psychopath to be in the platoon, but be guilt free if the psychopath ever has to act. For the commander is morally called upon to make such staffing decisions, and the right decision is to deploy a man who can do what the commander could not make himself do. An analogy: while I could not make myself kill someone who wanted to steal from my safe the medicine my son needs to survive, maybe I could make myself put a spring gun in the safe. And if the spring gun winds up defending my son’s medicine, maybe that is not something that would have to be on my conscience.

On the other hand, surely if something is the right thing to arrange be done, then it must be the right thing to do. And if it cannot be done without guilt, then it cannot be arranged for without guilt either. Maybe one can find it rationally and morally obligatory to arrange for the doing of something one cannot find it rationally and morally obligatory actually to do.[[2]](#footnote-2) But it appears that putting that kind of distance between what gets done and one’s self does not suffice to separate one from liability for guilt for what gets done.[[3]](#footnote-3)

At any rate, we might think that a better outcome would be one where the commander does not have to make these sorts of decisions. Better that there just *happen* to be a psychopath in the mix. For then the commander too is saved from guilt. Even better, perhaps, would be this: the commander has and acts on a duty to eliminate all psychopaths from the equation but discovers after the fact that luckily enough he has failed in this. Now the commander is even better, morally, and so the outcome is better still. To take another tack, arguably we all have a duty to try to eliminate the inclusion of a psychopath in the platoon. And yet we might be grateful to discover that we had failed. (To return to our commander, in constituting and deploying the platoon, perhaps he has a duty to insert a psychopath. But should he have been playing a different role in his army, serving in someone else’s platoon, arguably he would have had a duty to try to discover and neutralize any psychopaths in his unit. The responsibilities one has in this regard may vary with one’s circumstances.)

Note that the psychopath can do his job only if he himself is empty of moral motivation. For if he is moved by empathy, friendship, and so on, he will not engage in the incidentally platoon-saving behavior. So we need to be grateful for him having non-moral, immoral, or amoral motivation.

Now some will say that utilitarian ethics would applaud what the psychopath would do and might even criticize those soldiers who would not do it. For their so-called moral scruples in effect result in needless and morally unjustified deaths. And yet many criticize utilitarianism for using the end to justify the means. Utilitarian arguments, it may be said, are in effect precisely attempts to justify immorality, perhaps to claim that sometimes immorality is necessary, even morally necessary. A paradox.

Either way it appears to be better if the psychopath does what he does while at the same time the others do not do the kind of thing he does, and perhaps even have a nature precluding them from doing this or follow a moral code precluding such actions. It would seem good to have some people resisting utilitarian calculi while having others impose such calculations. The former in effect desperately treasure a given life while the latter proportion the value of each life to the total number of lives at risk; and the combination results in us having the net good of lives both saved and having been individually treasured. The result comes about by a fortuitous division of moral labor with some people doing the job of being utilitarians, while other people do the job of being Kantians, virtue ethicists, sentimentalists, and so on. In recognizing that this ethical diversity is a good thing we discover that morality may approve of conflicting things from different people. (The one true morality sees it as good for some people to play the role of utilitarians and try to kill the wounded man, while also seeing it as good that other people play the role of Kantians, sentimentalists, or whatnot, trying to prevent this.)

I have said the presence of psychopaths can be a good thing. I want now to give some simpler examples. Suppose you and I are in a slowly burning room with only one exit. There is lots of time for us to escape but the exit is only big enough for one of us to leave at a time. Suppose we are both moral and altruistic people. Then likely each of us will say, “you first”. Then, trying to be helpful, we will both say, “OK, I’ll go first”. Then, back to “you first”. Then maybe I reach into my pocket and say “let’s flip a coin.” Unfortunately, you do likewise. Then trying to be helpful I say, “let’s use your coin.” But of course you are simultaneously saying the same thing to me. No, this could in principle go on forever. But suppose one of us is an ordinarily morally decent person, the other, a psychopath. Then the psychopath’s first impulse will be to leave first, and the decent person’s first impulse will be to offer the other person first exit. “Me first” says the psychopath; “I was just going to suggest that”, says the decent person.[[4]](#footnote-4)

Of course, sometimes it is useful to have an altruist around. Imagine the burning room contains two psychopaths. “Me first”, each says, and no one gets out. Then each tries to break the tie by mimicking altruism: “You first.” And now we have a repeat of the preceding problem. But suppose we replace one of the psychopaths with a morally decent person. Then she would say, “you first”, and the remaining psychopath could say “thanks.” Problem solved.

It appears then that despite the prima facie rightness of making moral evaluations of persons by the objectives given to them by their dispositions and characters—evaluations by whether they are selfish or generous, for example—this does not correlate with whether their presence will be useful to the morally laudable solution of moral problems. Each character can have its place. Note that the burning room problem is not guaranteed to be solvable by two altrupaths—they might stumble all over each other trying to figure out whose coin to use. But the problem would certainly be solvable by the presence of a psychopath with an altruist.

Now back to whether there is a morally clean way for a psychopath to be designed into a system. There seems to be no way for this to happen. For if someone arranges for this, e.g., the platoon commander, then if the psychopath ever has to act, the person who did the arranging—in this case, the commander—is morally tainted, should feel some remorse about what the psychopath has done, and so on. On the other hand, if the commander does his best to prevent the presence of a psychopath, and if this results in his platoon being wiped out, the commander is obviously in for another sort of remorse. Even if he gets lucky, inserts the psychopath, and the psychopath does not have to be used, or if he does not insert the psychopath, and there proves to be no occasion for his use anyway, the commander is in line for a kind of moral condemnation, in this case, for either failing to make sure the platoon was equipped for a possible eventuality, or failing to make sure it was not infected with someone so cold-blooded.

One might reply that we are presenting a dilemma that cannot be solved without the commander being subject to moral condemnation. But a more reasonable ethical theory would say that, since it is no fault of his own that he faces a situation where no matter what he does some kind of evil or other results, as long as he chooses the lesser evil he is on balance to be praised. And if the evils are equivalent, since he cannot avoid evil, and since condemning him would imply that he ought to have avoided evil, this in violation of the ought-implies-can rule, our commander ought not to be morally condemned.

This may be right. And yet we might still think that the commander should feel badly for doing an evil. Perhaps he should eventually forgive himself for this, but not right away. And this is a cost. Would not it be nice if there were a way for the commander not to have a duty to feel badly at all?

What is the solution? Well, remember the special moral properties of the psychopath: he will feel no guilt and he cannot help doing what he does. Then clearly the person whom it is morally best to have making the decision about whether he should be present or absent in a situation is the psychopath himself! He will feel no guilt either way; and he cannot be faulted either way because he has no choice about what he does given his nature. My point here is not that the psychopath is better equipped to make the morally best decision by virtue of his lack of moral feeling. After all, the commander could make the same decision. Rather, the point is that since the psychopath cannot feel guilt, if he makes the decision, no one has guilt. And since he could not have done otherwise given his psychological condition, there is some sense in which he is blameless for his choice. While this will sound morally perverse, I am suggesting that in this sort of case, and precisely because of the psychopath’s moral deficiencies, it really would be a happy eventuality if the psychopath did the moral dirty work for us, leaving us with clean hands.

It might be objected that my overall argument for there being able to be a good deployment of psychopaths presupposes that it is we who decide what situations the psychopath will be in, so we can make sure his nature will result in him doing things that have morally salutary results. But what if the psychopath manages to be in the position of being the social engineer who constructs the scenarios, using us for his purposes? Surely then he is not so morally useful.[[5]](#footnote-5)

It is true that if we do not get to define the parameters in which psychopaths operate and instead they define the parameters, then there are moral risks. But what I have just suggested is that, in fact, that might at least sometimes be a good thing. A psychopath’s taking over can be the morally best way to solve a moral problem.

What finally to say then about psychopaths? Should we vilify them? Or should we welcome their alternative perspectives and values? Where behaving as a psychopath would cause a morally worse situation, as where there is a consensus on what ought to be done by all moral values but the psychopath’s impulses put him at odds with this, the psychopath is unwelcome and must be policed. But where there is no such consensus, and where, paradoxically, someone not bound to conventional morality will afford a morally cleaner result, incapable of guilt, driven exclusively by his own interest, and compelled to test boundaries, the psychopath is a salutary presence.

Remember that I here use the term “psychopath” without judgment or prejudice. I take it merely for a term of art to describe a certain psychological type. I neither condemn nor valorize that type going in. Moreover, a good deal of the moral valuableness in some contexts that I am attributing to psychopaths could be offered by degrees of ordinary selfishness. Not all of it, however. This is because, for any merely selfish person, as the suffering of another person rises and as the cost of helping them falls, there is an intersection point where the selfish person would help. Merely selfish people are in principle reachable by considerations of the suffering of others. Psychopaths by definition are not. They are not on the spectrum of selfishness and generosity. They stand in a different relation to those ideas. My purpose here is to see what may be said in defense of such a type. Arguably good managers do not see people as good or bad, just useful for different situations; and as a philosopher, in describing contexts in which psychopathy is morally useful, I am operating as a kind of “manager” of the overall moral scheme in which we live, proposing (or recognizing) a morally laudable use or role for a certain kind of person.

This may make *me* a psychopath. For I am proposing to insert psychopaths into the moral mix, the very thing I have been arguing cannot be done in a morally clean way.[[6]](#footnote-6) At any rate, I think it worth exploring the possibility of there being morally commendable purposes for psychopaths.

1. **Application of the Argument for Psychopaths as an Apologia for the Weapons Industry**

But what exactly does all this have to do with the weapons industry? Weapons are things most cultures need at one time or another. But the motives driving their production by the weapons industry, motives to make a profit by building devices for killing people, are prima facie morally problematic. And yet there is a utilitarian call for such weapons. So it is morally good that they get made. But if they are to get made, we need manufacturers who in effect have motives that are either non-moral (neither right nor wrong), immoral (wrong), or amoral (had without regard to their rightness or wrongness). Someone has to have these motives in the division of moral labor. Metaphorically speaking, someone has to have psychopathic motives. And because some people have them, others of us get to have nice motives most of the time—we get to have the officially valorized humane motives. We get to “be nice, until it’s time to not be nice.”[[7]](#footnote-7) And then, when we need weapons for self-defense or some other—hopefully good—cause, the weapons manufacturer has products ready to sell. Moreover, weapons producers generally tend to select themselves into the business by the profit motive, a motive that is neither here nor there morally speaking; and in so self-selecting they spare others the moral stain of deciding to participate in this industry mix. Further, since those who so self-select do so without pangs of conscience, the over-all situation is not worsened by them having painful feelings.

“Problem solved. Let’s move out.”

Now it might be argued that we do not need to represent, and would be mistaken in representing, the typical player in the defense industry as being psychopathic, or as having psychopathic motives. Fair enough. Most people in the business are just ordinary people many of whom are no doubt wonderful to their spouses, children, parents and friends, are good citizens, and so on; indeed, in my experience the people in the weapons industry, and in the military and the public policy fields that superintend military involvements, are some of the most reflective, conscientious, and morally concerned people I have ever met. They just happen to have unusual jobs. They are not psychopaths. On the other hand, a part of their psychology is a little unusual: it allows them to argue for, build, and use devices for killing people. Even here, however, there is more to say; for many of these people probably do not see themselves as doing this. “I don’t build rifles, I just build rifle *barrels*” (and so on for each participant in each part of weapons production). Nevertheless, the collective or group effect of these activities is weapons building, so that, arguably, the psychology of the group entity is psychopathic.[[8]](#footnote-8) (This is something often said of corporations, whose mandate to make profits can incentivize selfish collective behaviour, even if individual workers in corporations are not particularly selfish.)

It might also be objected that we can see defense industry players (both individuals and corporate entities) as being perfectly ordinarily moral rather than psychopathic in their motivations if only we see them as people (or collectives) who would not produce weapons except for a good cause—the cause of killing only people who deserve to be killed, for example.

That would certainly morally redeem the players from psychopathic status. But I am saying that the weapons industry can only solve certain of our moral problems if it is prepared to produce weapons not just for those deemed to be on the good side of conflict. The problems I have in mind can be solved only by preparedness to sell weapons to *anybody*, conditional only on them being able to afford them. We need Lords of War (think of the Nicholas Cage movie of that title). And if a given person in the industry is not that kind of person, he is not contributing to the solution of the problems I have in mind. (Of course that might be fine. That person might be doing other morally useful things.)

Lords of War? Really? How can it possibly be good for an armorer to be disposed to sell so cynically to whomever can pay? Well, imagine scenarios like the following: there are two small nations endlessly in lethal conflict, their conflict stirring up lethal trouble everywhere for everyone else. The reasons for the conflict are lost to history and for this reason (or for some other reason) it is unknown or unknowable which side is in the right; or perhaps the reasons for the conflict are known, and it is known that no side in the conflict had very good reasons for going to war; or that in fact both sides had good reason, so much so that there is no decisive moral argument that one side and not the other should win. But in any case, now there is an endless violence cycle, each violent act seeming to justify a retaliation.[[9]](#footnote-9) The conflict would end if only one side acquired a decisive advantage. Perhaps one day it acquires a little more money and so can afford the best weapons. Of course this side can buy these weapons only if the seller is not so scrupled as to sell only to those with demonstrable moral right to victory, since there is no such clarity here. Now the more moneyed side gets to buy its weapons. It then wins the war decisively. The conflict is ended and everyone can move on. This is good for all parties in the long run, better even for the defeated party than had the war gone on indefinitely. The result is a morally superior outcome. “Problem solved; let’s move out.”

In the foregoing examples, it was assumed that neither side was demonstrably morally better than the other, and no one was such that they deserved to be killed, but nevertheless, morality would be served by the conflict ending in some side’s victory, no matter which side wins; and morality would be served even if the winning requires killing. But there are also more subtle scenarios where selling weapons without regard to moral desert would be salutary. The subtlety derives from the fact that many conflicts are in effect over how to solve coordination problems. Some are what decision theorists call pure coordination problems, situations where we would all be better off living under either of several competing arrangements, but choice of arrangement is difficult because the options are equally good, so that, if we disagree about which arrangement to adopt, we are fighting about nothing and so no factor can be offered as decisive. (Notoriously, political conflict is greater the smaller the stakes.) Some are what decision theorists call impure coordination problems, situations where choice of arrangement is difficult because, while we would all be better living under either of the arrangements available to us, several of us would be slightly better off still under one arrangement, others of us, slightly better off still under the other arrangement, each side therefore slightly incentivized to push for its favored arrangement. The conflicts between the world’s major ideologies may well be of this sort, e.g., between capitalism and communism (although probably not between capitalism and Stalinist communism). Either might be a workable social arrangement, but each would benefit different people more, and each system would be more workable if everyone would just buy into it. Let us assume that in instances of these general scenarios the sense in which we would be better off is the moral sense: fewer people would die, more people would have thriving lives, and so on. In these scenarios it is morally better that there be some decision than that no decision prevail because it was not going to go in one of the particular ways. And if it costs all the parties something to arrive at one of the arrangements rather than another (costs in lives and in reductions of thriving), costs enough that the further costs to all parties of trying to impose the losing arrangement instead would mean that no party had anything to gain, then the arrangement that has prevailed has in effect become the morally best arrangement. It has become the best because reverting to the alternative would be too morally costly. Interestingly, in these cases it is therefore not determinate which arrangement is the morally best one until one of the arrangements prevails—which arrangement is best is what philosophers call a soft fact, a fact about the present that depends on what happens in the future. It is also true that an armorer selling to whichever of the contesting sides happened to be able to afford to buy the best, and so most expensive weapons, thereby allowing it to win the conflict, can be seen has having a morally salutary effect—again, because of having brought about a morally superior arrangement, one that could not have come to exist unless the agent of its existence was not morally motivated in deciding to help one side rather than the other.

I have just argued that weapons sellers having the profit motive can help resolve conflicts where it would be morally good that they be resolved, but where there is no moral marker to the effect that one side rather than the other deserves to win. This will be true where neither side is morally right, or both sides are morally right, or it is not known which side is right, or where there is no fact of the matter yet which side is right but where one side can in effect be made right by being helped to prevail. Here, something is needed to break the tie, and it must be something non-moral since, in these special cases, moral factors are not decisive. Of course any number of things could break the tie, for example, selling to the party with the most number of blondes. Why is the profit motive the one that should break the tie? Well for one thing, those who have that motive self-select for the role, a factor we have already seen has moral advantages.

But there is a much more general reason for why the profit motive should at least sometimes be what decides who gets sold to, a reason deriving from the fact that good societies tend on average to be wealthier, and therefore able to pay more for weapons. This is because good societies feature things like human rights, mutual respect, inclusiveness, recognition of the value of diversity, wealth sharing, rule of law, freedom from corruption, security of persons and property within the society, protection of the society from external threat, and so on—characteristics that attract ever more people into the society. All of these factors have the effect of making bigger, more thriving economies. And that, in turn, produces ever greater wealth. The result is that if a society can afford to buy better, more expensive weapons than other societies, it is probably a better society. This means that selling to whomever can afford the best, most expensive weapons has the effect of advancing the best societies by helping them prevail over less good societies, ones less respectful, less inclusive, etc. Thus having an industry, like the defense industry, be motivated by profit, has the indirect effect of being a force for moral advance.

But would not selling only to those who are judged morally good be an even better force for moral advance? Well, I am suggesting that, very often, the wealthiest and the morally best are one and the same. So the question wrongly implies that there must be a contrast. But even allowing the logical possibility that these things could come apart, there is the problem that the matter of who is in the right is typically contested, cloudy, or indeterminate. That one morally judges that a side is right is therefore a less reliable correlate of its being right than that it can afford the best weapons. Judgments about who is right are likely to be contaminated by religious prejudices, tribe-based presuppositions, moral codes inherited from ancient times designed for different circumstances, habits of thought, unexamined premises, the vested interest of the person doing the judging in whatever status they have in their own society, and so on. Having an amoral interest only in profit cuts through all of this.

But what if one side in a conflict is *obviously* in fact morally problematic? And what if this bad country is suddenly able to afford the best weapons because it has discovered within its borders tremendously valuable natural resources, resources from whose sale it can buy terrific weapons it will then use to oppress the good culture it is in conflict with? Surely weapons should not be sold to the bad side?

Three replies. First, again, the idea that it is obvious who is morally right in most conflicts, or even in a given conflict, is problematic. Each side thinks it is the right one, for example. And each side’s allies think it is in the right. Moreover, very often the issue in a conflict is not really about right and wrong. Instead, as we discussed above, it is about solving coordination problems in which neither side is necessarily inherently right (however much each side would like things to go its own way, and however much each side may find justification for its actions in premises held by its side but not the other).

The second reply involves the concept of moral luck—of being considered to be morally good or bad in spite of having that status by luck rather than intention and effort.[[10]](#footnote-10) In the lives of individuals an example would be the drunk driver who unluckily hits a child and so is in for more moral blame and punishment than the lucky drunk who does not. In the lives of nations and cultures some countries are richer in natural resources and so wind up having greater cultures.[[11]](#footnote-11) So if a given country acquires power by luck in resources, and that means it will thrive more fully, have broader influence, attract more people to itself, and so on, this cannot be completely gainsaid—the country is still simply a better country.[[12]](#footnote-12)

Third, in order to be able to continually wield power and so to continuingly advance an evil cause, it is not enough to have resources; one must also have a culture in place sufficiently good that one will be allowed to deploy the profits of those resources. And if you are an evil culture, your grasp on the profits of the resources will be tenuous. Few people will ally with you; and others with a better culture and so a greater ability to attract allegiance will band together to overwhelm you and seize your resources, perhaps by making or buying weapons better and so more expensive than the ones you can afford even with your new wealth! (In one of the above examples, we imagined one of the contending countries getting a bit more money. What if they got the extra money by being appealing enough as a society to attract a benefactor?) It may be true that, for a while, pure luck, not justice, can result in one power dominating another. For example, apparently Germany almost got the A-bomb first. Again, however, it would not be enough for them to get it first; they would also have to keep it, or keep the advantage it affords. And my claim would be that a more virtuous culture would eventually displace the unjust but temporarily powerful country, displace it perhaps by availing itself of weapons available on the rationale offered here.[[13]](#footnote-13) We see this happening over and over. Think of the most monstrous cultures you can, for example, Nazi Germany, Bosnia: all collapsed because they were found too unattractive to be allowed to retain their power; and all were overwhelmed by societies that were individually or collectively wealthier.[[14]](#footnote-14)

It might be objected that I have just committed a contradiction: I have said the best cultures are likely to be the ones with the most money and so should be sold to by armorers making the best and so most expensive weapons; but I have also said that a morally lesser society will not be able to attract allegiance, patrons, and so on. This implies there are two criteria driving which societies achieve domination, namely, wealth and moral appeal, and that because morally unappealing societies will not attract allegiance and patrons, they will not have wealth, and so will not be able to induce armorers to sell the best weapons to them. Indeed, I have in effect suggested that we can feel comfortable selling the best weapons to the wealthiest societies because they will be thwarted if they are evil. But since part of thwarting them is making sure they do not have arms, surely this means armorers must make moral discriminations and refuse to sell to evil regimes?

To this I can think of two possible replies: first, I could simply accept that this is true, grant that there are more values in play in deciding to whom to sell weapons, and grant that, apart from the scenarios I rehearsed above where there is no clear moral entitlement to victory by either side, weapons should only be sold to virtuous buyers, not necessarily to the wealthiest buyers. We might then be grateful for psychopathic weapons dealers in those special scenarios, but resist and regulate the dealers in morally problematic cases to prevent the dealers from arming evil.

But a second reply I could make is to double down on the connection between being a morally worthy society and being a wealthy society: when we say a given society is evil, we are necessarily saying its arrangements are less wealth producing for itself, and for everyone so far as it is wasting resources and people in arrangements not maximally wealth conducive. And I could combine this with an idea from Part 3 of this chapter, below, that wealth is increased by ever enlarging the circle of those included in the best—most wealth producing—deal, recognizing that greater wealth is produced by greater sharing of wealth. And now I can say that the ever expanding circle will have a stake in overcoming the pockets of inefficient wealth generation represented by so-called evil cultures. That is, again, the wealthiest will be able to afford better weapons than the poorer societies and so will prevail over them militarily, eventually absorbing the conquered society and its members into the deal. If this is right, then, again, we have an argument for its being good that armorers sell to whomever can pay, on the assumption that those who can afford the best weapons will prevail, thereby best enlarging the circle.

1. **The Defense Industry and the Rationality of Complying With Its Rules For Good Conduct—Delimiting Permitted Situational Variation in Compliance With Defense Industry Ethics**

We turn now to the question how defense industry practitioners should comport not on the question of to whom to sell their products, but in their day-to-day practices in producing the products. How should the demands of self-interest, normal business ethics, national security, and mindfulness about just and unjust possible uses of defense industry products be balanced out? We will see that the profit motive which justifies selling the best and so most expensive weapons to whomever can afford them rationally justifies constraints on its own expression in the internal affairs of businesses within the industry. This lesson will emerge as we review various positions on which sorts of codes and motives are thought to be appropriate guides to conduct in the industry.

The defense industry is regulated by codes of engineering ethics enjoining the manufacture of quality products honestly represented, business ethics codes enjoining good character, procurement ethics codes requiring that purchases be driven by mission needs and the public good, corporate ethics codes requiring company leadership to try to turn a profit for investors, as well as government legislation forbidding various practices, such as bribery. Further, many players in the industry are informally regulated by what their consciences dictate. But it might be thought that a given player should violate these standards in a given situation if this would most benefit the national interest—for example, if bribing a foreign government official would procure the materials needed for a weapon system that would provide a decisive advantage against an enemy state. Relatedly, and speaking now more to competitiveness in business, while many in the domestic defense industry are disposed to behave with integrity, they must interact with cheaters in foreign countries. Is not it then permissible to cheat in turn in order to level the playing field? (An example would be competing in bribing an official in order to get a foreign government to buy a weapon from your company.) In this section I say the answer is sometimes yes for both sorts of scenario, but surprisingly rarely owing to the fact that both nations and companies may benefit more from its being a known fact that industry players are indisposed to violate policies forbidding such behaviour. Here I apply ideas from the philosopher and decision theorist, David Gauthier, arguing that the actions players rationally should perform are those dictated by the policy it most advantages them to adopt under ideal choice conditions, not the actions most advantaging in a given moment.

Much of the substance of the above codes, laws, and moral principles involves prohibitions against things like using bribery to secure a contract, to get a raw material needed for a product, or to influence the politics of a region in ways advantageous to one’s company or to the company’s sponsoring nation state. Other concerns have to do with keeping business promises, providing the best product for the client, and ensuring that the product is accurately represented.

Some people reason as if these requirements were absolutes; others think the question of what to do can be solved by people simply behaving with integrity in the ways their respective professions demand, e.g., perhaps we should just encourage individual engineers to do the right thing as understood in their profession.[[15]](#footnote-15) Ditto for, say, procurement officers.[[16]](#footnote-16) The idea is that large moral issues will take care of themselves if all parties obey the codes of ethics of their respective technical fields. More generally, it might be thought that morally correct outcomes would come simply from the unswerving application of technocratic and bureaucratic expertise.

Both views seem doubtful to me given the plurality of moral values we have duties to serve, given that the magnitude of our duty to any such value varies from situation to situation, and given the limited purviews of each of the aforementioned norm sources. This becomes evident when we think about what at least some aspects of the defense industry are for, namely, ensuring justice by force; or, more locally, defending the realm, a presumptively just goal (at least if it is a just realm, or a candidate for such). These seem like things than which there could be no more important goal. And this suggests that, if in a given situation these goals would be best achieved by a company’s bribing a potential purchaser, government official, or raw materials supplier, then so be it. This would simply be inducing someone to do right, or at least the bribing would be for a justifying cause.

Likewise, sometimes the foregoing goals might be best achieved precisely by violating codes of engineering ethics requiring the manufacture of good products accurately represented and instead building an inferior product and lying about its quality. Maybe it would be better to build a weapon that will rust out after five years (and maybe better to keep quiet about this fact), for then it would be unlikely to be of use to any unjust enemy who might confiscate it in battle, or buy it on the black market, or to whom it might be sold when they are a good regime, but who it is feared may transform into a bad one. Selling weapons that have a tendency to expire could confine their usability to the situation for which they are ostensibly being purchased. Or maybe the weapons should be able to be turned off by their manufacturer at the behest of the state in which the manufacturer resides, or at the behest of some bigger political body responsible for supervising global conflicts, e.g., the UN. So the correct larger moral positions do not so straightforwardly emerge from such lower level expertise as constitutes the normative part of good engineering, or, indeed, of any other profession. Sometimes correct all-things-considered morality may require violating an individual profession’s ethical code.

Of course, we might amend, for example, engineering ethics codes to require that engineers demand the foregoing conditions on the sale of the weapons they design—the engineers could take themselves to be obliged to so design weapons as to be operable only by those we have reason to think are good guys, for instance. But this would be to intrude global political matters into engineering ethics codes, so that the codes were no longer just about engineering. That might be a good thing (although see the arguments in the first two parts of this chapter), but it would not vindicate the idea that merely obeying codes for technical professions as such will always express all-things-considered moral wisdom.

It might be argued, however, that it is a characteristic of the professions—engineering, medicine, architecture, law—that their practitioners must be well-informed about the state of the world, and must be morally reflective at the highest and most general levels. We see this properly reflected in the codes of ethics in the professions. For example, in engineering ethics codes, the public welfare is the preeminent consideration.[[17]](#footnote-17)

There is something right about this claim. Engineered products are supposed to be safe for the public to use, for example. But there is also something wrong about this idea, as is proved by the fact that we would not think it was decisive on questions like whether we ought to get involved in a given war whether the engineering profession was for or against it. The profession is not expected to have opinions about matters of that level of generality. And to the degree that it does have them—perhaps the members of some engineering society would sign a petition on the matter—this would just be one more opinion in the mix; it would not necessarily be what all things considered ought to be done. More generally, it is not the business of an engineering code of ethics to stipulate whether or under what conditions the code itself should be violated. But there surely are such conditions. And this shows either that such codes are not all-things-considered guides, or that they are unlikely to be guides correct for all circumstances.

There are real world examples of the sometime appropriateness of violating engineering ethics codes from the software and computer hardware engineering professions. Think of the efforts by the U.S.’s National Security Agency (NSA) to make electronics hardware and software that is supposed to be secure in fact non-secure so as to be able to monitor terrorist use of it.[[18]](#footnote-18) I am not sure how this played out, whether by the NSA asking manufacturers to put code on newly manufactured hard-drives allowing the drives to be accessed by others, by the NSA hiring a private company to introduce the code stealthily, or by the NSA doing this itself. In the first two cases, we have the defense industry producing, arguably morally correctly, a bad product, or at least one that will not work as advertised. While in the third case, arguably it was morally better that the industry’s attempts to produce secure products be undermined. Obeying the supposedly absolute correct codes of conduct requiring producing a good product here might have been traitorous or morally evil, since doing so would abet terrorism.[[19]](#footnote-19)

Think, too, of Bernard Williams's famous thought experiment[[20]](#footnote-20): Suppose someone who has just earned his doctorate in chemistry cannot find work, is in ill health, and cannot support his family. But his former doctoral supervisor tells him he can get him a job. Unfortunately, the job is research aimed at making a weapon of mass destruction. The former student, George, objects on moral principle to working towards such a goal. But his supervisor points out that George is not a very good chemist, his involvement would set the project back years, so even as a pacifist he can accept the job in good conscience. This, again, would be a case where arguably someone would be doing right morally precisely by failing the codes and standards presumed to govern the defense industry. And even if one is a good engineer, perhaps one should sometimes sabotage product development, e.g., if the product is likely to be used in evil ways.

Maybe sometimes one should leak to the other side trade secrets about weapons one’s company or nation is developing (thus perhaps contravening a nondisclosure contract, this, again, in violation of a precept of business ethics); for this might be hoped to produce a parity that will yield a standoff and so minimize the likelihood of the harmful use of the weapons. This is what motivated some people to divulge secrets to our enemies in the cold war. And sometimes such logic works directly to our advantage—think of defecting German physicists and Nazi scientists in the Second World War.

A related case of its being arguably appropriate to violate standard business ethics codes is that of the whistleblower, someone who breaks commitments to her company and contravenes supposed best practices because she thinks she has a higher duty to the public welfare. (Edward Snowden is the obvious example, although he may not be a whistle blower proper since he did not stay to face the verdict of the judicial processes designed to adjudicate ostensibly whistleblowing allegations.) True, whistleblowing might not be as good for my point, since arguably the laws enjoining and allowing whistleblowing mandate the overriding of other codes and laws, so that it is really an expression of defense industry rules—at least taken all together—not a violation of them. Still, the sometime rightness of whistleblowing proves the point that right conduct may consist in violating some rule, even if this is still at the behest of some other rule.

I just argued that the correctness of the various codes defense companies operate under should be seen as varying with such exigencies as may arise in the defense of the realm or in implementing justice more broadly; or that, even if they are always the right rules, sometimes it is better to break them—however good the rules there can be exceptions to them. But now let me make the opposing case that one should never violate these rules.

Taking an example from the above list, suppose this one time you would get more money for your company and shareholders in a business venture by bribing an official, perhaps bribing him into doing a morally wrong thing; or that this one time your bribing him would be you inducing him to do the morally right thing, advancing the cause of world peace, say. Why refrain?

There are many already well-known general sorts of reasons. For example, it could be that you thinking it is up to you whether you should obey a code in a given context would make it more likely that you will violate it in a context where it should not be violated; or that it will make others lose confidence that you are likely to make correct choices in the future, this undermining your capacity to have self-advantaging or morally just effects in the future. Or maybe you so behaving will have indirect undermining effects on the likelihood of others behaving in ways advantageous or just. That is, the example of your behavior may induce others into making bad choices, whether because these persons are less morally discerning than you and so you should not set an example to them of autonomous, non-rule-governed decision making, or because you violating the rules will embolden persons less morally scrupled to violate the rules wrongly.

Or maybe we have excellent reason to think that not even you can wisely make these calls; or that the greater wisdom would be to have these things be settled by rules once for all. For often, better outcomes result of people obeying rules of thumb about how best to act than of trying to figure out which action will have the best outcome in each case. This holds when there is not time for research before acting; or when action is required in a time of panic when one would be better served by good habits of choice than by trying to improvise in a panicked state; and sometimes you may have chosen a rule at a moment of calm and wisdom, chosen it precisely to guide you in situations where these virtues were likely to be absent—you made a plan, and the entire point of plans is to provide clarity about what to do unless circumstances have provably changed.[[21]](#footnote-21) Growing out of such reflections we even have act-utilitarian justifications for adopting rules against deciding how to behave by trying to ascertain the consequences of each action—act-utilitarian justifications against making choices the way an act-utilitarian normally would, namely, by calculating the utility of each action. Or think of contractarian justifications for adopting principles constraining one from making self-advantaging, or even prima facie everyone-advantaging, choices in the moment, justifications according to which you being expected to be ruled by the constraint is likely to have better effects than you being free to do what you want in this individual situation.

Of course there may still be temptations. Perhaps the situation is this: domestically you must follow the rules because here we have the rule of law and these regulations on the defense industry advantage all local parties. Meanwhile non-domestically, it is the Wild West—everyone’s cheating all the time. It may then seem that in non-domestic contexts you should do what advantages you even if it violates a rule prevailing domestically.

But even here the truth may be that, if you behave that way non-domestically, you will make it less likely that the region of what counts as domestic will expand—the region regulated by mutually advantageous deals and so featuring reduced externalities.[[22]](#footnote-22) Yet such expansion would be to everyone’s advantage, yours included. Everyone is attracted to the above codes of conduct provided they are at least as likely to rule the behaviors of others as of themselves. So you should exemplify the change you want to see in the world. At the very least we have here an argument for you following the famous tit-for-tat strategy: be decent in your first interaction with someone, then copy what they do. If they are morally educable, they will follow your good example. If they aren’t and they cheat, cheat back until they stop cheating. Under conditions where there are more honest people, as there typically are at the interface between home and abroad, this behavior will reduce the number of cheaters even further, because they will get out-competed by those who can trust each other in co-operative enterprises.

Meanwhile, it is widely agreed that the world as a whole is better off without corruption than with, and that on the whole companies do less well if they bribe. And yet individuals in companies might in the short-term be tempted. What could explain this? And what can stop them from thinking this way? George Ainslie suggests that temporally near but inferior options can look better than temporally far but superior options by the obscuring proximity of the former, much as a short building seen close up can look taller than a tall building seen in the distance.[[23]](#footnote-23) So maybe we need to put the long run more fully in view.

But I suggest an additional strategy: we should teach as part of corporate culture that rationality and rational self-interest are not constituted of choosing the most advantageous action, but of choosing the action dictated by the most advantaging policy, which, of course, will forbid bribing. The idea is to recognize that individual company member rationality is really expressed by complying with the principles that on the whole it benefits one’s company to be known for following.

Bribery is known to be bad for the systems in which it occurs, since it in effect imposes costs on goods and services without returning extra benefits.[[24]](#footnote-24) It is bad for companies as measured by their balance sheets, bad for individuals in companies as beneficiaries of success in companies, bad for countries as measured by the efficiency of their governments and by the quality of the lives of their citizens. Why then does it exist? The standard answer is because an individual act of bribery can be to the immediate advantage of the immediate participants, as, for instance, where the participants can maneuver in secret. And the standard responses to this are to set up a system of monitoring and punishments and to have company leaders model good character in hopes of providing a compelling example to subordinates.

I suggest, however, that we need a further element in explaining the temptation to bribe, and that this element gives us more options in providing an antidote to the problem. First, the advantage to an individual of a given act of bribery can explain its occurrence only if the advantageousness of an action is motivating of an individual, which it will tend to be only if the pursuit of advantage action by action is perceived by them as rational. And here philosophers have something to say. In many situations the truth is that, while if an individual bribes, they will benefit from the act of bribing, had they a character that would indispose them to bribing they would benefit even more, since this character trait would attract other opportunities for profit, attract business dealings from those who demand trustworthiness, for example. And this raises the general question whether it is more rational to perform individually advantaging actions, or to do the actions required by individually advantaging character traits.

The philosopher/decision theorist, David Gauthier has an answer: the correct theory of rationality is the one most to your advantage to follow. The one most to your advantage to follow is the one that recommends you to have the character of a trustworthy person, because this will attract more business opportunities, each one profitable. One might think that the character most advantageous to have will change over one’s life. E.g., being trustworthy and known to be trustworthy might be to your advantage when exchanging promises of mutually beneficial behavior with other persons, but disadvantageous when it comes time to fulfill your part of the promise. If only you had a more scurrilous character at that moment you could do even better, benefitting from the other person fulfilling her promise to you while you get the additional benefit of breaking your promise to her. This represents business relations as Prisoners’ Dilemmas: all parties are better off if all keep promises not to cheat, but each party does better still by cheating where possible whether or not others cheat. But of course if you are known to be likely to think that way no one will make sincere promises to you. Therefore if you are to attract advantaging promises from others, it must be that the way you choose your character is once and for all, as if at the beginning of your life; for then you will not alter your character when it would be to your advantage to break a promise, provided the promise has the following properties: it is one you would not have been in a position to break had you not first been the kind of person who would not break it, and so who could attract promise-making from others. But since the correct theory of rationality, arguably, is the one that would afford you entry into the most advantageous arrangements in your life, and since the theory that you should choose the actions dictated by the characters you would find most advantageous to choose as if from the beginning of your life forever is the correct theory, and since the main such character trait in question would be that of a promise-keeper, it must be that what it is truly rational for you to do is to keep such promises. With this argument, Gauthier justifies what he calls constrained maximizing behavior, behavior constrained from seeking immediate advantage, and instead seeking to express dispositions advantageous to have, this supporting the idea of cooperating in the keeping of agreements in Prisoners’ Dilemmas.[[25]](#footnote-25) The same rationale justifies not only promise-keeping, but also not bribing, being honest, building good products, and all the rest of the things in the usual codes, laws, and dicta of conscience. For all of these sorts of actions express characteristics in you essential to magnetizing other persons into profitable relations with you. Or at least these characteristics are essential to that enterprise provided you having them is something about which people can have evidence before putting themselves in a position to have to trust you. Gauthier assumed this was at least in some degree true. And each of us has reason to take steps to make it impossible for us to cheat, thence to make others more comfortable in trusting us.

There are broadly three ways to do this. First, arrange for transparency in contracting, financial transactions, and so on. One problem with this is that there will be the temptation to cheat by seeming transparent but having real maneuvers be in secret. A solution to this problem, a solution that also constitutes a second possible way to make cheating impossible, is to make the penalties for discovered cheating spectacularly high, so that when individuals do the risk reward calculation, they cannot help but chose the path of honesty. A problem with this is that the people most likely to cheat, those with a psychopathic confidence in their ability to elude detection and punishment, will be unaffected by such threats. Further, the higher the proposed penalty, the more difficult we will find it to make ourselves impose it, since the penalty will seem to vastly exceed the crime. Moreover, the worse the penalty people face, the more they are incentivized to take extreme measures to hide their violations. Additionally, the costs of constantly monitoring for and punishing cheating are high, as are the costs of having to refuse to do business in situations where policing would be difficult.

A third proposal to guarantee there will be no cheating is the one in effect offered by Gauthier: instead of having an enforcement scheme against cheating, put your effort into hiring people whose character indisposes them to cheating, and into inculcating the above theory of rationality according to which an action is rational if it expresses a disposition the cultivation of which is advantaging (e.g., dispositions against cheating), not if the action itself is advantaging (e.g., the actions of breaking rules in secret). And then do business only with businesses and cultures with similar policies. One effect of this would be incentivizing other businesses and cultures into similar attitudes and practices in order to attract your business. Another would be the extension of the possibility of doing business into situations where policing is difficult, but where mutual trust would make it unnecessary. In general, then, if only the above theory of rationality were more widely taught we would have less bribery, and less of the various other sorts of practices in business generally thought to be unethical. This suggests inducing a level of philosophical reflection about the nature of rationality into corporate culture.

The issue here is whether it can be rational to make and keep a promise not to bribe when there is little possibility of enforcement.[[26]](#footnote-26) Gauthier says it can be rational. And this is a different way of addressing the temptation to cheat: there is such a temptation only if cheating would be rational, that is, only if it is not rationally obligatory to make and keep promises not to cheat in non-enforceable scenarios. Of course, Gauthier merely pushes the enforcement problem back onto the detection of sincerity in promises not to cheat, and on to the identification of persons as rational in his sense, or, at any rate, disposed to do what Gauthier says is rational, perhaps from their character: how can we tell who is like this? Psychological expertise may have promise here, as might lie detectors; and as would only hiring people who proved themselves trustworthy when they did not know they were being monitored for trustworthiness.

What is the takeaway for policy on defense industry regulation? I suggest the foregoing implies that governments should expend more effort and supervision on the hiring and training practices of companies, and therefore on corporate culture, than on policing corporate transactions. The better way to regulate is to demand that companies hire for character, or train the above theory of rationality and test for its uptake, or both, and then release people into situations where, while it is difficult to monitor them, they are unlikely to cheat given their predispositions and training. Likewise, it should expend effort on researching and encouraging similar practices in countries and businesses with which its business are likely to want to do business, making its results available to all parties. Of course this is already a practice—governments create corruption indexes, for example, and restrict with whom companies can do business. In this respect, the practical policy issue is only one of emphasis, and of giving more credence to policy options sometimes thought to be implausible.

I have given examples of cases where it would seem good to break the rules that normally regulate the defense industry. I have also given arguments for why this should not happen very much. But what rule should you use to decide whether to violate the normal rules in a given case?

The answer comes from the fact that every participant in the defense industry is animated by the aim to make a better life for themselves however they define its being better—some might define it altruistically, others, not. This is true of the participants of all industries, and, for that matter, of all participants in any economic activity whatever. And each participant in any system of economic activity gets more advantage the bigger the system of which she is a part. For that means more trade, fewer costly externalities (in the form of people from outside the system trying to steal from or disrupt the system), and so more profit. But that means each participant should always be aiming to expand the circle, to attract more and more people into arrangements regulated by a deal for mutual advantage. And people are attracted to people, businesses, and countries of good character, and so on up to the largest possible units of social and economic interaction, because they can trust them to do what they say and to share profits.

And this, finally, tells us the right principle, again, applying Gauthier’s insight: Gauthier says a choice is rational if dictated by the character or policy by which it is best to be ruled considering the effects on others of one’s being known to be disposed to follow it no matter what from the beginning of one’s life. And here, one would do best to follow a meta-rule that says to follow the sub-rules governing the industry provided that by doing so, one does not commit or permit a larger harm to the values in play. It is the latter clause that affords exceptions to the standard codes, but it is the benefit one reaps from the effects on other persons of one’s being disposed to follow the standard codes that makes the justified exceptions rare. In practice that means you should obey the rules when obeying them expands the circle (for you, your company, your country, your civilization). But you should break them when this is necessary to protect the expansion of the circle. So you get to cheat cheaters who cannot be attracted into the principles inside the circle and whose cheating obstructs the circle’s expanding; and you get to bribe those who cannot be attracted into the principles of the circle and who would otherwise obstruct its expansion; and likewise for other sorts of business vice.[[27]](#footnote-27)

**Conclusion**

Summarizing, I have argued that immoral, amoral, and non-moral motivations, things like the pure profit motive—which many would see as a psychopathic motivation in the defense industry—can afford solutions to moral problems not solvable by those with ordinarily laudable moral motives. These problems include how to attain utilitarian results without the loss in utility of a pained conscience, how to allow the expression of different good but conflicting values in the moral division of labor, how to resolve conflicts between peoples where there are no clear moral signals about who should prevail in the conflicts, and how to resolve coordination problems in constructing social arrangements. I suggested that people with such motivations in the defense industry can have this effect by selling the best and so most expensive weapons to whomever can afford them. Indeed, I suggested that, since being able to afford the best weapons is evidence of being a better culture, selling such weapons to those who can afford them has the effect of advancing the best cultures over less just cultures.

Apparently, then, there is moral usefulness in having the defense industry be motivated in the large by what may seem to be a psychopathic willingness to make profit by selling the best weapons to whomever can afford them. But there remained the question of what ethical principles ought to guide individual industry players in their daily activities as they contend with the normal expectations we have of business participants and profession members as such, national security issues, and issues of justice more broadly. In this connection, I first argued that business ethics and professional ethics codes are not comprehensive enough to elucidate moral conduct in the defense industry in all situations—there are exceptions to those rules. Second, I offered a more general rule which explains when to violate the former rules and when to stand by them: you should obey them unless violating them would expand the circle of people included in the best total deal for everyone. Third, I offered a theory of rationality according to which obeying this principle is rational (a theory that should appeal even to those motivated purely by self-interest), and suggested that this theory should be taught to defense industry personnel: what makes an action rational is not that it is advantaging, but that it expresses a disposition advantaging to have. That will be a disposition of fidelity to business and professional ethics codes, but modulated by the foregoing principle.

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1. *See generally* Bernard Williams, *Integrity*, *in* J.J.C. Smart & Bernard 108 Williams, Utilitarianism: For and Against (1973). [↑](#footnote-ref-1)
2. *See generally* Gregory Kavka, *Some Paradoxes of Deterrence*, 75 J. Phil. 285 (1978); Duncan MacIntosh, *Retaliation Rationalized: Gauthier’s Solution to the Deterrence Dilemma*, 72 Pac. Phil. Q. 9 (1991). [↑](#footnote-ref-2)
3. *See also* Lawrence Alexander, *The Doomsday Machine: Proportionality, Punishment and Prevention*, 63 Monist 199 (1980). [↑](#footnote-ref-3)
4. *See* Duncan MacIntosh, *Buridan and the Circumstances of Justice (On the Implications of the Rational Unsolvability of Certain Co-Ordination Problems)*, 73 Pac. Phil. Q. 150 (1992). About this specific example, one might be inclined to say that the problem is not that we have two altruists, but that we have two people who are excessively polite. Maybe so. But the point is that the solution to the problem the agents face requires that at least one of them not be so self-effacing. That is, sometimes putting others first is unhelpful. [↑](#footnote-ref-4)
5. My thanks to Scott Edgar for this concern. [↑](#footnote-ref-5)
6. Here is another possibility: maybe we can represent the person proposing the insertion of the psychopath as someone engaged in the design of morality and represent him as therefore standing outside of morality, exempting him from criticism (or at least exempting him from criticism in the terms of the system he is designing). There may be an analogy here with the Löwenheim-Skolem theorem and with the idea that no set of rules for a system can include rules governing its own rules—all systems of norms, whether moral or mathematical, are necessarily non-self-referring, so that no one system can contain all norms. Another possibility here is that we are in the odd position of a moral theory telling us what would be ideal in a scenario but failing to issue moral advice. Some morally salutary outcomes are not such that they can be arranged for; rather, they can come about only by happy accident. In this case, no one is told by the theory to act as a psychopath, nor to arrange for there to be a psychopath. Nor does the theory say that anyone would be praiseworthy for acting as a psychopath or for arranging for there to be a psychopath. At most the theory is saying that we should sometimes feel a bizarre form of gratitude for the presence and actions of such creatures. But of course even this is problematic, since normally, morally required or endorsed attitudes are expected to entrain certain actions; and this is in part why the attitudes are valued. In the present case, however, it appears that the permitted or required attitude is to be one entirely not action-guiding.

   A related issue was raised for me by Michael Davis, who asks whether we are morally obliged to prosecute the psychopath. After all, if we do not prosecute him, we are complicit in his immorality and so he hasn’t really saved us from it. If we do prosecute him, we are rejecting that he has somehow brought about a morally better state of affairs. My reply would be that we should prosecute him. After all, if we do not, we are complicit. And if we do, all we are doing is punishing a wrongdoer. And there is nothing wrong with that. So on this question, the theory I have proposed does offer a clean guide to action. [↑](#footnote-ref-6)
7. This is a line from the Patrick Swayze movie, Roadhouse (MGM 1989). [↑](#footnote-ref-7)
8. *See generally* Edmund F. Byrne, *Assessing Arms Makers’ Corporate Social Responsibility*, 74 J. Bus. Ethics 201 (2007); Gavin Maitland, *The Ethics of the International Arms Trade*, 7 Bus. Ethics 200 (1998). [↑](#footnote-ref-8)
9. Many of the conflicts in the Middle East seem like this. [↑](#footnote-ref-9)
10. *See generally* Thomas Nagel, *Moral Luck*, *in* Thomas Nagel, Mortal Questions (1979) (providing the classic treatment of this concept). [↑](#footnote-ref-10)
11. Such resources are sometimes a mixed blessing, posing the risk of the so-called “Dutch Disease”, where the resource sectors in a country strengthen at the expense of other aspects of the country’s economy. For a quick overview of this phenomenon and how countries can deal with it, see Tejvan Pettinger, *Dutch Disease*, Econ. Help (Nov. 15, 2017), <https://www>.economicshelp.org/blog/11977/oil/dutch-disease/. [↑](#footnote-ref-11)
12. Of course it is possible to resist the idea of moral luck—maybe the lucky and unlucky drunks should get the same sentences. And so it is possible to resist the application of the concept to conflicts between cultures and nations—maybe greater success in various dimensions does not entail moral superiority or rights to greater sorts of influence. I suspect, however, that it is easier to resist the idea of moral luck for personal morality than for the ethics of relations between nations. It is just very hard to argue with thriving and influence as measures of goodness in cultures. [↑](#footnote-ref-12)
13. Defining “eventually” here is, of course difficult, and this will need more attention in order to satisfactorily operationalize my claim, something I am not sure how to do. [↑](#footnote-ref-13)
14. Thanks to Bill Barthelemy and Sheldon Wein for some of the concerns in this paragraph. [↑](#footnote-ref-14)
15. *See* Michael Davis, Address at the University of Pennsylvania Law School’s Center for Ethics and the Rule of Law’s Ethical Issues in the Global Defense Industry Conference: Ethical Issues in the Global Arms Industry: A Role for Engineers (Apr. 15, 2015). [↑](#footnote-ref-15)
16. *See* Kevin Govern, Address at the University of Pennsylvania Law School’s Center for Ethics and the Rule of Law’s Ethical Issues in the Global Defense Industry Conference: Acting Astutely in Government Acquisition: Procurement Integrity, Corporate Ethics and Avoiding Fraud in Logistics (Apr. 16, 2015). [↑](#footnote-ref-16)
17. Michael Davis made this point to me in a conversation. [↑](#footnote-ref-17)
18. Scott Shane & Nicole Perlroth, *Legislation Seeks to Bar N.S.A. Tactic in Encryption*, N.Y. Times (Sept. 6, 2013), <https://www>.nytimes.com/2013/09/07/us/politics/legislation-seeks-to-bar-nsa-tactic-in-encryption.ht ml. [↑](#footnote-ref-18)
19. A natural question here is this: when a U.S. electronics company makes a product for public purchase and the NSA insists on a modification to make it serviceable for its purposes, who is the customer? If the customer is really, or in part, the NSA, then arguably the modification is, insofar, a feature, not a bug. That is, from the NSA’s point of view, the manufacturer is not failing to make a good product. Other end users might of course have a different point of view. [↑](#footnote-ref-19)
20. *See generally* Williams, *supra* note 1. [↑](#footnote-ref-20)
21. *See, e.g.*, Michael Bratman, Intention, Plans and Practical Reason (1987) (providing the classic discussion of this subject). [↑](#footnote-ref-21)
22. Here I use “externality” to mean anything outside a deal that interferes with the operation of the deal. [↑](#footnote-ref-22)
23. *See generally* George Ainslie, Breakdown of the Will (2001). [↑](#footnote-ref-23)
24. *See generally* Philip M. Nichols, *The Business Case for Complying with Bribery Laws* 49 Am. Bus. L.J. 325 (2012). [↑](#footnote-ref-24)
25. This argument moves beyond even Gauthier’s most recent work in the rationale it affords for adopting and keeping to a certain character. It represents my attempt to solve what I have called “the Reversion Problem” in Gauthier’s terms, using some ideas developed by Preston Greene. *See* Preston Greene, Rationality and Success (Oct. 2013) (unpublished Ph.D. dissertation, Rutgers University). The details need not concern us here. *But* *see* Duncan MacIntosh, *Assuring, Threatening, a Fully Maximizing Theory of Practical Rationality, and the Practical Duties of Agents*, 123 Ethics 625 (2013). *See also* Duncan MacIntosh, Comment to *Ethics Discussions at PEA Soup: David Gauthier’s Twenty-Five On*, Pea Soup (Jul. 19, 2013, 7:04 PM), http://peasoup.typepad.com/peasoup/2013/07/ethics-discussions-at-pea-soup-david-gauthiers-twenty-five-o n-with-precis-by-dimock-1.html; David Gauthier, Comment to *Ethics Discussions at PEA Soup: David Gauthier’s Twenty-Five On*, Pea Soup (Jul. 24, 2013 6:08 PM), http://peasoup.typepad.com/pea soup/2013/07/ethics-discussions-at-pea-soup-david-gauthiers-twenty-five-on-with-precis-by-dimock-1.htm l. [↑](#footnote-ref-25)
26. In decision theory, such situations are called One-Shot Prisoners’ Dilemmas, situations where there are no reputational consequences for cheating, contrasted with so-called Iterated Prisoners’ Dilemmas, where you can be punished for cheating in future interactions, and so threatened into not cheating in this one. Gauthier purports to have solved the One-Shot version, even for agents who chose purely by rational self-interest: he claims that rationally self-interested choice consists in choosing from dispositions self-advantaging to adopt, not in choosing actions directly self-advantaging to do. [↑](#footnote-ref-26)
27. The rationale for deviating from standard defense industry ethical norms as outlined above would not justify, for example, two otherwise virtuous American companies in trying to compete against each other by bribery. But it might justify an industry-wide practice of sometimes engaging in what would otherwise count as corrupt practices in dealing with corrupt regimes, provided that the actions are likely to expand the circle.

    A further question is, to whom should all of this advice be given? For example, should we construe it as advice to legislators and law enforcement, advice to the effect that you should not penalize too much otherwise non-corrupt companies for engaging in small corruptions in dealing with corrupt regimes where this is likely to reduce corruption overall and expand the circle of those participating in good business practices? I think this question needs more reflection. A further possibility worth considering is having a government organization which could be authorized to give permissions to companies to bribe upon a successful application demonstrating that, in the instance in question, bribing would have good overall effects. [↑](#footnote-ref-27)