

Moral Responsibility in a Time of War

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Introduction

ON A DAILY BASIS, MOST OF US MAKE ETHICAL¹ JUDGMENTS ALL THE TIME IN RELATION to private action. We make moral judgments about individuals who murder, cheat, lie, and steal. We expect that individuals will act on “universal” principles in their treatment of others independent of race, gender, sexuality, and class. At the national level, appeals to the public good and the responsibilities and duties of public office are also based on ethical judgments.

I am concerned with levels of moral responsibility and accountability. In large bureaucracies (corporations, governments, and universities), it is often difficult to attribute moral responsibility to anyone. Dennis Thompson calls this the problem of “many hands.” When an action of the government causes harm to innocents, it is often difficult to trace the “fingerprints of responsibility” to individual actors. There is a tendency to deny the responsibility of an individual person, instead attributing blame abstractly to “the system,” the government, or “the state.” Citizens often feel unable to connect criticisms of the government with the actions of individuals inside the structures of the state (Thompson, 1987: 5–6).

The decisions leading to the war and occupation of Iraq were ultimately made at the highest levels of the U.S. and British governments. Legal and moral responsibility lies with the president, prime minister, and their cabinets, since hierarchical responsibility does coincide with moral responsibility. Yet, can an ethical analysis of the war stop with the actions of the president, prime minister, and their principal advisers? Should others in the government also be held to standards of moral accountability?

The actions of Colin Powell are examined in depth because of his position as secretary of state. From an ethical point of view, should he have acted differently? If he objected, for example, to U.S. policy in Guantanamo Bay and Abu Ghraib, should he have resigned? Some argue in Powell’s defense, believing that he did the right thing by fighting within the administration to correct certain ethically troublesome policies. Yet, for many other observers, it was painful to watch

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former Secretary Powell appear to sacrifice his moral principles with his strident public campaigning for the war. Did his failure to resign give the green light to the administration to continue questionable ethical policies?

These issues go beyond the Office of the Secretary of State. What is the moral responsibility of others in the U.S. and British governments? If an individual believes that the U.S. or British government violated basic norms of morality and justice, what is he or she to do? If the individual's voice is ignored inside the government, does this person have an ethical duty to resign?

In Britain, taking moral responsibility often means resigning from office in protest of policies the official finds ethically dubious. In the British parliamentary system, ministers have more political independence from the executive branch than their counterparts do in the United States. The list of British government leaders who resigned from office to protest Tony Blair's decision to align with the U.S. and invade Iraq is impressive, including the following: Bob Blizzard, Anne Campbell, Robin Cook, John Denham, Michael Jabez Foster, Lord Hunt, Ken Purchase, Andy Reed, Carne Ross, Clare Short, and Elizabeth Wilmshurst.

In the United States, however, accepting moral responsibility for U.S. foreign policy decisions has, for the most part, not included resignation. In the entire history of the United States, only two secretaries of state, Williams Jennings Bryan and Cyrus Vance, have resigned for ethical reasons. Certain individuals in the U.S. Foreign Service, however, did resign over Iraq, including career diplomats John H. Brown, John Brady Kiesling, and Mary Ann Wright. Were these officials correct in their actions? Or, were these flamboyant resignations examples of "moral self-indulgence," i.e., an effort to appear as a "moral" person and keep one's hands clean no matter what happens to the rest of society (Williams, 1981: 44–45)? Would it have been better for these diplomats to work from the inside and fight for their moral beliefs within the government? Is this more effective than resignation?

The occupation of Iraq submerged the America people into an ethical morass that led many to conclude, on the basis of two overriding factors, that this was not a "just war." First, the United Nations system for peace established after World War II banned aggressive war. No nation can attack another nation unless they have been attacked or they are faced with an "imminent threat." Former CIA Director George Tenet has made it clear that intelligence analysts "never said there was an imminent threat" (CBS, 2004). The "Downing Street Memo,"² combined with the "Butler Report," the official British inquiry into the use of intelligence on Iraq's weapons of mass destruction (WMDs),³ document that by the late 1990s and into 2002, it had become crystal clear to most experts that Iraq was not rearming and that the policy of containment was working. There was nothing in this intelligence to suggest that Saddam Hussein was either engaged in a successful rearmament effort or intended to attack Iraq's neighbors, Britain, or the United States. As a result, many American citizens felt that the legal and moral justification for the U.S. invasion of Iraq weathered on the vine.⁴ Second, the foundational principles of international human

rights law include the prohibition against torture and arbitrary arrest.⁵ The images of Abu Ghraib and Guantanamo seemed to announce to the world that the United States no longer considered these human rights to be sacrosanct. The intentional humiliation and torture at Abu Ghraib, combined with the large numbers of people held at Guantanamo for years with no access to attorneys, with no charges filed and no access to families, led many in the U.S. Foreign Service to conclude that U.S. actions were unethical and in violation of the minimal standards of decency codified in U.S. and international law.⁶

Weisband and Franck (1975: 3) define “ethical autonomy” as “the willingness to assert one’s own principled judgment, even if that entails violating rules, values, or perceptions of the organization, peer group, or team.” Moral “responsibility” can be defined as the assertion of one’s ethical autonomy. Is it possible to be ethically autonomous in the government? How does one resist “groupthink”?

This article explores whether ethical theory is helpful in sorting out the degrees of moral responsibility that public officials bear for the government’s actions in a time of war. Do the leading ethical theories help us to better understand individual and collective responsibility?

Ethical Realism?

Ethics, also known as moral philosophy, attempts to distinguish between right and wrong behavior. Ethical theories have been applied to war and violence with “just war” theories influencing policymakers. However, the intellectual framework used by the overwhelming majority of the world’s foreign policy decision-makers is an “amoral” calculation of what action best serves the “national interest.” The first-rate foreign policy expert will give absolute priority to the interests of his or her nation, which often means neglecting and opposing the material interests of those outside this partial community. Through this lens, policy options pose few moral dilemmas, as these decisions are merely practical solutions to real-world problems. Some who call themselves “political realists” share such a view of the separation of ethics from politics.

To a classical political realist, history demonstrates that states must focus on power and wealth to survive in the international system. Morality has a limited role to play in this anarchical, dangerous world. Since the time of Thucydides in ancient Greece, states have consistently chosen power over negotiated diplomatic agreements, with the “logic of fear and escalation” always pushing out the “logic of moderation and peaceful diplomacy.” This overriding priority of “national security” means that ethics plays an extremely circumscribed role in the deliberations of states. Many realists argue that in international politics “only the weak resort to moral argument” (Smith, 1986: 6–7).

Many powerful officials in the U.S. government have stated strongly that, in their view, moral considerations have no place in politics. For example, Dean Acheson, former secretary of state under President Harry Truman, was asked by President

Kennedy in 1962 to serve on the Executive Committee to advise the president on an appropriate response to the Cuban missile crisis. Acheson later wrote that during these discussions, when the lives of millions of people were in danger, “those involved...will remember the irrelevance of the supposed moral considerations brought out in the discussions...moral talk did not bear on the problem” (Acheson, 1971; Coady, 1993: 373). Realist counsel has traditionally excluded morality from foreign policy and instead focused solely on the “national interest.”

Yet, this does not mean that no ethics apply to statecraft. Rather, a difference is accepted in the morals that apply to individuals versus those that apply to the state. An individual can base his or her conduct on principles such as honesty and nonviolence. In contrast, the state must protect its position of “power” in the international system. This means that the state should not engage in ideological crusades for democracy and freedom that could dilute its power. Yet key “realist” virtues enhance the state’s power position and thus must be embraced. These ethical norms are said to include prudence, humility, study, responsibility, and patriotism. Such an approach allows leaders to conduct a responsible and tough defense of the national interest, but still show respect for others. The claim made for the cosmopolitan significance of this realist approach has been named “ethical realism.” “Ethical realism,” according to Lieven and Hulsman (2006: 62–83), “is therefore of universal and eternal value for the conduct of international affairs, and especially useful as a guiding philosophy for the United States and its war on terror.”

As a representative of the community overall, the government official has a primary obligation to the national interest, and, in particular, the security and integrity of the state. The ethics of “humility” and “prudence” can help to protect the security of the state. However, the necessities of national existence cannot be sorted out through an ethical lens of right and wrong conduct. Effective statecraft demands that officials act to protect the whole, even if individual and collective moral principles are sacrificed. The government official must protect the interests of the community above all else. As a result, according to international relations theorist Hans Morgenthau (1979: 13), there is a “difference in the moral principles that apply to the private citizen in his relations with other private citizens and to the public figure in dealing with other public figures.” Many of these “political realists” and/or “ethical realists” seem to embrace Machiavelli’s division of morality between the public and private worlds.

Machiavelli: Two Moralities

Machiavelli’s influence cannot be exaggerated and his impact on leaders continues unabated into the 21st century. Machiavelli argued that since the state represented the highest form of social existence attainable by humanity, it must be protected at all cost. He thus sought to refine the political methods necessary to protect the state, independent of personal morality. In fact, such methods may be morally detestable to one’s personal code of ethics. A politician cannot afford

the luxury of living a morally pure life, an option perhaps open for private citizens or isolated philosophers (such as Socrates). But if you make yourself responsible for the welfare of others, Machiavelli believed that you had a moral duty to take actions that will provide them with protection. There are thus two moralities—one for the public world and the other for the private world. In this interpretation, he is not arguing against morality in public life, but rather two alternative ethical frameworks, two conflicting systems of values, between the public and private realms (Berlin, 1971).

The well-being of the state is much more important than the well-being of the individual. From this perspective, immoral actions (killing of innocents, terror, torture, and so on) are permitted in the pursuit of a society's basic interests. In exceptional circumstances, such acts may be acceptable and necessary to protect the state. There is no moral conflict here.

Think of this as "Man of La Mancha" ethics: "To be willing to march into Hell for a heavenly cause." The "heavenly" cause is the security of the state. There is no higher ethic. Set personal morality aside and act with dispatch to protect the state. These are the necessities of politics. It is unfortunately "necessary" to have what modern philosophers call "dirty hands" to carry out the responsibilities of statecraft. To survive in our turbulent and anarchic world, and protect our economic viability, political independence, and geographical borders, it is necessary to set aside traditional morality, and when needed, to lie, cheat, spy, murder, torture, and commit other cruelties. The practice of politics seems to require the violation of key personal moral standards. Machiavelli believed, for example, that cruelty could be "well employed" and that "evil" acts were permissible if they were done for "the necessity of self-preservation" (Machiavelli, 1992: 23).

The clearest interpretation of Machiavelli is that he is arguing only that it is "sometimes" necessary to override ethical standards (Berlin, 1971). However, the idea that it is "sometimes" necessary to set aside "ordinary" morality establishes a separate standard for the state as opposed to the individual. Politicians, community leaders, and activists who deserve our moral scrutiny are instead viewed as participating in a particular role where there is a need for "dirty hands" (Rynard and Shugarman, 2000).

For Machiavelli, the ends do justify the means; immoral behavior may be required to achieve moral ends. The key issue becomes one of pragmatism and efficiency, e.g., are the means effective or not? Public policy is seen as a tremendous responsibility with a politician's actions potentially affecting the lives of many. There are obligations and duties that flow from the acceptance of this role. One must be ruthless in the pursuit of the objectives of the state. To refuse to use all methods at one's disposal, including dishonesty and cunning, is to betray those who put their trust in you to represent their interests. If there is a morality in politics, it is a consequentialist ethic, with success measured by power, prestige, prosperity, and security for the individual state (Hampshire, 1978: 49–50).

Some realists argue that survival in a wicked and corrupt world depends upon the willingness to use immoral means. Clearly, the taking of innocent lives through the waging of aggressive war is perhaps the most momentous example of “dirty hands” in the real world. “Just war” theory is an attempt to put limits on the government’s legitimate use of violence as an instrument of foreign policy. Yet, all interpretations of just war theory recognize the *injustice* of war itself.

The Neoconservative Foreign Policy of the Bush Administration

The administration of George W. Bush, however, distinguished itself from traditional political realists through its forceful promotion of a “neoconservative” foreign policy agenda. These policies are based on the premise that national security is attained through democracy promotion abroad and, in certain cases, the use of unilateral military intervention to fight terrorists and support freedom. Neoconservative activists were critical of the presidencies of George H.W. Bush and Bill Clinton for lacking both moral clarity and the conviction to unilaterally act to pursue U.S. national interests. The “Bush Doctrine,” adopted after September 11, 2001, embraced these central ideas of the neoconservative movement. The George W. Bush administration endorsed the idea of unilateral preemptive military action against the threat of terrorism, and declared that the United States “will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equaling, the power of the United States.”⁷ Neoconservatives applauded this policy change and urged the United States to embrace its new imperial role.

The invasion and occupation of Iraq was thus justified not only on grounds of political realism, but also through the ethics of a neoconservative crusade. In fact, the realist fears of the dangers of overextension, and subsequent insolvency, through global campaigns for freedom and democracy were set aside. Instead, Iraq became the great “evil,” with Saddam Hussein the new Hitler (or Stalin). Diplomacy and sanctions to contain Hussein were said to be not only ineffectual, but forms of appeasement. Harsh and brutal military force was thus seen as necessary to confront this evil and create an opening for a free and democratic Iraq and Middle East.

Since 2003, there has been wide discussion of the neoconservatives in the administration as protégés of the late University of Chicago philosopher Leo Strauss. A key component of Straussian political philosophy is the notion that lies are necessary to the smooth functioning of society and the triumph of one’s own nation in war. This idea of the “noble lie,” originated by Plato, emphasizes that due to the high levels of selfishness and individualism in open societies, it is essential for elites to create “myths” to hold those societies together. Leaders often find it useful, for example, to inflate the dangers of the “enemy” to unite the country behind foreign policy initiatives. Some observers, for example, felt that the exaggeration of the Soviet threat during the Cold War served this function. Overstating the danger of the threat coming from Saddam Hussein’s WMDs, and linking his regime to al

Qaeda, thus served a useful purpose to the neoconservatives. These actions (noble lies?) allowed the Bush administration to mobilize the country for war and pursue a global strategy of empire building and “democracy” promotion. The neoconservatives viewed such exaggerations (lies?) as virtuous since the country was engaged in a global fight involving a higher morality of good versus evil.

The Bush administration considered its action’s in Iraq to be moral because they were based on a (neoconservative) calculation of what is best for the long-term interests of the United States. It justified its actions in the “war on terrorism” through this utilitarian framework. For example, Amnesty International, the Red Cross, and many other human rights organizations documented evidence of torture and widespread cruel, inhumane, and degrading treatment by the United States at the Guantanamo Bay detention camp. The administration’s response was to consistently attack the organizations and individuals who raised these issues. Vice President Dick Cheney said that he was “offended” by those who criticized the U.S. and declared: “Just in this administration, we’ve liberated 50 million people from the Taliban in Afghanistan and from Saddam Hussein in Iraq, two terribly repressive regimes that slaughtered hundreds of thousands of their own people” (CNN, 2005). The U.S. has learned how “not to be good” in order to bring liberty and freedom to the world.

In this justification of U.S. policies in the Iraq War, the Bush administration asserted this position of moral clarity to justify its harsh policies. Michael Walzer, perhaps the world’s leading thinker on just war theory, notes the difference between a “justification” (like Cheney’s) and an “excuse.” The latter is typically an admission of fault, whereas the former is not (Walzer, 1973: 170). To the utilitarian who only sees the usefulness of his or her actions, feelings of guilt and fault will not apply. Laws and norms are set aside and annulled for a higher purpose. Why would an individual feel guilty, “when he has no reason for believing that he *is* guilty?” (*Ibid.*: 172). And this remained the public position of the Bush administration. Mistakes may have been made in the execution of the war policies in Iraq, but overall, according to the Bush administration, the cause is just and U.S. actions have moral integrity.

One does not get a sense that the members of the Bush foreign policy team were ever morally troubled by their decisions. Their almost religious certitude that these policies were correct is the opposite of the soul-searching politician Walzer promotes. Walzer calls on our leaders to be deeply reflective of some very high standards of decency before embarking on a “just war.” For example, Walzer argues that a “politician with dirty hands needs to have a soul, and it is best for us all if he has some hope of personal salvation, however that is conceived” (*Ibid.*: 178).⁸

Consequentialist and Deontological Ethics

A basic division in ethics is between consequentialist and deontological theories. Consequentialist theories focus on the goodness of results; it is the ultimate

outcome that is of overriding moral importance. For example, the reason it is wrong to torture is not because the act of torture is morally reprehensible, but because a world in which people engage in torture is worse than a world in which they do not. Or, with preventive war, a consequentialist might reason that it is wrong to practice preventive war because a world in which all nations engaged in such actions is worse than a world in which they do not. Morality is determined by outcomes and not by means. Utilitarianism, the most influential consequentialist theory, is based on the premise that right action is that which produces the greatest happiness or utility. To a utilitarian, the moral worth of an action is thereby determined by its contribution to overall utility.⁹

An alternative ethical approach is that of deontology, from the Greek *deon* for “duty.” A deontologist, rather than focusing on consequences, will examine the rightness of a particular action. The reason that it is wrong to torture is that it is inherently wrong to do so; it violates one’s “duty” to central religious or secular moral principles. Or, with the example of preventive war, a deontologist might reason that it is wrong to practice preventive war because such action violates the “duty” not to kill innocent civilians.

To a significant degree, the movement to establish international human rights after World War II attempted to establish a legal order based on cosmopolitan deontological maxims to govern the behavior of individuals and states. A right can be defined as a claim on others to a certain type of treatment. A “human” right is a claim that is made simply because one is a human being. Human rights are alleged to be universal and exist independently of the customs or legal systems of particular countries. Human rights establish the minimum standards of decency toward the treatment of the individual and imply duties for individuals, governments, and non-state actors (including international financial institutions and multinational corporations). International human rights carve out a realm of protection for individuals and groups. No actor can legitimately violate these norms (Felice, 1996: 17–34).

Does this human rights and international law framework provide a mechanism for individuals to be able to assert “ethical autonomy”? Are these human rights claims helpful for individuals to be able to stand up for key ethical norms?

The problem, of course, is that rights are frequently in conflict. Developed countries in the North often prioritize civil and political liberties, claiming that these rights “trump” other claims. For example, rights to “freedom” and “democracy” are often privileged over economic and social human rights. Few actions are taken to meet the entire spectrum of rights articulated in the “International Bill of Human Rights.”¹⁰ To make human rights the cornerstone of domestic and foreign policy means determining the often-difficult tradeoffs between rights that must be made to build a just society. Given the conflicts between rights, resolving such conflicts might require the accommodation of different values. The metaphor of rights as trumps that override all competing considerations is thus only partially useful. Real life is more complex. International human rights law, for example, affirms a

right to security and a right to privacy. What if the government determines that to provide security it must violate privacy of citizens? Even the right to life can be abrogated in situations of self-defense (Felice, 2003: 186).

Emmanuel Kant dismissed such talk of tradeoffs. He held that morally permissible behavior does not violate certain categorical imperatives. Torture, for example, would never be allowed; in fact, you would never treat a person as merely a means to an end. Even in a war on terror, Kant would demand that one never practice deceit, never lie, and act to uphold the dignity of all individuals. Yet, in the real world, is this consistent moral behavior possible? Is a lie, for example, never permitted? Is it always the case that one should tell the truth? The well-known illustration of a family hiding Jews during World War II starkly presents the dilemma. Shouldn't one lie to the Gestapo to protect the innocent Jews?

Michael J. Smith (1989: 21–22) proposes a path out of this quandary that involves two stages of moral reasoning. “In the first stage, one follows Kant’s categorical imperative procedure—choosing a maxim that can be followed by all rational beings, willing it to be a law in a presumed new social order, imagining the character of that new social order after the maxim has been adopted, asking himself whether he could consistently will and live in that order.” This leads to an acceptance of a “common morality,” e.g., “one ought not to inflict evil or harm,” “the *prima facie* obligation of treating people equally,” and so on. However, Smith believes that the application of these principles to states raises a new level of moral reasoning.

This second stage of moral reasoning is concerned with “the translation of abstract maxims consecrated by the categorical imperative procedure into the real world,” which requires an examination of consequences. Smith argues that although Kant excluded “hypothetical consequences in the *determination* of the right,” this did not mean “he was indifferent to the consequences of the *application*” of that right (or moral maxim). And in the application of human rights/moral maxims, there are at least two significant problems. First, there are conflicts between rights and rules. To determine which rights shall prevail, we must examine the consequences of each choice and ask, for example, what the consequences would be of privileging security over privacy, or the right to life over preventive war, and so on. Second, on their own, moral principles do not produce a strategy for justice. Strategies for justice are not simply the “the mechanical application of abstract, if unassailable, moral principles, but also a skillful exercise of psychological, economic, social, and political judgment. Such judgment entails a shrewd assessment of the likely consequences of a given action” (*Ibid.*: 22).

The ultimate goal of Smith’s two stages of moral reasoning is not to loop back to a utilitarian focus on the maximization of “nonmoral” goods such as utility or happiness. Rather, it is intended to develop a plan for the “moral” intentions of international human rights outlined above. To get there, he argues, we must start from the world as it is. And if the “possible and likely results of our action achieve these larger goals,” then it is appropriate to compromise our moral maxims. Smith

argues that we must “match our considered judgments against the rules derived deontologically.” “I am simply suggesting that in undertaking rule-based actions, we consider the consequences of those actions for the larger goals we are seeking” (*Ibid.*: 23–24).

Yet Smith leaves us with a huge opening for utilitarian calculations to move to the fore. It is difficult to see how “ethical autonomy” can be preserved through Smith’s two stages. For in Smith’s second stage, states “need to protect either their nonmoral interests (like power and wealth) or their parochial, partial moral interests (like the maintenance of a separate community) that conflict with the interests of others.” Smith suggests this is possible without “threaten[ing] the moral autonomy of others.” Although I applaud Smith’s attempt to overcome the dilemmas in a pure deontological approach, I fear the outcome. Once “power and wealth” are given priority, all else moves to the back of the line. In fact, one danger in this approach is that the human rights/deontological moral principles will merely serve as a façade for states to pursue the “national interest” traditionally defined. Do human rights, in the end, just give a moral justification for states to use force as they see fit? Does the language of “human rights” and “just war” perpetuate a charade?

Politics and Ethical Autonomy

A politician is a professional who has specific responsibility for the welfare of the citizens of his or her country. Inevitable conflicts arise between how the world “is,” as opposed to how it “ought” to be. In dealing with the world as it “is,” professional foreign policy experts must evaluate the propriety of the government’s decisions in relation to their personal ethical frameworks. Furthermore, if one is aware of ethically dubious actions being carried out in other departments (black bag jobs, assassinations, illicit arms sales, and so on), doesn’t the Foreign Service Officer have a moral responsibility to oppose these actions? Is it possible in this situation for this professional to maintain his or her “ethical autonomy?”

Moral compromises come not just from personally engaging in an action that one finds ethically problematic (murder, torture, lying, and so on). I think that “dirty hands” can also arise by not speaking up or acting to oppose such ethically dubious policies carried out by an individual’s government. Foreign Service officers bear particular responsibility during a time of war. These officers may not be in a decision-making role or personally responsible for implementing the war policies. Yet their job is to publicly defend the policies of the government. If an individual Foreign Service officer in this government comes to a decision that the war effort is morally wrong, how does that individual protect his or her ethical autonomy?

Giving up one’s career through resignation is not the first thing that comes to mind for most people in this situation. In fact, most convince themselves that they are needed right where they are and that resignation would be a futile, wasted gesture. Yet, as Bernard Williams (1981: 57) points out, this classic “working from within” argument “has kept many queasy people tied to many appalling ventures for

remarkably long periods.” The consequences of asserting one’s “ethical autonomy,” however, could mean the termination of a career, which is an extremely thorny step. Williams poses the dilemma as follows:

Plato’s question—how can the good rule?

Macchiavelli’s question—how to rule the world as it is?

Williams’ question—how can the good rule the world as it is? (*Ibid.*: 66).

Williams argues that different levels of moral compromise must be faced if the “good” are to “rule the world as it is.” Democratic politics, in particular, involves bargaining between actors with conflicting interests and different priorities, and thus compromise is necessary. The government may align with a despicable regime in a temporary coalition, or break a promise, or mislead a friend. A Foreign Service officer may find these actions distasteful, shortsighted, and not in the long-term national interest of the U.S. Yet, this person would probably not resign in protest due to the recognition that ruling “the world as it is” involves moral compromise. Williams correctly points out that “democracy has a tendency to impose higher expectations with regard even to the means, since under democracy control of politicians is precisely supposed to be a function of the expectations of the electorate” (*Ibid.*: 58).

In the end, Williams’ argument is similar to that of Smith. Williams believes that we need to hold on to the idea “and to find some politicians who will hold on to the idea, that there are actions which remain morally disagreeable even when politically justified. The point of this is not at all that it is edifying to have politicians who, while as ruthless in action as others, are unhappy about it. Sackcloth is not suitable dress for politicians, least of all successful ones. The point—and this is basic to my argument—is that only those who are reluctant or disinclined to do the morally disagreeable when it is really necessary have much chance of not doing it when it is not necessary” (*Ibid.*: 662).

So again, the basic argument is that the moral ends of politics demand that an individual sacrifice his or her ethical autonomy. The problem, of course, is that this again opens up a huge door for consequentialist reasoning at the expense of human rights. If, for example, the *expected* outcome of preemptive war is the liberation of 25 million people, the sacrifice of human rights (including the right to life) for thousands could be potentially “morally” justified. Unfortunately, history teaches us that victims find their rights sacrificed for an outside chance of a successful intervention. Most experts, for example, predicted that the odds of success in Iraq were quite small. On the small chance that the action could succeed, the intervention and occupation went forward as a “just war” primarily with utilitarian justification.

Peter Singer’s Utilitarianism and War

Yet, the world’s leading utilitarian philosopher, Peter Singer, came out against the war in Iraq. I decided to interview Professor Singer to see if he could help us with these difficult moral quandaries. Here is what he had to say:¹¹

Felice: Let's begin with Colin Powell (who has been both criticized and praised for his actions surrounding the Iraq War). Powell's internal memos expressed disagreement and ethical doubts with the decision to go to war in Iraq (and further disagreements with U.S. actions in Guantanamo and elsewhere). And yet, he stayed the course and helped sell the war to the American people. Did he have a duty to resign?

Singer: I think he did. Colin Powell is a tragic figure really because he was someone who could see exactly what was going wrong. I am struck by the remark in the Bob Woodward book, where he said the Pottery Barn rule applied to Iraq: "You break it, you own it." And he was so right about that. And yet, despite saying that, despite having doubts about the evidence he was being fed about Iraq's weapons of mass destruction (WMD), he nevertheless became the spokesperson selling this evidence in that famous U.N. speech. Powell could have had a very significant impact if he had resigned and said he couldn't support this war. Maybe the nation would not have gone into the war, I don't know. But no one could have accused him of being someone who was soft on terrorism or afraid of military action or something like that; he could have had an enormous influence.

Felice: What is the ethical line that was crossed?

Singer: It was the decision to go to war. The president he served was making a decision to go to war that he thought was not justified. And this decision was going to lead to the loss of lives of American military personnel and Iraqi civilians. Powell must have known that, given the way the war was planned, that there would be numbers of Iraqi civilians who would be killed. He was asked to sell, and to go along with selling and promoting the war, although he thought it was a bad idea that was likely to have terrible consequences for many people. He also had doubts about the evidentiary case that Saddam Hussein had WMDs, so he had a responsibility to say: "No, I will not sell this to the American public, because it is wrong."

Felice: The argument I have heard made is that Powell saw himself like the little Dutch boy with his finger in the dyke; that the others around (Paul Wolfowitz, Donald Rumsfeld, etc.) were so extreme that Powell had to stay to keep things from really going off track; he was holding back the more extreme forces.

Singer: Well, it is hard to see how things would have gone worse. What can you say? They would have bombed more civilian areas? No, they wouldn't have done that. Just from a public relations point of view, if for no other reason, that would have been inadvisable. Up to a point, it may have made sense for Powell to stay on to try to stop the decision to go to war. But once it was done, and once Bush made it clear to him that he had decided to go to war, then the situation is different. It became clear that he was being sidelined as a decision-maker. And the secretary of state should not just be someone who sells a product whether or not he agrees with it. A secretary of state has a greater responsibility than that. If he were the media spokesperson, it would be a different matter. He was in a position of much more responsibility. You can't justify it in those terms. He has also

said that he had a duty to serve the president. I don't think that's right. You don't have a duty to serve the president even when you think the president is wrong on something as major as going to war. Defense Secretary Robert McNamara said something similar about Vietnam.

Felice: Yes, McNamara did, and in fact, in the history of the United States only two secretaries of state have resigned for ethical/moral principles (William Jennings Bryan and Cyrus Vance). Why do you think that is? Why in America are personal ethical issues submerged under loyalty to the president? Or the firm? The government? And so on.... Why do individuals have such difficulty upholding principles of ethical autonomy?

Singer: Well, one difference between the American political system from that of a parliamentary democracy, is that the secretary of state is completely the president's creature and is not there because of his or her political independence and political life and does not have a political career to go back to. So if a foreign minister resigns in a parliamentary system, and has a long career in this system, he can then maybe bring with him a faction of the party. Imagine a person in Powell's position as foreign minister in a parliamentary democracy, and he could say: "Well, I'll resign now and if things go as I expect they will, my conduct will be vindicated. And, after this political leader goes, I will still have a political career. In fact, my political standing will be enhanced as compared to what it would have been if I had stayed the course." But, that doesn't happen in this system because, where do you go once you resign? The Brookings Institute or the American Enterprise Institute? It's clearly not the same.

Felice: Let's talk about a different level from the secretary of state. What about the Foreign Service officer (FSO)—who has 20 to 30 years of service to the country—and comes to the conclusion that the war in Iraq is morally wrong? Does this individual have an ethical duty and responsibility to resign?

Singer: I think here it has more to do with what they are actually doing and what they are required to do. There are many FSOs whose work has nothing to do with the war in Iraq or the Middle East. An FSO for Africa, for example, doing useful work, can get on with that useful work. If this individual is not involved with defending, promoting, or justifying the war, then there would be no point in resigning. There might be some point at which the nation was involved in such atrocities that you couldn't serve it, but not simply the decision of the country to go to war. On the other hand, if the person were continually called on to advance the cause of a war that they thought was wrong, for example to bring more allies to the "coalition of the willing," that would be a different matter.

Felice: So it hinges more on the individual's connection to the war actions or policies; there is a dissent channel in the State Department, where they can express disagreement. But, if the person is not in a position of hierarchical responsibility, then you are saying that he or she is not morally responsible.

Let's shift a bit, in terms of public service. Michael Walzer argues the "dirty hands" analogy and claims that it is almost impossible to be ethically pure in the Foreign Service. The demands of public office result in dirtying one's hands; real world dilemmas mean that it is impossible to always have moral clarity or to maintain ethical autonomy. Do you agree?

Singer: No, not when it is formulated in that way. I hold a different ethic than Walzer, a consequentialist ethic. In fact, I believe that you do not do anything morally wrong if, in order to produce better consequences, in the end you lie to other people to deceive them about the secret intent of your foreign policy (or whatever the example might be). So, in the dirty hands metaphor is the idea that whenever you touch some things, they dirty you—for example, telling a lie, or breaking an agreement, etc., or more serious things such as signing an order to have a terrorist assassinated. You cannot just say these things are wrong and you get dirty hands from doing them. Because, from my moral perspective, you have to ask each time: What are the circumstances and is this a justifiable thing to do? So, it is not right to say that inevitably you will get dirty hands; it depends on how successful you are in sticking to doing what you see will have the best outcome.

Felice: In the case of Iraq, some argued using utilitarian logic that freedom for 25 million Iraqis was worth the price of the deaths of some civilians in Iraq.¹² Freedom for this country, ending the despotism of Hussein as an ultimate outcome, was worth the price. Utilitarian calculation. You are a utilitarian. What is wrong with Michael Ignatieff's argument?

Singer: One thing that was wrong with it at the time (never mind in hindsight) is the importance we give to civilian rights and the rule of law in international affairs. Had Bush gone to the U.N. Security Council and said, "Saddam is committing atrocities against his own people; we need humanitarian intervention, just as we should have had in Rwanda." Had the Security Council supported that, it would have been a very different situation. Now, Bush could not do that because at the time Saddam was not committing atrocities against his own people. He had been some years earlier, but the U.S. was actually helping him during that period. The point is that there could be a case for getting rid of a dictator on the basis of genocide and crimes against his people. But we have to have a system of international law that says *when* that can happen. The only one we have now is through the U.N. So, we ought to be very reluctant to justify humanitarian intervention against another sovereign country without U.N. sanction.

The only exception I would make would be when, as in Rwanda, the killing is actually going on. If you can see 10,000 being murdered today; and another 10,000 will be murdered tomorrow, and another 10,000 every day for the next three months unless there is an intervention, that is clearly a different situation. And let us say that one of the permanent members of the Security Council is an ally of this government and vetoes the intervention. I think in cases like this, you

would be justified in intervening. But this is *not* the type of circumstance that Iraq was in at the time of the invasion.

Felice: In the conditions that you have laid out, utilizing utilitarian logic, you can justify violence and war.

Singer: Oh, yes; I am not a pacifist.

Felice: What about torture and the utilitarian logic justifying torture?

Singer: What I want to say about this is a little difficult to say publicly. The public stand should be that torture is never justified. Because when security forces believe that torture is justified, they seem always to misuse that power. And the costs of misusing it are extremely high. The costs of forgoing torture are completely unclear. We recently had this discussion, that it was not true that the torture carried out by the Bush administration was necessary. The FBI has said now that they were doing quite well with the “soft” treatment, and that the CIA did not find out any more by torturing prisoners.¹³ So the benefits are very unclear. The risks of substantial, horrible abuse are very great. And for that reason, we should prohibit it.

Having said that, of course you can always have the nuclear bomb in the Manhattan basement scenario, where if it was really true that there was no other way of getting the information on the location of the bomb without torture, then you should torture. But, that is a purely hypothetical scenario, and I doubt that you will ever really be in that situation. Therefore, since it is extremely unlikely that you will ever be in that situation, it is not the basis on which I would want to establish public policy on this issue.

Felice: This discussion brings us again to the idea of “dirty hands” and Machiavelli’s two moralities. Machiavelli argued that public officials had to do things that are “evil” in order to assure the security of the state and create “good.” Unfortunately, murder, torture—bad things—are often necessary for the state to undertake. But in one’s personal life, an individual would never engage in these activities. Do you agree?

Singer: I don’t think it is two moralities really. They are both the result of consequentialist thinking. The difference is that the Prince’s actions have larger consequences. So, if in fact you can foresee that this opponent of yours is likely to try to unseat you and the result will be a civil war that will ravage the country and millions will die...if you can really be confident in that, maybe you are justified in getting rid of this guy. This would not apply to a private individual, because getting rid of your enemies as a private individual will not have such far-reaching consequences. I don’t think the outcome of morality is really different.

Felice: So your lens is utilitarian in both cases.

Singer: Yes it is.

Felice: And utilitarian ethics thus justify these different behaviors in the public versus the private realms.

Singer: Yes, because circumstances and the consequences are different.

Felice: Mark Danner's *New York Times* article, "We Are All Torturers Now," implied that the reelection of George W. Bush in 2004 and the general public's failure to respond with outrage about what was being carried out in its name raised the issue of individual responsibility during a time of war. What are your thoughts on this?

Singer: Obviously, there are many possible things that you can do. You can vote against the Republicans; give money to Move On; turn out for a demonstration or something like that. It is difficult for me to say that you are a torturer if you did all that and, despite your attempts to oppose torture and put an end to it, Bush regrettably went forward with it.

It is a little like the question I am asked regarding how much you have to give away to organizations or NGO's before you are not morally guilty of murder because millions of people die from poverty and hunger. And, it is very hard to say exactly what that line is. Similarly, the question here is how much do I have to do to oppose the government before I am not a torturer? Should I be protesting at his ranch whenever he is there or camp out outside the White House? Are you still a torturer because you happen to be an American? I don't really think so.

There is an argument about withholding taxes, of course, which was often raised during the Vietnam War, but hasn't really been raised in relation to the Iraq War. It is interesting that it hasn't been raised. Because you could ask [Singer clarifies that he is not an American], "Where is the complicity that I have as an individual American in the war?" You could say that the taxes paid go to support the war. So, should the individual withhold his or her tax payment? Perhaps a portion of the taxes? You could argue this....

Felice: Regarding the usefulness of ethical theory in a time of war, some look to Kant and his categorical imperative for help. Professor Michael J. Smith argues that Kant does consider consequences in the application of his deontological principles. In the application of moral principles, one must take consequences into account.

Singer: We need to distinguish a few things, including which formulation of the categorical imperative is being talked about. The first formulation is perfectly compatible with utilitarianism, e.g., acting so that the maxim of your action can be a universal law. (It is definitely not anti-utilitarian.) There is something interesting about how specific rules can be, which relates to different levels of utilitarianism that people talk about: the public codes versus the private rule. You do have to give some weight to the idea of what is the standard or rule that you can expect the public to act upon that has the best ultimate consequences. This may be a different question from what actual action right now would have the best immediate consequences. So there are those issues surrounding the universalizing formulation of the categorical imperative.

The business of saying, "use every person as an end and not merely as a means" is something a utilitarian can really accept, if you stress well-being as an end. A utilitarian, for example, can never accept the enslavement of another race because it disregards the interests of the slaves for the benefit of others. Slaves (and mere

animals) are ends in themselves; they are suffering, so it is not clear that Kant's categorical imperative is anti-utilitarian.

On the other hand, some of the actual applications that Kant talks about are anti-utilitarian. Some of them are quite embarrassing to Kantians, such as the idea that you should not lie to the murderer who comes to the door to kill the innocent person who is hiding in your house. Not many Kantians actually defend that position.

Felice: One reason these questions arise is that human rights are often viewed as deontological principles and are often seen as trumping other claims. The reality is that there are often tradeoffs between human rights, such as the balance between rights of security and rights of freedom. One has to think of consequences to determine which right is correct to uphold.

Singer: I agree, and this is similar to what Henry Sidgwick wrote about in *The Methods of Ethics*. There he shows again and again that what people think of as deontological principles come into conflict with other principles and you appeal to utility to resolve the conflict. That is why he felt that deontological principles really operate as a subset of rules for public application toward a utilitarian framework. And I would say something similar about human rights....

Ethical Autonomy in a Time of War

Singer, M.J. Smith, Williams, and other ethical theorists give us helpful avenues to deepen our moral reasoning. Yet most of us probably do not make our personal decisions on the basis of one ethical tradition, but rather draw on a variety of moral frameworks. There are times when utilitarianism and consequences seem appropriate; an example would be the practice of triage to the wounded after a natural catastrophe on the level of Hurricane Katrina. At the same time, basic human rights and moral principles inform our conceptions of who we are in the world and our sense of personal autonomy and dignity. No matter how we work out these moral dilemmas, too often during war many of us in and out of government sacrifice our moral autonomy and perfunctorily accept the decisions of our leaders. Why?

Part of this acquiescence stems from the merging of one's self-identity with the interests of the country. Plato called this a movement from Reason controlling the Body to Social Reason controlling the members of society. In a discussion of "higher nature" and "lower nature," Isaiah Berlin makes this point as follows:

Presently the two selves may be represented as divided by an even larger gap: the real self may be conceived as something wider than the individual (as the term is normally understood), as a social "whole" of which the individual is an element or aspect: a tribe, a race, a church, a state, the great society of the living and the dead and the yet unborn. This entity is then identified as being the "true" self which, by imposing its collective, or "organic," single will upon its recalcitrant "members," achieves its own, and therefore their, "higher" freedom (Berlin, 1969: 132).

In other words, an individual may feel that his or her personal identity is formed through allegiance to the state. When asked to describe herself, such an individual may begin by saying “I am an American” (or French or British, etc.). To then criticize “America” is to criticize one’s sense of self, one’s true identity. Morality is linked to the state. It is difficult for an individual to break with these norms and take a separate path. Society’s beliefs and values affect all people’s views of their individual lives. Unfortunately, “ethical autonomy” is not a strong societal norm. Instead, “loyalty” to one’s friends, job, country, and president is a much stronger value.

Americans are not coerced into supporting the war in Iraq. Although President Bush’s press spokesman threatened Americans to “watch what they say, watch what they do,”¹⁴ it is still possible to feel relatively safe speaking out against the war in Iraq. Right-wing extremists do attempt to label all dissent as treason and anti-war speakers have received death threats. But, so far, these individual extremists have not succeeded in changing the laws to curb through arrest the voices of protest.

There is, however, a psychological dimension to citizenship during a time of war. State authority during war tends to extract obedience as individuals set aside personal doubts and accept the decisions of the national leadership. In addition, strong societal pressures to conform are difficult, but not impossible, to resist in a time of war. Loyalty and the support of one’s country are expected of all citizens, and especially Foreign Service officers. Such pressures are strongest, of course, within the military and the government, and can lead individuals to participate in acts that, on their own, they would detest. Even beyond those employed by the state, all citizens are confronted with the difficulty of breaking with societal expectations to “rally around the flag” and unify during a time of war.

In addition, it is difficult for many in the United States to prioritize the human rights of individuals in Iraq, halfway around the world on another continent. If one’s moral universe is one’s family and nation, what happens to the human rights of strangers is really a secondary issue. It is unfortunate that these individuals must suffer, but the priority must be our family and country.

Finally, and perhaps most importantly, during warfare there is also a lack of a sense of individual responsibility. The responsibility for war is said to rest with the president, the cabinet, and the U.S. Congress. Other individuals in the government or the military did not participate in these decisions, and therefore feel little moral responsibility. In addition, the tasks of war are so fragmented that it breeds a sense that no one has individual responsibility. Such fragmentations allows individuals to deny the importance of their own contribution—whether it was through voting, providing infrastructure, keeping the business of government running smoothly, and so on.

All of these explanations give us a rationale for turning inward and failing to speak out against acts carried out in our name that we consider unjust. In this situation, citizens and government officials can lose an overall sense of moral

responsibility, and instead focus on individual and family needs. We gradually lose our “ethical autonomy.” We suddenly lack the ability to judge the moral behavior of our government and are unable to protect our moral integrity.

NOTES

1. Whereas it is commonly believed that there is some distinction between the terms “ethical” and “moral,” to many philosophers they are synonyms, with the former derived from the Greek and the latter from the Latin. I will thus use “moral” and “ethical” as essentially equivalent terms.

2. The “Downing Street Memo” is a summary of a secret July 23, 2002, meeting of the United Kingdom Labour government, including defense and intelligence figures, discussing U.S. policy toward Iraq. This document has been called the “smoking gun” memo, as it includes the following: “Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.” The “Downing Street Memo” is available at: www.timesonline.co.uk/tol/news/uk/article387374.ece.

3. The “Butler Report,” titled “Review of Intelligence on Weapons of Mass Destructions,” is available at www.butlerreview.org.uk/.

4. For an examination of the legal and moral issues surrounding the war in Iraq, see Ronald Kramer, Raymond Michalowski, and Dawn Rothe (2005) and Ross (2007).

5. For a courageous firsthand account of torture, see Suzie Dod Thomas’ interview with Olga Talamante in Thomas (2006).

6. For a clear discussion of the impact of Abu Ghraib and Guantanamo, see Neier (2005).

7. See “The National Security Strategy of the United States of America 2002.” Available at www.whitehouse.gov/nsc/nsstrg.html.

8. Neoconservatism should not be confused with those International Relations theories often called either “liberal-internationalism” or “idealism.” Both neoconservatives and idealist/liberal-internationalists focus on ethics in the formulation of foreign policy, but the values promoted by each side are in fundamental opposition. Most idealist/liberal-internationalists, for example, believe in multilateralism, international law, diplomacy, cosmopolitan ethics, international human rights, and the global human interest (instead of a partial national interest). Idealist/liberal-internationalists do not believe that “democracy” and “freedom” can be brought about through military force and empire building. In fact, due to their absolute fixation on protecting and enhancing the superior economic and military power position of one country, the United States, the neoconservatives have greater affinities with political realists. For their part, idealist/liberal-internationalists believe such an approach is fundamentally destabilizing to the global order, since it perpetuates ongoing conflict and violence between states.

9. A family of theories exists within the consequentialist ethical framework, including utilitarianism, ethical egoism, rule consequentialism, and negative consequentialism. The focus here is on the views and approaches of utilitarian thinkers and writers. See John Stuart Mill (1985).

10. The International Bill of Human Rights encompasses the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*.

11. Interview with Peter Singer, September 14, 2006.

12. See, for example, Cushman (2005), Ignatieff (2003), and Zernike (2003).

13. See, for example, “Prison Interrogators Got F.B.I. Warnings (*The New York Times*, February 24, 2006) and Adam Liptak, “Interrogation Methods Rejected by Military Wins Bush’s Support” (*The New York Times*, September 8, 2006).

14. Ari Fleischer, White House Press Briefing, September 26, 2001. Available at www.whitehouse.gov/news/releases/2001/09/20010926-5.html.

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