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WAR – WHAT IS IT GOOD FOR?

APPLYING A MILLIAN SECURITY PRINCIPLES PROTOCOL  
TO NEW YORK TIMES COVERAGE OF THE 2003 INVASION OF IRAQ

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WAR – WHAT IS IT GOOD FOR?  
APPLYING A MILLIAN SECURITY PRINCIPLES PROTOCOL  
TO NEW YORK TIMES COVERAGE OF THE 2003 INVASION OF IRAQ

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This dozen-year project – really a tying up of many loose threads of interests from throughout my life – might have earned the Beatles-inspired nickname suggested by one of my committee members at the defense: “The long and winding road” ... however, another Beatles song offers a more accurate, though slightly paraphrased, judgment: “I got by with a lot of help from my friends.” And I did. There but for the grace of God and several crucial villages go I.

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## Abstract

In the aftermath of the U.S. 2003 invasion of Iraq, a number of news media outlets revisited their pre-invasion coverage, expressing public regret over perceived coverage gaps, and conducting deep internal self-examination over policies and procedures that might have contributed to their confessed incomplete reporting. The unprecedented editorial page apology by the New York Times, as well as the ongoing narrative of U.S. government and administration officials, resonate with some ethical tenets of utilitarianism, though unacknowledged and incomplete. The enduring influence of this ethical tradition, and of John Stuart Mill, its main proponent, emerged especially in scholarly activity surrounding the 2006 bicentennial of his birth and the 2013 sesquicentennial of his book, *Utilitarianism*. A deep reading of this book surfaced a previously unexamined emphasis on security as the “most vital” interest for the greater good, and suggested a five-part Millian Security Principles model for war coverage. A pilot test of this model on a small sample suggested by the Times editors revealed utilitarian gaps in that coverage. Despite encountering several limitations from that small sample, the model provided several useful points of analysis of that coverage and suggestions for improvement. Further, the model appears to offer further applications for enhanced coverage of traditional war, of newly emerging conflict types, and of general community well-being, as well as a new framework for normative enterprise reporting practice, media ethics practice and research, and journalism education.

*Keywords:* John Stuart Mill, utilitarianism, consequentialism, just war theory, war ethics, media ethics, normative ethics, 2003 Iraq invasion, 2003 Iraq war, The New York Times, security, justice, journalism, reporting, war correspondence, asymmetrical war, terrorism, free press, community journalism, citizen reporting, civilian command, democracy.

### **Introduction: War coverage is often inadequate**

Journalism, the “first draft of history” (i.e. Barth, 1943, p. 667), often drafts a history of both individual tragedy and violence – “the oldest kinds of stories” (Coté & Simpson, 2000, p. 3) – as well as one of collective deadly conflict. “Come see the violence inherent in the system!” cries the satirical medieval Anarcho-Syndicalist – humorous, in part, because we know it to be true (Forstater, White, Gilliam, & Jones, 1975). Perennially, war and storytelling remain inextricably linked: “Few events ... affect people more than war” (Copeland, 2005, p. xlvii). “Because of the far-reaching effects of war, we want to know as much about it as possible.”

Historically, “all wars have been fought by the latest technology available in any culture,” (McLuhan, 1964, p. 375); unsurprisingly, “the history of communications technology is often pegged to a succession of wars” (Carruthers, 2011, p. 1). Humankind’s “first written epic” chronicled the triumphs of Gilgamesh in what is now Iraq (Sasson, 1972); four millennia later, “some 500 reporters” armed with “digital cameras ... [and] portable satellite dishes” prepared to return to the scene of that earlier epic and provide their own audiences with unprecedented, “direct-from-the-front coverage” (Johnson, 2003, para. 9).

Regardless of continuing advances in media technology, and despite myriad perennial challenges of war coverage, ethical journalists still aspire to somehow “seek truth and report it” – as well as to “acknowledge mistakes and correct them” (Society, 2014, p. 1) – because “language is the primary means of social formation and ... human existence is impossible without an overriding commitment to truth” (Christians, 1997, p. 13). Indeed, the very “essence of journalism is a discipline of verification” (Kovach & Rosenstiel, 2007, p. 12).

So, when the *New York Times* noted in its May 26, 2004 lead editorial that “this newspaper has shone the bright light of hindsight on decisions that led the United States into

Iraq. ... It is past time we turned the same light on ourselves” (From, 2004a, para. 1), other outlets “pointed to the ... *Times* as a paragon of journalistic virtue” in “a chorus of appreciation for the ... decision to admit to its readers that it let them down” (Greenslade, 2004, p. 5).

Unfortunately, regardless of hindsight’s clarity, “correcting the record in the aftermath of war cannot reverse the history propelled by such narratives” (Carruthers, p. 5). However ethical journalists are encouraged to “consider the long-term implications ... of publication” and to “provide updated and more complete information” (Society, p. 1); indeed, “newspapers should ... discover why the mistakes were made and ... prevent their repetition” (Monbiot, 2004, p. 19).

Further, it wasn’t just the *Times* on the 2003 invasion bandwagon: “I remember almost every editorial page in America saying, ‘yeah, we should go to war,’” recalled one U.S. senator (Sanders, 2015, para. 18). Indeed: “The mainstream press was not aggressive enough ... in asking the hard questions about the War on Terror,” said Dean Baquet, *Times* executive editor, a decade later (Hülse & Stark, 2015, para. 60). In retrospect, then, just what were those “hard questions” the press failed to ask? Further, did anyone ever ask them? Finally, how might ethical journalists resolve to be sure to ask them the next time war is proposed?

By accident or design, ongoing debates over waging war – as well as on covering it – often include arguments from a consequentialist, or outcomes, perspective. Recently, one scholar embraced this dynamic by proposing a Utilitarian War Principle that “invites extremely hard questions, such as ... are the goods that this war seeks to secure ... worth the projected loss of these many lives and this much material damage?” (Shaw, 2011, p. 289). Echoing the repentant *Times*, “it is precisely tough questions of this sort that one should be asking.”

Informed by a resurgent interest in utilitarianism – and especially in John Stuart Mill – and an increasing focus on war correspondence (cf. Copeland) as well as on media ethics, this



dissertation considers several of those questions. First, I propose five Millian Security Principles, and 12 associated Security Questions, based on my reading of Mill's *Utilitarianism*, informed by recent research. Then, I test the utility of this Millian instrument through an ethnographic Qualitative Document Analysis of a brief sample of the *Times*' Iraq reportage.

Implicit in the *Times* editor's apology are three major assumptions: First, the most important assertion, in the very first sentence, is that the "decisions that led the United States into Iraq" somehow involved multiple "failings of American and allied intelligence" (From, 2004a, para. 1). In other words, the federal government must justify its decision to go to war.

Second, the *Times* makes the assumption that U.S. citizens must retain full access to this information. "In most cases, what we reported was an accurate reflection of the state of our knowledge at the time, much of it painstakingly extracted from intelligence agencies that were themselves dependent on sketchy information" (para. 2). In other words, whatever information the U.S. government had, the press fully intended to share with its readers.

And finally, the editors make the assumption that a free press must question its government officials, especially on a topic as existential as a decision to go to war. "We consider the story of Iraq's weapons, and of the pattern of misinformation, to be unfinished business," they concluded (para. 14). "And we fully intend to continue aggressive reporting aimed at setting the record straight."

Each of these assumptions carry implicit, if not explicit, appeals to utilitarianism. And of course they would, Mill would argue: the "principle of utility ... has had a large share in forming the moral doctrines even of those who most scornfully reject its authority" (1863, p. 4). For one thing, Mill drank from the same Enlightenment stream as the authors of the U.S. Constitution (cf. McCloskey, 1963), whose First Amendment enshrined concepts of press freedom and active

citizenship reflected by the *Times* editors. For another, utilitarianism has been an influential philosophical tradition in the West for two centuries (cf. Miller, 2010a). Finally, the tradition remains significant in media ethics research (cf. Christians, 2007; Elliott, 2007; Peck, 2006). This study extends that research at the intersection of media ethics and military ethics by addressing gaps in the literature of both: Neither address Millian security.

More than 150 years after its publication, John Stuart Mill's classic tome *Utilitarianism*, as well as many of his other writings, continue to exert a perennial influence in philosophical musings on ethics. "Mill was one of the most outstanding British intellectuals of the nineteenth century," notes one scholar (Ahn, 2011, p. 81); today, utilitarianism remains "enormously influential" (Christians, 2007, p. 113; Harris, 2002; Kymlicka, 1990; Sandberg, 2013).

Mill's arguments in *Utilitarianism* – such as "[a]ll action is for the sake of some end" (p. 2), "actions are right in proportion as they tend to promote happiness" (p. 8), "security [is] the most vital of all interests" (67), "any conduct which threatens the security of the society ... is threatening to his own" (63), and "justice ... grounded on utility [is] the chief part ... of all morality (p. 73) – continue to be invoked in ethical discussions of war, journalism, and any number of issues. The 2006 bicentennial of his birth, and the 2013 sesquicentennial of his *Utilitarianism*, witnessed a renewed scholarly interest in Mill's longstanding contributions (cf. Skorupski, 2006; Su, 2013; Ten, 2008; Varouxakis, & Kelly, 2010; Villa, 2017).

After asserting that every other moral tradition draws upon utility in some way, Mill concluded that "I believe that the very imperfect notion ordinarily formed of its meaning, is the chief obstacle which impedes its reception" (p. 6). Believing that "education and opinion" are key to public enlightenment (p. 21), he set about adapting Jeremy Bentham's original conception of the philosophy into a more broad and yet more focused ethic.

Over the years, both Mill and the tradition have attracted their share of criticisms (Eggleston & Miller, 2014; Schultz, 2017; Spiegelberg, 1961) – for being too cold (Kors, 2011), too calculating (Taylor, 1995; Woodcock, 2010), too difficult to navigate (Kagan, 1984; West, 2006), and too easily abused (Baron, 1994; Brandt, 1959; Sachs, 2010). However, key Millian contributions such as an enhanced definition of the good (Harsanyi, 1982), an aggregate greater good (Shaver, 2004), and his defense of liberty (Gray, 2000) remain influential today.

The decision to go to war is one of the most important ethical decisions a nation can consider, Mill wrote (1859b), as it calls for sacrifice in service of some greater communal good (Ellul, 1969; Gustafson, 2013; Mill, 1862a). Unfortunately, war tends to escalate out of bounds (Clausewitz, 1873) “if unchecked by political goals” (Hamblet, 2005, p. 39; Tierney, 2018).

However, despite these very teleological trappings, the utilitarian tradition has dealt very briefly with the question of war; instead, war ethicists usually adopt pacifism, realism, or just war theory (Shaw, 2011, 2014, 2016). While pacifism involves mostly virtue and deontological ethical impulses, it may be seen as having some utilitarian impetus as well. Realism, which holds that war is outside of morality (Carlson, 2008; Shaw, 2011), is sometimes defended by a myopic, incomplete appeal to utility (Ahn, 2011; Ballacci, 2018). Just war theory is a mediating consequentialist approach that allows for some very restricted warfare, but under tight control in three arenas of justice: going to war, fighting in war, and ending a war (Bell, 2009; Dubik, 2016; Lazar, 2016; Ramsey, 1961; Walzer, 1977; Whitman, 1993).

The early utilitarian philosophers judged war as “almost always deleterious” (Shaw, 2014, p. 303.). Jeremy Bentham (1748–1832) and James Mill (1808) had no use for war. Yet John Stuart Mill allowed war a very rare window (1862a) – but only when justified by utility (Hayek,

1963; Shaw, 2011, 2014, 2106; Williams, 1989) as an aggregate self defense, then later as a balance between rights, eventually as a means of justice, and finally as an aggregate justice.

The 9/11 acts of terrorism and subsequent military responses brought new utilitarian scholarship to bear on the question of war (Brandt, 1972; Bykvist, 2010; Nahra, 2013). Most recently, Shaw synthesized disparate elements of the ongoing debate into his *Utilitarian War Principle* (2011, 2014, 2016), which “swims against the current of contemporary ... approaches to war ethics (2016, p. x) and incorporates just war tenets – but not security.

Interestingly, a nearly opposite dynamic drives media ethics scholarship, where thinkers have long encountered a strong current of utilitarianism: “The mainstream press ... codes of ethics, and media textbooks are dominated by various strains of it” (Christians, 2007, p. 116).

In the United States, it would seem that the First Amendment to the Constitution seeks no justification for protecting a free press – other than the virtue of free expression. “Few have subscribed to this notion wholeheartedly” (Pember & Calvert, 2008, p. 43); instead, the half-dozen legal theories that have evolved around these first freedoms all appear to justify themselves with appeals to consequence, if not to outright utility. Especially the *marketplace of ideas* theory, which “dominates the ... discussion of freedom of speech” (Baker, 1989, p. 7), “can be traced back to ... Mill” (Pember & Calvert, p. 45), who championed “the ‘liberty of the press’ ... against corrupt or tyrannical government” (Mill, 1859a, p. 228). Today, utility is seen defending press freedom, and defining its duty and scope, but not quite yet directing its focus.

Along the way, some media ethicists have found fault with it. “Utilitarian ethics has major weaknesses,” charged Christians (2007, p. 120), including charges that no one can truly reduce the good to a single value, or accurately predict an outcome (Quinn, 2007, p. 175).

Media ethicists continue to reconsider Mill's contributions in light of recent scholarship. Writing during Mill's bicentennial, Lee Anne Peck emphasized that "utility is not an excuse for unethical behavior ... Ultimately, using Mill's theory correctly means responsibly serving the public" (2006, pp. 211-212) in a way that maximizes good in community. Building on this, Deni Elliott blamed this "simplistic reasoning" on an inadequate understanding of Mill's explication of justice in *Utilitarianism*. Instead, "Mill requires calculating what is truly good for the whole community" (2007, p. 100). However, neither scholar addresses Millian security.

The literature gaps in both martial ethics and media ethics converge in the unique U.S. civilian command military model, enshrined in the Constitution along with the First Amendment freedoms. Here, the citizen is given control over any Congressional *ad Bellum* decision to go to war, control over the civilian president who serves as commander-in-chief, and control over the public funding of the military. Further, the citizen staffs the military by serving as a soldier when needed (Offley, 2001; Millett & Maslowski, 1994).

U.S. journalists continue to struggle with the First Amendment's normative implications for their free-press "watchdog" craft in general, and wartime correspondence in particular (Aukofer & Lawrence, p. vii; Craig, 1996; McQuail, 1994; Merrill, 1974; Offley, 2001).

First, the practical demands of war coverage can limit what a correspondent can actually report, especially because of the need to focus on the immediate. And this is a perennial problem, as the U.S. goes to war about once every two decades (Beschloss, 2018); over the years, American journalists have reported from at least 15 conflicts (Copeland, 2005).

The nature of the military beat can influence press independence, as patriotic tendencies may interfere with objectivity (Allan & Zelizer, 2004; Ganz, 1983; Hallock, 2012). Further, the complexity of the modern military beat can overwhelm the inexperienced reporter (Snowden,

1916; Hale, 1896; Knightley, 1975), covering a different kind of war (Smith, 2005; Tierney, 2018) – working with fewer resources (Pew, 2014) to meet heavier demands (Craig, 2011; Granatstein, 2008) – all at a significant risk of injury or death (Global safety, 2015; IFJ, 2016).

In the end, very little of this coverage focuses on security. I propose to address these gaps in the literature by extending Shaw’s Utilitarian War Principle, Peck’s insights on utilitarian community, and Elliott’s utilitarian justice checklist by focusing on a set of Millian Security Principles and associated guiding questions to extend the utility of each discipline.

While increasingly difficult (Fullerton, 2016; Kalb, 2001; King, 2003) comprehensive conflict coverage, focused on the crucial *ad Bellum* planning narrative, remains vital to the security and survival of a civilian-command democracy.

For one thing, Mill’s 155-year-old charge that public “sentiments, both of favour and of aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness” (1863, p. 4) accurately describes the consequentialist, if not explicitly or acknowledged utilitarian, ethical appeal of much of the *ad Bellum* national conversation.

For another, Mill’s definition of security as the most vital, indispensable good (p. 66) also rings true – and, unfortunately, existential-threat fear sells – not only for the commercial news media (Abramson, 2019; Blume, 2019; Brooks, 2016; Wang, 2016), but also for those politicians interested in motivating the public (Bamford, 2005; Bush, 2001, 2002, 2003; Saunders, 2004). In the long run, however, those motivations are not sustainable (Hadar, 2008; Mill, 1863; Nowicki, 2013; Wolfers, 1952). Fear, as the song goes, may truly be “the mother of violence” (Gabriel & Gabriel, 1978, Track 3); “You know self-defense is all you need.”

Instead, a focus on a more Millian conception of security could keep ethical journalists from pandering to a fickle and fleeting “feeling of security” (Blume, 2019; Braybrooke, 2004;

Doyle, 2015; Teleological, 2019), by shifting their focus onto consequential areas of justice and community. For Mill, security is inextricably linked to a rights-based justice that is ensured through communal consensus and action (1863; Peck, 2006; Elliott, 2007).

This means an extension of the concept of individual self defense into a larger, utilitarian concept of aggregate defense that protects and promotes the greater good in sustainable ways. For the Millian correspondent, then, war coverage should consider how a given war might yield true, sustainable Security-through-Justice-for-All-involved.

So, how should a free press cover a representative government in a civilian-command democracy – especially when, theoretically, so much power rests in the hands of the citizens?

Normative press theory describes how media should ideally operate (Baran & Davis, 2000; Christians et al, 2009; Glasser, 1986; Littlejohn, 1996; McQuail, 1994; Siebert, Peterson & Schramm, 1956; Vaca-Baqueiro, 2018; Vold, 1999). My normative prescription for war coverage draws on my constant-comparison reading of Mill’s *Utilitarianism*, which arrived at five Millian Security Principles: First, a Millian security would protect against a vital, existential threat. Second, a Millian security would preserve both immediate safety and future stability. Third, a Millian security would promote mutual justice. Fourth, a Millian security would produce mutual community. Fifth, a Millian security would practice considered utility.

The first principle would address tangible threats and realistic outcomes while filtering out fear-based appeals. The second would address specific threats to ongoing security. The third principle would address the “justice of self-defence” (Mill, 1863, p. 68) through a rights-based approach. The fourth would address a secure community, which includes “our fellow-creatures” (p. 67) and a sustainable “general good” (p. 64) for all involved parties. The fifth principle would address specific utilitarian calculi in acting as a free, responsible, and useful press.

The ensuing conversation should be based on historical contexts, human tendencies of the past and present, and expected future issues. Further, it should be empirically based on fact and knowledge. Finally, the conversation would need to include an extended version of Shaw's UWP, one that made sure to ask if the proposed course of action is the only one that would result in greater "Security-&Justice-for-All" – otherwise, the proposal fails to prove utility.

These principles should be useful for all armed conflicts, traditional, asymmetrical, or virtual clashes in cyberspace, because they focus the reporter's attention onto security.

Triangulating these three sets of utilitarian literature – Shaw's UWP, incorporating just war theory; Elliott's UDT focused on justice, incorporating Peck's extension of Millian good and community; and my five Millian Security Principles drawn from *Utilitarianism* – we may begin to limn the basic toolkit of a truly Millian war correspondent, for whom we might ask the question "What would John Stuart Mill ask?"

As a Millian citizen, he might ask about "Security-&Justice-for-All" in terms of the general community: What is the nature of our security? On what is it based? To what is it vulnerable? And what might protect these vital, existential security elements?

This begins with a focus on effects (Lyons, 1965), asking what might maximize the good (Johnson, 2013) for the general welfare (Urmson, 1953) of all involved (Peck, 2006), securing sustainable justice (Elliott, 2007) that will strengthen the community (Mill, 1863).

As a Millian soldier, in a civilian-command military, he might ask about "Security-&Justice-for-All" in terms of proposed actions of defense and attack. What will this defense accomplish, whom will it benefit, and whom will it harm? Is this truly our last resort?



This begins with careful examination of proposed actions and their likely results (Shaw, 2016), in light of Millian justice (Elliott, 2007) and community (Peck, 2006), while incorporating just war theory tenets as secondary moral principles (Shaw, 2011).

As a Millian reporter, representing a free press, he might ask about “Security-&Justice-for-All” in terms of editorial independence: What, exactly, constitutes this community as “home” – and how is that being threatened? What secures our rights-based justice?

This begins with careful preparation to cover foreign affairs (Hess, 2003) and the military beat (Patterson, 2013), a step away from infotainment (Edwards, 2003), and a renewed commitment to independence from the agencies to be covered (Allsop, 2019).

The lack of U.S. press independence from governmental agenda setting became painfully evident in the aftermath of 9/11 (Janensch, 2004) – and again during the preparations for the Iraq invasion (Iraq, 2007). So, what “Security-&Justice-for-All” questions would J. S. Mill ask in a truly Millian *ad Bellum* coverage? Beginning, with my five Millian Security Principles, I have derived a dozen questions to guide basic coverage from a security stance.

For *MSP 1: Threat*: Security protects against a vital, existential threat, I derive three guiding questions: What is the specific nature of the perceived security *threat*? Whose specific security is actually being *threatened*? And, who, specifically, is *threatening* anyone?

For *MSP 2: Safety & Stability*: Security preserves safety and stability, I derive two guiding questions: How would this proposed response specifically preserve anyone’s present *safety*? And, how would this preserve anyone’s enduring *stability*?

For *MSP 3: Justice*: Security promotes justice, I derive two guiding questions: How would this proposed response specifically promote *justice* for anyone’s present safety? And, how would this specifically promote *justice* for anyone’s enduring stability?

For *MSP 4: Community*: Security produces community, I derive two guiding questions: How would this proposed response specifically promote the present *safety* of all involved *parties* – and their larger *communities*? And, how would this specifically promote the enduring *stability* of all involved *parties* – and their larger *communities*?

For *MSP 5: Utility*: Security practices utility, I derive three guiding questions: How would this proposed response specifically deter or “repel” this perceived threat? Further, how would this proposed response represent the *only action available* that would foreseeably promote the *greatest expected well-being* and *least expected harm* for all involved *parties* – including historical contexts and all possible alternatives? And, finally, how would all involved *parties* be *harmed* if the proposed response were *not* undertaken?

Applying these principles and questions to the *Times* editors’ sample of its coverage of the 2003 Iraq invasion, I arrive at five corresponding Research Questions, which also incorporate the associated secondary questions for inquiry:

***RQ 1: How did the Times address security as protection against a vital, existential threat?*** So, just how did the staff cover governmental and public discussion of these issues?

***RQ 2: How did the Times address security as preserving safety and stability?*** How did they report on preserving national security immediately, as well as in the future?

***RQ 3: How did the Times address security as promoting justice?*** In this coverage, how did they address what would promote justice immediately, as well as sustainably in the future?

***RQ 4: How did the Times address security as producing community?*** How did this coverage address the safety of all involved, in both local and international communities?

***RQ 5: How did the Times address security as practicing utility?*** In other words, how did the *Times* report on administration claims in ways that would reflect a utilitarian calculus?

Indeed: “Nonconsequentialist approaches to military ethics have enjoyed supremacy” (Jenkins, 2017, p. 963); however, for the utilitarianist, “the proper response ... is not to abandon consequentialist thinking ... but rather to examine with as much specificity and meticulousness as possible the likely results” (Shaw, 2014, p. 309). Especially because war is unique (Walzer, 1977), and journalists lack a useful, truly independent coverage paradigm, I will apply these initial Millian Security Principles-based research questions to measure just how effectively the citizen-journalists at the *Times* covered the crucial *ad Bellum* question “when, if ever, are we morally justified in waging war and ... how are we permitted to fight?” (Shaw, p. 303).

Social science research brings together three disparate domains: the “Substantive”, or content to be studied; the “Conceptual,” or organizing ideas, and the “Methodological,” or examination procedures (McGrath, 1994, p. 152; Baran & Davis, 2000; Shoemaker, & Reese, 2014). For this exploratory study, the substance of the narrative data, “already bounded by some existing public discourse” (Pauly, 1991, pp. 11-12), are the 29 *Times* stories, related to the Iraq invasion, identified by the editors (From, 2004b). The importance of the *Times* for research has long been established (Hallock, 2012; Lule, 2002; Miller, 1998).

The conceptual organization of this study’s examination of these data is my Millian Security Principles research protocol, based on my reading of *Utilitarianism*, informed by the literature review of utilitarianism in military and media ethics. The methodological approach, suggested by the narrative nature of these data and the exploratory nature of this initial study, is an Ethnographic Content Analysis (Altheide, 1987; Altheide & Schneider, 2013; Carey, 2008; Duriau, Reger & Pfarrer, 2007; Lule, 2002; Pauly, 1991). Such an approach provides a framework for analysis that encompasses the *Times* articles as well as Mill’s *Utilitarianism*.

This study applies Altheide's five-stage, 13-step Qualitative Document Analysis protocol (1987, 1996, 2013b; Altheide & Schneider, 2013), which guides inquiry into relevant documents, and allows for reflexive modification of the research that this interaction may suggest. In addition to its appropriateness for this kind of data, the QDA methodology has guided a number of research projects involving mediated appeals to fear-based security (Altheide, 2002, 2004, 2009b, 2013a, 2017; Altheide et al, 2001; Atkinson & Leon Berg, 2012; Iqbal, 2017; Lumsden & Morgan, 2017; Nicole, 2017; Stögner & Bischof, 2018).

In Altheide's first QDA stage, *Document Identification and Selection*, I considered the *Times* initial reporting and subsequent self-critique. The unit of analysis is the single article. In Altheide's second stage, *Protocol Development and Data Collection*, I turned to a constant comparison reading (cf. Glaser and Strauss, 1967) of Mill's *Utilitarianism*, seeking a clearer understanding of the security-based arguments made by the U.S. government as reported in the *Times*. This reading suggested five categories – and, later, 12 questions – based on Mill's conception of security as “the most vital of all interests” (1863, p. 66), informed by the extensive literature review. These were incorporated into a Coverage Research Protocol instrument for data collection. Adapting Altheide's third stage, *Data Coding and Organization*, these Principles will be used to code the data, organize the resulting observations, identify further issues of importance, and suggest adaptations or changes to the instrument.

In Altheide's fourth stage, *Data Analysis*, I will conduct a qualitative content analysis of the *Times* data, taking notes throughout the process and summarizing my findings. Finally, in Altheide's fifth stage, *Reporting*, I will combine these summaries with examples of each finding, include observations of significant examples and deviations, and integrate the findings with my original Millian Security Principles, situating them within the larger narrative.

Because of the universal nature of war in general, and the importance of the *Times* in covering the decision to go to war with Iraq in particular, I expect that Mill's definition of security as justice through community will identify both strengths and weaknesses in that newspaper's coverage, independent of the editors' own valuation of their work. So I expect to discover how the *Times* coverage met, as well as failed to meet, Millian security definitions.

Finally, in addition to testing and improving the Millian Security Principles model while analyzing the *Times* coverage, I expect this study will suggest some practical improvements for applying the model to future conflict correspondence, independent of tactics or venue. Though not comprehensive, this exploratory study seeks to refine this initial Millian security theoretical foundation to inform future war coverage research – as well as such coverage itself.

#### **Situating Millian Conflict Coverage in the Utilitarian Ethics Literature**

The framers of that document in 1787 knew that British and other European monarchs had abused their absolute authority to make war: if a regime was growing unpopular, they sometimes cited or invented a foreign danger in order to launch a war that would unite their people and expand their own power and popular esteem. To reduce the risk of such offenses by an American President, the Founders created a Constitution that gave Congress the sole power to wage war, and divided the responsibility to wage war between the executive and legislative branches. (Beschloss, 2018, pp. vii-viii)

A decision to go to war represents the most consequential action a state can undertake on behalf of its citizens, who must bear both the significant costs of waging that war as well as its outcomes. Ultimately, it invokes the sanctioned “violent retaliation by members of a tribe or group against persons committing hostile acts towards group members” (Scott, 1950, p. 1).

In an age of increasing transparency, governments must work harder to “sell” such decisions to their publics (Freedman, 2004), while journalists must work harder to fact-check government claims of truth (Knightley, 2004); “War is Sell,” punned one media analyst (Miller, 2002, p. 1). The U.S. government relied heavily on the threat of negative potential outcomes to support its decision to invade Iraq in 2003 – and the U.S. press, including the *New York Times*, reported those threats as part of its government coverage (Andersen, 2006; Bamford, 2005; Bumiller, 2002; From, 2004a, 2004b; Hallock, 2012; Theodoulou & Watson, 2002).

When substantial evidence of those threats failed to materialize, many journalists returned to their original reportage and found shortcomings in their work. “The marketplace of ideas, however, failed to fulfill this function in the 2002-03 U.S. foreign policy debate over going to war with Iraq,” wrote one analyst (Kaufmann, 2004, p. 5). Statements by the *Times* editors in particular reveal an underlying consequentialist valuation at work: first, in the state’s given justifications for the war; second, in an assumed civic responsibility to examine those claims by the press generally and the *Times* particularly; and finally, in society’s questioning of the ongoing war’s decidedly increasing costs versus its apparently decreasing benefits.

This “weighing of goods and harms to maximize benefit” (Craig, 2009, p. 204) is a key aspect of utilitarianism, whose best-known proponent, John Stuart Mill, remains an influential thinker. Some 150 years ago, Mill argued in his treatise *Utilitarianism* that all moral traditions appeal in some way to its ideal of happiness when justifying their definition of the good. This literature review reveals significant support for Mill’s claim in both historic and current debates over society in general, and over war and the press in particular. Further, it reveals an ongoing incomplete understanding of utilitarianism, despite new interpretations and considerations – and especially despite novel applications to both war ethics and media ethics. Finally, it suggests that

a revised reading of Mill's concept of security as the greatest good, informed by recent utilitarianism scholarship, might address shortcomings in war coverage by the *Times* and others.

### **Problematic Utilitarianism: Ubiquitous yet Incompletely Understood**

When the *Times* editors turned “the bright light of hindsight” upon themselves and confessed to “have found a number of instances of coverage that was not as rigorous as it should have been” (From, 2004, p. A10), they re-enacted the timeless human tradition of self-examination: “We all think in retrospect about actions we have done ... How have I come to have the projects I now have, and the attitudes I now have to those projects, and to many other things and people?” (Annas, 1995, p. 28). This particular example demonstrates several layers of consideration: first, a nation's government attempts to justify its decision to go to war; second, the nation's leading news outlets report these government claims; and finally, these professionals critique their work as more complete information emerges.

In a number of public statements made throughout these events, both government agencies and the journalists who cover them reveal significant insights into their underlying attitudes about their goals, their distinct roles, and their larger social context – and a clearly normative, consequentialist, utilitarian professional ethic emerges from their words.

“War is a complicated business. Due to the importance that civilized humans have given to it since the very beginning, it simply cannot be taken lightly” (Coetzee & Eysturlid, 2013, p. xix). Neither the U.S. officials nor the nation's press took the invasion of Iraq lightly – and both entities relied on consequentialist arguments while deciding to go to war in 2003. However, new research suggests that the classic utilitarianism of John Stuart Mill, in particular, has been incompletely understood and applied in both military ethics (Shaw, 2011, 2014, 2016) and journalism (Christians, 2007; Elliott, 2007). The intersection of these two trends, reflected in the

problematic approach to coverage of the 2003 invasion debate by the *Times* and others (Hess & Kalb, 2003; Kellner, 2004; Kull, Ramsay & Lewis, 2003), offers an opportunity to apply a revised reading of Mill to a reconsideration of war coverage standards and practices.

**An emerging public ethic.**

For social Weal, alike, each State was made,

And every Calling meant the other's Aid:

Together all, in mystic Numbers, roll;

All in their Order act, and serve the Whole. (Welstead, 1741, p. 5)

“America will not accept a serious and mounting threat,” said then-President George W. Bush in his January, 2003 State of the Union address (Bush, 2003a, para. 78), in one of many statements by government officials justifying plans to invade Iraq that year. However, soon after that invasion, editors at the *Times* insisted that “we fully intend to continue aggressive reporting aimed at setting the record straight” (From, 2004, p. A10). Both statements reflect consequentialist attempts to justify one's actions to the public.

Statements like these reflect a larger tradition in Western culture of codifying and then pursuing ethical work standards for those whose actions affect the public interest, an “attempt to identify and justify principles that govern actions in general and actions within professions and fields of endeavor” (Ward, 2005, p. 6). However, these specific actions also reflect a growing trend in both U.S. government as well as media outlets, one of greater public transparency on issues of public interest. Technological and cultural trends combine to create a growing expectation among citizens for increased transparency from both state and non-government entities – and in this case, this transparency reveals utilitarian arguments at work.



*Technology accelerates a culture of transparency.* “We are suddenly eager to have things and people declare their beings totally,” noted one media thinker of electronic communications technology’s tendency to both enable and encourage transparency (McLuhan, 1964, p. 6). Prophecy fulfilled: A half-century later, a recent survey of the 10 largest social media platforms tallied more than 11 billion individual accounts (Most famous, 2018), through which “things and people declare their beings totally” – and in such detail that users often cry “TMI” when someone publishes personal information traditionally considered inappropriate or intimate (Gil, 2018). In this increasingly uncomfortable environment, the same citizens who report feeling that they have lost control over their own digital information also assert that the increasing release of even classified government information serves the public interest (Rainie, 2016).

*The public demands greater government transparency.* “Transparency is an intrinsic value of democratic societies” (Ruijter, 2017, p. 354). One former U.S. president succinctly summarized this ideal when he stated that a “democracy requires accountability and accountability requires transparency” (Obama, 2009, para. 1), then quoted former Justice Louis Brandeis’ famous observation that “sunlight is said to be the best of disinfectants.” Within five years, heads of nearly 40 journalism advocacy agencies signed a letter to this same president, asking him to “stop the spin and let the sunshine in” (Cuillier, et. al., 2014, para. 1). In the end, secrecy by government agencies “nourishes the worst excesses of power” (Weiner, 2012, p. 54).

For the U.S. government, transparency reflects “themes of fairness and equity, and impose a high level of expectation on the democratic process” (Finkelstein, 2000, pp. 1-2; Cooper, 2011; Ruijter, 2017), in which a “new culture of disclosure” informs a “monitory democracy” (Schudson, 2015, p. 276; p. 25). While this greater access to information may create

chaos (Vattimo, 1992), even once-sacrosanct state realms such as military planning (Kaspar, 2001), and international relations (Larkin, 2016) continue to adapt to the new reality.

*Journalists aspire to greater transparency.* Perennially, “accuracy and bias are important factors, but items that touch on transparency are also among the items that Americans rate most important” when asked why they distrust the news media (Indicators, 2018, p. 13). The *Times*’ 2003 comments reflect both sides of a journalistic ideal of mutual transparency: “to ensure that the public’s business is conducted in the open, and that public records are open to all” (Society, 2014, p. 1), as well as to themselves “[b]e accountable and transparent ... [a]bide by the same high standards they expect of others.” The roots of these press ideals date back more than a century (Simkin, 2014; Fabos, Martin & Harmsen, 2013; Ritchie, 1991), as revealed in the ongoing evolution of industry ethics codes (Hulteng & American Society of Newspaper Editors, 1981; Merrill & Odell, 1983; Myers, 1922; Sigma Delta, 1926; Society, 2014; Rodgers, 2007).

The emerging conviction that the press also carried a social responsibility (Commission, 1947) “has won wide global recognition” (Christians & Nordenstreng, 2004, p. 4); today’s journalist must be increasingly “accountable” and “transparent” (The Society, 1973; Society, 1996; 2014) – and transparency “must inform every decision made” (Plaisance, 2007, p. 205).

***U.S. government and media actions reveal a Western ethics tradition.*** Ever-more transparent government efforts to justify war, and news media attempts to cover it, reflect a larger cultural context that, while continually evolving, remains deeply rooted in a Western philosophical tradition in which states and professional callings alike work together for the common good. “Statesmen, as well as philosophers and historians, have attempted to account for the behavior of states in peace and in war” from the ancient Greeks through modernity (Waltz, 2001, p. 7; Moseley, n.d., d). Similarly, the study of “media ethics historically has been ... largely

Western” (Christians, 2005, p. 3). The actions of both government and press actors in 2003 reflected this tradition, which began in individual virtue ethics, developed through communal duty ethics, and eventually shifted its focus onto consequence as a guidepost.

*The ancient virtue ethic.* Professionals of all disciplines continue to invoke ethical concepts of personal responsibility dating to the ancient Greeks, whose early thoughts on virtue were summarized by Aristotle (Aristotle, n.d.; Johnstone, 2002) “Aristotle’s works shaped centuries of philosophy ... and even today continue to be studied” (Shields, 2015, para. 1), including profession-related concepts of judging and practical action (Annas, 1995; Johnstone, 1980; Johnstone, 2002; Reese, 1991; Beiner, 1983) as well as accountability (Nussbaum, 1986). The oft-quoted Hippocratic Oath from the fourth or fifth century BC included a practitioner’s promise to do one’s work to the best of one’s ability, and to refrain from deliberately causing harm (Conrad, Neve, Nutton, Porter & Wear, 1995). Within a half millennium, the proverb “physician, heal thyself” (Luke 4:23) revealed an evolving ethic of self-examination.

This tradition celebrated individual-actor virtues such as truth and justice (Aristotle, n. d.) that are still consulted as guideposts for professional ethics (c.f. Treviño, Weaver, & Reynolds, 2006; Pellegrino, 1989; Borden, 2008; MacIntyre, 1984). One particularly enduring ancient virtue, perennial in both official statement and war coverage, is the concept of an honorable citizen sacrifice for the good of the state (Koenigsberg, 2009; Pfaff, 2016; Marvin & Ingle, 1998; Murray, 2016a, 2016b).

*The Judeo-Christian duty ethic.* While virtue ethics continue to influence contemporary society, the actions of both government and news agencies instead reflect a greater reliance on the deontological, or duty-based, ethic that emerged in Europe beginning in the Middle Ages (Mastin, 2009; Duty, 1999). “While the ethics found in Aristotle was based on the virtues, Judeo-

Christian ethics came to be based on laws ... involving moral duties rather than the virtues” (Stern, 2014, p. 3; Anscombe, 1958). This shift in focus from on the virtuous actor to an emerging set of ideal actions informed later considerations of rights, justice, and social contract theory (Hobbes, 1645/1991; Locke, 1689/2014; Rousseau, 1754/2010) and a recognition of others as ends in themselves (Kant, 1781/1965; Beiner, 1983; Herman, 1993; Duty, 1999).

Modern heirs to this tradition who influenced both government and media ethics include W. D. Ross, who listed seven overriding “prima facie” duties towards one’s self and others (1930, p. 20; Prima, 1999; Patterson & Wilkins, 2013); John Rawls, who proposed an equalizing “veil of ignorance” furthering equal rights (Rawls, 1999; Ethics, 1999; Patterson & Wilkins, 2013); and Hannah Arendt, who argued for responsible citizenship in mass culture (Arendt, 1977; Benhabib, 1988; Biskowski, 1993). However, although this tradition largely informed the U.S. Constitution (1787/2016), state and media apologists alike often argue instead by consequence.

**Normative theory mediates philosophical and practical ethics.** In considering the 2003 invasion of Iraq, both government and media actors sought justifications drawn from the Western ethical tradition. “In ancient ethics the fundamental question is, How ought I to live? or, What should my life be like?” (Annas, 1995, p. 27). Modern Western philosophers delineate three distinct areas of thought: “the enquiry into *the rational life* ... *the good life* ... [and] *the moral life*” (Baier, pp. 3-4) – or the realms of metaethics, normative theory, and applied ethics.

“Whereas the fields of applied ethics and normative theory focus on what is moral, metaethics focuses on what morality itself is” – a “basic philosophical concern” that “goes back to the very beginnings of philosophy” (DeLapp, n.d., para. 1-4). As Mill himself observed, “from the dawn of philosophy, the question concerning the *summum bonum* ... has occupied the most

gifted intellects, and divided them into sects and schools” (Mill, 1863, p. 1). Indeed, both “ancient philosophers and learned men of divers ages ... found no greater difficultie, than in searching out ... his greatest or sovereign good or happiness” (Barckley, 1631, pp. 1-2).

“Now there is great difference of opinion as to what constitutes the Chief Good,” wrote Cicero in the 1<sup>st</sup>-Century BC (1931, pp. 409-413); 500 years later, Lactantius described “ten severall Opinions ... concerning mans chiefest happiness” (2003, p. 170). After 2,000 years:

Not only do philosophers still disagree ... but they disagree on or are in serious doubt about how such disagreements should be resolved; indeed some are not even sure that there can be *any* generally acceptable method for resolving them. (Baier, 1995, p. 2).

But neither federal officials nor *Times* editors wrestled with the nature of the greater good in 2003: Not one seriously questioned the inherent goodness of, say, the common defense or a free press. Instead, they were concerned with how best to pursue those goods, concerns reflecting the more practical philosophical realms of normative theory and applied ethics.

***Normative concepts guide practical applications.*** Normative theory “involves substantive proposals concerning how to act, how to live, or what kind of person to be” (Kagan, 1998, p. 2). And “while the *bonum consummatum* of each man is different from that of every other man, still there are common elements in the *bona consummata* of men who are members together of some community” (McGilvary, 1904, p. 20). Communities then reflect these elements in the guidelines they craft linking their metaethical values with normative guides applied to everyday issues – such as those facing both federal and *Times* actors in 2003.

*Normative theory.* “We consider it to be a bad thing to be inconsistent. Similarly, we criticize others for failing to appreciate ... [the] logical consequences of their beliefs” (Steinberger, 2017, para. 1). So, we “criticize and justify primary normative orders like morals,

law, politics, conventions ... by producing some sort of normativity and situating it within our ... beliefs” (Pfordten, 2012, p. 450). This “involves arriving at moral standards that regulate ... conduct” – for example, the well-known Golden Rule (Fieser, n.d., para. 12; Kant, 1793/2000).

In 2003, both government “measures to protect our people and defend our homeland” (Bush, 2003a, para. 47), and the *Times*’ pledge to set “the record straight” (From, 2004, p. A10) reflected normative standards that channeled general moral goods into specific agent ideals.

*Applied ethics.* Eventually, these esoteric ideals must interact practically with real-world “issues of enduring and special contemporary importance” (Cohen & Wellman, 2005, p. 1). Applied ethics contextualize normative standards to address “specific, controversial moral issues such as abortion, animal rights, or euthanasia ... [or] convenient groups such as medical ethics, business ethics, environmental ethics, and sexual ethics” (Fieser, n.d., para. 32; Shoemaker, 2017). In 2003, the philosophical rubber met the reality road for U.S. officials in justifying pre-emptive invasion; for journalists, in comprehensively covering that discussion and its consequences.

*Normative ethics lean Teleological / Consequentialist.* Virtue ethics, the earliest Western normative theory, led to deontological ethics by the 19<sup>th</sup> century, though remaining influential (Fieser, n.d.; Ross, 1930; MacIntyre, 1984; Annas, 1995).

In turn, successive theorizers increasingly considered factors such as consequences, harm, and consent. (Alexander, 2000; Sen, 2000; Kagan, 1998). Among the earliest of these were the Scottish philosophers Frances Hutcheson, David Hume, and Adam Smith (Pojman, 1995). In the emerging “view that normative properties depend only on consequences” (Sinnott-Armstrong, 2017, para. 1), “morally right choices are those that increase ... the Good” (Alexander & Moore, 2017, para. 6; Soifer & Szabados, 1998), based on the real-world

consequences of those choices (Hooker, 2000; Arneson, 1999; Fieser, n.d.). In this vein, the arguments of both officials and editors in 2003 tended to appeal to potential consequences, of both good and ill: for the nation, pursuing “liberation” versus “horror” (Bush, 2002, paras. 74-77); for the *Times*, reporting “accurate” versus “questionable” material (From, 2004, p. A10).

*Act Consequentialism.* In these stances, both parties appear to be judging the morality of their particular actions – in this case, invasion and publication – based on their consequences. This concept that “the rightness of actions depends on the value of the states of affairs they produce” (Scanlon, 2001, p. 40) – was initially the basis of act consequentialism, which “focuses only on the consequences of individual actions when making moral judgments” (Dimmock & Fisher, 2017, p. 22; Mosdell, 2011a), an approach expanded by utilitarianism (Bentham, 1789).

*Rule Consequentialism.* Act consequentialism eventually evolved into “a theory that directly assesses rules ... and assesses acts only indirectly by reference to such rules” (Alexander & Moore, 2017, para. 12; Alexander, 1985). Proponents of rule consequentialism argue that “general rules or practices are more likely to promote good effects than simply telling people to do whatever they think is best in each individual case” (Nathanson, n. d., para. 50; Cowen, 2011). In 2003, both the state and the media invoked the utilitarian rule of aggregate well-being (Hooker, 2017) in their defenses.

### **Utilitarianism seeks specific consequences: The Greater Good.**

Samantha Power, a senior White House official before she became U.S. Ambassador to the United Nations, used to say, “We are all consequentialists now.” We ... had an obligation to choose words, and policies, according to their consequences, not according to some abstract moral scale. (Traub, 2013, para. 3)

In much of the ongoing public discourse surrounding state martial action — and the mediated communication surrounding both discourse and action — arguments on both issues often resonate with the consequentialist-oriented ethical philosophy of utilitarianism. This tradition begins with the premise “that consciousness is more than a state of mindful equanimity in the present; it is a consideration of the consequences of one’s work in a broad space, and over a long time” (Petriglieri, 2018, para. 28). However, it goes further: “The paradigm case of consequentialism is utilitarianism” (Sinnott-Armstrong, 2017, para. 2), which is “committed to a particular conception of right-making consequences” (Mosdell, 2011c, pp. 1118-1119) that considers “the relevant effects of the decision on the world” (Pettit, 1993, p. xiii). “Historically, utilitarianism has been the best-known form of consequentialism ... [It] assesses acts and/or character traits, practices, and institutions solely in terms of overall net benefit ... aggregate well-being or welfare” (Hooker, 2017, para. 2; 2000). It “has been one of the most commonly accepted ethical theories in the Anglo-Saxon world” (Crane & Matten, 2007, p. 98), and “in historical context ... exerted considerable ... influence on the scope of moral concern, the design of public institutions, the responsibilities of government, and the interests and rights of the governed” (Brink, 2018); today, it remains “as alive as ever” (Shaw, 2006, p. 201).

***Utilitarianism before Mill.***

As then each virtue contains an element not merely self-regarding, which embraces other men and makes them its end, there results a state of feeling in which friends, brothers, kinsmen, connections, fellow-citizens, and finally all human beings (since our belief is that all mankind are united in one society) are things desirable for their own sakes.

(Cicero, trans. 1931, p. 471)



While the ancients taught that “the Ends of Goods ... [is] to live in accordance with nature and in that condition which is the best and most suited to nature that is possible” (Cicero, trans. 1931; Aristotle, trans. 1925), they also extolled the good of community and global well-being. Their European heirs situated this good in divine ordinances of civil authority, including the rare but defensible just war (Aquinas, 1267/2003; Augustine, 1957; Bell, 2009). However, beginning with the Enlightenment, later philosophers continued to wrestle with identifying the good and ensuring its promotion, while also situating more authority for pursuing and obtaining the good through community in secular arguments. These precursors to the English utilitarians included such influential thinkers as Thomas Hobbes (1645/1991), John Locke (1689/2014), Jean-Jacques Rousseau (1754/2010; 1762), Adam Smith (1776/1909), and Immanuel Kant (1781/1965, 1793/2000; Beiner, 1983; Cormier, 2003; Herman, 1993; Peck, 2007; Plaisance, 2007; Timmerman, 2014).

*English precursors.* Along with Locke and Hobbes, British empiricists such as England’s Francis Bacon, Ireland’s George Berkeley, and Scotland’s David Hume influenced trends in seeking natural, rational reasons for morals, ethics, and laws. Though Bentham, and later Mill, rejected the idea of natural law, some of these thinkers professed concepts that sound utilitarian. Berkeley, for example, described a morality “entirely guided by the public good of mankind” (Berkeley, 1712, p. 26), a concept previously expressed by Richard Cumberland (1672/1750). In addition to the concept of an empirically defined general good, 18<sup>th</sup>-century proponents of “Anglican utilitarianism,” such as John Brown, John Gay, Soame Jenyns, Edmund Law, William Paley, Thomas Rutherford, and Abraham Tucker, also championed a consequentialist “pleasure” value system in their debates over the proper derivation of morality (Heydt, 2014, p. 17). Other English writers, including Anthony Ashley Cooper (the Third Earl of Shaftesbury), Francis

Hutcheson, and Joseph Butler joined Hume in arguing for a positive basis for morality in human nature, instead of a dark Hobbesian destiny (Yousef, 2011).

These and others, in the generations immediately preceding Bentham and Mill, “sought, in their own words, the greatest good of the greatest number” (West, 1913, p. 2; Irwin, 2009a; Nicholson, 1990; Schultz, 2017; Shaw, 1999). A more focused version of the consequentialist approach continued to take shape, with a more developed conception of the good and the larger community.

*Jeremy Bentham.*

In all liberty there is more or less of danger: and so there is in all power. The question is – in which there is most danger – in power limited by this check [press freedom], or in power without this check to limit it. In those political communities in which this check is in its greatest vigour, the condition of the members, in all ranks and classes taken together, is, by universal acknowledgment, the happiest. (Bentham, 1820, p. 279)

Jeremy Bentham, “who coined the term *utilitarian*, is generally considered to be the founder or at least the first systematic expounder of utilitarianism” (Shaw, 1999, p. 7). He is also often credited with crafting the tradition’s defining phrase: The preface to his first essay includes his assertion of “this fundamental axiom, *it is the greatest happiness of the greatest number that is the measure of right and wrong*” (Bentham, 1776, p. i) – though scholars trace Bentham’s appropriation of this ideal to Hutcheson (1729), to the French Enlightenment egoist philosopher Claude-Adrien Helvétius’s *De l’Esprit* (1758), and to the Milanese Enlightenment legal reformer Cesare Beccaria’s *On Crimes and Punishments* (1764) (Heydt, 2014; Kors, 2011; Shaw, 1999; West, 2013); he did coin the term “to maximize happiness” (Rosen, 1998).

As with some of the later British empiricists, he rejected the natural law concept (Crimmins, 1998, 2013, 2014; Shaw, 1999) and argued for extending the vote to all men who could be judged literate (Crimmins, 2014). Further, he insisted that a given action had utility “when the tendency it has to augment the happiness of the community is greater than any it has to diminish it” (Bentham, 1780, p. 3); for him, “one must take into account the happiness or unhappiness of everyone affected by the action” (Shaw, 1999, p. 8).

Though he became best known outside of England, he was not without his detractors; a century later, as his influence had grown through the subsequent work of John Stuart Mill, Karl Marx judged him as the “arch-Philistine ... that insipid, pedantic, leather-tongued oracle of the ordinary bourgeois intelligence of the 19th century” (Marx, 1887, p. 426).

*James Mill.*

A man must have looked abroad upon the world to very little purpose, who has not observed how invariably every class of men have provided themselves with a set of opinions, grounded upon the feelings connected with their own interests, and not upon the evidentials of the case. (Mill, 1837, p. 12).

Bentham’s friend James Mill is often overlooked, though he contributed several influential essays and concepts to the developing philosophy – including this call for empiricism and independent thought. He – and later, John Stuart – were among Bentham’s English supporters (Shaw, 1999); ultimately, though, he “had the misfortune to be the parent of John Stuart Mill, whose greater fame has almost eclipsed the father’s reputation as economist and philosopher” (Schroeder, 1913, p. 4). Among other essays, he wrote forcefully in utilitarian terms in favor of the good of commerce (Mill, 1808), democratic governance (1820), a free press (1811, 1821), a rights-based jurisprudence (1825), a rights-based international diplomacy (1825),

and the benefits of mutual tolerance (1837). However, he differed from his friend Bentham in defending the utility of limiting the franchise to certain classes of men, and no women – a stance his son John Stuart later rejected (Crimmins, 2014).

***John Stuart Mill.***

[J. S.] Mill popularized utilitarianism and dignified it by a defense from the greatest British philosopher of his time. He also worked out a complex theory that is not subject to many of the criticisms that have been directed against utilitarianism in its more simplistic forms ... In some details of psychology and argument it may be subject to criticism, but it is a plausible theory that must be taken seriously by ethical philosophers. (West, 2014, p. 79)

James' son, John Stuart, “was the foremost British philosopher” (West, 2006, p. 2), “the most famous and influential British philosopher” (Brink, 2018, para. 1), “the most influential English language philosopher” (Macleod, 2016, para. 1), or “perhaps the greatest purifying force” of the 19<sup>th</sup> century (West, 1913, p. 7; Nicholson, 1998) – and even “said to be the last man who knew everything” (Gore, 1995, p. 324). “No calculus can integrate the innumerable little pulses of knowledge and of thought that he has made to vibrate in the minds of his generation,” wrote one contemporary (Bain, 1882, p. 195). “There can be no doubt that J. S. Mill exerted a wonderfully broadening effect over English political thought” (West, 1913, p. 22), so much so that Sidgwick stated in 1873 that “from about 1860-65 or thereabouts he ruled England in the region of thought as very few men ever did” (as cited in Duckett, 1998) – especially through his essays *On Liberty* and *Utilitarianism*. As late as 1902, “the great pragmatist William James dedicated his extraordinarily wide-ranging *Varieties of Religious Experience* to none other than John Stuart Mill” (Schultz, 2017, p. 7).

“The latter part of the nineteenth century and the first half of the twentieth saw Mill’s influence eclipsed, but so profound and pervasive was that influence that his thought is part of the very fabric of our thinking today” (Duckett, 1998, para. 1), and there is no “ignoring the broad range of Mill’s contributions to political philosophy” (Devigne, 2006, p. 91). “His influence on his generation was enormous and if advocates of democracy, political economists, sociologists, and moralists of today see farther than their fathers, it is because they stand on the shoulders of John Stuart Mill” (Cadman, 1971, p. 139). In a real sense, his thought ultimately became a victim of its own success, as “during the period between the two great wars, Mill was regarded as one of those outmoded figures of the recent past whose ideas have ceased to be interesting because they have become commonplace” (Hayek, 1963, p. xv).

*Major contributions.*

In defending and circumscribing the right to liberty, Mill implicitly develops a view of the function of the state; in brief, that the end of the state is to maximise the goods of true knowledge, rational belief, self-direction, self-perfection, moral character and responsibility, happiness and progress. (McCloskey, 1963, p. 144)

“More than any other thinker, Mill is responsible for laying down the principal directions ethics has taken since his day” (Dryer, 1969, p. lxiii). “Utilitarian theories still define one of our principal options in moral philosophy and Mill remains a major figure in the utilitarian tradition” (Sumner, 1979, p. 99). Most importantly, “Mill identifies himself as a utilitarian, in the tradition of his father and Jeremy Bentham, but departs from and modifies their doctrines in many ways” (Saunders, 2010, p. 52). “Through Mill[,] English Utilitarianism gave the fullest account of its method and its presuppositions” (Stephen, 1900c, p. 74).

An index of late 19<sup>th</sup>-century British thought gave Mill eight pages and 24 references (Black, 1996), while a 32-chapter overview of classic philosophy texts included both *On Liberty* and *Utilitarianism* (Warburton, 2014); today, “Mill scholarship is voluminous” (Brink, 2018).

*On Liberty and other essays.*

Mill’s *On Liberty*, then, is justly esteemed not only for the cogency of its arguments for social freedom but also for the profundity and eloquence of its expression of the faith in humanity upon which a large part of the case for social freedom ultimately rests.

(Ladenson, 1977, p. 180)

Until recently, Mill’s most important contribution to utilitarian media ethics was his eponymous defense in 1859 of personal freedom, which he ended with a discussion of the potential for harm that freedom, by necessity, entailed (Rees, 1985; Shaw, 1999). Yet this harm is tolerable in the larger marketplace of ideas he sees as a means to ensure freedom and flourishing: “A plurality of beliefs and opinions, Mill famously argues in *On Liberty*, is essential to both social and individual moral progress” (Smits, 2004, p. 298).

As expressed in *On Liberty*, his utilitarianism sought a greater and better “greater good.” Indeed: “I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being” (Mill, 1859a, p. 224). This meant a greater tolerance than those outside the traditional definition of community: “Mill was also concerned with ... the political representation of minorities – whose interests could not adequately be represented by others, no matter how sympathetic or intellectually advanced” (Smits, 2004, p. 323; Ahn, 2011). Most recently, Mill’s free speech defense resurfaced in the growing campus speech policy debate, in a student-friendly illustrated collection of excerpts from *On Liberty* and other writings (Reeves, Haidt, & Cicirelli, 2018).

For this study, perhaps, one recent event indicates the lasting influence of this particular Millian contribution: within a year of this writing, friends of retiring University of Oklahoma President David L. Boren erected a statue in his honor, marking only the fourth time an OU president had been so honored. “Standing 10 feet tall, it depicts Boren dressed in formal academic regalia holding a copy of Jo[h]n Stuart Mill’s *On Liberty*” (Boren statue, 2018).

In subsequent essays, Mill’s further elaborations on the utility of equality are seen as particularly forward-thinking (Ahn, 2011) – especially in his insistence on protecting and expanding the rights of minorities (1850), his opposition to slavery (1859b, 1862a, 1862c), and his prescient support of equal rights for women (1869) – throughout, because these practices benefit a very few while they are usually abhorred by a large majority. And his *System of Logic* (1868a, 1868b) was considered influential for the next 50 years: “Mill’s *System of Logic* may be regarded as the most important manifesto of Utilitarian philosophy” (Stephen, 1900c, p. 75), and its author “perhaps the leading historical proponent ... Mill did much to articulate the justification, content, and implications of utilitarian ... principles ... [and] he has left an enduring legacy” (Brink, 2018). However, in the century-and-a-half since its writing, his collection of essays published simply as *Utilitarianism* remains the tradition’s lodestar.

### **Mill’s *Utilitarianism*: Perennially popular, problematic, polarizing**

Perpetually “carrying on a vigorous warfare against one another ... after more than two thousand years the same discussions continue, philosophers are still ranged under the same contending banners, and neither thinkers nor mankind at large seem nearer to being unanimous on the subject, than when the youth Socrates listened to the old Protagoras, and asserted ... the theory of utilitarianism” (Mill, 1863, p. 1).

John Stuart Mill began his defense of utilitarianism with this ambitious assertion that its roots reach as far back as the ancients (Scarre, 1996; Stephen, 1900). Regardless of one's reaction to this particular claim, "something drives us towards utilitarianism ... It is remarkable how utilitarianism tends to haunt even those of us who will not believe in it" (Foot, 1985, p. 196). Long after Mill's initial claim, for "much of modern moral philosophy, the predominant systematic theory has been some form of utilitarianism" (Rawls, 1971, p. vii).

Today, utilitarianism "continues to be one of the most prominent ethical theories of the twentieth and twenty-first centuries, and Mill's *Utilitarianism* is the classic work defining and defending that theory" (West, 2006, p. 2) – "one of the most important works in the history of moral philosophy" (Eggleston, 2017, p. 3). This collection of "unpublished papers ... shaped ... with some additional matter, into the little work entitled *Utilitarianism*" (Mill, 1981, p. 265) is now considered "Mill's definitive statement of his doctrine" (Priestley, 1969, p. vii), where he finally "put all of his own cards on the table" (Reeves, 2007, pp. 324-325) and distinguished his theory from "previous iterations" (Wright, 2014, p. 13; Irwin, 2009b). "Here ... Mill stands out - an adult among the children" (Nussbaum, 2004, p. 68). "Mill's opinions were quite stable by the time *Utilitarianism* appeared" (Robson, 1969, p. cxxv); herein, "Mill's ethical theory ... is most extensively articulated" (Schefczyk, n.d., para. 1), and here scholars increasingly returned, first with a resurgence of interest in the last half of the 20<sup>th</sup> century, then with attention focused on the anniversaries of Mill's birth and *Utilitarianism*'s publication, and, most importantly, in search of moral war guideposts in the aftermath of the September 11, 2001 terrorist attacks.

### **Anniversaries.**

Utilitarianism is a very resilient theory. Once the darling of both philosophers and economists, it lost favor in the first half of this century as methodological developments



in both fields undercut its conceptual standing ... But in the fifties ... utilitarianism staged its comeback. (Strasnick, 1981, p. 63)

In today's sound-bite environment, "we need to be careful about staking the important ethical decisions in our lives on bumper sticker catch phrases" (Wilkins, 2011, p. 12; Bowen, 2010) – and typically, "many people think that the bumper sticker for ... Mill's utilitarianism reads, 'Do the greatest good for the greatest number'" (Elliott, 2007, p. 100). However, such a simplistic summary "is a caricature of his approach to morality and justice" (Lyons, 1994, p. 106); further, "it is imperative to get Mill right" (Elliott, 2007, p. 100).

Elliott's media ethics essay emerged amid a wave of recent Millian research aimed to do just that, not only by considering his continuing influence on contemporary philosophical thought, but also by addressing several long-debated controversies.

While Millian scholarship increased significantly during the latter half of the 20<sup>th</sup> century (c.f. Neumann & Morgenstern, 1944; Urmson, 1953; Packe, 1954; Harsanyi, 1955; Lyons, 1994, 1997; Smart, 1956; Robson, 1968; Schneewind, 1968; Ryan, 1970; Brown, 1973; Ryan, 1974; West, 1982), the 2006 bicentennial of Mill's birth and the 2013 sesquicentennial of *Utilitarianism* occasioned renewed scholarly interest in his longstanding contributions.

Beginning with *Utilitarianism*'s 1963 centennial, a "gradual but steady revival ... in the course of the last twenty years is based on a truer understanding of the significance of his work" (Hayek, 1963, p. xvi). "The scholarly literature on Mill has been greatly enriched in recent years by significant articles and book-length studies," wrote utilitarian scholar David Lyons near the end of the century (1994, p. vii). And this new interest in Mill was "by no means confined to the Western world. A [Japanese-published] bibliography ... lists, in addition to about 350 works

about Mill in European languages, over 180 in the Japanese language alone!” (Mineka, 1963, p. 366).

And many are “finding Mill’s work to be creatively synthetic in bridging the antinomies inherent in liberal democratic thought” (Clark & Elliott, 2001, p. 467). “Recent scholarship offers a different picture ... [including] new readings of Mill’s essay as well as of the theories that he helped to develop ... A reappraisal of Mill’s essay was inevitable” (Lyons, 1997, p. ix) – if for no other reason than that “Mill ... suggests lines of development somewhat different and in some ways more promising than the usual versions of utilitarianism” (Lyons, 1979, p. 1).

Increasingly, Millian scholars pursued those more promising lines, applying his thought to topics as diverse as liberty (Lyons, 1979; Rowley and Peacock, 1975), human rights (Lyons, 1977), fairness (Berger, 1979), women’s equality (Shanley, 1981, 1986), education (Gutmann, 1982), liberty with justice (Berger, 1984), law (Lyons, 1984), pleasure (Riley, 1989, 1990), personal character (Long, 1992; Railton, 1988; Woodcock, 2010), psychology (Wilson, 1990), ethical empiricism (Anderson, 1991), moral reasoning (Brennan, 1993, 1989; Jones, 1992), politics (Ruggie, 1998), religion (Crimmins, 1998; Millar, 1998; Matz, 2000), and the “entire mode of life” (Tarrant, 2004; Heydt, 2010).

***Mill’s birth bicentennial (2006) invites reevaluation.***

John Stuart Mill is widely known, these days, for his moral and political philosophy, but let us not forget his influential *A System of Logic* ... which became the then standard university text book, still discussed today, which covered material far wider than its title suggests. Mill also wrote on economics ... religion, psychology, and translated Plato. (Cave, 2006, p. 38)

As Mill's bicentennial approached, scholars increasingly returned their attention to his contributions, beginning in *Utilitarianism's* centennial with a 28-year, 33-volume collected works project (Robson, 1969). A special edition of the *Canadian Journal of Philosophy* (Cooper, Nielsen, & Patten, 1979) included a dozen articles on various aspects of his legacy, a two-volume reference examined his economics (Hollander, 1985a, 1985b), and other retrospective books considered his continuing influence (Berger, 1984; Brink, 1992; Carlisle, 1991; Donner, 1991; Lyons, 1994; Skorupski, 1989; Sommers & Fogelin, 1985). Further, *Utilitas* dedicated a special issue to the 250<sup>th</sup> anniversary of predecessor Jeremy Bentham (Bentham 250, 1998).

*Bicentennial-themed activity.* Closer to the anniversary itself, scholars published a substantive retrospective on his contributions (Skorupski, 1998), a reconsideration of his three most important essays (Miller, 2002), an analysis of his promotion of human religion (Raeder, 2002), an exploration of his views on religion (Sell, 2004), a reprint of the 1873 *Life and Works* collection (Project Gutenberg, 2005), applications of his political philosophy (Fitzpatrick, 2006; Howland, 2005), and several appraisals of his place in the development of ethics (Heydt, 2006c; Skorupski, 2006). This “great defender of liberty” (Cave, 2006, p. 35) “deserves a rediscovery” (Wolfe, 2008, p. B6): A group of academic societies convened a “John Stuart Mill Bicentennial Conference” in April, 2006, at University College, London (Grollios, 2011); later, the University of Bucharest presented an international “John Stuart Mill, 1806-1873” conference in November (Mureşan & Ducu, 2007). Similarly, scholars published numerous articles addressing the continuing influence of “one of the truly great thinkers in the world” (Sen, 2006, p. 80; Heydt, 2006a; Heydt, 2006b), and several new biographies (Capaldi, 2004; Reeves, 2007).

*Subsequent activity.* New considerations of Mill continued afterward, with a set of essays revaluing *On Liberty* (Ten, 2008), a collection of essays on his conception of practical reason

(Eggleston, Miller, & Weinstein, 2010), a review of his contributions to the ethics canon (Irwin, 2009b), an introduction to his work (Fitzpatrick, 2010), and scholarly applications of his thought to issues including politics (cf. Urbinati, 2007; Miller, 2010a; Claeys, 2013), gender (Hirschmann, 2008), globalism (Driver, 2014), positivism (cf. Esanu, 2019), rationalism (cf. Varouxakis & Kelly, 2010; Millgram, 2010), liberalism (Brink, 2013), economics (Staveren, 2007), corporate responsibility (Renouard, 2011), social systems theory (Valentinov, 2017), virtue ethics (Russell, 2014; Donner, 2010; Riley, 2010), deontological ethics (Hooker, 2014; Mulgan, 2014; Timmerman, 2014), and even utilitarianism itself (Ahn, 2011; Brink, 1992). Further, an entire issue of *Utilitas* presented contemporary scholarship on consequentialism (Miller, 2010c).

***Utilitarianism's sesquicentennial (2013) invites further reevaluation.***

*Utilitarianism* is one of the most important works in the history of moral philosophy.

Though just a fraction of the size of most philosophy books ... it provides a rich articulation and defense of an influential approach ... Mill's essay is probably more widely read by today's students and scholars than any other utilitarian work. It might well be the single most widely read work in moral philosophy. (Mill & Eggleston, 2017)

Concurrent with the Millian bicentennial revival, scholars began to reconsider

*Utilitarianism* well before its 2013 sesquicentennial, beginning with a defense of its argument (Alican, 1994), an overview of its social implications (Riley, 1988), a series of critical essays (Lyons, 1997), several comprehensive studies (Crisp, 1997; Shaw, 1999), an overview of the philosophy (Tännsjö, 1998), and a critical edition of the text itself (Crisp, 1998). The publication's approaching anniversary invited increasing reflection, including several general overviews (Baybrooke, 2004; Mulgan, 2007; Troyer, 2003; Rosen, 2003; West, 2004), another

defense of its stance (Sheng, 2004), a second critical edition (West, 2006), an appreciation of his “new liberalism” (Weinstein, 2007), and a pair of comprehensive reader’s guides (Bykvist, 2010; West, 2007). Scholarly applications included an analysis of Mill’s distinguishing among various levels of pleasures (Saunders, 2010), and an overview of utility (McClennen, 2010).

*Sesquicentennial-themed activity.* The essay’s anniversary itself inspired a series of essays on its continuing relevance (Russell, 2013), a defense of its principles (Brink, 2013), a review of its social philosophy (Su, 2103), an entry in a new ethics encyclopedia (West, 2013), and an entire encyclopedia of its own (Crimmins, 2013). Scholarly expositions included considerations of its applications in business ethics (Gustafson, 2013; Luetge, 2013), corporate responsibility (Idowu, Capaldi, Zu, & Gupta, 2013), economics (Hodgson, 2013), education (Schrader, 2015), moral decision making (Kortenkamp & Moore, 2014), and religion (Runehov, & Oviedo, 2013). Further, several more overviews of its contributions (Crisp, 2014; Perry, 2014), and a major commemorative 15-chapter collection of companion essays (Eggleston & Miller, 2014), appeared within a year.

*Subsequent activity.* In the five years since its sesquicentennial, *Utilitarianism* continues to attract scholarly attention, including an overview of the text (Lazari-Radek & Singer, 2017), another critical edition with observations (Eggleston, 2017), an introduction to major utilitarian thinkers (Schultz, 2017), and ongoing reconsideration of Mill’s influence on areas as diverse as women’s equality (Botting, 2016) the literary works of Stephen King (Held, 2016), and the importance to democracy of an educated citizenry (Barker, 2018).

Finally, as of the date of this writing, one open-source database of nearly a million higher-education syllabi ranks *Utilitarianism* as second only to Aristotle’s *Ethics* as the most-assigned philosophy text, and as 22<sup>nd</sup> most-assigned text in all disciplines – closely behind only

such notables as Plato (2<sup>nd</sup>), Marx (3<sup>rd</sup>), Aristotle (6<sup>th</sup>), Hobbes (7<sup>th</sup>), Macchiavelli (8<sup>th</sup>), Martin Luther King Jr. (18<sup>th</sup>), and his own *On Liberty* (19<sup>th</sup>) (Open, 2018).

**Major contributions.**

A sure route to philosophical immortality is to produce a work both too important to ignore and too enigmatic to understand. Whether J. S. Mill consciously elected this strategy or not, his *Utilitarianism* is destined to enjoy a very long life indeed ...

Although the principle of utility was the centrepiece of Mill's normative system of ethics and politics, he devoted only this slender volume to the nature and implications of that principle. And we are still not sure just what he said. (Sumner, 1979, p. 99).

It is, indeed, interesting that this work of such singular, “persistent influence” (Eggleston & Miller, 2014, p. 2), dedicated to the underlying philosophy of “this architect of our liberal order, this most penetrating of minds” (Sullivan, 2018, para. 10), would be comparatively brief. Nevertheless, at 155 years old, Mill's *Utilitarianism* “has proved compelling over the ages because it contains a subtle awareness of human complexity that few philosophical works can rival” (Nussbaum, 2004, p. 68). For many, this explication of “Mill's revised version” (Irwin, 2009b, p. 398) of the utilitarian tradition continues to invite inquiry – if for no other reason than that, “ever since its publication, *Utilitarianism* has prompted its readers to ask questions that the text itself does not fully answer” (Eggleston, 2017, p. 4).

***Mill refined the Happiness Principle.*** The consideration of ethical happiness, or human flourishing, is central to “the rich philosophical tradition that runs from Aristotle through to John Stuart Mill's criticisms of Bentham” (Nussbaum, 2008, p. S81) – and in this essay, Mill immediately distinguishes himself from his teacher by departing from a hedonistic to a more holistic conception of happiness. For one thing, he expanded Bentham's original definition of

happiness as pleasure to also include “an exemption from pain” (Lindebaum & Raftopoulou, 2017, p. 814). Further, he argued for a rational distinguishing among different levels, or qualities, of happiness (Peck, 2006; Saunders, 2010), representing a “deliberative conception of happiness” as rational (Brink, 1992, p. 68; Hruschka, 1991; Skorupski, 1989). Indeed: “Mill’s more nuanced version of utilitarianism ... recognized not only quantitative but also qualitative differences in the nature of pleasure or happiness” (Horner, 2015, p. 58). This is essential to negotiating true ethical dilemmas: “Tough choices, typically, are those that pit one ‘right’ value against another” (Kidder, 2009, p. 4; Ross, 1930).

He also enlarged the scope of the ideal good by “maximizing the aggregate” (Shaver, 2004, p. 250; Fehige & Frank, 2010) so that these benefits could be “secured to all mankind” (Mill, 1863, p. 14). In his attempt to extol “especially those who have also cultivated a fellow-feeling with the collective interests of mankind” (p. 17), Mill’s revised definition of happiness makes appeals to benevolence (Harsanyi, 1982; Smart & Williams, 1973) – and even virtue (Jamieson, 2007; Slote, 1988). This represents Mill’s extension of happiness as not only self-realization (Skorupski, 2006) through self-improvement (Horner, 2015), but also an inclusion of others as more than just ends (Cohen-Almagor, 2009).

Ultimately, “his original work on the ‘greatest happiness principle’ emphasizes something much more nuanced than contemporary interpretations of his theory” (Lindebaum & Raftopoulou, 2017, p. 814; Crane & Matten, 2007).

***Mill negotiated Utilitarianism and liberty.*** In this essay, Mill worked to unify his ideals of utility and liberty (Gray, 2000; Monro, 1979; Stegenga, 1973). “Mill consistently points out that both the romantics and the ancients advocate the cultivation of qualities that foster human agency, and he persistently develops arguments from both schools in the process of reforming

English liberalism” (Devigne, 2006, p. 103); certainly, “he is the critical transitional figure between the ideas of the liberalism of limited government and the values of the liberalism of the active public-welfare state” (Kors, 2011, p. 1).

The only limits to liberty, for Mill, represent those that represent the larger happiness: “The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind” (1863, pp. 20-21). Therefore, to address one perennial criticism of a purely hedonistic ethic, “unjust pleasures do not count in the social welfare function” (Nussbaum, 2008, S97).

Further, a Millian “Liberal Utilitarianism” may be seen as a series of vectors (Riley, 1988, 1996b), in which both freedom of thought (Skorupski, 2006) as well as the “Harm Principle” work to limit an overreaching state paternalism (Skorupski, 2006; Villa, 2017).

***Mill negotiated Act-and Rule-Based Utilitarianism.*** While the ethics literature is full of debates over which of the consequentialist camps might claim Mill, in *Utilitarianism*, he also articulated a more holistic approach to this dilemma in his inherited tradition: “He doesn’t seem to have noticed the difference, and there seem to be aspects of both theories in his work” (Pojman, 1995, p. 115).

“Mill is neither an act-utilitarian nor a rule-utilitarian” (Dryer, 1979, p. 63); instead, “Mill evidently thinks that there is a convergence between act-utilitarian considerations, rule-utilitarian considerations, and the virtues” (West, 2014, p. 69). In his reconsideration of act utilitarianism (Eggleston, 2014), Mill does not hold strictly to traditional act utilitarianism (Dryer, 1969, arguing instead to balance the morality of a given act with Kant’s Categorical Imperative (Brown, 1974).



However, Mill's argument in favor of articulating some "intermediate generalizations" (Mill, 1863, p. 29) does not represent his adoption of a wholesale rule utilitarianism, either (Bykvist, 2010; Hooker, 2000, 2017; Miller, 2014, 2010b; Eggleston & Miller, 2008; Riley, 2010). These guidelines must be considered in context (Martin, 2010; Weinstein, 2010), in an approach one scholar called "Sanction Utilitarianism" (Lyons, 1994, p. 57; Lang, 2004), to answer Scanlon's (1982) critique that neither extreme actually works. The resulting hybrid has been called Cumulative Effect Utilitarianism (Harrison, 1979, 1995) or Iterated Utilitarianism (Copp, 1979).

"There is nothing inconsistent about this," concludes West (2014, p. 71): "The ultimate principle for Mill is promotion of the greatest happiness. Whether to calculate consequences case by case, or to act in accordance with rules, or to respect rights, or to practice justified virtues, is a matter of choosing the appropriate means for the promotion of greatest happiness."

***Mill appealed to justice.*** "Mill was the one great utilitarian theorist to confront the seeming conflict between justice and utility and to sketch a utilitarian approach to justice" (Lyons, 1994, p. 13; Berger, 1979; Elliott, 2007). Departing from his forbears, "Mill rejected the traditional utilitarian formula of 'the greatest happiness of the greatest number' ... concerned that 'harm to others' could be taken too broadly" (Kors, 2011, p. 2). Indeed: "nine sadists cannot torture one victim for maximum pleasure!" (Foreman, 2016, p. 81). Ultimately, utilitarians assume a "duty to be just (Harrison, 1952).

"This revisionist interpretation of Mill is advanced by an understanding of his theory of justice and its role in shaping his policy positions on issues such as welfare, education, voting rights, property rights, taxation, government intervention, and the future of capitalism" (Clark &

Elliott, 2001, p. 467; Rawls, 1971; Skorupski, 2006). Therefore, “utilitarians were more sensitive to distributive justice issues” (Treviño, Weaver & Reynolds, 2006, p. 957).

Ultimately, *Utilitarianism*’s “goal is to justify the utilitarian principle as the foundation of morals” (Scheffczyk, n.d., para. 1). And that meant justice for all: “I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned,” wrote Mill about his community-based conception of utilitarian justice (1863, p. 21). “As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator.”

### **Discontents, critics, and misunderstandings.**

[Millian utilitarianism enjoys a] current unpopularity in analytical political philosophy ... Although hugely influential, this solution is now usually considered inadequate. Buoyed by John Rawls’ systematic Kantian liberalism and the successes of communitarians such as Michael Sandel and Will Kymlicka, Jonathan Riley’s work notwithstanding, forms of neo-Kantianism or communitarianism have superseded liberal utilitarianism” (Goldstone, 2010, p. 79).

Just shy of a century after *Utilitarianism* appeared, one scholar declined to “indulge in the familiar pastime of ferreting out inconsistencies and fallacies in the thought of one of the keenest, noblest, and least expendable thinkers and doers of the XIXth century” (Spiegelberg, 1961, p. 475). Familiar pastime, indeed, as “utilitarianism’s preeminence has been evinced in the remarks of those who would most fervently wish it gone” (Eggleston & Miller, 2014, p. 2; Irwin, 2009a), so perennially condemned that “it is scarcely recognizable in the pervasive caricatures floated by everyone from Dickens to Marx to Foucault” (Schultz, 2017, p. 4). On the centennial

of Mill's essay defending the theory, one philosopher wrote that the "day cannot be too far off in which we hear of it no more" (Williams, 1963, p. 150); a few years later, it was declared "destroyed, and no part of it left standing" (Plamenatz, 1966, p. 145).

"For many today – and many then – utilitarianism is a discredited moral doctrine" (Cave, 2006, p. 35); it is "false as a philosophical theory of ethics ... a fallacy, most egregiously committed by J. S. Mill but perpetuated ever since" (Taylor, 1995, p. 531); more recently, *Utilitarianism* appeared in a collection of "books that screwed up the world" (Wiker, 2008).

Ultimately, as his birth bicentennial approached, "Mill's detractors seemed to outnumber his defenders" (Lyons, 1997, p. ix). Indeed, "It is only the individuals or thinkers one loves who truly break one's heart. In the case of those thinkers, who has broken more hearts than John Stuart Mill?" (Kors, 2011, p. 1) – or, as one scholar put it, "When will your consequentialist friend abandon you for the greater good?" (Woodcock, 2010, p. 1). As part of a unique British intellectual tradition, his epitaph might well have been similar to how George Orwell characterized Mill's contemporary, Charles Dickens, as "a nineteenth-century liberal, a free intelligence, a type hated with equal hatred by all the smelly little orthodoxies which are now contending for our souls" (Beadle, 1969, p. 502). In our post-modern era, such "is truly the plight of Mill – everyone can find something to dislike" (Gustafson, 2009, p. 348).

Scholarly debates usually address one of the "two elements to utilitarianism: an account of what makes actions right or wrong – the ... consequences ... and a theory of intrinsic value, or what counts as good and bad ... Each ... is a subject of controversy" (West, 2103, p. 5261). And these controversies usually levy one of two perennial charges at the tradition: "The two criticisms pertinent here are that [it] is, on the one hand, overly demanding, and, on the other hand, that it is not demanding enough" (Alexander & Moore, 2017, para. 7; Williams, 1963);

either way, “the wheel is turning again: utilitarianism is giving way once again to a recognition of individual rights” (Dworkin, 2011, p. 414).

***Overly demanding: Utilitarianism expects too much.*** For Mill’s contemporaries, his philosophy rendered human pleasure as merely that of swine, made true happiness unattainable, turned humans into automatons, was essentially godless, justified the expedient, and ultimately takes too long to figure out (West, 2006). For many philosophers, “Mill has traditionally been portrayed as self-contradictory and failing to construct a unified social theory” (Clark & Elliott, 2001, p. 467; Kymlicka, 1990; Williams & Smart, 1963). Ultimately, *Utilitarianism* is just “not a fully developed work. It frustrates philosophers who look for a tidy resolution to the many tensions it introduces into the Utilitarian system” (Nussbaum, 2004, p. 68).

Utilitarianism, as defined by Mill, is “a fallacy” (Taylor, 1995, p. 531); it is undone by its own complexity (Woodcock, 2010), and is too demanding to actually be useful (Kagan, 1984) – because the good it seeks is, in the end, unquantifiable (Thomson, 1994), and its precepts for attaining that good incoherent (Eggleston, 2010; Miller, 2010). Further, it fails in articulating a just distribution of the good (Crane & Matten, 2007; Duncan & Gray, 1979; Arneson, 1979), ultimately rendering it unjust in actual practice (Fitzpatrick, 2001; Fleurbaey, Salles & Weymark, 2008; Kasachkoff, 1979; Rawls, 1971, 1999; Valentinov, 2017). In the end, utilitarianism is impossible, as most of us rarely maximize utility. (Sinnott-Armstrong, 2017).

***Overly licentious: Utilitarianism expects too little.*** On the other hand, Mill’s philosophy is seen as too flexible, which makes it attractive – but also makes it a “double-edged sword” (Sachs 2010, p. 258). This flexibility is both the strength and the weakness of the theory (Foreman, 2016). In this view, critics charge that it relies too much on subjectivity (Ewin, 1990; Foot, 1985) or intuition (Rosen, 1998; Tedesco, 2011).

Therefore, utilitarianism is often criticized for being too open to situational abuse (Sosa, 1993; Tarrant, 2004; Riley, 2006), and for its undue focus on ends (Wininger, 1986), thereby sometimes suggesting actions that violate intuitive moral values (Brandt, 1959; Sandberg, 2013) or applications that actually lead to less good (Baron, 1994). Further, some rights are always going to be nonutilitarian (Narveson, 1979), and that leads to confusion when egoism and altruism conflict (Norman, 1979) – because “utilitarianism does not take seriously the distinction between persons” (Rawls, 1971, p. 27).

One particular egregious offense blamed on Mill, especially quoting problematic passages from *On Liberty*, is that his philosophy may be used to justify a paternalistic exploitation of non-Western cultures by a Euro-centric utility: This “other side of Mill’s celebrated stance against conformism ... is a form of elitist paternalism that he adopted towards those he considered still politically immature: the uneducated classes in ‘advanced nations’ and, even more, the people of ‘barbarian’ societies” [40] (Ballacci, 2018, p. 3; Saint-Paul, 2011). Of course, Mill is not alone in being reconsidered thus: “The authority of the canon is under attack at present. The classic lists of big-name theories have been rejected as largely Western, male, and paternalistic. Credible theory must be multicultural, gender inclusive, and transnational instead” (Christians & Merrill, 2009, p. 3; see also Coleman & Fararo, 1992).

Ultimately, however, most of the basic “objections are ... often seriously misguided” (Shaw, 2006, p. 202; Ball, 1998; Harrison, 1998), especially those accusing Mill’s ethic of being practically unknowable. For example, when read in its entirety and original context, Mill mounts “one of the most vehement antipaternalist defences of individual liberty and social openness imaginable” (Villa, 2017, p. 233). Furthermore, “little attention has been paid to Mill’s arguments that class and gender ascription fundamentally construct individual identity” (Smits,

2004, p. 298). Instead, “when discussed ... utilitarianism is usually sketched, criticized, and then dismissed – usually because these ‘utilitarianisms’ are quite different than Mill’s classical utilitarianism” (Gustafson, 2013, p. 328). Indeed, “for it is only in contemporary moral philosophy textbooks that we find utilitarians prepared to sacrifice innocent Indians, or lynch guiltless bystanders. We do not find such scenarios in the writings of Bentham or J. S. Mill” (Kelly, 1998, p. 165). Indeed: As presented in such simplistic, unrealistic scenarios, most respond to Mill by charging that “his position was stupid” (Anscombe, 1958, p. 9).

Despite these and other protests from its legion detractors, however, “utilitarianism was not dislodged from its place at the core of moral philosophy ... even authors who doubted the adequacy of utilitarianism nonetheless affirmed its centrality” (Eggleston & Miller, 2014, p. 2).

#### **Utilitarianism’s continued relevance.**

Utilitarianism occupies a central place in the moral philosophy of our time. It is not the view which most people hold; certainly there are very few ... But for a much wider range of people it is the view towards which they find themselves pressed when they try to give a theoretical account of their moral beliefs. (Scanlon, 1982, p. 103)

More than 150 years after Mill claimed that happiness – whether acknowledged or not – formed a major part of all ethical traditions, scholars continue to affirm his assessment. The arguments of U.S. administrators to support their planned 2003 invasion of Iraq, as well as the underlying basis for the *Times* editors’ self-critique of their coverage of that issue, appeal to a “greater good” assumption that Mill would recognize. Indeed: “Despite its inadequacies ... utilitarianism is an attractive and powerful ethics in democratic societies ... [remaining] enormously influential in North American society” (Christians, 2007, pp. 113-119). It is “probably the basic moral philosophy of most nonreligious humanists today” (Harris, 2002, p.

119); and its principles “will probably be central issues in debates for centuries to come” (Sandberg, 2013, p. 2328).

Moreover, “in our society utilitarianism operates as a kind of tacit background assumption against which other theories have to assert and defend themselves” (Kymlicka, 1990, p. 10); therefore, it ultimately “has the distinction of being the moral theory that, more than any other, shapes the discipline of moral philosophy and forms the background against which rival theories are imagined, refined, and articulated” (Eggleston & Miller, 2014, p. 1). For example, as Mill himself might have written:

Ironically, all this criticism comes while we continue to use greatest good or common good analysis for most of our societal ethical issues. Considering societal benefit and harm is usually the basis for much of our discussion regarding the ethical failures of ... the subprime mess and recent Wall Street Meltdown. Taxcheating, welfare or insurance fraud, racism, gender discrimination and harassment in the workplace, undermining trust, stealing from the company, dishonest bookkeeping, and nearly any unethical business practice we can imagine are argued against and considered wrong in part, at least, because of the harm these activities do to the greater good. Utilitarianism in this sense is already widely used as an ethical appeal and business ethic approach, although it is seldom discussed in the literature. (Gustafson, 2013, pp. 327-328)

***Utility seeks greater empirical precision.***

To later generations, much of the moral philosophy of the twentieth century will look like a struggle to escape from utilitarianism. We seem to succeed in disproving one utilitarian doctrine, only to find ourselves caught in the grip of another.

(Korsgaard, 1993, p. 24)

“In the twentieth century, both the practice and the theory of utilitarianism were developed extensively ... [and] most of all what characterized utilitarian theorizing in the twentieth century was the aim for greater precision” (Bykvist, 2014, p. 103). Applications and further elaborations of Mill’s thought by later proponents such as Sidgwick (Lazari-Radek & Singer, 2014; West, 2014), Moore (1903, 1953), Brandt (1959; Palmer, 1999), Harsanyi (1953, 1955, 1977, 1982), Hare (1981, 1982), and Singer (1981, 1994, 2002; Perry, 2014) included attempts to find more clarity in defending utility against its perennial critics. “The first advantage [of utilitarianism] is sensitivity to empirical conditions” (Bailey, 1997, p. 8); in war, especially, ethicists seek objective criteria for defining victory or success (Angstrom & Duyvesteyn, 2007).

These refinements informed various applications of utilitarian thought to education (Kitcher, 2010; Verburg, 2006), criminal justice (Brandt, 1959); criminal law (Bykvist, 2014; Martinelli, 2014), leadership (Lindebaum & Raftopoulou, 2107); economic justice (Schefczyk, 2014), sustainable development (O’Conner, 1997), resolving capitalism and socialism (Riley, 1996a); business ethics (Gustafson, 2103; Meinster, 2008; Crane & Matten, 2007), financial services confidentiality (Nixon, 1994), economic policy (Bykvist, 2014), health care policy (Gandjour & Lauterbach, 2003), bioethics (Callahan, 2003; Singer, 1981), institutional justice (Baily, 1997), climate change (Mulgan, 2015), and political policy (Bykvist, 2014).

***Utility seeks greater sympathetic sensitivity.***

Harsanyi’s and Hare’s arguments are not just abstract theoretical constructions ... they both identify moral decisions with decisions based on sympathetic identification ... refining the golden rule so that it tells you what to do to others what you would want them to do to you, if the roles were reversed and you were in their exact objective and subjective circumstances. Conceived in this way, utilitarianism is not a number-



crunching, cold-hearted theory; it is a theory that tries to articulate one crucial aspect of our common moral experiences: the moral importance of putting yourself in another person's place and seeing things from her point of view. (Bykvist, 2014, p. 123)

In addition to a greater focus on precision, as it has evolved over the past century and a half, “the doctrine has the advantage of proximity to real human interests ... real preferences of real persons” (Bailey, 1997, pp. 9-10). This provided an alternative to a purely emotional argument, in which “questions of this sort ... are not settled by reason: they are settled by prejudices and sentiments or by emotion. When they are settled they do not stay settled, for the emotions change as new stimuli are applied” (Clarence Darrow, 1922, as cited in Coyne & Entzeroth, 2006, p. 3). Instead, enhanced utilitarianism offers an impartial, sympathetic, and rational approach (Hare, 1981; Harsanyi, 1953, 1955; Bykvist, 2014), finding applications in social considerations of rationality (Bailey, 1998) and political education (Villa, 2017). “For example, one obvious [utilitarian] reason for building a strong welfare state was that it actively promotes the well-being of the citizens” (Bykvist, 2014, p. 103).

This is where the theory's flexibility finds its own utility. Utilitarianism, “although perhaps theoretically simple, is an enormously flexible moral framework. And perhaps it is this flexibility which explains utilitarianism's longstanding place as one of the main contenders in moral philosophy” (Sandberg, 2013, p. 2328). Here, it can offer a Kantian “universalizability [as] it is a general truth that if an action ought to be done in a situation, then it ought to be done in any situation that shares the same universal features” (Bykvist, 2014, p. 122).

Finally, the perennial challenges addressed in *Utilitarianism* itself continue to speak to each new generation in meaningful ways: Indeed, “many of the topics ... such as the nature of

happiness, the role of rules in morality, and the compatibility of justice with promoting overall good – are ones that especially interest today’s readers” (Eggleston, 2017, p. 3).

*Utility seeks new opportunities.*

Many of us who work in moral philosophy spend a lot of time worrying about utilitarianism. Our problem isn’t merely that it continues to have its friends, though it does; our problem is deeper, lying in the fact that we haven’t found – and its friends are delighted to draw our attention to the fact that we haven’t found – a way of positively killing it off. No amount of mowing and tugging seems to work; it keeps on reappearing, every spring, like a weed with a long root. (Thomson, 1993, p. 145)

It is no wonder, then, that some form of utilitarianism – acknowledged or not – appears in everyday ethical considerations in business, politics, civics, and journalism. “Despite its detractors, utilitarianism is an attractive ethical theory. Its claim that our fundamental obligation is to promote a balance of good over evil is plausible, the theory admits of relatively clear formulations, and it continues to have its adherents” (Wierenga, 1984, p. 311).

“Today, the utilitarian tradition is as alive as ever, and the theory is at the center of a number of contemporary debates in ethics, with critical discussions of it continuing to fill the leading professional journals” (Shaw, 2006, p. 201). Every new generation of aspiring philosophers must read Mill as a sort of academic rite of passage (Nussbaum, 2004); meanwhile, “utilitarianism continues to vex its critics” (Shaver, 2004, p. 235) and “refuses to fade from the scene” (Scheffler, 1982, p. 4). And wars, and rumors of wars, continue to invoke its framework for ethical decisionmaking. “For example, in order to judge whether the invasion of Iraq was wrong we need to know the consequences this will have on Iraqi lives and the political situation in the Middle East” [Bykvist, 2010, p. 8-9).

Especially now, in revisiting the *Times* coverage of that invasion, because “utilitarianism continues to flourish ... in philosophical ethics” (Crisp, 2014, p. 231), “Mill is worth revisiting because ... his thought shed light on the way we produce and circulate ideas in the United States” (Wolfe, 2008, p. B6). And we have yet another reason: “He was ... a journalist.”

### **Situating Millian Conflict Coverage in the Utilitarian War Literature**

Mass destruction and mass corruption: The souls of sufferin’ men

Clutchin’ on deaf ears again: Rapture is comin’

It’s all prophecy: and if I gotta be sacrificed for the greater good

Then that’s what it gotta be. (Tesfaye, Duckworth, Feeney, & McKinney, 2018)

The commitment of a nation’s resources, citizens, and stability – and, ultimately, its future security and even survival – to warmaking surely represents one of the most seriously consequential actions any state leader could ever consider; in fact, “war has been perhaps the most consequential enterprise in human history” (Jenkins, 2017, p. 963).

“Sending Americans into battle is the most profound decision a president can make” (Bush, 2003a, para. 81), claimed then-President George W. Bush as he prepared to do just that in Iraq, echoing – though not acknowledging – Mill from almost 150 years earlier: “There are few questions which more require to be taken in hand by ethical and political philosophers” than that of when “it is allowable to go to war” (Mill, 1859b, p. 118). And invariably, just as Mill claimed, appeals to utility – whether explicitly acknowledged or not – spring eternal, especially when the state seeks to justify waging war: “When we call on society to shared sacrifice, the reason given is almost always ‘for the greater good’ ... the greatest long-lasting happiness for the most – the prosperity of society into perpetuity” (Gustafson, 2013, p. 328). Ultimately, this unacknowledged appeal to utility often underlies the state’s specific argument for such shared sacrifice: the

communal pact that “war is legitimate as an extreme means of preventing greater evil for humanity” (Ellul, 1969, p. 6). Or, as Mill wrote about the U. S. Civil War: there are worse evils for a nation than war (Mill, 1862a).

The decision to wage war may represent one of the most perennially utilitarian questions: “While this tension between means and ends infects much of our moral life, nowhere is this dilemma more starkly drawn and so difficult to resolve than in wartime” (Whitman, 1993, p. 261). Meanwhile, “the search for the multifaceted answer of how to achieve victory in war has consumed the mental efforts of kings, soldiers, and wise men for millennia” (Set introduction, 2013, p. xix). Unfortunately, “the tendency to destroy the adversary which lies at the bottom of the conception of war, is in no way changed or modified through the progress of civilization” warned one of the subject’s greatest theorists (Clausewitz, 1873, para. 10), describing the timeless debate between emotion and reason when war talk arises (Scheipers, 2018). And even “modern man inherits all the innate pugnacity ... of his ancestors ... War is the strong life; it is life *in extremis*; war taxes are the only ones men never hesitate to pay” (James, 1910, p. 4) – because “it can give us what we long for in life. It can give us purpose, meaning, a reason for living ... war is an enticing elixir. It gives us resolve, a cause. It allows us to be noble” (Hedges, 2002, p. 3).

Further, such war talk carries real power in and of itself: In fact, “if actors believe that war is imminent when it is not in fact certain ... [this] can be a causal factor in the outbreak of war, by raising the perceived probability of military victory and encouraging hawkish and provocative policies” (Johnson & Tierney, 2011). Perennially, despite any human claims of progress, war still “feeds and fires the population’s martial enthusiasm ... if unchecked by political goals” (Hamblet, 2005, p. 39; Fiala, 2008; Hedges, 2002) or other, usually

consequentialist, restraints – often with some appeal to some greater good: “So war is not just about blowing things up – it’s about achieving political goals” (Tierney, 2018, para. 15).

### **What is it Good For? Utility Challenges Perennial ad Bellum Claims**

Ultimately, “one of the things most of us want, even in war, is to act or seem to act morally” (Walzer, 1977, p. 497); in fact, “a true warrior must be morally superior in some way” (French, 2017, p. 2) to a mere killer. And so we cry, with the famous Vietnam-era song, “War: What is it good for?” (Whitfield & Strong, 1969), whenever, as a more recent hit cried, “I gotta be sacrificed for the greater good” (Tesfaye, Duckworth, Feeney, & McKinney, 2018). Upon review, unfortunately, it appears “extremely unlikely that any war, viewed as a whole, has been a welfare-optimal event ... There will almost certainly have been some alternative state of affairs ... that would have been better on utilitarian grounds” (Shaw, 2014, pp. 306-307). In hindsight, that seems obvious: “There was too much killing in the twentieth century” (Walzer, 2009, p. 42), brought on by increased imperial expansion and “two terrible wars” (Mann, 2012, p. 2), making it “the bloodiest era in history ... In all, between 167 million and 188 million people died because of organized violence in the twentieth century – as many as one in every 22 deaths in that period” (Ferguson, 2006, p. 61). By any conceivable measure, what possible greater good could ever justify such industrial-scale bloodshed?

“War is the hardest place” to judge, so there we must begin: because, if “comprehensive and consistent moral judgments are possible there, they are possible everywhere” (Walzer, 1977, p. 221). And, just as Mill observed 150 years ago, scholars of all traditions often invoke some form of (often unacknowledged, incomplete and/or misunderstood) “greater good” utilitarianism in considering, first, whether to go to war – the perennial, quintessential *ad Bellum* question. Yet, as Mill also charged, these various appeals to the greater good fail to completely understand and

apply a truly utilitarian calculus in their different ethical arguments – and nowhere is that more evident than in the ongoing debate between the various critics of utilitarian war ethics and the growing influence of a myopic, incomplete utilitarian war ethic (Shaw, 2011, 2014, 2016).

In a sense, the synergy of the resurgent interest in Mill surrounding the anniversaries of his birth and of *Utilitarianism* with the exponentially expanding war ethics debate surrounding the 2001 terrorist attacks and their aftermath created a perfect opportunity of sorts for new approaches to consequentialist and utilitarian war ethics, culminating in Shaw’s Utilitarian War Principle (2011, 2014, 2016). However, as these ongoing discussions evolved to include a more complete and just utilitarianism, nothing in this review of the literature suggests that any of them invoked Mill’s definition in *Utilitarianism* (1863) of security as the greatest good. This study will offer an initial attempt at outlining a security-focused utilitarian reporting model.

**Non-utilitarian *ad Bellum* ethics.**

Let us disqualify at the outset utilitarianism ... Torture has been used on suspected terrorists in the name of maximizing utility ... encouraging utilitarianism would risk exacerbating a mentality already manifested by some people engaged in the “war on terror” ... that “the ends justify the means.” ... utilitarianism would lend itself to abuse in precisely those kinds of situations in which ethical safeguards are most needed, and should, for this reason, be stricken from the list of viable ethical alternatives for the military. (Snow, 2009, p. 560)

Until recently, war ethicists almost unanimously adopted this assessment, throwing an incomplete and misunderstood utilitarianism out with the bathwater instead of addressing the common abuses of its “bumper-sticker” version. Utilitarianism “has been brushed aside a bit hastily in military ethics on the mistaken assumption that it condones calculative behavior”

(Olsthoorn, 2011, p. 89). Indeed: “Nonconsequentialist approaches to military ethics have enjoyed supremacy as long as the tradition has existed,” observed Jenkins (2017, p. 963); “It is the conventional wisdom that utilitarianism was at best moot on the subject or at worst downright hostile to widely accepted moral constraints on declaring and fighting war.”

These critics most often address concerns about just conduct during war – the *jus in Bello* question of just war theory. However, Mill’s apparent ethnocentric paternalism, especially as expressed in problematic passages in *On Liberty*, makes his utilitarianism an easy target in *ad Bellum* debates as well. Ultimately, some critics claim, “the common good of a political community cannot be defined in utilitarian terms, as the greatest good for the greatest number ... [because] the common good would become the good of the majority ... [not] to benefit all” (Moltchanova, 2011, p. 166). Yet many still appeal to utility (Hooker, 2000; Traub, 2013) to settle questions of existential significance – especially in the realm of state-directed violence.

For example, proponents of capital punishment claim that it may “deter future criminal conduct” – however, opponents also apply a very utilitarian calculus in insisting that “if a lesser penalty achieves the same or a greater level of deterrence, no ... justification supports” it (Coyne & Entzeroth, 2006, p. 25). In fact, in his concurring opinion in the landmark U. S. Supreme Court decision that temporarily ended capital punishment, Justice William O. Douglas invoked the existing sentencing’s consequence as the basis of his argument: “A law which in the overall view reaches that [unjust] result in practice has no more sanctity than a law which in terms provides the same” (*Furman v. Georgia*, 1972, p. 256).

Further, and somewhat counterintuitively, utility’s proponents have largely ignored these critiques, and utilitarians “bear some responsibility for this situation ... for despite the enormous impact that war and the threat of war have had on human well-being, they have had relatively

little to say about when, if ever, we may fight wars” (Shaw, 2011, pp. 381-382). Yet, as Mill claimed, the “principle of utility ... has had a large share in forming the moral doctrines even of those who most scornfully reject its authority” (1863, p. 4), and utility often appears – again, usually unacknowledged, incomplete and/or misunderstood – in arguments for the three most commonly accepted ethical approaches to war (Ellul, 1969; Shaw, 2016). Indeed, like Mill, utility may be a victim of its own success, going largely unacknowledged because it became so accepted: “Whether [martial] actions can be justified or not, it is clear that ... act-consequentialist thinking plays prominently in our intuitive moral judgments, and, consequently, we should expect the view to have influence in considerations of this kind” (Mosdell, 2011a, p. 2). And such thinking is evident even in longstanding U.S. military tradition: The honorary three-volley rifle salute always performed at military funerals represent “Duty, Honor, and Country” – in that order (Watson, 2016, para. 4; Military, 2007); three shell casings are traditionally inserted into the memorial flag as it is folded after being removed from lying over the deceased veteran’s coffin, and three spent cartridges from the funeral salute are presented to next-of-kin – all with the same designation of these three ideals. Though perhaps unintended, this deeply meaningful tradition references all three of the major philosophical traditions in Western war ethics: deontology, virtue, and teleological communal service.

Nevertheless, any such influence goes largely unacknowledged: “Textbooks and other surveys of the ethics of war and peace typically lay out three basic positions: pacifism, realism and just war theory” (Shaw, 2011, p. 380). However, proponents of each often invoke utility in defending their positions, as Mill predicted they would. In fact, utility often appears as a kind of third option, balancing between competing virtue and duty claims in a toxic triad, being invoked



in hopes to justify each approach's argument by appeal to the supposed greater-good consequences of the proposed action.

***Pacifism: Virtue, duty and utility all reject ad Bellum.***

Aristotle's example is the courageous warrior ... who faces death in battle for the sake of a noble end. It is absurd to say that this warrior is pleased at the prospect of death ...

Indeed, the better his life is, the more he thinks he has to lose and the more pain he is likely to feel at the prospect of death. Nonetheless, he is acting in accordance with excellence, and is aware of that; and so he is happy. (Nussbaum, 2004, p. 65)

At one extreme on the spectrum of ethical responses to the perennial *ad Bellum* question, *pacifism*, the categorical refusal to fight, represents “the absolutist view that war is immoral and that therefore it is always wrong, always morally unjustified, for either nations or individuals to fight them” (Shaw, 2011, p. 380). However, a number of anti-war and pro-peace positions overlap and co-exist under the broad term “pacifism” – which is not itself a passive approach (Fiala, 2018). Various approaches to pacifism may apply virtue, deontological, or consequentialist ethics – or combinations thereof – and may be absolute or conditional (Moseley, n.d.b; May, 2015).

The ancients extolled the virtuous flourishing of Aristotle's “happy warrior” – courage, nobility, selflessness, sacrifice (Koenigsberg, 2009; Marvin & Ingle, 1998) – and, though such an absolute idolizing of war for its own sake is not as strong among the modern Western heirs of that philosophical tradition, deeply rooted elements of a nationalist noble-warrior virtue ethic may be found in recent systems, such as the pre-World War II German *Anschluss* ideal of “a *grossdeutsch* national community linked to democratic values” (Hochman, 2016, p. 22; Bukey,

2000; Rempel, 1989), or the similarly widespread U.S. folk beliefs attached to military service and the flag (Marvin & Ingle, 1998).

Conversely, however, the noble citizen willing to die rather than to fight also acts from virtue (Chatfield, 1973). Many “conscientious objectors ... have often been accorded a special recognition for their moral bravery” (Moseley, n.d.b, para. 1), and pacifists may be motivated by a virtuous religious mandate (Hauerwas, 1984; Yoder, 2009), a duty to avoid causing harm, or a call to utility (Donner, 2010; Riley, 2010; Russell, 2014).

Indeed, Bentham argued for a “perpetual peace” from utility (1789); later, John Stuart Mill made “justice ... grounded on utility” the basis for his defense of utilitarianism itself: “The moral rules which forbid mankind to hurt one another ... are more vital to human well-being than any maxims ... It is their observance which alone preserves peace” (1863, pp. 74-75). So while pacifism echoes some of utilitarianism’s appeal to the greater good, it does so incompletely: such a rigid kind of rule-utilitarianism fails to account for the reality of an imperfect world, resulting in “the wrong-headed idealism we find in the naïve pacifist” (Bykvist, 2010, p. 149). Even policy designed to avoid war can cause harm: For example, between the 1991 Gulf War and the 2003 invasion, some “quarter-million Iraqi children have died under sanctions who would otherwise be alive and healthy; we may call this international governance ... but the human consequences are the same as [those] of warfare ... against the unarmed” (Gordon, 1999, p. 150; Early, 2015).

Ultimately, however, for the pacifist, “there are additional arguments against war ... [So] the case for war is weaker and the case for many of the alternatives is stronger than commonly thought ... it is, in general, morally obligatory to pursue the alternatives” (Pattison, 2018, p. 2).

***Realism ad Bellum and a utilitarian rejection.***

Instead we recommend that you should try to get what it is possible for you to get ...

since you know as well as we do that ... the standard of justice depends on the equality of power to compel and that in fact the strong do what they have the power to do and the weak accept what they have to accept. (Thucydides, 5.84-116; trans. 1997)

The opposite extreme from pacifism on the spectrum of *ad Bellum* responses, *realism* holds that expedience is the only law in war (Clausewitz, 1873; cf. Bataille, 1991; Hamblet, 2005). Rival agents are motivated solely by “the famous Thucydidean paradigm of fear, honor, and interest” (Kaplan, 2019, para. 12); the victors define justice, as the fifth-century B.C. Athenians argued in Thucydides’ *Melian Dialogue*, above; ultimately, as, “in Plato’s Republic ... Thrasymachus defends the idea that justice is whatever is in the interest of the stronger” (Sayre-McCord, 2012, para. 6; DeLapp, n.d.). Or, as first-century BC philosopher Cicero was cited as writing, “inter arma silent leges – in time of war, the law falls silent” (Safire, 2001, p. A35).

Much later, an American satirist presented this argument as “might is right ... and everything to the winner” (Redbeard, 1927, pp. 1-3) – or, as one U.S. songwriter later put it, “might makes right, playin’ chicken delight,” (Taylor, 1983, track 5), both reflecting a popular inversion of Abraham Lincoln’s famous “right makes might” appeal to a just duty (Raymond, 1865, p. 99). That the victors get to write the history remains a valid observation: “Why did the United States invade Iraq? ... It was something that some people wanted to do” (Packer, 2005, p. 46). Ultimately, then, realism “remains the primary or alternative theory in ... addressing general theories of world politics, particularly in security affairs ... There can be little doubt that realist theories rightfully retain a salient position in international relations theory” (Legro & Moravcsik, 1999, p. 5).

Realism represents “the amoralist thesis ... that war ... is neither right nor wrong, but simply a matter of national interest ... that when it comes to war moral categories and moral

analysis do not apply” (Shaw, 2011, p. 380). “Classical political realism views force as the extension of politics by other means: an instrument of state power. Moral judgments, if considered at all, primarily serve as window dressing” (Carlson, 2008, p. 620; Clausewitz, 1873).

Indeed, “many doubt ... that ethics can be meaningfully applied to war” at all (Shaw, 2016, p. ix), asserting that “no plausible moral theory could license the exceptional horrors of war” (Lazar, 2016, para. 1). Well, perhaps no moral theory other than a myopic, incomplete, or misunderstood “bumper-sticker” utilitarianism: as many critics agree, “although Mill’s ... philosophy cannot be held accountable for the Eurocentric imperialism of the nineteenth century, it at least played an important role in justifying ... Western colonialism in the name of the ‘greater good’” (Ahn, 2011, p. 87; Ballacci, 2018; Habibi, 1999; Jahn, 2005; Saint-Paul, 2011). However, in a more complete context, “Mill was highly critical of a government that only cares about its national interest” (Ahn, 2011, p. 86; Lindebaum & Raftopoulou, 2017; Villa, 2017).

Overall, the English utilitarians categorically rejected classic realism’s defense of conquest for its own sake. James Mill, for example, insisted that “the only just ends of war are compensation for the injury received and security against any fresh injury” (Shaw, 2014, p. 305). In *Utilitarianism*, John Stuart Mill also rejected realist reasoning, as then “we could be deprived of anything the next instant by whoever was momentarily stronger than ourselves” (1863, p. 66). Further, even in more recent applications of realism, statements hailing “ethical realists ... embracing stratagem and force as instruments of justice, power and self-interest so as to curtail human suffering” (Carlson, 2008, p. 647) sound more like the enlightened English than they do the ancient Athenians, with appeals to the greater good. Like pacifists, some realists often appeal to some beneficial consequence when defending their ambitions: “These are not wars of annihilation. They are wars of Americanization” (Tierney, 2010, p. 16), for example. Or, some

abandon any good but expedience: “War is immoral but (or ... therefore) all is fair in war. The thing to do is get the war over as fast as possible and forget all the discriminations and distinctions fostered by moralists and armchair soldiers” (Finn, 1970, p. 3). Whether publicly acknowledged, some form of this particular stance has informed U.S. military actions after the end of the Cold War: “Before 1990, America’s use of war was reluctant, limited, and discreet; since 1990 it has gradually shed those inhibitions” (Strachan & Herberg-Rothe, 2007, p. 5).

Meanwhile, in arguing that a truly realist position would have actually opposed the 2003 invasion of Iraq, some scholars claim that “realism as we conceive it offers the prospect of security without war” – avoiding the harms associated with most major wars of the past century (Rosato & Schuessler, 2011, p. 804). In fact, “restraint realists stood firm and vocally condemned the war ... [and] predicted that the forceful imposition of democracy in the alien culture of Iraq was surely doomed to fail” (Deudney & Ikenberry, 2017, pp. 12-13).

However, whether in these and other realist appeals to the greater good of avoiding war, or to the more common realist justifications for strong states to wage war, even realists also fail to apply a complete utilitarian war ethic (Shaw, 2011, 2014, 2016).

***Just War Theory approaches utility.***

If we claim to be a just war people and yet do not know what a just war is, there is something wrong. At best we are exposed as hypocrites; at worst, we are susceptible to being manipulated and misled into endorsing forms of war and fighting that we ought not, perhaps simply because just war language is invoked by those doing the manipulating. (Bell, 2009, p. 16)

Utilitarian arguments appear especially in discussions of *just war theory* (JWT), a mediating consequentialist tradition that requires a given war to be justified in three distinct

moral arenas: why it started, how it is fought, and how it ends. In a sense, just war serves as a compromise between pacifism and realism, offering a consequentialist alternative to both.

“Just war theory contrasts with realism in holding that moral categories can and ought to be applied to war. It contrasts with pacifism, on the other hand, in maintaining that sometimes it is morally permissible to fight” (Shaw, 2011, p. 380). “The task of just war theory is to seek a middle path between them: to justify at least some wars, but also to limit them” (Lazar, 2016, para. 1; Ramsey, 1961). It can also satisfy the ends of both extreme approaches, when a war actually achieves some sort of peace as well as tangible stability and benefits for the majority (Carlson, 2008). Ultimately, for Augustine, the theory’s authoritative architect, “the aim of a just war is that the unjust enemy will turn from their wicked ways, make amends, and rejoin the community of peace and justice” (Bell, 2009, p. 31) – all consequences well resonant with the demands of a more completely understood Millian utilitarianism (Shaw, 2011, 2014, 2016).

Though many ethical traditions include the discipline of justifying war, the roots of the just war tradition reach back through European thought to the 4<sup>th</sup>-century Christian philosopher St. Augustine; however, the concept was first expounded by the 13-century theologian Thomas Aquinas and later expanded by others (Moseley, n.d.a; see also Bell, 2009; Dubik, 2016; Lazar, 2016; Ramsey, 1961; Walzer, 1977). Though developed in the Judeo-Christian Western world, the “just war tradition did not begin with Christianity. Rather, Christianity adopted it from ancient Greek and Roman cultures and then developed it” (Bell, 2009, p. 25). As far back as Hammurabi’s 18<sup>th</sup>-century B.C. Code, “the authority to punish wrongdoing became part of the sovereign’s ‘divine right’ (Coyne & Entzeroth, 2006, p. 4), an authority later extended to other state officials in the ancient world and Roman empire (Miller, 1987).

Eventually, JWT evolved as a framework for considering the relative justifications for war by strictly secular, rights-based criteria, without the traditional recourses to religion (Cavanaugh, 2009). “Today no one believes in a ‘Christian war’ or a war to defend Christianity ... no one believes that God is with ‘our’ armies” (Ellul, 1969, p. 7) – though some Christians publicly argued for the invasion of Iraq on sectarian grounds (Fisher, 2011b; Olsen & Hertz, 2003). However, where recent Christian ethicists have argued for a better-grounded JWT, their arguments are for acting in a more Christian manner, and not for spreading the faith through force (Bell, 2009; O’Donovan, 2009). Instead, a secular, patriotic civic religion often drives public sentiment: “Terms such as ‘chosen people’ are rarely heard anymore, but the sense of [American] exceptionalism and the belief in individual rights are woven into our inherited customs and produce a reflexive crusading instinct in wartime” (Tierney, 2010, p. 30). Ultimately, “just war theory ... has been used to bless questionable and even unjustified wars. But international politics is complex and morally fraught. It demands to be dealt with if even an imperfect peace is to be maintained” (Colby, 2016, p. A6).

Initially, the theory involved two major criteria: *Jus ad Bellum*, or justification for going to war, and *Jus in Belo*, or justification in how war is conducted. More recently, scholars have also considered *Jus post Bellum*, or justification in how wars are ended and peace established.

In part due to the horrors of the two world wars, just war theory informed the 1929 and 1949 revisions of the Geneva Convention (Lazar, 2016, para. 6; O’Donovan, 2009), especially in negotiating limits on wartime conduct, or *jus in bello* concerns. Later in “the twentieth century, just war theory has undergone a revival mainly in response to the invention of nuclear weaponry and American involvement in the Vietnam war” (Moseley, n.d.a, para. 7), in books by Ramsey (1961), Walzer (1977), Paskins and Dockrill (1979), Holmes (1989), Norman (1995), and

Robertson (1999) – focusing again on the crucial, initial *ad bellum* question because of the exponentially increasing and disastrous potential consequences of such decisions.

Most recently, after the 2001 terrorist attacks, “academics have turned their attention to just war once again with international, national, academic, and military conferences ... Just war theory has become a popular topic ... of scrutiny and debate” (Moseley, n.d.a, para. 8) – so much so that it now occupies a “de facto monopoly ... over nonpacifist moral discourse about war” (Shaw, 2011, p. 381). Studies invoking JWT in considering challenges from conflict’s changing horizons include Alexander and Ellis (2001), Caney (2005), Coady (2002), Fabre (2012), Fabre and Lazar (2014), Fisher (2011a), Frowe (2014), Gross (2010), Lazar (2015), Lazar and Frowe (2016), May (2012, 2015), McMahan (2002, 2009), Moseley and Norman (2001), Orend (2001, 2006), Robinson (2003, 2006), Rodin (2002), Rodin and Shue (2008), Shaw (2011, 2014, 2016), Shue and Rodin (2007), and Valentino (2004).

Most significantly, Shaw (2011, 2014, 2016) proposes that war ethicists adopt the classic just war tenets as Millian “intermediate generalizations” (Mill, 1863, p. 29), and not complete criteria, because their adherence tends to increase war’s universally desired “good” outcomes while reducing war’s most universally condemned harms.

*Jus ad Bellum: Justification in going to war.*

I am a bit of history, I was born in April 1918, seven months before the end of World War I and in my early years heard World War I called the war to end all wars. It was no such thing. The policies adopted after its ending laid the groundwork for World War II, in which I served as a United States Marine ... I did not serve ... in Korea, Vietnam, Desert Storm, or any of the constant and sometimes grossly misnamed peace-keeping ventures ... My experiences on Iwo Jima ... made it clear beyond my ever forgetting,



that armed combat is merciless, cruel, dirty and soul searing, and rips human beings to pieces, not just physically but often psychologically. (Woodd-Cahusac, 2000, paras. 2-4)

A cursory review of U.S. history finds any number of appeals to some aspect of the just war tradition, especially in the essential, perennial quest to justify going to war in the first place; unfortunately, “in deciding to wage war states typically neglect or discount the consequences for other peoples ... what is thought to be good for one side ... is presumed to be thereby good for humanity as a whole” (Shaw, 2011, p. 384) - including the ubiquitous appeal to an eventual peace. Yet this incomplete approach ignores the very real consequences for both friend and foe alike: “Moral injury is real, and any nation that desires to truly honor its warriors must place perceptions of ‘what is right’ at the forefront of its deliberations on when and how to wage war” (Pryer, 2014, p. 34; Grossman, 2009). In an era of increasing attention to Post-Traumatic Stress Disorder and other once-overlooked war-related harms, the “painful paradox is that fighting for one’s country can render one unfit to be its citizen” (Shay, 1994, p. XX?; Carlin, 1990): “Few things are more corrosive than knowledge that one fought and possibly killed in a cause that lacked moral legitimacy, even if one fought honorably and within the rules of war” (Shaw, 2016, p. 164). No matter what, for “soldiers and civilians alike, war is often a traumatic experience. It is bound up with our very identity” (Tierney, 2010, p. 6).

A similarly incomplete utilitarianism appears in nearly every historic U.S. calls to arms: “Combat ... has been with us from the start. American history is punctuated by episodes in which aggrieved parties have settled their differences not through conversation, but with guns” (Duhigg, 2019, para. 19). “Gentlemen may cry, peace, peace—but there is no peace ... Our brethren are already in the field!” cried Patrick Henry in 1775 (Wirt, 1817, p. 123), invoking the Old Testament prophet Jeremiah (8:15; 14:19). “Then conquer we must, when our cause it is

just,” wrote Francis Scott Key in the second war against the British nearly 40 years later, in a poem later to become the National Anthem (Key, 1814, para. 5). Two decades later, sympathizers were implored to “Remember the Alamo” and “Remember Goliad!” in the fight for an independent Texas (Frasca, 2005, p. 387). A quarter century beyond, Abraham Lincoln promised in his inaugural address to avoid war, so long as he could “preserve, protect, and defend” the Union (Raymond, 1865, p. 169); meanwhile, secessionist state officials claimed their cause was to defend the “necessities of the world ... commerce and civilization” (Rizga, 2018, para. 17). Within two years of Lincoln’s assassination, one of his most famous Civil War generals was quoted as insisting that “The only good Indians I ever saw were dead” (Brown, 1972, p. 166), because of their danger to white settlers. As the century closed, U.S. citizens were called to “Remember the Maine, to hell with Spain!” (Edgerton, 2005, p. 1), avenging an unjust attack; a generation later, they were inspired to “make the world safe for democracy” (Freidel & Sidey, 2006, para. 1) in a monstrous “war to end all wars” (Woodd-Cahusac, 2000, para. 2).

Another generation after that, the country’s “greatest generation... answered the call to help save the world” (Brokaw, 1998, p. xxvii; 1999, 2001; Bostdorff, 2011) in the Second World War, seen largely as a justified war in which, “by contrast [to most history], military victory was transformed into strategic victory” (Metz & Millen, 2003, p. 23). Today, a “greater good” symbolism is evident in the way statues of Abraham Lincoln and Ulysses Grant, along with the National World War Two Monument, dominate the Reflecting Pool on the National Mall in front of the U.S. Capitol: “The shimmering water bridges America’s two ‘good wars’: the first to save the Union and free the slaves ... the second to defeat fascism” (Tierney, 2010, p. 5).

However, the significant success of that singular event transformed every subsequent U.S. military experience, other than the Korean conflict, into an interstate war – a quest for a

similarly justified victory: “The fitting objectives of interstate war are different and altogether grander [than mere victory]: to compel unconditional surrender, create a new democratic government, and transform the world” (Tierney, 2010, p. 15). This incomplete utilitarian ideal informed the debates surrounding conflicts in Vietnam, Grenada, Panama, and the Gulf War.

After the September 11, 2001 terrorist attacks, through the subsequent public debate in the United States and the eventual U.S. military actions in Afghanistan and Iraq, the ongoing discussion has often invoked various appropriations of just war theory. For example, as the U.S. government considered the aftermath of the September 11 terrorist attacks, *USA Today* devoted an entire op-ed page two weeks later to a brief discussion of what just war meant to five different religious leaders – but did not explain the meaning or reasoning behind the doctrine itself (Grossman, 2001, p. 7D). Almost a decade later, the doctrine appeared prominently in discussions of President Barack Obama’s West Point speech, at which he announced a troop increase in Afghanistan (Baker, 2010). Most recently, the concept of *jus ad Bellum* appears in arguments defending President Donald Trump’s decision to send troops to the border to defend against an “invasion of our country” by Central American migrants representing a “National Emergency” (Shear & Gibbons-Neff, 2018, A18).

Generally, classic just war theory’s first and essential concept, *jus ad Bellum*, “has existed for centuries as a set of criteria that must be argued and met before the extreme action of war can be morally undertaken ... [or] what moral criteria justify going to war” (Brislin, 1992, pp. 209-211). These principles are: *Just cause*, the need for an existential reason for going to war; *Competent authority*, the socio-political authority to wage war; *Right intention*, the justified goals of going to war; *Comparative justice*, the just balance of redress of injury versus harm expected as a result of going to war; *Proportionality of ends*, the just cost-benefit analysis of

harm and good expected as a result of going to war; *Probability of success*, the expected high degree of likelihood that the goods will significantly outweigh the harms; and *Last resort*, the “utilitarian calculus” that allows going to war only after all other avenues of alternative action are either exhausted or convincingly argued as unworkable (Bell, 2009; Brislin, 1992; Dubik, 2016; Lazar, 2016; Moseley, n.d.a.; Shaw, 2011; Walzer, 1977).

Most recently, some of these classic *jus ad Bellum* principles appear in arguments surrounding various aspects of the U.S. “war on terror” (Dubik, 2016; Fleck, 2011; Garraway, 2011; Miller, 2013; Sarat, Douglas, & Umphrey, 2104). In particular, the “U.S. invasion of Iraq was broadly seen as a violation of international norms ... contrary to much international opinion and a departure from prevailing normative conventions” because, among other standards, it failed to meet several of the internationally adopted *ad Bellum* criteria (Shannon & Keller, 2007, pp. 79-80; Totten, 2006). The resulting problems reflected this “lack of diligent preparation” (Wyatt-Brown, 2014, p. 184). In retrospect, “the war’s rising costs and uncertain benefits confirm important questions that were present from the outset ... [especially] why this costly and controversial war was even considered a viable option” in spite of its many critics (Flibbert, 2006, p. 318). “Military action at that time was not a last resort” (Chilcot, 2016, para. 4). Indeed: “Why is it now so urgent that we should take military action to disarm a military capacity that has been there for 20 years, and which we helped to create?” asked one British legislator (Rao, 2016, para. 5). Worse, Calabrese (2005) found that most U.S. media missed reporting the fact that the 2003 “Bush Doctrine” of pre-emptive war actually departed from traditional just war tenets.

As Mill himself observed, the decision to go to war represents one of the most consequential of all political responsibilities (1859b). Perhaps, then, it comes as little surprise

that some war ethicists invoke Mill in their deliberations. For example, several have argued that Mill's stance on non-intervention could convincingly have argued against U.S. involvement in Vietnam (Shaw, 2014; Walzer, 1977). Others have asked: "Did the 1991 Gulf War against Saddam Hussein's Iraq or the more recent invasion and occupation of Iraq fulfill the last-resort requirement?" (Whitman, 2007, p. 28). Ultimately, applying a utilitarian ethic to the nation's history, noted Mill scholar David Lyons concluded that, again, "violence was conducted by our government, at least some of it contrary to U.S. law" (2012, p. 835).

*Jus in Belo: Justification in wartime conduct.*

Chaplain, is it right that we're here? Are we doing any good? And even if we are, should we have invaded this country in the first place? ... How do we maintain our moral standards and fight 'justly' when our enemies seem to have no moral scruples at all? Should we? How do we protect innocent noncombatants in villages when we have to find and kill the terrorists living there?

(Chaplain Lt. Col. Scott A. Sterling, as cited in Bell, 2009, pp. 7-8)

Besides setting forth strict guidelines for deciding whether to go to war, the classic just war "doctrine also sets the moral boundaries within which, once declared, war can be fought ... jus in bello – under what moral criteria a war may be fought" (Brislin, 1992, pp. 209-211). The ideal of a justified warrior "carried a moral weight, from the Greek and Roman sense of virtue, of properties and qualities of right conduct" (Der Derian, 2001, p. xv). The two main criteria of the larger JWT tradition are seen as "independent arguments ... [as] a just war may be fought unjustly, while aggression is unjust but must be conducted justly... defense and resistance are just but must also be justly limited" (Walzer, 1977, pp. 502-507). In practice, beyond "simply a tool for judging battlefield conduct, law now seeks to subdue warfare and to enlist it into the

service of legal goals ... to authorize and restrain, to declare and limit, to justify and condemn” (Sarat, Douglas, & Umphrey, 2104). And it is no accident that these concepts are still taught to officer-students in the U.S. military academies; ultimately, “the command climate plays an important, if not the most important, role in preventing unethical and unprofessional behavior” on the battlefield (Tripodi & Todd, 2017, p. 77).

The two main principles of *jus in Belo* are: *Discrimination (non-combatant immunity)*, the distinction between combatants and civilians in a just war that allows for the targeting of the former and the protection of the latter; and *Proportionality of means*, the insistence that only the minimum force required for victory be applied to strategy and tactics in a just war (Bell, 2009; Brislin, 1992; Dubik, 2016; Lazar, 2016; Moseley, n.d.a.; Shaw, 2011; Walzer, 1977). Some scholars include another principle: *Necessity*, the injunction against any harm that does not provide tangible military benefit (Shaw, 2016).

That these two principles of the just war tradition collide head on with a number of both distinct events and overall policies in recent U.S. military history is well documented, as rising issues related to non-state actors, asymmetrical warfare, terrorism, assassination, regime change, and torture significantly challenge both of these *jus in Belo* precepts (Banks, 2008; Cogen, 2012; Fleck, 2011; French & Jack, 2015; Gourevitch & Morris, 2008; Hurka, 2005; Liivoja & McCormack, 2016; Power, 2002; Sarat, Douglas, & Umphrey, 2104; Steinhoff, 2007). “In peacetime, few countries have been as vocal as the United States in arguing for the need to protect civilians from the scourge of war. But once battle is joined, restraints on the use of force tend to fall away” (Tierney, 2010, p. 15).

Unsurprisingly, as the various ethical traditions enter uncharted territory, their proponents often revert to utilitarian arguments to help limn guidelines for just conduct during war. On the

battlefield itself, “soldiers and their leaders are best educated on the Laws of Land Warfare and will more readily comply with these laws when understood and justified by appeal to utilitarian considerations” (Whitman, 1993, pp. 262-263). Wherever one may fight, “one of the sustaining conclusions of just war theory is that escalation or retaliatory measures (tit for tat policies) should be avoided for their destabilizing nature” (Moseley, n.d.a., para. 29), therefore, “[c]ounterterrorism operations must ... minimize collateral damage, which invariably creates dislocation, social isolation, and calls for revenge” (Abrahms, 2008, p. 105).

In particular, the changing reality of war challenges traditional just war views on the treatment of prisoners, when both proponents and opponents of torture, for example, appeal to utility to argue their side (Griffin, 2010; Gushee, 2008). Even Bentham has been invoked in discussions of how best to bring terror suspects to justice (Resnik, 2011). Meanwhile, Walzer and others applied Mill to *jus in Belo* concepts such as proportionality (cf. Walzer, 2009), Ultimately, though consequentialist, these *jus in Belo* tenets still do not apply a truly utilitarian calculus.

In Vietnam, for example, where the U.S. first encountered large-scale asymmetrical warfare, “some military leaders adopted what they called ‘utilitarian calculation’ when they deliberated about how to fight the war. I do not think it is too wild to guess that these calculations were often skewed in favour of American lives” (Bykvist, 2010, p. 95). Since then, this one-sided valuation is reflected in how the government – and the press – report conflict-related deaths: “We can rattle off casualty rates ... Yet most of us would not know the casualty figures for the other side ... Post-Vietnam, the U.S. has made many digital advances; public announcement of enemy body counts is not one of them” (Der Derian, 2001, p. xv).

Worse, from Vietnam through the present, an incompletely utilitarian good of shortening a conflict may have instead actually created more civilian deaths in the long run: “Qualms about targeting civilians melt away as we try to end the slaughter. The major barrier stopping the United States from destroying women and children in wartime is not our moral inhibitions, but the enemy’s failure to offer sufficient resistance” (Tierney, 2010, p. 26). Finally, an incomplete focus on ends can become a self-perpetuating cycle of consequentialist self-justification: “The Vietnam War is a spectacular example ... in the late stages of going in the wrong direction policy-makers may hold that all their previous efforts will have been in vain unless one more effort is made” (Braybrooke, 2004, p. 75). In situations like this, an incomplete utilitarianism ultimately serves to violate the just war tenet that requires a just warrior to cease fighting when the original justification for the war changes and is no longer valid.

*Jus post Bellum: Justification in war’s end and aftermath.*

Why and how nations go to war matters crucially from a moral point of view. Yet the morality of war also encompasses concerns broader than the *jus ad Bellum* criteria justifying the resort to war or *jus in Belo* constraints on war’s conduct. In some cases, a war’s moral legacy may outshine – even contrast starkly with – the political reasons for war or its conduct. (Carlson, 2008, p. 620)

Joining a growing insistence on also seeking *jus post Bellum*, or justice in war’s aftermath, a just conflict must result in the greater goods of “not just peace, but peace-with-rights, a condition of liberty and security,” declared Michael Walzer in his landmark treatise on just war (1977, p. 872). For example, even when considering *jus ad Bellum*, “[w]ar should be a path to peace,” argued Tom Brislin; “Just as important, the peace must be just” (1992, p. 211).



Even from a realist perspective, “order precedes justice in the strategy of government; but ... only an order which implicates justice can achieve a stable peace” (Niebuhr, 1944, p. 181).

Though a later addition to the traditional JWT criteria of *jus ad Bellum* and *jus in Belo*, an emerging *jus post Bellum* requirement includes five principles: an adaptation of *Discrimination (non-combatant immunity)* to post-war treatment of civilians; a *Rights*-based respect and consideration for the vanquished people; an adaptation of *Proportionality* that balances the victors’ demands with the nature of the conflict; a *Compensatory Discrimination and Proportionality* approach to reparations and penalties imposed on the vanquished; and, at times, the *Rehabilitation and Re-Education* of the vanquished (Evans, 2009; Gheciu & Welsh, 2009; Moseley, n.d.a; Orend, 2001, 2006; Recchia, 2009; Zaum, 2009).

In a passage resonant with the anti-war of the early utilitarians, one religious writer recently reminded her readers that these consequences affect warrior and civilian alike:

Veterans experience physical, psychological, and spiritual consequences of war: spilled blood, broken bodies, families torn apart, and wounded souls. The people in the nations in which they fight experience all of this as well, and the further tragedies of land and infrastructure and economies destroyed, the poverty of destabilization, epidemics, displacement and refugee crises. (Paris-Lopez, 2018)

The post-World War II Marshall Plan represents for many the gold standard of *jus post Bellum* thinking, grounded in human rights concepts (O’Donovan, 2009). President George W. Bush made a number of comparisons to “the greatest generation” of that war and the present generation’s war in Iraq (Bostdorff, 2011). Indeed: “The false analogy of Saddam Hussein ... with Hitler’s onslaught in Europe was ludicrous but firmly repeated in Pentagon and White House circles” (Wyatt-Brown, 2014, p. 185) – and that powerful symbolism continues to

resonate with many. Yet recent generations appear to have forgotten the final, crucial JWT criterion: Increasingly, it seems, Postman (1985) may have been right about modern entertainment values driving the coverage of political decisions and national policy:

Americans are addicted to regime change and allergic to nation-building ... When the first shot is fired, the public rallies around the flag. Crusading enthusiasm sweeps the nation until the great dictator is overthrown. But once the United States begins nation-building in a conquered land, hope quickly turns to regret (Tierney, 2010, pp. 7-8).

This recurrent failure to consider long-term consequences – such as the reaction of the invaded populace – is reflected in the result of almost every U.S. war since 1945. “Moreover, since the end of the Cold War, regardless of the margin of victory, it has been rare for military triumphs in battle to yield substantial postwar payoffs” (Mandel, 2007, p. 13). Especially in both Afghanistan and Iraq, myopic, incomplete utilitarian goals of efficiency and limited military footprint backfired: “American policy-makers certainly would have benefited from a better understanding of the political implications ... the ways in which small war actually can *constitute* a people ... and thereby arouse passions that make foreign control unlikely, if not impossible” (Davis, 2018, p. 4; Scheipers, 2018) – just as Bentham had observed 200 years earlier (1789). Especially in Iraq, “U.S. leadership ... failed to assess correctly the prospects of post-Saddam counterinsurgency ... [nor] the Sunni reaction to the loss of control over Iraq, nor to the escalation of conflict ... between radical Islam and the West” (Merom, 2007, p. 178).

“The danger lies in the ambiguity of the U.S. strategy regarding the next phase of the war ... Undoubtedly, the United States possesses the military capability to win wars; yet the real difficulty comes after victory on the battlefield” (Gerges, 2002, p. 20). And then, as always, public support for the war plummets. “So why do we go to war if we hate counterinsurgency and

we struggle at it? The reason is the White House convinces itself it doesn't need to stabilize or help rebuild a country after a war" (Tierney, 2018, para. 33).

Among other problems, this apparent lack of any significant "exit strategy" and inadequate considerations of long-term consequences are cited by some as reasons why the 2003 Iraq invasion failed to satisfy various *jus post Bellum* criteria (Burns, 2003; Fisher, 2011b; Fleck, 2011; Freedman, 2004; Zaum, 2009). "In Iraq, we are paying a terrible price for these attitudes. The failure to plan for post-conflict reconstruction proved catastrophic" (Tierney, 2010, p. 9). The coalition "Shock and Awe" approach aimed to quickly overwhelm Iraq and compel its relatively rapid surrender (War plan, 2003, p. 7A; Ullman & Wade, 1996). Instead, the "initial war was won in about six weeks, but the peace was lost soon thereafter" (Flibbert, 2013, p. 67). "In other words, it could take years to undo 48 hours of "Shock and Awe" (Bunch, 2003, p. 6). The long-lasting and compounded-interest costs of war outlive the actual shooting for many years: a dozen years, for veterans – and civilians – affected by burn pits in Iraq (Steinhauer, 2019); decades, in terms of depleted-uranium munitions that remain in war zones (Gibbons-Neff, 2017); and even longer, in unexploded ordnance from Vietnam (Black, 2016; Webster, 1996), Korea (Talmadge, 2017), the Cold War (Blue, n.d.; Webster, 1996), World War II (Higginbotham, 2016; Webster, 1996), World War I (Webster, 1996), and even the Civil War (Perkins, 1996) and the American Revolution (Kimberlin, 2019). The cost in time, money, and lives paid every year by these forgotten weapons alone is incalculable.

Ultimately, in utilitarian terms, even the anticipated greater good end of a military victory may not justify the multiple harms of its means: "Inadequate understanding of the complexities surrounding victory can result in decision-making paralysis, loss of internal and external support, escalating post-war violence, pyrrhic triumphs, and, ultimately, foreign policy failure" (Mandel,

2007, p. 13; Mellow, 2003). However, where even these recent increasing appreciations of *jus post Bellum* concerns are decidedly utilitarian in and of themselves, the applications of these and other JWT tenets do not rise to the level of a completely utilitarian calculus (Shaw, 2011, 2014, 2016). To obtain that, I return to England – and to John Stuart Mill’s *Utilitarianism* itself.

**Classic utilitarian war ethics.**

During the forty years after his death he governed liberal thought as did no other man, and as late as 1914 he was still the chief source of inspiration of the ... men whose dream of an indefinitely peaceful progress and expansion of Western civilization was shattered by the cataclysms of war and revolution. But even to that development Mill had unquestionably contributed by his sympathies for the rising aspirations of national self-determination and of socialism. (Hayek, 1963, p. xvi)

In considering why nations wage war, Clausewitz’ classic *On War* distinguishes between instinctive hostility, which informs a fight between individuals, and hostile intention, which guides larger, inter-state conflict (Clausewitz, 1873, para. 7) – a distinction later maintained by the classic utilitarians (Mill, 1863; Sidgwick, 1890). The “pure conception” or “political object” of the latter motivation is the “disarming of the nation” so as to impose one’s own will; this requires three outcomes: the destruction of its “military power,” the control of its physical “country” and resources, and the subjection of “the will of the enemy.” Without success in each of these three arenas, one cannot consider “the business of war as ended, by a peace” (Clausewitz, 1873, para. 77-82). And while the original German-language treatise predates *Utilitarianism* by about 30 years, the language surrounding each of these desired outcomes is also decidedly utilitarian: The enemy nation must be disarmed to be subdued; therefore, its ability to wage war must be destroyed so it cannot resist, its territory must be controlled to ensure

that no resistance arises, and its will must be broken so that no thought of resistance becomes action. Each arena of war, therefore, is tied to a specific consequence – the most important of which is peace itself.

“Know your enemy and know yourself; in a hundred battles you will never be in peril,” goes the famous 5<sup>th</sup>-century BCE mandate from ancient China (Tzu, 1963, p. 84); from the oft-quoted 4<sup>th</sup>-century BCE maxim “si vis pacem, para bellum” – “If you want peace, prepare for war” (Vegetius & Milner, 1996, p. 63) – to the 1<sup>st</sup>-century AD observation that “what king, going out to encounter another king in war, will not sit down first and deliberate whether he is able with ten thousand to meet him who comes against him with twenty thousand?” (Luke 14:31, English Standard Version), utilitarian war calculations appear perennially. Yet, where the ancients considered war from the virtues of courage and conquest (cf. Brennan, 1994; Chan, 2012; Koenigsberg, 2009), and later thinkers argued from duties of defense and justice (cf. Fabre & Lazar, 2014; Harrison, 1952; Rodin, 2002), some recent war ethics scholars choose to consider utility.

***Early utilitarians categorically reject war.***

In Bentham’s hands ... utilitarianism is opposed to the sacrifice of individual lives or security merely for the greater happiness ... Bentham identified universal and overridingly important ‘secondary principles’, most notably security and subsistence, which call for protection of fundamental individual interests. These normative protections differ from rights virtually in name only and stand in the way of sacrifice of individuals to aggregate happiness in the community. (Postema, 1998, p. 144-145)

From his forebears in rationalism and early utilitarianism, Mill inherited an abhorrence of war. Such a stance seems obvious: what greater threat to the greater good could possibly exist?

And the pioneering utilitarians wasted no words in judging war as “almost always deleterious. Whatever good a given war might conceivably produce or whatever evils it may forestall, by definition it involves death and destruction, mayhem and misery” (Shaw, 2014, p. 303.). The pre-utilitarian Leibniz, for example, emphatically decried Europe’s many “bloody sacrifices of the innocent by ambitious rulers” (Leibniz & Riley, 1972, p. 111; Bojanić, 2013).

*Bentham: Unjust individual sacrifice.* Unequivocally, Jeremy Bentham declared that no matter “the injury in question, the expense of war will always outweigh it” (1843, p. 544). For one thing, “wars ... so often attack the resources of subsistence, that a society which has no superfluity would often be exposed to want necessities” (1789, p. 304) – demonstrably true of so many “destructive wars, which have impoverished nations” (p. 310). Further, even social norms suffer in “a time of war, when the laws which give security are in part suspended. Every instant of its duration is fruitful in calamity” (p. 308).

On one hand, he observed, war unites a people: “The necessity of acting in concert against a common enemy, subjects a whole tribe to the orders of a common Chief” (p. 265); however, such power may also be perverted by politicians in order to distract citizens from more pressing internal concerns. For example, “Cromwell ... had no other means of occupying the minds of his countrymen, than engaging the nation in foreign wars ... and preventing them from occupying themselves with the affairs of government” (p. 541). Similarly, the U.S. revolution was a “war of misgovernment, against the only possible good government” (p. 251).

Arguing for a universal, perpetual peace, Bentham saw absolutely nothing good war and its usual causes: “The happiest of mankind are sufferers by war; and the wisest, nay, even the least wise, are wise enough to ascribe the chief of their sufferings to that cause” (1789, p. 546);

the best national interest, for Bentham, would be for England to join no foreign treaties, relinquish its colonies, and maintain a navy only large enough to defend against piracy.

As Bentham consistently “maintained that wars usually benefited the governors at the expense of the governed” (Conway, 1989, p. 87), he would not allow such an individual “sacrifice of happiness” (Harrison, 1998, p. 164) – and J. S. Mill’s later adoption of Bentham’s conviction “would clearly preclude ... the sacrifice of individual happiness simply for the sake of aggregating a greater amount of happiness” (Rosen, 1998, p. 143). Bentham particularly condemned the usual consequence: the unfair allocation of the cost of war onto the masses, who always must “murder one another for the gratification of the avarice or pride of the few” (Mill, 1789, p. 21) – who, in turn, rarely must suffer the “complex mischief” of war’s consequences (Bentham, 1843, p. 101; Conway, 1989; Shaw, 2014). For Bentham, such imbalance of costs and benefits is ultimately immoral: “A king, for the sake of gaining the admiration annexed to the name of conqueror ... engages his kingdom in a bloody war” (Bentham, p. 52).

*James Mill: War devours national economy.* Significantly influenced by Bentham in this regard (Conway, 1989; Hinsley, 1963), James Mill insisted that war is “the cause of the stagnation and misery which appear so general in human affairs ... the pestilential wind which blasts the prosperity of nations ... the devouring fiend which eats up the precious treasure of national economy” (1808, p. 119). Coincidentally, like the author of this study, James “Mill started his career as a journalist, and initially approached the subject of peace and war in that capacity” (Yasukawa, 1991, p. 180). Eventually also influenced by Adam Smith (Mill & Winch, 1966), he opposed war on mostly economic grounds, as it obstructed progress (Mill, 1808; Silberner, 1946). For James Mill, echoing three guidelines from the just war tradition’s *jus ad Bellum tenet*, a nation “should have recourse to war only when some right has been violated,

when that violation is a serious one, and when remedying it requires the extreme measure of war” (Shaw, 2014, p. 305).

However, some of his statements on war also resonate with the just war concept of *jus in Belo*. For example, James “Mill held that although combatants may attack other combatants, they are not justified in inflicting harm on them beyond what is necessary to take them out of the fight” - so soldiers should “take prisoners whenever possible and ... treat them humanely” (Shaw, 2014, p. 305). Meanwhile, non-combatant civilians – as well as their property – are considered off limits “unless in certain very extraordinary instances” – warriors must exercise “forbearance and preservation” in dealing with non-combatants, because any supposed advantage gained in battle by indiscriminate harm “bears ... no sort of proportion to the evil inflicted upon the individuals” (Mill, 1825, p. 22).

***Mill refines a utilitarian war ethic.***

[W]ar, in a good cause, is not the greatest evil which a nation can suffer. War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing *worth* a war, is worse ... As long as justice and injustice have not terminated their ever renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need be, to do battle for the one against the other.

(Mill, 1862a, p. 141).

Writing in response to the U. S. Civil War, at a time of significant personal and professional crisis just a few years after *On Liberty* and a year before publishing the book version of *Utilitarianism* (Cohen-Almagor, 2009; Gade, 2000), John Stuart Mill expressed a rare position that war, as anti-utilitarian as it usually concluded, might still be justified by utilitarian criteria in very limited situations. And, though it was Mill’s most fundamental “belief that the use of reason



can settle fundamental social conflicts,” (Gray, 1988, p. 149), “it is clear that there are numerous examples of his support for the use of violence” by the state (Williams, 1989, p. 102) — but only when justified by utility. However, when so justified, the “Greater Good” can even include personal sacrifice: “Imagining a virtuous man in the present ‘imperfect state ...,’ [Mill] concludes that this man must sacrifice his own happiness if he wishes to promote the happiness of others ... like the happy Warrior who endures pain for a noble cause” (Nussbaum, 2004, p. 66). However, unlike the ancients, Mill justifies this virtuous sacrifice for others by a utilitarian “noble cause.”

Reflecting a paradox as ancient as Plato (1967) and Vegetius (1996), Mill also seeks to prepare for the inevitability of conflict by suggesting utilitarian guidelines to justify its rare use and limit its innate appetite for destruction: “If good is to come of evil it must be practised with an awareness of the need to curtail its general tendency to produce yet more evil” (Williams, 1989, p. 103), a sort of “commonsense morality of ... necessary evils” (Shaw, 2016, pp. 1-2). Here, Mill echoes one long-forgotten orthodox concept of the just war tradition that holds that even justified violence is still evil (Bell, 2009).

Unfortunately for war ethics scholars, “John Stuart Mill seems never to have discussed the causes of war or how to avoid it, and he said very little about the ethics of war in general” (Shaw, 2014, p. 305). Instead, war ethicists are left to carefully sift through his few statements on the subject, and then attempt to reconcile and orient them to his larger conception of utility. Such a review of Mill’s key propositions reveals an emerging yet consistent argument that expands one’s personal right of self-defense into a larger aggregate right of national security.

*Early essays: National security justified as aggregate self defense.*

We have no objection to anything which can possibly be said in denunciation of medicines, if we can first get rid of diseases. We are quite ready to join in the cry of

“No prisons,” when the thieves shall all be converted ... War may be stigmatized universally, and we are quite ready to give our vote for its abolition in a universal congress of mankind: but while the enemies of freedom are allowed to levy their vassals, embattle their slaves, and organize their dupes, assuredly the friends of freedom have a right to employ their own thews and sinews to check the onward flow of barbarism and tyranny. (Mill, 1837, pp. 363-364)

Much of the research on Mill’s conception of utilitarianism and how he applied it to war draws from the explicit statements he made on the subject in *A Few Words on Non-Intervention* (1859) and in *The contest in America* (1862), during a period of productive publication that began with *On Liberty* and encompassed the initial *Utilitarianism* essay. However, he had considered war and utility decades before that, and had apparently concluded that, as he wrote in response to the U.S. Civil War, war could be justified in rare instances of self-defense. In these essays, a concept of aggregate self defense emerges as an extension of individual security, or one’s “inbred principle of self preservation” (Browne, 1652, p. 2).

In one early essay, he appeared to depart somewhat from his predecessors, Bentham and James Mill, in arguing against the idea that war created an unbalanced drain on the economy while providing non-utilitarian, unreasonable, nonproductive expenditure for otherwise surplus goods and capital (Mill, 1824b; see also Bataille, 1991; Hamblet, 2005). He did, however, insist that “a government ought not to take from any of its subjects more than it gives” (Mill, 1832, p. 11), and sympathized with the wartime lot of the “poor conscripts, compelled to serve” (Mill, 1849, p. 36). Nevertheless, in debating freedom for conscientious objection, he wrote “I regard war as an infinitely less evil than systematic submission to injustice” (Mill, 1847, p. 729).

Justice would later become the key to his defense of security in *Utilitarianism*; as his ideas evolved during these preceding years, his comments in several essays reveal his stance that self-defense (and just defense of the defenseless) is the only socially acceptable justification for violence, and that a state or nation could defend itself with force by extension of that same principle on behalf of an aggregated group of individuals. “Self-defence justifies much” (Mill, 1837, p. 373), he wrote in justifying anti-piracy naval action by the British government. For Mill, the state’s only right to employ force is the same as that of an individual: “the right of self-defence” (1862b, p. 597): “The only right by which society is warranted in inflicting any pain upon any human creature, is the right of self-defence” (Mill, 1834b, p. 79).

*An emerging ethic: Balancing individual and aggregate rights.*

I am quite aware of the volley of argument and oratory which may be opened from the old topic of the danger of yielding to unjust pretensions, the imprudence as well as spiritlessness of submitting to aggression in order to avoid inconveniences, the preferableness of actual war to the reputation of an over-dread of it. (Mill, 1842, p. 834)

In Mill’s evolving ethic, an aggregate, state-level self-defense could mean security from internal as well as external threats: “The strongest of all cases of coincidence between public and private interest, is that of protection against open violence” (Mill, 1862b, p. 596). In such a case, “Revolutionary France ... had the amplest justification” (Mill, 1837, p. 373). Therefore, for any unjustified “intentional and unwarranted aggression upon an indisputable right ... it was incumbent on us to repel, even though war were the result” (Mill, 1842, p. 834).

Further, for this champion of individual freedom, a state’s right to aggregate self-defense could also mean compulsory military service; as he opined in *On Liberty*, any form of “compulsion, is ... justifiable only for the security of others.” (Mill, 1859a, p. 224). Here, he

disagrees with Bentham's hedonistic insistence that everyone sacrifices public interest to their own, and argues that many are motivated by patriotism or benevolence (Mill, 1833; 1842), willing even "to bear his fair share in the common defence" (Mill, 1859a, p. 225). This he also framed in terms of aggregate justice in *On Liberty*: "every one who receives the protection of society owes a return for the benefit ... bearing his share ... of the ... sacrifices incurred for defending the society" (p. 276). The reverse, he argued, is also true for the legitimate state: "The only purpose for which power can be rightfully exercised over any member of a civilized community against his will is to prevent harm to others" (p. 223).

Ultimately, he imagined, people could be educated to see a "universal right of self-defence" (Mill, 1834b, p. 79) as a universal duty of service, similar to that for one's own country, finding the best balance between individual and aggregate rights and duties: "neither sacrificing the individual to the aggregate nor the aggregate to the individual, but giving to duty on one hand and to freedom and spontaneity on the other their proper province" (Mill, 1874, p. 421).

However, in several letters to his wife and to friends during those productive years, he also lamented in very utilitarian terms that a British victory over Russia would also rehabilitate Napoleon's standing in France: "To destroy the power & prestige of Russia is a great thing, but it is dearly bought at that price" (Mill, 1854, p. 264). Meanwhile, that particular war distracted public attention from what he considered very necessary parliamentary reforms (Mill, 1854). Further, in an essay written around the same time but published much later, he also bemoaned "the marked absence [of self-control] in soldiers and sailors" (Mill, 1874, p. 395), whose numbers swelled in wartime: all costs to be considered when evaluating a war's utility.

*An applied ethic: Non-intervention and just cause.*

A war to protect other human beings against tyrannic injustice; a war to give victory to

their own ideas of right and good, and which is their own war, carried on for an honest purpose by their free choice – is often the means of their regeneration.

(Mill, 1862a, p. 142)

The concurrent debates surrounding the Civil War in the United States provided this energetic essayist with an opportunity to apply his evolving utilitarian ethic to a real-world conflict, one philosophically very close to home, by first engaging the idea of intervention on behalf of other peoples or states, then later considering the concept of just cause, or right intentions when choosing to go to war.

In *A Few Words on Non-Intervention* (1859), Mill considers three ethical principles: humanitarian protection, national self-determination, and national security or “national self-defense” (Doyle, 2015, p. 12). For the first, he argues that one nation may be justified in interfering with another’s sovereignty when the latter abuses its own citizens “by severities repugnant to humanity, and injurious to the permanent welfare of the country” (Mill, 1859b, p. 121). And, as he argued three years later, this particular instance involved what for him represented a serious matter of injustice of this nature: “Unless we abandon the principles we have for two generations consistently professed and acted on, we should be at war with the new Confederacy within five years about the African slave-trade” (Mill, 1862a, p. 141).

Second, to respect the principle of national self-determination, Mill insisted, a nation should avoid any intervention in another’s internal struggles other than “legitimate self-defence ... Intervention to enforce non-intervention is always rightful” (Mill, 1859b, p. 123). “The attempt to establish freedom by foreign bayonets is a solecism in terms,” he had written two decades earlier (Mill, 1837, p. 374). Mill could only justify intervention in civil wars or uprisings

when “against foreign rule or domestic tyranny supported by outsiders” (Shaw, 2014, p. 306), as weaker peoples “must be protected against ... external injury” (Mill, 1859a, p. 224).

Finally, in *The contest in America* (1862), he argued that war was always to be avoided – unless it addressed a direct threat to national security. Here, Mill insisted that “self-preservation, in a State, as in an individual, is a warrant for many things which at all other times ought to be rigidly abstained from” (Mill, 1862a, p. 131). Nations must eschew “the immorality of wars of conquest ... [or] the wickedness of commencing an aggressive war for any interest of our own, except when necessary to avert from ourselves an obviously impending wrong” (Mill, 1859b, pp. 120-121). For example, as he opined several years later, the nation’s appropriately utilitarian balancing of goods means that one instance of unjust “misconduct of Russia ... does not entitle us to bring upon millions of innocent persons the unspeakable evils of war” (Mill, 1870, p. 348).

Somewhat myopically, however, he observed at the time that England’s politicians were consistently motivated only by national “security ... the common right of self-defence” – not glory or expansion (Mill, 1859b, p. 114). Nevertheless, he argued that this same sense of restraint should apply to conflicting religion or ideology as well: “To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue” (Mill, 1859b, p. 118). And, contrary to European thinkers like Clausewitz, who theorized that the strength of emerging nation-states would deter warmaking (Daase & Davis, 2015), Mill wisely worried that, in his own historical context, “the new ideas [of self-rule and socialism] will be inaugurated by a century of war & violence like that which followed the Reformation of Luther” (Mill, 1852, p. 87). Sadly, his prophecy was in many ways fulfilled within a half-century, as those increasingly powerful nations rushed into an exponentially more evil World War (Hayek, 1963).

However, he conceded that even such wars might still be justified by utility:

There assuredly are cases in which it is allowable to go to war, without having been ourselves attacked, or threatened with attack; and it is very important that nations should make up their minds in time, as to what these cases are. (Mill, 1859b, p. 118)

Today, Mill's balancing of the often conflicting values of beneficence, sovereignty, and self-determination find continuing relevance in the largely consequentialist contemporary arguments over humanitarian aid and intervention, as nations perennially attempt to "make up their minds in time" about armed conflict (Doyle, 2008, 2015; Walzer, 1977; Shaw, 2016). For instance, at the time of this writing, the Saudi ambassador to Yemen defended his own country's lengthy, deadly and controversial intervention in that African nation by saying that the "most important thing for us is national security" (Kristof, 2018, para. 41) – and not necessarily the well-being of the Yemeni people.

*A mature ethic: National security as aggregate utilitarian justice.*

But ... the powers, one after another ... threw off, and were allowed with impunity to throw off, such of the obligations of the treaties as were distasteful ... and not sufficiently important to the others to be worth a fight ... even those [violations] which were disapproved, were not regarded as justifying a resort to war. (Mill, 1870, p. 344)

Though Mill never devoted as much attention to war in his later years as he had during this turbulent Civil War period of publication, statements such as this 1870 essay on treaty obligations reveal his fully evolved thinking on the role of the social contract: Each citizen's security relied on promises of justice enforced through community consensus, as he described at length in *Utilitarianism*. In any case of contemplating any war, the properly justified state must consider the consequences for its people of their collectively undertaking any war.

While he never mentions the word “war” in *Utilitarianism*, Mill’s beliefs emerge clearly between the lines. Considered as a whole, his mature utilitarianism for a just-acting state resonates with just war theory: any act of war or political violence ultimately may only be justified by a defensibly just outcome, with a reasonable chance of success (Shaw, 2014).

Building on his earlier expansion of an individual right to self defense into an aggregate right to national security (1834b), Mill explicitly argues in *Utilitarianism* that one’s own security represents “this most indispensable of all necessities ... [and] the claim we have on our fellow-creatures to join in making safe for us the very groundwork of our existence” (1863, p. 67). Such, he insists, is a basic understanding “in all states of civilization ... every one is obliged to live on these terms ... abstaining from all the grosser injuries, and (if only for their own protection) living in a state of constant protest against them” (p. 39). Here, he balances individual freedom with “the public interest ... demanded by every system of morals ... [that] all enjoin to abstain from whatever is manifestly pernicious to society” (p. 23).

Finally, Mill argues that such an obvious argument for the greater good should drive a society’s discourse itself, until public “education and opinion, which have so vast a power ... should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole” (p. 21).

As with his conception of security, Mill also expands an individual’s right to justice into a larger, aggregate mutual claim. In *Utilitarianism*, justice balances “a mixture of ... an instinct for self-protection and revenge and a concern for the general utility” (Anderson, 1991, p. 23); eventually, “nourished by the contagion of sympathy and the influences of education ... a complete web of corroborative association is woven” (Mill, 1863, p. 40). For Mill, this puts a particular burden on leadership to eschew mere political expediency, “as when a minister



sacrifices the interests of his country to keep himself in place” (p. 27), in favor of justice. This manifestly war-wary stance is in keeping with those of his predecessors, Bentham (Postema, 1998) and James Mill (Shaw, 2014), who both decried the unbalanced division of public sharing of the costs and benefits of war.

### **Post-Millian Utilitarians Re-Engage with ad Bellum Ethics**

Consequentialist theories may include all sorts of things ... as intrinsically valuable or disvaluable, such as ... peace (vs. war or violence) ... Utilitarians usually recognize all of these other things as valuable, but regard them as of instrumental value, contributing to pleasure or reduction of pain. (West, 2013, p. 5262)

After Mill, some subsequent utilitarians also wrestled with adjusting their elusive ideal of eliminating war to the harsh reality of mitigating its damages; however, as the 20<sup>th</sup> century arrived, most theorists ignored war in favor of more elevated philosophical contemplations.

“Utopia would certainly include the suppression of war,” lamented Henry Sidgwick (1874, p. 19), Mill’s philosophical heir and “the last of the great nineteenth-century utilitarians” (Shaw, 1999, p. 8); unfortunately, “war ... is a conflict in which each side conceives itself to be contending on behalf of legitimate interests” (Sidgwick, 1890, p. 5). Worse still, “this has been strikingly manifested in the sincere belief of religious persons generally-ordinary plain honest Christians on either side-that God is on their side.” While echoing Mill in arguing for peace based on social justice, Sidgwick saw no end to wars in the near future, and called for regulation to minimize harm (1874).

G. E. Moore, the next influential writer in the utilitarian tradition, preferred to consider more esoteric applications of the philosophy, and took no major positions on war (1903, 1953); later, John C. Harsanyi applied classical utilitarian thought to similar big-picture concepts such

as welfare, Rawlsian justice, rational choice theory, and game theory (1955, 1977, 1982; cf. Fleurbaey, Salles, & Weymark, 2008).

Similarly, most 20<sup>th</sup>-century theorists applied utilitarianism to specific martial ills, instead of grappling with the ethical issues of larger concerns, thereby allowing perennial critiques of the tradition to increase largely unchallenged. “The blame falls partly on utilitarian theorists, who have neglected the clear challenge presented by our commonplace uses of the concept of justice ... [because] a utilitarian theory of justice had hardly been explored in the philosophical literature,” charged David Lyons (1994, p. 12; Elliott, 2007; Rawls, 1999); in fact, “a thoroughgoing defense of utilitarianism’s ability to contribute to discussions of the morality of war has been lacking,” observed Jenkins (2017, p. 963): “This is surprising ... given the attention that the classical utilitarians – including Bentham, James and John Stuart Mill, and Sidgwick – paid to the conduct of war.”

Lyons himself wrestled with balancing Mill’s concepts of individual liberty with the ethical mandate to avoid harming others (1965, 1979); his contemporary, Fred Berger, considered similar conflicts among individual freedom, justice and fairness (1979, 1984). And, as the millennium approached, Peter Singer applied utilitarianism to non-war life and death issues such as health care, sociobiology, euthanasia, and abortion (1981, 1994).

Meanwhile, other 20<sup>th</sup>-century scholars continued to consider utilitarianism, justice, and violence (cf. Miller & Walzer, 1995) from mostly outside the tradition: “Where utilitarianism has established a beachhead, it is only on the margins of these discussions” (Jenkins, 2017, p. 963). For example, in his landmark work on justice, John Rawls – the “most important ... political philosopher of the 20<sup>th</sup> century” and himself a decorated war veteran (Gordon, 2008, p. 24) –

noted that utilitarianism could be seen as implying elements of both justice and communitarian values (Rawls, 1971).

Writing in response to Rawls, Richard Brandt argued that a “utilitarian view of [the moral rules of war] is essentially sound” (1972, p. 145), because of its focus on consequences.

Concurrently, R. M. Hare applied utilitarianism to specific war-related concerns, such as *jus in Bello* criteria. For example, all “military training should ... include instruction in the laws and usages of war ... backed up by legal enforcement where possible” (1972, p. 176), to minimize war’s harm. Further, he argued, a truly utilitarian stance would enjoin physicians from participating in torture (1993).

Overall, Hare found most anti-utilitarian arguments largely unconvincing when dealing with difficult, practical problems like war (Hare, 1981, p. 139). And even controversial non-war actions such as “sanctions are unacceptable from a utilitarian perspective because their economic effectiveness necessarily entails considerable human damage, while their likelihood of achieving political objectives is low” (Gordon, 1999, p. 124). Ultimately, “most arguments that purport to justify violating human rights on utilitarian grounds are nothing more than rationalizations ... even when the arguments are in good faith, the supposed utility calculations are overwhelmingly likely to be erroneous” (Shaw, 1999, p. 189). In other words, as the millennium closed, scholars agreed that a myopic utilitarianism can lead to unjust assumptions and conclusions.

**Post-9/11 ethicists seek utilitarian justifications.**

For example ... [considering] actions during war, the moral rightness of certain actions are determined by their effects. It is frequently the case that innocent civilians are killed during bombing attacks, yet the action is judged morally blameless in virtue of a net increase in perceived good as a result of the action. (Mosdell, 2011a, p. 2)

In the aftermath of the September 11, 2001, terrorist attacks in the United States, politicians and philosophers alike often applied utilitarianism to guide their reconsiderations of security, justice, and war. While just war theory remained the most-invoked school of thought (Shaw, 2011), statesmen and scholars both increasingly applied utilitarian approaches. In a perfect storm of sorts, the approaching 2006 bicentennial of John Stuart Mill's birth as well as the 2013 sesquicentennial of his publication of *Utilitarianism* provided opportunities for the tradition to find new currency in the many public debates that continued to emerge.

For example, the use of "targeted sanctions" against alleged terrorists and their supporters were ultimately judged "no more successful than traditional sanctions" – and no less harmful: "It seems that the common view is that since sanctions are now "smart," we no longer have to worry about harming the innocent. But that is clearly not the case" (Gordon, 2011, p. 332); meanwhile, "sanctions experiences generally have been disappointing" (Tostensen & Bull, 2002, p. 402).

The United States would not be satisfied with sanctions for much longer: within a year of the attacks, pursuit of justice had widened from the new, asymmetrical battlefield of targeting the non-state actors who had assisted in these attacks to the more traditional warfare of invading Afghanistan, their leader's base of operations. Within another year, the U.S. further widened its "War on Terror" to invade Iraq. Despite their "perceived good," the generally incomplete utilitarian public justifications for these U.S. military actions came under increasingly more complete utilitarian ethical scrutiny. For example, "strategic bombing is justified only if there is no other option available that would not have the bad side effects" (Bykvist, 2010, p. 135).

Ultimately, "if we are to develop a new conceptual framework that is both operationally effective and consistent with democratic values and ideals, we must first revisit the assumptions of the war on terror narrative" (Zalman & Clarke, 2009, para. 5). This would include a more

robust version of utilitarianism. One scholar who did just that proposed a “deontological-utilitarian principle [for] the promotion of peace and prohibition of war ... In the contemporary world ... there would be certainly many more efficacious ways to maintain the security of nations and people without the necessity of promoting wars” (Nahra, 2013, p. 187).

***Al-Qaeda and asymmetrical warfare: Utility and the ‘War on Terror’.***

We last met in an hour of shock and suffering. In four short months, our nation has comforted the victims, begun to rebuild New York and the Pentagon, rallied a great coalition, captured, arrested, and rid the world of thousands of terrorists, destroyed Afghanistan’s terrorist training camps, saved a people from starvation, and freed a country from brutal oppression. (Bush, 2002, para. 2)

In considering the unprecedented challenge thrust upon him on the morning of September 11, 2001, President George W. Bush thought much like a virtue ethicist; whether one chooses to “call it ‘moral clarity’ ... ‘moral superiority,’ or even ‘moral naïveté’ ... the concept animates Mr. Bush’s broadest thinking about a world that he divides reflexively into black and white, wrong and right, day and night” (Purdum, 2003, para. 2; Bostdorff, 2011; Singer, 2004). His frequent invocation of the term “evil” throughout his first term when describing terrorists and their supporters (Bush, 2002, 2003a, 2003b, 2004) reflects this thinking. However, reflecting Mill’s claim in *Utilitarianism*, he frequently invoked deontological, consequentialist, and utilitarian “greater good” security justifications for U.S. military reactions when attempting to defend them. At first, “no single course of action was self-evident or pre-ordained” (Flibbert, 2006, pp. 310-311). But soon, Bush’s rhetorical invention of “the global war on terror ... represents an extraordinarily powerful narrative” (Zalman & Clarke, 2009, para. 4; Gerges, 2002) for moral justification.

*Traditional appeals to justice and security invoke utility.* “Justice!” was the immediate national outcry on the morning of September 11, 2001, in the wake of the terrorist attacks. Even the United Nations Security Council had, within one day of the attacks, condemned them “as a threat to international peace and security” (Fleck, 2011, p. 351). In reviewing the contemporary discussions of asymmetrical warfare that arose in response to these attacks, Walzer (2002, p. 932) insisted that the “triumph of just war theory is clear enough.” However, these security concerns also resonate with Mill’s utilitarian concept of justice: “the natural feeling of retaliation ... applicable to those injuries ... which wound us through, or in common with, society at large” (p. 64). Meanwhile, Singer (2002) soon offered utilitarian guidelines for military interventions in humanitarian crises, as failed states were seen as harboring terrorists. Further, Endre Begby proposed that while “Mill is generally very hesitant to recommend that military means be put to humanitarian ends ... some situations may present us with no choice” (2003, p. 61).

“Our cause is just ... America will do what is necessary to ensure our nation’s security,” he insisted in his first State of the Union address (Bush, 2002, paras. 10-22), while at the same time listing several benefits for Afghanistan of the new U.S. War on Terror. “To protect our country, we reorganized our government and created the Department of Homeland Security, which is mobilizing against the threats of a new era,” he explained a year later (Bush, 2003a, para. 5). Security was a constant mantra: “Our greatest responsibility is the active defense of the American people,” he reiterated as his first term drew to a close (Bush, 2004, para. 5)

No matter how the U.S. chooses to act, “when it acts unilaterally, it must be able to defend this action as a contribution to the general welfare” (Patrick, 2003, p. 50). Yet the incomplete utilitarianism of some claims quickly became apparent in several areas of concern in

this grave new world of terrorism, non-state actors, and asymmetrical warfare, where benefits might not justify costs, or actions failed to address actual security (Singer, 2004; Smith, 2005).

The very nature of the attacks created conceptual problems for those used to seeing conflict in traditional war terms: “Terrorism is as old as human history ... A modern urban society, with its enormously complicated and interdependent institutions of life support, is particularly vulnerable to terroristic disruptions: Terrorism against fragile means of transportation is a promising strategy,” prophesied one analyst a quarter-century before (Berger, 1976, p. 29); apparently, 25 years later, many still struggled with understanding the concept.

Meanwhile, playing the utilitarian devil’s advocate, some scholars reminded that, in rare instances, as a matter of fact “Mill believed that insurrection, revolution and other coercive acts intended to subvert the authority of government could bring about a greater good and be justified or excused for that reason” (Whitham, 2006, pp. 409-410; Williams, 1989). At the same time, the previously paradigmatic, Cold-War-era “industrial army became effectively obsolete” (Smith, 2005, p. 267); further, as “without a clear political purpose it is not possible to have a military strategic objective” (p. 291), the U.S. leadership struggled to find new tools for its new war. As the U.S. had not ratified the 1977 adjustments to the Geneva Conventions regarding non-state actors, irregular combatants, and other legal issues, political leaders had fewer restraints when dealing with asymmetrical warfare in the new global war on terror (Cadwalader, 2011; Brunstetter & Holeindre, 2018).

*New approaches to new challenges also invoke utility.* Conflicting conceptions of justice and utility in response to terrorism also created conflicting approaches and mixed results. Most immediately, of those persons suspected of assisting the 9/11 terrorists, only one had been convicted within five years of the attacks (Coyne & Entzeroth, 2006), as concerns over national

security trumped utilitarian criteria for justice (Resnik, 2011). “Terrorists who once occupied Afghanistan now occupy cells at Guantanamo Bay,” the president claimed a few months after the attacks (Bush, 2003a, para. 3); fifteen years later, some are still imprisoned there.

Further, imprisoned terrorist suspects often faced new “enhanced interrogation” techniques, or torture, justified by a nearly impossible utilitarian “ticking bomb” scenario (Schultz, 2016, p. 255), which fails to produce useful intelligence – and, instead, ultimately imperils troop morale and future safety (Hutson & O’Meara, 2008, p. 39). States that torture demonstrate that an individual person’s rightful, “intrinsic value can be overridden by utilitarian arguments” (The National, 2007, para. 7.9); nevertheless, though some might attempt to “claim [it] is justified on utilitarian grounds ... state-sponsored torture only diminishes social well-being, crippling its victims and sapping the humanity of its perpetrators” – thereby reducing aggregate good (Shaw, 1999, p. 189).

Finally, strategists and ethicists alike struggled to adapt pacifist, realist, just war, and even utilitarian responses to the new implications of autonomous weaponry, information warfare, electronic warfare, and cyberwarfare – or the “end of war as we know it” and the rise of a new “Military-Internet Complex” (Harris, 2014, p. xxii; Berger, 2018; Coleman, 2016; Cohen, 2007; Dipert, 2010; Eilstrup-Sangiovanni, 2018; Farwell & Arakelian, 2016; Floridi & Taddeo, 2014; Hauptman, 2013; Nakashima, 2019; O’Connell, 2012; Rid, 2011; Roff, 2015; Sainato, 2013; Schmitt, 2013; Singer, 2002, 2004; Smith, 2005; Stone, 2012; Zetter, 2014).

***Afghanistan: Appeals to self-defense and beneficence.***

You media pansies may squeal and squirm

But a fighting man knows that the way to confirm

That some jihadist bastard is finally dead



Is a brain-tappin' round fired into his head  
 To hell with you wimps from your Ivy League schools  
 Sitting far from the war telling me about rules  
 And preaching to me your wrong-headed contention  
 That I should observe the Geneva Convention. (Solis, 2010, pp. 368-369)

In this poem from the front, a U.S. soldier defends the practice of “double tapping” – shooting wounded or apparently dead enemy combatants to make sure they are dead (Borch, 2016, p. 591). Such a realist approach, however, conflicts with established U.S. military guidelines: “While battlefields demand decisions, the Army demands that decisions be ethical, and in-line with Army Values,” wrote one military judge (Cox, 2016, p. 542; Dubik, 2016; U.S. Department, 2016). In countless examples like these, soldiers, commanders, civilians, politicians, and ethicists continued to wrestle with ethical challenges of the new global war on terror – even when that new war resembles traditional interstate land wars of the past. Unfortunately, on these new battlefields, “the military ethic risks losing traction with practitioners, who often see restrictions on the use of force as misguided, or worse, cynical efforts of higher authorities to avoid bad publicity, often at the soldier’s expense” (Pfaff, 2016, p. 59).

“War and intervention, according to Mill, has to be justified by morally relevant reasons of self-defense or beneficence” (Doyle, 2008, p. 352) – and, in justifying the 2001 invasion of Afghanistan, President George W. Bush invoked both reasons: “America and Afghanistan are now allies against terror. We’ll be partners in rebuilding that country” (Bush, 2002, para. 4).

Immediately, success seemed apparent, at least from a military standpoint: the ability of Afghanistan, either as a nation or as a terrorist haven, to significantly threaten the United States

ceased to exist overnight. “Mission Accomplished” read a banner displayed behind the president as he declared the same, some 18 months after the invasion – yet both the origin and the veracity of this display and its claim were immediately challenged (Bumiller, 2003, p. A16).

And a truly utilitarian success remained elusive for long after: “The ongoing armed conflict in Afghanistan provides a stark example of the challenging and complex operating environment in which the international community is seeking to establish and maintain the rule of law” (Watkin, 2009, p. 411). Fifteen years after that ambitious declaration, the new U.S.-backed government struggles to meet a basic utilitarian “responsibility to protect” citizens (Doyle, 2015, p. 7; Freking, 2016). At least at this point, the U.S. intervention in Afghanistan fails to fulfill its original incomplete utilitarian goals, much less any robust utilitarian promise. As one longtime *Times* war correspondent wrote a dozen years after the initial invasion: “The war has been a tragedy costing untold thousands of lives and lasting far too long ... it could have been prevented ... The human suffering has been far too great” (Gall, 2014, p. xii). Mill would agree.

***Iraq: Preemptive war appeals to self-defense.***

Depictions of nuclear mushroom clouds by the administration were hype, not fact. It is now clear more diplomatic pressure could’ve been brought to bear before resorting to war. And now, a couple more families every day learn that their sons and daughters have been killed in action. Not killed for some grand and noble cause. Not killed to combat terror, but killed needlessly. (Edney IV, 2003, para. 3)

In both Afghanistan and Iraq, the U.S. appealed to moral reasoning that included utilitarianism (Linnan, 2008, p. 171), and President Bush again made appeals to both security and beneficence in justifying plans to invade Iraq in 2003, claiming that, “as ... in Afghanistan, we will bring to the Iraqi people food and medicines and supplies – and freedom” (Bush, 2003a,

para. 81; White House, 2002). However, this time, his appeal to self-defense relied on the unprecedented “Bush Doctrine” of preemptive war: “America will not accept a serious and mounting threat to our country ... If Saddam Hussein does not fully disarm, for the safety of our people and for the peace of the world, we will lead a coalition to disarm him” (para. 76).

“The war in Iraq represents the first time the administration has acted on the basis of a doctrine of preventive war ... [raising] implications far beyond ... for ... [any] states that may find utility in ... preventive self-defense” (Sapiro, 2003; White House, 2002). In light of new challenges to the world order established after World War II, some defended the “Bush Doctrine” of preemptive war as utilitarian (Bradford, 2004; Judis, 2003; Wheat, 2006), especially because actors can violate international law when they use Weapons of Mass Destruction (WMD) in ways contrary to established limits (Pennington, 2012). “In this kind of world, Mill is the better moral guide,” argued one scholar (Cormier, 2003, p. 4); however, most scholars claimed that the preemptive war violated long-standing international norms against intervention. Indeed: the “Bush administration ... uses the same utilitarian logic in advancing its aims that European and American proponents of empire used a century ago” (Judis, 2003, p. 13; Rodin & Shue, 2008; Shue & Rodin, 2007; Sinnott-Armstrong, 2007; Strachan, 2007); further, it did so while promoting premises of Iraqi connections to terrorism that were “pure fiction” (Patterson, 2013, p. 3; Wheat, 2006).

As administration arguments for the war shifted from preventive to nation-building, just as they had previously in Afghanistan, “officials have tried to justify the war *ex post facto* entirely on utilitarian grounds – that is, the war will lead to the democratization or modernization of the Arab region” (Judis, 2003, p. 13; Christie, 2006). However, this incomplete utilitarianism failed again to consider the consequences of all involved parties, inviting significant backlash

from the conquered peoples: “Even a superficial look at the aftermath of American interventions in Afghanistan and Iraq suggests ... Clausewitz’s most famous dictum is right. People’s war is not merely a form of instrumental state policy; rather, it is politics by other means” (Davis, 2018, p. 4; Daas, 2007; Daase & Davis, 2015; Scheipers, 2018). Further, irregular violence in civil disobedience, civil wars and similar conflicts do not always follow patterns predicted by utility (Balcells, 2011; Whitham, 2014).

Ultimately, the “US-led war, and particularly the occupation of Iraq, raised calls to further develop *jus post bellum*, the theory of justice after war” (Gerson, 2014, p. 7). Indeed: the “American involvement in Iraq suggests that international powers usually are too distant, in various ways, to correct all the many domestic failures of state legitimacy, security, and administration induced in the course of a major intervention” (Flibbert, 2013, p. 93).

Further, from a utilitarian viewpoint, traditional war strategy and tactics often fail on this new battlefield: U.S. war colleges teach “the wars of the past ... the wars of a different era of conflict, [and not] the patterns of new kinds of struggle” (Cohen, 2007, para. 12; Smith, 2005). A complete utilitarianism makes “a distinction between intended effects and foreseen effects” (Bykvist, 2010, p. 134) in war; further, this “moral challenge has reappeared with the Islamic State in Syria and Iraq” (Rabkin, 2015, p. 329) – and it’s not going away anytime soon.

### **Shaw: Towards a Utilitarian War Principle.**

The costs of the war have been staggering. Politically, the United States has forfeited its reputation as an icon for democracy and justice, even among its closest allies. Ethically ... it has undermined its moral authority by having flouted the internationally accepted rules of war. Economically, total external costs for the global war on terror as of the end of 2008 approached \$900 billion. (Zalman & Clarke, 2009, para. 3)

Amidst the loud and long soul searching over the various shortcomings of the U.S. global war on terror, one can almost hear the ghosts of Bentham, both Mills, and Sidgwick wailing: “We told you so!” As with most wars, “there will often have been an outcome open to the belligerents that would have been better ... That’s why wars so often look like collective folly ... When, then, should a state go to war?” asked utilitarian ethicist William H. Shaw (2014, p. 307).

The consequences of getting that basic ethical question wrong, he and others note, are dire: “International actors that display ethical *incompetence* can expect negative outcomes, not only for those affected by their actions, but also for themselves in the form of losses of power, authority, and prestige” (Frost, 2009, para. 1; Shaw, 2011, 2014, 2016). For this reason, “it is important to get these central matters straight before exploring other issues and other sorts of armed conflict” (Shaw, 2016, p. xi) – lest we continue to fail on battlefields of all kinds.

Within this rising tide of general interest in Mill resulting from the anniversaries of his birth and of *Utilitarianism*, ethicists increasingly invoked Mill in considering new questions surrounding conflict. Gruzalski (2006) suggested that any conventional war approach to terrorism failed to pass utilitarian muster. Because of the predominance of just war theory, Whitman proposed “a utilitarian conceptualization of just war theory” to address terrorism (2006, p. 25), considering the tradition from Aristotle and Aquinas to Walzer, Rawls and Orend. “Rule-utilitarianism provides the most reasonable and practical moral basis for the criteria of just war theory ... concerned as it is with limiting, as far as practical, the great harms of war” (p. 41), he concluded. Other scholars continue to find congruence between just war and utility.

However, observing that recent JWT scholars “either ignore or express hostility to the utilitarian or consequentialist tradition,” Shaw (2011, pp. 381-382) took a uniquely opposite approach: Instead of finding utilitarian support for just war theory, he synthesized disparate

elements of the war ethics debate into what he called a *utilitarian war principle* (UWP) for considering ethical recourse to war (2011, 2014, 2016). Informed by the recent wave of Millian scholarship, Shaw developed this UWP ethic, first in an article on the crucial decision to go to war (2011), then in a book chapter on both going to war and waging war (2014), and finally in an entire book explicitly exploring utilitarianism and war (2016). In this contrary approach, which puts utility at the core of the decision-making process, he “swims against the current of contemporary ... largely non-consequentialist” approaches to war ethics (2016, p. x).

Though resonant with just war criteria such as *just cause, right intention, comparative justice, proportionality of ends, probability of success, and last resort*, Shaw first subsumed, delimited, and superseded these vague guidelines with a focus directed not on intent, but instead on outcomes: “Consequentialism entails that it is morally right for a state to wage war if and only if no other course of action would have better results” (2011, p. 382). However, he added a distinctive utilitarian argument, adding that “because utilitarians believe that individual welfare or well-being is the only thing that is valuable for its own sake, they would refine ... by replacing ‘have better results’ with ‘result in greater well-being’.”

This argument completes Shaw’s Utilitarian War Principle – in effect, an appeal to a just war with real teeth and concrete definition: “It is morally right for a state to wage war if and only if no other course of action available to it would result in greater expected well-being; otherwise, waging war is wrong” (2011, p. 382). Ultimately, he insisted, the UWP would require pro-war arguments to rest on empirical, rational criteria – subsuming pacifist and just war tenets as Millian “Intermediate Principles” (2014, p. 311; Mill, 1863), because “utilitarianism underwrites them” (2016, p. 100), but going beyond the limitations of both, requiring deliberate decisions:

When war and peace are at issue, we want our decision-makers to focus on the

consequences of their actions and to be committed to acting so as to make people's lives go as well as possible. We want them to be impartial, dispassionate and empirically minded – to be rational deliberators who look objectively at the big picture and the long run, basing their decisions on the most accurate and detailed understanding they can obtain of the circumstances in which they are operating and the likely results of the alternatives open to them. (Shaw, 2011, p. 387).

***Utility ad Bellum: UWP and going to war ethically.***

We usually describe a just war as one that avenges wrongs, that is, when a nation or state has to be punished either for refusing to make amends for outrages done by its subjects or to restore what has been seized injuriously.

(Augustine, cited in Boyle, 2003, p. 160)

As originally described by Augustine and Aquinas, *jus ad Bellum* involved a reactionary, punitive sense of righting a wrong. However, this proved too religious for post-Enlightenment ethicists: “One of the major developments of just war thinking in the twentieth century is the rejection of the legitimacy of this punitive conception of just cause, and the limitation of just cause to defense” (Boyle, p. 161). Therefore, “the punitive nature of just cause has largely been replaced in the twentieth century by an emphasis on self-defense. A just war is a defensive war aimed at defeating aggression” (Whitman, 2007, p. 27).

In proposing his UWP, Shaw attempted to address some shortcomings in the perennial *ad Bellum* question of “when, if ever, are we morally justified in waging war” (2014, p. 303). First, he addressed the incomplete, consequentialist cost-benefit analysis that often plagues such debates by applying a complete utilitarian calculus: “UWP requires not only that the benefits of a contemplated war outweigh its costs, but also that nothing else a state could do would bring

about a better outcome, that is, an outcome with more well-being” (2011, p. 383). Or, more emphatically: “From a utilitarian perspective, it is not enough that the war’s benefits outweigh its costs, taking into account the interests of all. There must also be no alternative course of action open ... that would lead to better results” (2014, p. 307). Like JWT’s *jus ad Bellum*, this puts the burden of proof on those proposing war, but Shaw’s utilitarian formulation demands a more precise, empirical justification: “War’s ill effects are a given; by definition, it involves injury, death and devastation ... By contrast, the presumed benefits of any prospective war lie further in the future and are inevitably less certain and more speculative” (2011, p. 384; 2016).

Second, he requires the *ad Bellum* argument to focus on tangible costs and benefits: “Throughout history, wars have been defended in terms that either ignore consequences altogether or focus on consequences that have little or nothing to do with human well-being ... how well or poorly real people will fare as a result” (2014, p. 308). This includes wars fought for national pride, destiny, religion, or to avenge some historical wrong (2011, 2014, 216).

Third, Shaw’s UWP addresses a myopic, nationalist utilitarianism by proposing a robust universalism in the spirit of Bentham and Mill (Mill, 1863, p. 77). Unfortunately, history also shows that “in deciding to wage war states typically neglect or discount the consequences for other peoples” (2011, p. 384), “even when consequentialist-sounding considerations are adduced in support of war” (2014, p. 308). The UWP requires a more complete accounting for all those who might be affected by a proposed war.

Fourth, UWP requires empirical, objective reasoning instead of appeals to emotion. All too often, “it is uncommon for either side to have thought through, in any detailed or serious way, the probable gains and losses of fighting” (2011, p. 385); instead, proponents argue “that the stakes are extremely high, and that the consequences of not fighting would be too terrible to



contemplate” (2104, pp. 308-309). However, Shaw insisted, “conviction is not justification, and these beliefs are typically overconfident and only loosely grounded in fact. Even when they have some factual basis, they are riddled with mistaken assumptions and flawed assessments of likelihoods” (2011, p. 385).

Fifth, the UWP requires serious considerations of the entire range of all other options: a truly utilitarian approach sees the calculation as more than “a choice between waging war and not waging war but rather between the latter and possible wars of differing scope, type, or intensity” (2014, p. 308). Therefore, when myopic proponents argue that “there is no feasible alternative” (2011, p. 385), the more complete utilitarian replies that “there are various kinds of war that states can fight” (2014, p. 307). Even further, “seldom is sufficient thought given to alternatives that fall outside the political or ideological consensus of the time, such as not responding to the initial provocation, conceding land or influence, relying on non-violent resistance, or even surrendering” (2011, p. 385).

Finally, the UWP requires a war to be justified by utilitarian criteria throughout, so that incomplete, myopic appeals to utility do not lead to immoral justifications. In the real world, “the decision whether to wage war is not a one-time, once-and-for-all decision. Even if war is initially warranted on utilitarian grounds, circumstances can change so that a state ceases to be justified in continuing it” (2014, p. 308). Therefore, “a war that was initially justified according to UWP may cease to be so, and vice versa ... a war was morally justified at time  $t$  does not entail that it is morally justified at time  $t + x$ ” (2011, p. 384).

In the long run, Shaw argues, UWP would therefore support the general prohibition against preventive war: “In the real world, we know the bad consequences that have followed from states believing that preventive wars are permissible ... there have been few, if any, justified

preventive wars” (2016, p. 91). Nor are there any cases in which, in retrospect, most would agree a state failed to undertake a preventive war that “would have maximized expected well-being” (p. 91; Betts, 2003; Crawford, 2007). Indeed: “Because costs in initiating either preemptive or preventive war are certain, while the probability that the enemy will eventually strike is less than 100 percent, the burden of proof is on the case for striking first” (Betts, 2003, p. 24).

Ultimately, Shaw concludes that applying his UWP would invite some tough questions, especially this more fully utilitarian one: “in terms of their long-run contribution to human well-being, are the goods that this war seeks to secure, and that it has ... a likelihood of securing, worth the projected loss of these many lives and this much material damage?” (2011, p. 389).

***Utility in Belo: UWP and the recognized rules of war.***

Utilitarians wish to promote the well-being of sentient creatures as much as possible. For them, well-being is all that ultimately matters ... when it comes to war, we are not dealing with subtle questions of value. Killing and maiming people, orphaning children, destroying farms and factories, dislocating citizens, ripping up the economic infrastructure of a country and damaging its cultural heritage – these are patently disruptive of well-being. (Shaw, 2014, pp. 309-310)

Walzer (1977) insisted that most of us want to appear moral, especially in war. This means that a war must not only begin with moral justification, but it must be conducted and ended with similar justifications. Indeed: “Ethical military decision-making requires balancing moral obligations associated with achieving a just cause, minimizing harm to civilians, and protecting soldiers. The balance, however, depends on the character of the war being fought” (Pfaff, 2016, p. 60). And, largely because of the still-debated just character of the global war on terror, ongoing “disputes about the law of armed conflict fueled debates about American

detention policies at Guantanamo Bay as well as American military operations in Afghanistan and Iraq” (Rabkin, 2014, p. 2). Many of these disputes seem to involve the kind of circular, incomplete consequentialism that throws good money after bad (Braybrooke, 2004).

Therefore, informed by the second just war criteria of moral conduct in war, Shaw also attempted to answer the perennial *in Belo* question of “if recourse to arms is warranted, how are we permitted to fight the wars we wage?” (2014, p. 303) in proposing his UWP. “What constraints, if any, are there on one’s conduct?” (2016, p. 99). In answering this question, the utilitarian rejects the realist position that “all’s fair in love and war” and instead applies the “double-effect doctrine” of utility to judge among varying levels of harms in war. For Shaw, utilitarians “care not only about how much good a course of action can be anticipated to produce, but also about the costs of bringing that outcome about” (2014, p. 318). This means “that it is morally worse to do good by intentionally doing something bad than to do good and only foreseeing that this will have bad effects. In slogan form, the ends do not justify the means” (Bykvist, 2010, p. 134). Ultimately, Shaw claimed, the means and ends must align: “If the harm of of fighting in some way is too great, then the utilitarian calculus will entail that the war cannot be fought that way, even if this makes victory impossible” (2014, p. 318).

Though challenged by post-Cold War changes in the nature of warfare (Brunstetter & Holeindre, 2018), JWT tenets such as *jus in Belo* remain powerful guidelines for morality in war (Walzer, 2002). As with *jus ad Bellum*, Shaw insisted that appeals to utility also underwrite both pacifist and just conduct ideals, and that “utilitarianism ... provides the most satisfactory account of why they have the moral force they do” (2016, p. 100).

Applying the UWP, Shaw first addressed the restraints imposed by the various aspects of the international law of armed conflict, including the Geneva Conventions and other treaties,

“often referred to as international humanitarian law” (2016, p. 100; 2014). These reflect “the laws of humanity, and the dictates of public conscience” (Roberts & Guelff, 2000, p. 70) as well as “the reproaches of [one’s] own conscience” (Mill, 1863, p. 60; Sidgwick, 1874).

Second, Shaw addresses three aspects of JWT’s *jus in Belo* criterion – necessity, proportionality, and discrimination and civilian immunity – and again finds that, as with the international law of armed conflict, “utilitarianism not only strongly endorses the received rules of war, but also provides the most plausible and coherent moral basis for them” (2016, p. 104). For example, civilian immunity clearly promotes the greater good: “From a utilitarian perspective, it is desirable to affirm and ... entrench the right of civilians not to be attacked and to oblige warring states to take whatever steps ... to avoid injuring them or their property” (2014, p. 320). Because of this, “utilitarianism itself contends that we should inculcate in combatants a blanket opposition to targeting civilians. Respect for civilian immunity should be a firm, virtually absolute part of their intuitive moral code” (2016, p. 131; Brandt, 1972).

Ultimately, Shaw concludes: “Utilitarianism clearly, staunchly, and unequivocally supports the recognized rules of war because adherence to them, even those rules that seem purely conventional or even arbitrary, reduces the carnage of war” (2014, p. 319).

***UWP and utility’s discontents: Answering some perennial challenges.***

Hypocrisy is rife in wartime discourse, because it is especially important at such a time to appear to be in the right ... The hypocrite presumes on the moral understanding of the rest of us, and we have no choice, I think, except to take his assertions seriously and put them to the test of moral realism. (Walzer, 1977, p. 486)

For its perennial critics, utilitarianism remains an easy target for its many supposed shortcomings in moral theory generally, and in war ethics particularly. However, in defending his formulation of a Utilitarian War Principle, Shaw claimed that utility can answer its critics.

Primarily, he argued, a fully realized utilitarian calculus would refute the critique that many unjust warriors “frequently claim to be acting for the greater good and defend their actions, at least in part, on grounds that sound utilitarian” (2011, p. 387). Historically, he agreed, “utilitarian reasoning is susceptible to abuse ... it can be, and has been, used to justify all sorts of immoral wars” (2014, p. 309). But so has every other ethical tradition, he argued, and these abuses do not negate the value of the approach: “No normative principle is shown to be incorrect because the deluded or unscrupulous abuse it” (2011, p. 388). Instead, he concluded, “the proper response ... is not to abandon consequentialist thinking ... but rather to examine with as much specificity and meticulousness as possible the likely results of waging war ... taking into account the interests of all” (2014, p. 309). There is, indeed, a “distinctive appeal, when it comes to questions of war, of a consequentialist procedure, especially one that emphasizes, as utilitarianism does, the moral centrality of human well-being” (2016, p. 165); therefore, what is needed instead of a non-utilitarian approach is for utilitarian war ethicists “to strive to do it better – more accurately and more carefully and with greater awareness of the various illusions and mishaps to which human reasoning is prone” (2011, p. 388).

Further, he noted, critics claim that “well-being is an uncertain concept, and that it is hard to know what really does make people’s lives go better or worse” (2014, p. 309), therefore challenging a calculated approach. However, he contended, “when it comes to questions of war, as previously suggested, subtle questions of well-being are rarely involved: the relevant evils and goods are gross and unmistakable” (2011, p. 389). Further, “there is no question that physical

and psychological security, personal liberty, political self-determination, and respect for territorial integrity promote well-being and that war may sometimes protect these values” (2014, p. 310). Ultimately, common sense would side with a basic, objective measure of well-being, in peacetime or war: “Utilitarians need affirm only that we can rank many states of affairs as better or worse” (2016, p. 24). The UWP requires such a ranking in calculating the costs of war.

Beyond this, Shaw observed, critics of utilitarianism also often object that, “when it comes to specific questions about war and peace, the future is too unpredictable for us to make reliable judgments about the likely consequences” (2014, p. 310). “Nevertheless, the critic ... overstates the hopelessness of our epistemic situation. Much of the time we manage to navigate through the world with some success. We anticipate future events more or less correctly ... We can learn from history” (2011, p. 390) – especially when it comes to issues related to war.

Finally, Shaw noted, critics charge that utilitarianism “sometimes requires us to do immoral things” (2016, p. 26), proposing “some far-fetched set of circumstances” that create an ethical dilemma; however, “the more strongly and categorically people oppose such conduct, the more likely they are to behave in happiness-promoting ways in the real world” (p. 29).

Overall, “the fact that an ethical criterion is sometimes, or even often, difficult to apply does not show that it is incorrect” (2014, pp. 310-311). Instead, Shaw’s application of his UWP may represent the most complete and compelling defense of a utilitarian war ethic to date. Yet, absent Mill’s definition of security as the “most vital of all interests” (1863, p. 67), it lacks the potential of a more specific analysis of proposed war claims such a perspective might offer.

### **Situating Millian Conflict Coverage in the Utilitarian Media Literature**

Of the laws and rules of law made against the liberty of the press, the object and endeavour has been to secure not only impunity, but non-divulcation, to all misdeeds

committed on the part of any of the persons concerned in the exercise of the powers of government – of the public trustees of every class – to the prejudice of those for whom, for form’s sake, they every now and then acknowledge themselves to be in trust.

(Bentham, 1837, p. 121)

Despite the significant contributions of recent war ethics scholarship, utilitarianism remains the bastard sibling of more palatable martial traditions; at the same time, however, it has always enjoyed a prominent place in media ethics. As reflected in this statement from the “Father of Utilitarianism” himself, arguments and prophesies abound in the literature, promoting the many benefits of free speech, and warning of the myriad harms of suppressing it.

“Utilitarianism is prevalent in the media professions, and in quasi-form is the mind-set of most students preparing for careers, such as journalism, that serve democratic societies ... A predilection toward utility ensconces the status quo” (Christians, 2007, p. 113) – so much so that professional “codes of ethics, and media textbooks are dominated by various strains of” the tradition (p. 116). From the outset, journalism is often seen in utilitarian terms of serving the greater good: “Most of the journalists I know do what they do as journalists for highly moral reasons. They seek to benefit others by telling them what they need to know in order to live their lives ... Journalism is a service occupation” (Hodges, 1983, p. 5) aimed at a consequential good. Mill himself argued, from a similarly service-oriented stance, that, “in making the nearest approach” to the Golden Rule, “utility would enjoin... that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole” (1863, p. 21); he would be pleased to see that his theory still significantly informs media practice and education.

### **“All the news that’s fit to print”? Utilitarianism Significantly Shapes Media Ethics**

Primarily, invocations of Mill’s thought appear in defenses and definitions of press freedom, and most often from his earlier *On Liberty* rather than *Utilitarianism*: “Utilitarianism ... works hand-in-glove with the democratic process ... Mill’s *On Liberty* ... combined with John Locke to establish an individualist democratic politics ... it is natural that utilitarian ethics pervade North American life, politics, and the professions” (Christians, 2007, p. 116). The essence of U.S. press freedom, as a negative freedom, seems more regulative than normative, and appears virtuous: “Some things, indeed, are good in themselves, and this is because they are not only instrumental goods ... something which is supremely good, prized for itself and not as a means to something else” (Emmet, 1994, p. 61). This ideal was evident from the nation’s founding, as the Declaration of Independence’s primary author famously asserted that, “were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter” (Jefferson, 1787, pp. 252-253). However, for Mill, this virtuous free speech and press reflected “the importance of intellectual freedom to individual growth and personal development” (O’Rourke, 2001, p. 24; Horner, 2015), and is essential to his utilitarian stance.

However, practitioners also turn to Mill to inform more normative prescriptions of how such a free press could best employ this freedom in furthering the greater good, as later applications both expand the scope of news coverage and enjoin potential harm. “Ethical journalism means taking responsibility for one’s work and explaining one’s decisions to the public,” reads one such statement in the Society of Professional Journalists Code of Ethics (Society, 2014) – in essence, making one’s self accountable for the consequential goods and harms of one’s work. And the unprecedented 2004 *mea culpa* by the *Times* editors appeared to



attempt just that: “Editors at several levels who should have been challenging reporters and pressing for more skepticism were perhaps too intent on rushing scoops into the paper” (The From, 2004a, para. 5), they explained. In their apology, they defended their paper’s creed of “All the news that’s fit to print” (Folkenflick, 2011, p. xiii) by largely utilitarian arguments. Such arguments have informed the development of media ethics in the U.S. from the very beginning, first in defending the overall freedom of speech and the press, then in upholding the rights of the press to report on its own government, and finally in suggesting the responsibility of a free press to inform citizens on all aspects of public life, while making good decisions about balancing the potential goods and harms of such coverage and media practice.

Finally, some recent attention to new applications of Mill directs utilitarian approaches to the actual focus of news coverage onto areas of concern that address citizen flourishing.

**“Congress shall make no law”: Utilitarianism defends a free press**

The law hath amply provided against overt acts of sedition and and disorder, and to suppress mere opinions by any other method than reasoning and argument is the height of tyranny. Freedom of thought being intimately connected with the happiness and dignity of man in every stage of his being, is of so much more importance than the preservation of any Constitution, that to infringe the former under pretense of supporting the latter, is to sacrifice the means to the end. (Hall, 1913, p. 6)

This thoroughly utilitarian defense of free expression could’ve been written by Mill himself, as it points to the utilitarian ideal of freedom he outlined most clearly in his *On Liberty* (1859a; Dryer, 1979; Howland, 2005; Riley, 2005; Stegenga, 1973; Ten, 2008). In fact, an underlying consequentialist good of individual flourishing may justify this libertarian ideal of individual freedoms (Greenawalt, 1989; Christians, 2007): A useful press is a free press.

From a libertarian stance, it would seem that the First Amendment to the Constitution seeks no justification for protecting “the freedom of speech, or of the press” (The Bill, 2016, para. 5), other than that the inherent good of these goods is such that they enjoy “an absolute or complete barrier to government censorship” (Pember & Calvert, 2008, p. 43). U.S. citizens and the courts have both struggled ever since to balance the freedoms enshrined in the First Amendment with the civic responsibilities it implies, most especially “the hard cases governed by normative goals, including, conspicuously, those of utilitarian policy ... under a rights-based constitution” (Richards, 1990, p. 272; Baker, 1989; Greenawalt, 1989). Like the Constitution itself, the “American concept of press freedom stemmed from the Enlightenment” (Merrill, Gade & Blevens, 2001, p. 5; Merrill, 1974; Siebert, 1956), and “up until the present [20<sup>th</sup>] century, the emphasis in the discussions of press freedom and freedom of expression generally was on *laissez-faire* ... on personal and media autonomy” (Merrill, 1974, p. 76; Siebert, 1956).

Such freedom, a part of the nation’s very essence from even before its founding, is now both means and end of almost every activity: “Today, we live in an information society – our economy depends primarily on the production and consumption of information” (Straubhaar, LaRose & Davenport, 2017, p. 12). From the beginning, Jefferson argued, information was meant to move freely: “That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature” (1813, pp. 333-334). Two centuries later, a widely misquoted online echo of this founding ideal – that “information wants to be free” (Gans, 2015, para. 2; Levy, 2014) – “has become the “defining slogan of the information age” (De Coutere, 2009, p. 117). And Mill would feel right at home today: “To the end of his life, Mill

continued to maintain that liberty held the key to human happiness, and that intellectual freedom was the first and most important part of such liberty” (O’Rourke, 2001, p. 6).

In considering five organizing categories of communication ethics, the influence of “Mill’s social utilitarianism” fits neatly in the area of altruism, though he would also belong just as well in the realm of press freedom (Christians & Merrill, 2009, pp. 2-4). However, recent scholarship shows his thought transcends binary classification in either social responsibility or libertarian press theories alone: “Mill’s theory is richer than interpreters and critics generally allow ... it is not abstract truth for its own sake that Mill defends but, rather, the discovery of truth for the sake of individuality” (O’Rourke, 2001, p. 6). Ultimately, for Mill, “human nature is most completely expressed in a society in which the freedoms of autonomy and individuality are respected and prized” (Gray, 2000, p. 149) – in other words, a truly free marketplace of ideas.

***The Marketplace of Ideas: Utilitarianism defends individual freedom of expression.***

Liberty by permission is slavery; only tyrants and slaves live where any sane adult can be precluded from receiving – even the most odious opinion – about the most obnoxious subject – expressed in the most offensive manner – by the most despised person.

(Schroeder, 1913, p. 38)

That the authors of the Constitution and the champion of utilitarianism all drank from the same Enlightenment fountains is most evident in their defense of individual freedom. As the First Amendment begins: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press” (The Bill, 2016, para. 5). This explicit defense of the individual right to freedom of thought and expression being primary to any consideration of secondary social benefit resonates with Mill’s

mature *Utilitarianism*: “The great majority of good actions are intended not for the benefit of the world, but for that of individuals, of which the good of the world is made up” (1863, p. 23).

So, before considering Mill’s contributions to specific issues in practical media ethics, and before considering his defense of the press “watchdog” role, scholars point to his evolved ideal of individual freedom as primary. “Mill moved from ... freedom of the press as a security against corruption in government, to ... the necessity of intellectual freedom for individuals in order to achieve true well-being and thereby contribute to the greatest happiness of society” (O’Rourke, 2001, p. 1). “The conception of human flourishing that [Mill] invokes is one in which the goods of personal autonomy and individuality are central” (Gray, 2000, p. 137).

*Free expression preserves an individual’s right to access any opinion.* Ultimately, “the philosophical speculations of John Stuart Mill ... [influenced] the making of the constitutional conception of free speech” (Chafee, 1920, p. 32). From this stance, a later scholar defines “the Millian paradigm as a predominant, if not the dominant, discourse of freedom of speech in the United States. This discourse defines the system of speech to be a marketplace of competing ideas” (Passavant, 2002, p. 156; Baker, 1989; Patterson, 2013).

A century before Mill, John Milton laid the basis of this marketplace model when he argued that truth will always conquer falsehood whenever the two encounter each other (Milton, 1644). “No reason existed for government censorship because lies would always be exposed and ultimately discounted,” Milton believed (Moore & Murray, 2012, p. 103). John Stuart Mill later inherited the seeds of this competitive market ideal from his father, James, whose version of Milton’s ideal insisted that “if the people ... must choose opinions for themselves, discussion must have its course ... and no opinion ought to be impeded more than another, by any thing but the adduction of evidence on the opposite side” (Mill, 1821, p. 36; Day, 2003). In particular, he

argued that an opinion may best be “thoroughly understood, when, by the delivery of all opinions, it is presented in all points of view, when all the evidence upon both sides is brought forward ... by the freedom of the press” (p. 25).

In keeping with his father’s ideal, John Stuart Mill’s priority in *On Liberty* is to defend one’s “right to *hear* all opinions over the right to *express* all opinions ... The right to hear is grounded in the notion of individuality, which is ... at the heart of Mill’s arguments for freedom of thought and discussion” (O’Rourke, 2001, p. 4) – so much so that, for Mill, the suppression of opinion always leads to worse consequences than does its free exchange (Stephen, 1873; Horner, 2015). This “rule utilitarian approach [means] that giving the widest possible latitude to freedom of expression will, on balance and in the long run, produce the greatest amount of good ... for the greatest number of people” (Gordon & Kittross, 1999, p. 31). Absent such latitude and liberty: “Incompetence and aimlessness, corruption and disloyalty, panic and ultimate disaster, must come to any people which is denied access to the facts. No one can manage anything on pap. Neither can a people” (Lippmann, 1920, p. 6) – especially not one called to go to war.

*Free expression preserves an individual’s right to express any opinion.* Ultimately, “Mill is deservedly celebrated as a great champion of freedom of expression ... He insists that the freedom of expressing and publishing opinions is ‘practically inseparable’ from the liberty to think” (Riley, 2005, p. 147) – and “almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons” (Mill, 1859a, pp. 225-226) in pursuit of the greater good. “Freedom of thought and discussion play a primary role in encouraging diversity and individuality, regarded by Mill as essential if society is to progress and achieve the greatest possible happiness for the individuals who are its members” (O’Rourke, 2001, p. 6; Cohen-Almagor, 1997a; Merrill, 2000). “In Mill’s view ... every idea has some societal value and

therefore deserves protection from the government” (Moore & Murray, 2012, p. 103). So, Millian principles appear perennially in considering such mass media issues as hate speech (Brink, 2001; Scanlon, 2003) and pornography (Dworkin, 1981; MacKinnon, 1984). This principle was perhaps most famously articulated by the late Justice Louis D. Brandeis, who insisted: “If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence” (*Whitney v. California*, 1927). More recently, a study of hate speech concluded “that the most prudent, responsible, and ethical course is to permit outrageous speech and counter it with positive messages” (Harmon, 1991, p. 146) – and that Milton, Mill, Hume, Locke, and Rawls would all support the “more speech” approach championed by Brandeis and others. So the U.S. press carries every imaginable kind of information on all topics, ranging from music (Pen, 2010; Stauffer, 1998) to sports (Kerr, 2016; Thompson, 1970) to politics (Summers, 1994).

Heirs to this “marketplace of ideas” tradition, the SPJ Code of Ethics states: “Ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough.” (Society, 2014, p. 1). However, this ideal is no guarantee of success. In considering the debate surrounding the 2003 invasion of Iraq, for example, “the marketplace of ideas failed to correct the administration’s misrepresentations or hinder its ability to persuade the American public” (Kaufmann, 2004, p. 6). In other words, the marketplace failed its monitorial function.

***The Fourth Estate: Utilitarianism defends corporate redress of grievances.***

In the First Amendment, the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government’s power to censor the press was abolished so that the press would remain forever free to censure the government. The press was protected

so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception ... And paramount among the responsibilities of a free press is the duty to prevent ... the government from deceiving the people and sending them off to distant lands to die ... In revealing the workings ... that led to the Vietnam War, the newspapers nobly did precisely that which the founders hoped and trusted they would do. (*New York Times v. United States*, 1971, p. 717)

In defending the right of the *Times* to publish the Pentagon Papers in spite of the federal government's attempts to enjoin it, Justice Hugo Black's famous opinion channeled the second Millian free press defense – that of the so-called “Fourth Estate,” or the monitorial function of the press (Commission, 1947; Christians, Glasser, McQuail, Nordenstreng & White, 2009; McChesney & Scott, 2004; Nerone, 1995; Purvis, 1982; Siebert, Peterson & Schramm, 1956).

This particular defense of the marketplace of ideas theory, which “dominates the Supreme Court's discussion of freedom of speech” (Baker, 1989, p. 7), “can be traced back to ... Mill” (Pember & Calvert, p. 45), who championed “the ‘liberty of the press’ as one of the securities against corrupt or tyrannical government” (Mill, 1859a, p. 228). Here, Mill again echoes the Founders and their shared Enlightenment forebears. The First Amendment concludes with an affirmation of “the right of the people ... to petition the Government for a redress of grievances” (The Bill, 2016, para. 5). In fact, wrote one of the Founders, to guard against the inevitability of tyranny, “the most effectual means of preventing this would be, to illuminate, as far as practicable, the minds of the people at large, and more especially to give them knowledge of those facts” (Jefferson, 1778, pp. 526-527).

*A free press is free to report on its own government.* That the Founders and the English Utilitarians drank from the same Enlightenment stream is also evident in the First Amendment's

protection of the people's right to speak freely about their own government. As late as the 17<sup>th</sup> century, British citizens who said the wrong thing about their leaders were tried secretly on charges of seditious libel and sentenced to torture and death (Moore & Murray, 2012). Railing against such a wide-ranging restriction on a supposedly free press, Jeremy Bentham argued that "whatsoever evil can result from this liberty, is everywhere, and at all times, outweighed by the good" (1820, p. 279). James Mill lamented that "to point out any such fault in government, is a liberty not allowed to the press by the law of England" (1811, p. 101). This restriction, he insisted later, always leads to no good: "To give a body of rulers ... a power of choosing, for the rest, opinions upon government, without [free] discussion, we have already seen, upon good evidence, is the way to secure the prevalence of the most destructive errors" (Mill, 1821, p. 26). On the contrary: "We think it may be satisfactorily shown, that no operation of the press ... ought to be treated as an offense" (p. 8). For his part, John Stuart Mill charged that this "law of libel is justly considered the most dangerous: as it enables [officials] to free themselves from that which is in itself a considerable check upon them, and without which all other checks are ineffectual, free discussion" (Mill, 1824a, p. 297).

In a very real sense, even before independence, the colonies were already ahead of their British rulers in moving towards a Fourth Estate freedom for criticism of the government, when John Peter Zenger was acquitted of libel charges in 1735 for his provably true commentary about a local official of the crown (Moore & Murray, 2012). The Enlightenment ideals of free speech championed by the English Utilitarians form the basis of the "Fourth Estate" function of a free press in a democracy, in which "individual citizens monitor the performance of the state and have a mechanism for punishing actors in the form of a standing threat of removal from office" (Bailey, 1997, p. 110). This goes beyond the idea of pure freedom of expression to fix one key



focus of such expression upon the government and its actions. Therefore, “the First Amendment protects two kinds of speech. It protects the individual interest in self-expression necessary to make life worth living, and the social interest in the attainment of truth” (Passavant, 2002, p. 157; Chafee, 1920). These two kinds of free speech are reflected again in the “two sides of Mill – the side ... that values free speech for the development of the individual, and the side ... that values free speech for more social purposes such as its role in the discovery of truth.” Indeed: Under “Mill’s doctrine of freedom of expression ... a broad policy of laissez-faire is generally expedient” (Riley, 2005, p. 177), promoting both individual freedom and social responsibility.

*A responsible press is obliged to report on its own government.* However, where some see the First Amendment primarily as a defense of a completely free press – free as well of any monitorial mandate – others balk: “Few have subscribed to this notion wholeheartedly” (Pember & Calvert, 2008, p. 43); instead, most claim that the amendment’s “press clause is a structural provision that has a fourth-estate function” (Baker, 1989, p. 4). In other words, the press is free in order to serve as a check on potential abuses by powerful entities such as the government. James Mill is credited as being “the conceiver of the ‘watchdog’ function” of the press, which makes “known the conduct of ... government” (Merrill, 1974, p. 87). Later, in his support for a free press in France, John Stuart Mill “was a constant commentator on the changing fortunes of the freedom of the press ... [and] He considers the growth of newspapers to be one of the important reasons for the spread of ideas” that eventually led to governmental reform in his own England (O’Rourke, 2001, pp. 38-39). In fact, “Mill took a strong stand for unrestricted freedom” of the intellect (Berger, 1984, p. 232), especially when it came to government.

This normative ideal remains prominent among U.S. news media: “That principle supports the idea that a free press is essential to a democracy in which the government is

accountable to the people; where the media serve to check powerful institutions, notably the government,” opined one radio station manager recently (Pryor, 2019, para. 6). Ultimately: “Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy,” reads the very Millian preamble to the most-used U.S. media code of ethics (Society, 2014, p. 1). Specifically, it continues, “Journalists should ... Recognize a special obligation to serve as watchdogs over public affairs and government.” In practice, this includes the concept of editorial independence, first from government, but also from any other interference: “The highest and primary obligation of ethical journalism is to serve the public” – an ideal previously embraced by Mill, whose description of utilitarian justice included his concept of “impartiality ... being solely influenced by consideration for the public interest” (Mill, 1863, p. 56). John Stuart Mill’s defense of the media’s watchdog role remains influential in social responsibility press theory (Vold, 1999), and can still provide guidance for ethical reporting in the fraught post-9/11 reporting environment (Reid & Alexander, 2005).

**“Education and opinion”: Utilitarianism defines press scope and practice**

There are ethics you need to embrace as a reporter. There is a reason why journalism is the only profession specifically cited in the Constitution. In the First Amendment, the press has a protected status. Now why is that? It’s not that anyone who declares that they’re a journalist can say whatever they want. It says that we’re going to have a press that’s free but is also playing a role that strengthens a democracy. (Sitting Down, 2013)

For Mill, “true freedom is not just being able to effectively calculate how to move towards already determined ends, but to possess the ability to express and defend one’s own goals” (Devigne, 2006, p. 96). As the idea of a socially responsible press developed further in the

20<sup>th</sup> century, so did utilitarian ethics for how to pursue the greater good in both the scope of the emerging journalism profession as well as in its practice. “When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the first thing we need,” Mill claimed (1863, p. 2) – and every theory of ethical media practice invokes some consequence it claims to pursue. And for a very good utilitarian reason: “Journalism has been beset by ethical problems that have over the years eroded the credibility of journalists” (Moore & Murray, 2012, p. 99). Virtue ethics, with its “internal” focus (Quinn, 2007, p. 168), seeks to produce ethical practitioners who flourish under a free press: “By cultivating moral virtues, doing what is right ... can become a matter of course” (Klaidman & Beauchamp, 1987, p. 19). Deontological ethics, focused on the moral action itself (Patterson & Wilkins, 2013, p. 11), invokes “Kant’s notion of ‘duty’ to others [as] a core principle in the journalistic mission to ‘serve the public’” (Plaisance, 2007, p. 204). A justice ethic further focuses such service on “permissible uses, good stewardship, and justice” (Christians, 1989, p. 125), as all media practitioners “must be mindful of what constitutes a just use of the media system” and its freedoms (Plaisance, 2009, p. 100).

Even though not explicitly consequentialist, each tradition at least partly justifies itself as producing good for the larger community. However, Mill alone focused instead on the outcomes of actions (Patterson & Wilkins, 2013), and “regarded utility alone as the ultimate appeal on all ethical questions” (Christians, 2007, p. 115) – especially in the realm of public debate, as he insisted in *Utilitarianism* that “education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole” (Mill, 1863, p. 21).

Ultimately, then, “utilitarian rationalism has served as the prevailing paradigm in communications for more than a century ... As media ethics took definitive shape in the 1920s,

utilitarian ethics was attractive for its roots in individual autonomy and its this-worldly humanism” (Christians, 2007, p. 118; 2010). By the turn of the century, the influence of utilitarianism could be seen in two major areas of media ethics concern: first, utility defined the scope of *what* news an ethical media should cover, and second, it guided practical decisions on *how* an ethical media should act while covering that news. “Whatever the position and tradition ... it is impossible to disregard ethical assumptions and implications when we examine the decisions information professionals make from day to day” (Hannabuss, 2000, p. 328) – especially when considering the effects of media professionals and similarly influential institutions on the larger community (Stern, 2008; Werhane, 1990). Meanwhile, this increased attention to ethics carries its own consequences: “It is paradoxical to some degree that a growing concern for ethics can *diminish* press freedom ... So freedom and ethics are closely connected” (Merrill, 2011a, p. 8). Ultimately, as Mill might ask, how should free-press reporters act to maximize the greater good and minimize harm?

***Maximize good: Utilitarianism expands watchdog’s scope for greater good.***

Th’ newspaper does ivrything f’r us. It runs th’ polis foorce an’ th’ banks, commands th’ milishy, controls th’ ligislachure, baptizes th’ young, marries th’ foolish, comforts th’ afflicted, afflicts th’ comfortable, buries th’ dead an’ roasts thim afterward.

(Dunne, 1906, p. 240)

As reflected in this satirical observation by one American journalist just over 100 years ago, the monitorial function of the press quickly evolved from serving in a Fourth Estate role as government watchdog to one of covering any item of public interest – or of an interested public. “The press has a long and storied history of “muckraking” investigative reporting in various aspects of society ... This watchdog role is often cited as one of the most important functions of

the press” (Miller, 2003, p. 1; Serrin & Serrin, 2002) – for public servants and private citizens alike. Indeed: “More crime, immorality and rascality is prevented by fear of exposure in the newspapers than by all the laws, moral and statute, ever devised,” wrote famous publisher Joseph Pulitzer in 1878 (Serrin & Serrin, 2002, p. xx). Reflecting a scope of coverage expanded beyond just the government, the first SPJ Code of Ethics argued in 1926 in words Mill himself might have written that such a wider freedom carried with it a greater responsibility: “The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare ... It is the unquestionable right to discuss whatever is not explicitly forbidden by law” (Sigma, 1926, p. 1). By mid-century, “the importance of the press to the people has greatly increased” reported the Hutchins Commission on Freedom of the Press – so much so that potential abuses of “the machinery of the press” meant that “the freedom of the press is in danger” (Commission, 1947, p. 1). To refocus its practitioners on its responsibility, the Commission insisted that “our society needs, first, a truthful, comprehensive, and intelligent account of the day’s events in a context which gives them meaning” (p. 20; Nerone, 1995; Siebert, Peterson & Schramm, 1956). If anything, today’s press is even more powerful than ever: “Collectively, the news media wield perhaps the greatest power there is in politics: the power to define reality. The journalistic choices of news organizations send a message, consciously or not, about what is – and isn’t – important” (Hertsgaard, 2017, para. 5).

*The public interest includes powerful entities beyond government.* Further, as “Mill consistently thought of the failure to provide aid as a form of causing harm” (Berger, 1984, p. 256), increasing efforts by modern journalists to discover and cover sins of omission as well as those of commission served utilitarian ends. “The public’s right to know of events of public importance and interest is the overriding mission of the mass media,” is how the 1973 revision of

the SPJ Code put it (The Society, 1973, p. 1). By then, press freedom as it was understood in the latter half of the century “carries with it the freedom and the responsibility to discuss, question, and challenge actions and utterances of our government and of our public and private institutions.” As the century closed, the 1996 revision of the SPJ Code further reflected the conviction that “public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues” (Society, 1996, p. 1). And, at the end of the day, most practitioners do just that: “Most journalists, I suspect, try hard – and with considerable success – to follow the utilitarian prescription of having their work benefit the greatest number of people” (Gordon & Kittross, 1999, p. 274; Klaidman & Beauchamp, 1987). “The expectation in the United States ... is that journalists will provide information the public needs to carry out the duties of citizenship and ... [also] will provide a forum for ... ideas and opinions” (Klaidman & Beauchamp, 1987, p. 5); overall, the journalism craft is an “enterprise based on a moral obligation to contribute to an informed populace” (Black & Barney, 1992, p. 3).

As a new century brought with it unprecedented, seismic shifts in the media landscape, media ethicists returned to this basic premise as a defense of traditional journalism values. “The primary purpose of journalism is to provide citizens with the information they need to be free and self-governing” (Kovach & Rosenstiel, 2007, p. 12); in other words, the profession’s “ultimate goal ... is to help citizens know well in the public sphere” (Borden, 2007, p. 50) – and “journalism has, throughout the centuries, and continuing today, made America better” (Serrin & Serrin, 2002, p. xix). Ultimately, “democracy and journalistic excellence rise or fall together” (Scheuer, 2008, p. xii).

*The public interest includes anything that affects the public.* In what may be seen as a significant, while unacknowledged, influence of utilitarian thought on the profession is the increasing focus in recent years on investigating the outcomes of policies, and those affected by public policy or private practices, instead of the classic “grip ‘n’ grin” coverage of those in power and their routine meetings and press statements. “Journalists also apply the perspectives of sociologists ... of scientists, artists, political scientists, or others to find the patterns in which events occur” (Shaw, McCombs & Keir, 2000, p. 5; Houston, Bruzese & Weinberg, 2002; Patterson, 2013) in community-based and computer-assisted reporting. Such civic journalism may be defended in utilitarian terms (Gordon & Kittross, 1999, p. 260), though it may also constrain the practice in significant ways (Merrill, Gade & Blevins, 2001).

Revised again within 20 years to reflect the increasing challenges of the new media technologies, the 2014 Code challenged journalists to “Be vigilant and courageous about holding those with power accountable. Give voice to the voiceless ... [and] Boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear” (Society, 2014, p. 1). As the impact of these new media technologies continued to be felt in massive job losses in the industry, significantly reducing the ability of the press to cover its traditional beats, observers cried, for the greater good: “What replaces that flow of information? What will nourish our democracy?” (Lewis, 2007, p. 32) – because “our beloved United States of America depends on the decisions we make in our newsrooms every day” (Rather, 1996, p. 64). This is particularly vital in the area of security concerns and war coverage.

Mill, who argued for the liberty to express and access the widest range of opinions, and for whom “freedom of the press is regarded as the highest good on a political rather than a personal level, working primarily for the benefit of society generally” (O’Rourke, 2001, p. 22),

would be proud of these modern media practitioners – and would also be concerned about the diminishing range and depth of opinions available for public expression and consideration. Yes, “Mill would love the World Wide Web with its conglomerate of varied opinion” (Elliott, 2007, p. 102). However, like Dunne’s fictional Irish-American pundit Mr. Dooley, he would also worry over the potential harms from the abuse of such a powerful, omniscient, free press.

***Minimize harm: Utilitarianism enjoins responsible watchdog’s practice.***

Thus a man will say he has a right to publish his opinions ... but he assumes thereupon, that in publishing his opinions, he himself violates no duty ... depending, as it does, upon his having taken due pains to satisfy himself, first, that the opinions are true, and next, that their publication in this manner, and at this particular juncture, will probably be beneficial to the interests of truth, on the whole. (Mill, 1832, p. 10)

As refined by Mill, and later developed by Henry Sidgwick, utilitarianism’s “main idea is that society is rightly ordered ... when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it” (Rawls, 1999, p. 19). So an ethical utilitarian press may guide its own actions as one such institution, and judge those of others, in light of that balance. For Mill, this involves two duties to minimize potential harm. First, the speaker must ensure the accuracy of one’s own opinion. Second, the speaker must consider the potential harm such a published opinion might cause. Both of these aspects are normative: The first deals with the effects of how the press conducts itself, and the second deals with the effects of publication. Both aspects are reflected in the 2014 SPJ Code’s call for journalists to minimize harm: “Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect” (Society, 2014, p. 1).



Perhaps the best-known example of this among America's most-respected newspapers is the motto printed on the masthead of every edition of *The Christian Science Monitor*: "The object of the Monitor is to injure no man, but to bless all mankind" (Eddy, 1901, p.1), reflecting Mill – and, even before the English Utilitarians, John Locke (1689/2014). A few years later, plans for a journalism curriculum at Harvard included one class called "Ethics of Journalism. Proper sense of responsibility to the public on the part of the newspaper writer" (O'Dell, 1935, p. 84); in response, Joseph Pulitzer insisted that "Ideals, character, professional standards not to be infringed without shame, a sense of honor ... these will be the motif of the whole institution, never forgotten even in its most practical work" (1904, p. 667).

"The study of ethics has long been an integral part of journalism education," concluded one scholar's lengthy review of journalism textbooks going back more than a century (Mirando, 1998, p. 26); however, "textbook authors ... confine substantial lessons on ethics to a single chapter ... usually placed near the end ... In this setting, important moral and intellectual questions are easily overlooked" (p. 35). Overall, authors of a 1980 study concluded that the state of media ethics education was woefully inadequate to the demands of the discipline: "Media ethics are in a very rudimentary, unsophisticated form at present ... On a comparative basis with other programs having a professional dimension, journalism and mass communications seem less developed by a substantial margin" (Christians & Covert, p. 7).

Nearly two decades later, two media scholars argued that "a case can be made that journalism ethics has matured somewhat ... Journalism ethics is showing subtle but significant signs of developing into an academically and professionally respectable field" (Black & Barney, 1992, p. 2). Unfortunately, despite several advances, "journalism ethics has a long way to go before it reaches philosophic maturity" (p. 14). As media ethicists continued to work to improve

the understanding of ethics in media education, they also continued to wrestle with understanding and applying Mill's utilitarianism.

“Utilitarianism has dominated media ethics for a century ... These concepts fit naturally with media ethics theory and professional practice in a democratic society” (Christians, 2007, p. 113), and its “approach to ethics is a popular one” (Gordon & Kittross, 1999, p. 8). Indeed: “In actual application, utilitarianism uniformly applied has a way of puncturing self-interest” (Patterson & Wilkins, 2013, p. 12). As a result, it “has been a prominent perspective in media ethics textbooks” (Craig, 2009, p. 204), though other traditions have gained attention in the past several decades, especially deontological approaches to responsibility.

A 1999-2000 survey of 16 introductory reporting textbooks found that only seven mentioned a specific philosophical tradition; however, four of the five that addressed at least two traditions included utilitarianism among them (Peck, 2004, p. 350). Unfortunately, while the tradition does dominate the discipline, this doesn't mean that it is properly treated, or even understood: “Although Mill is most often identified in the same breath with utilitarianism in journalism textbooks, a thorough examination of his beliefs about morality – including his ideas on ‘quality’ – is often lacking” (Peck, 2006, p. 206). Also lacking is a thorough discussion of his “Harm Principle” (Day, 2003; Klaidman & Beauchamp, 1987; Patterson & Wilkins, 2013). A similar oversimplification is often true for both Aristotle's Golden Mean (Peck, 2004) as well as Kant's Categorical Imperative (Peck, 2004, 2007). For example, one author claims that “Mill's utilitarianism, like Kant's categorical imperative, is easily recalled and easily applied” (Leslie, 2000, p. 82) – giving force to some of its detractors' arguments. And this has been a problem for at least four decades: “Utilitarianism in some sense has dominated our general ethical scene, yet

it scores an amazingly small percentage (9%) of media course work,” noted Christians in 1978 (p. 5).

As expected, Mill and utility get more attention in dedicated media ethics texts; disappointingly, however, one scholarly review of seven such references “yields a conclusion not inconsistent with Peck’s observation” (Elliott, 2007, p. 102) – that is, they don’t do the utilitarian tradition, or Mill, justice: “His theory is much more than ‘the greatest good for the greatest number’” (Peck, 2006, p. 206; Crane & Matten, 2007; Lindebaum & Raftopoulou, 2017; Plaisance, 2014) – even though that remains its most common presentation (cf. Christians, Fackler, Rotzoll & McKee, 2001; Fink, 1995; Gordon & Kittross, 1999; Hulteng, 1985; Leslie, 2000), with a few significant exceptions (cf. Day, 2003; Patterson & Wilkins, 2013; Plaisance, 2014; Horner, 2015).

Some recent media ethics texts barely mention Mill (cf. Moore & Murray, 2012) – or not at all (cf. McBride & Rosenstiel, 2104). A cursory examination of the more than a dozen media ethics texts available a dozen years after Elliott’s study reveals similarly incomplete representations; moreover, from a utilitarian stance, an incomplete Millian ethic may yield worse outcomes than no Mill at all: “The purpose of ethical analysis is to consider all relevant factors ... [to] best determine the range of permissible actions ... Getting Mill wrong by limiting utilitarian analysis to a method of subtraction fails to fulfill that purpose” (Elliott, p. 111). And ultimately, for utilitarianism, what “is often overlooked ... is the focus on minimizing harm” (Day, 2003, p. 61); in fact, “it has gone almost unnoticed in journalism that this work discusses harm as much as it does liberty” (Klaidman & Beauchamp, 1987, p. 94). However, the Society of Professional Journalists encourages “all who engage in journalism to take responsibility for the information they provide” (Society, 2014, p. 1). A utilitarian journalist “should analyze the benefits and

harms to everyone (including themselves) affected by the decision” (Day, 2003, p. 61).

Moreover, all ethicists should think “beyond the conventional interpretation which holds that the only true end for Mill is utility and all else is a means to utility” (Cohen-Almagor, 1997b, p. 141), “to understand ... how one end may serve as a means to a further end.”

Along these lines, Millian utility arguments often appear in consideration of three main areas of potential harm the profession might inflict: harm arising from its untruthful practice, from its inordinate purview, and from its long-lasting and far-reaching product.

*Utility minimizes harm caused by journalism’s practice.*

Thus, ensuring that data are accurate becomes a cardinal principle in professional codes of journalism ethics. Fabrications, fraudulent materials, omissions, and contrivances are both nonscientific and unethical. Data that are internally and externally valid are the coin of the realm, experimentally and morally. (Christians, 2007, p. 119)

Mill’s first concern with ethical opinion expression – that citizens work “to form the truest opinions they can” (Mill, 1859a, p. 23; Day, 2003) – remains central to the journalist’s work ethic. Mill himself could have written the various renditions of this concept in the evolving SPJ codes over the years: From the first, “a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy” (1926); “Truth is our ultimate goal” (1973); “Seek truth and report it ... Journalists should be honest ... Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible” (1996); “Journalists should be accurate ... Journalists should take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible. Remember that neither speed nor format excuses inaccuracy” (2014). An examination of these

and similar codes reflect a perennial concern with veracity (Hulteng & American Society of Newspaper Editors, 1981; Merrill & Odell, 1983; Rodgers, 2007).

These increasingly specific guidelines reflect a growing industry concern over its public perception of unethical behavior (Coming, 2011; Epstein, 2016) – and this included a greater emphasis on media ethics education. Thirty years ago, two media ethics scholars warned of a serious lack of appropriate depth “that leaves a large majority of the media ethics courses with apparent weakness in their normative posture ... Some of the courses may do little more than entrench certain conventions and teach students to appeal to epithets ... slogans” such as freedom of the press or First Amendment rights (Christians & Covert, 1980, pp. 18-19; Braman, 1988).

For that matter, though Milton and Mill both “defend freedom of speech on the ground that the truth will prevail ... the Constitution does not make the dominance of truth a necessary condition for freedom of speech” (Easterbook, 1995, p. 181). In fact, the First Amendment is “problematic as a basis for moral responsibilities because one cannot derive duties from rights” (Elliott, 1987, p. 7; Rachlin, 1988), though some argue otherwise (cf. Glasser, 1986). So some extend Mill’s mandate for individual truth to the profession: so, for the journalist, the “first step is acknowledging the significance of truth in the workplace” (Bugeja, 1996, pp. 68-69; Clark, 2014; Ryan, 2001) – especially in the areas of accurate information, accurate images, and credibility. This ideal may also be seen as an example of Millian rule utilitarianism: “truthful and complete reporting – and truthful public relations – as a general *rule* will ... provide the greatest service to the public” (Gordon & Kittross, 1999, p. 79), because objective, reliable reports are “the necessary elements of a self-critical, authority-defying free society” (Nanda, 1998, p. 303).

“Theories of truth are in total dispute these days ... But the issues are inescapable for a viable media ethics. The press’ obligation to truth is standard in media ethics at virtually every

period of history” (Christians, 2008, p. 11; Ryan, 2001). The same can be said for the longstanding U.S. media’s “Contract of Correction ... [which] has been in place for hundreds of years. It’s designed to instill and build trust by making it clear ... that the press is accountable, that we acknowledge our mistakes and do so publicly” (Silverman, 2014, p. 153).

Clearly, this ideal that a “journalist’s obligation to the truth is a standard part of the rhetoric” (Christians & Covert, 1980, p. 30), and perhaps most important in war coverage. In their critique of one Vietnam-era story, for example, two media ethicists insist that the reporter’s “first obligation was neither to history nor to CBS. His principal responsibility as a journalist was to accurately represent to the public a complex controversy” (Klaidman & Beauchamp, 1987, p. 89). This concept of independence, or autonomy – what Mill called impartiality (1863) – is a key element of utilitarian truth-telling. As one media ethics text put it: “Broadly, principled journalists are loyal to the greater good of society, a utilitarian view that obviously can create conflict with your other loyalties” (Fink, 1995, p. 19; Gordon & Kittross, 1999; Leslie, 2000; Ryan, 2001; Smith, 1980). And this kind of mature utilitarianism is more faithful to Mill: “Journalists who simply rely on the catch-phrase ‘the greatest good for the greatest number’ without deliberating ... can create consequences – but not the ones they think they are creating. The consequences are about the credibility and survival of the media” (Peck, 2006, p. 212).

*Utility minimizes harm caused by journalism’s purview.* The old adage that “a half truth is a whole lie” finds resonance with modern journalism’s expansion of truth-telling to a growing responsibility to both increase the diversity of voices and viewpoints while also being more sensitive to the potential for harm from coverage. In his day, “Mill strongly defended the rights of minorities” (Fink, 1995, p. 12), as well as those of children and young people (Mill, 1859a; Day, 2003). And “Mill was not a free speech absolutist. He argued that no one should be free to

wantonly violate someone else's rights, unjustly damage another's reputation, disclose secrets vital to the public interest, and so on" (Klaidman & Beauchamp, 1987, p. 10). Additions and modifications of the SPJ Code reflect these concerns: "Boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear" – while, at the same time, treat "sources, subjects, colleagues and members of the public as human beings deserving of respect ... Balance the public's need for information against potential harm or discomfort" (Society, 2014, p. 1). In particular, journalists should "[s]how compassion for those who may be affected by news coverage. Use heightened sensitivity when dealing with juveniles, victims of sex crimes, and sources or subjects who are inexperienced or unable to give consent." And, finally, in a response to today's electronic elephant-memory, search-engine society, all journalists are encouraged to "[c]onsider the implications of identifying criminal suspects before they face legal charges," and "[c]onsider the long-term implications of the extended reach and permanence of publication."

"Journalists ... are not unexposed ... they have been examining moral problems in their own and other professions for decades" (Klaidman & Beauchamp, 1987). However, four decades ago, a survey of 237 journalism programs revealed that only 27% included a designated media ethics class (Christians, 1978). So, media theorists declared: "Journalism needs the equivalent ... of the 'Commission on the Teaching of Bioethics' ... Research in descriptive ethics ... Support for teaching ... a separate newsletter on media ethics and even a specific journal ... [and] Continuing education for practitioners" wrote Christians and Covert in 1980 (pp. 53-56). Since then, the industry has seen significant growth in each of these areas of normative concern (cf. Association, 2008; Bivins, n.d.; Christians, 2008; Ethical, 2018; Hulteng & American Society of Newspaper Editors, 1981; Hulteng, 1985; Pew, n.d.; Poynter, 2018; Society, 1996, 2014; Stroud,

2018; Urban, 1999; Who, n.d.). Over the more than three decades since the first “Media Ethics Summit ... media ethics established its legitimacy, summarized into recommendations for the field’s future fluorescence” (Christians, 2008, pp. 3-4), yet weakness remains (Patterson, 2013).

Such professional self-critique remains essential: “At a certain level, only journalists can really be watchdogs for other journalists. An ordinary reader might not pick up on inaccuracies or problems with tone and angle” (Seiff, 2018, para. 8). And a utilitarian perspective can inform any number of other everyday media practice issues – including advertising, altering images, checkbook journalism, diversity, economic marketplace, information access equity, infotainment, interviews, media manipulation, product placement, public relations, religion coverage, undercover reporting, and violent content (Christians, Fackler, Rotzoll & McKee, 2001; Elliott, 1997; Gordon & Kittross, 1999; Klaidman & Beauchamp, 1987). Ultimately, under a Millian “harm principle ... individual liberty may be reasonably restricted to prevent *harm to others*” (Day, 2003, p. 325; Klaidman & Beauchamp, 1987) – and reasonable journalists, in a mature Millian ethical stance, will usually agree to restrict their own liberty in most cases when their actions can be seen as potentially harming others in unjustifiable ways.

*Utility minimizes harm caused by journalism’s product.*

Of importance here, apart from the fact that freedom of the press is accepted as an absolute in itself (nobody has a right to prevent another from publishing anything), is the notion that there is a moral obligation on the part of the person who publicly expresses an opinion to ensure not only its truth but also that the wider good is served by its publication. Thus, for example, it would seem morally reprehensible to publish true but private details of a person’s life for no reason other than to satisfy a public appetite for gossip. (O’Rourke, 2001, p. 35)



In several instances, Mill took positions to oppose the publication of private or otherwise embarrassing material when he saw very little utility in doing so, and much harm (Klaidman & Beauchamp, 1987; Mill, 1834a; O'Rourke, 2001). This resonates with the social responsibility theory of the press: a journalist must balance right to privacy with society's right to know (Hodges, 1983). The most recent version of the SPJ Code includes several guidelines that Mill would second: "Recognize that legal access to information differs from an ethical justification to publish or broadcast ... Weigh the consequences of publishing or broadcasting personal information. Avoid pandering to lurid curiosity, even if others do" (SPJ, 2014, p. 1).

Indeed: "Some of the media's most agonizing ethical problems arise specifically from the public/private nexus – reporting the private lives of public officials, for example, the confidentiality of sources, and the government's right to secrecy for ensuring public safety" (Christians & Covert, 1980, p. 29; Christians, Fackler, Rotzoll & McKee, 2001; Gordon & Kittross, 1999; Horner, 2015). Media law scholars identify four distinct areas of legal concern: intrusion, embarrassment, false light, and appropriation (Prosser, 1960; Moore & Murray, 2012; Warren & Brandeis, 1890); however, for the utilitarian, freedom is not the only concern (Mill, 1859a). "Although the legal parameters ... have not been definitively established, we do generally acknowledge the relevance of ethical considerations in this domain ... that it may be *legal* ... does not necessarily make it ethically neutral" (Gross, Katz & Ruby, 1988). Here, a utilitarian emphasis on the greater good protects journalists from the need to compete in the marketplace of audience ratings instead of pure ideas, even when publication might be legal, as it "would place the needs of the public ... above the fiduciary responsibility and greed of the market" (Gordon & Kittross, 1999, p. 204). Ultimately, then, the ideal journalist "is not thinking

of his wages or of the profits of his owners. He is there to watch over the safety and welfare of the people who trust him” (Pulitzer, 1904, p. 656) – the people who fight the wars.

In at least one instance, Mill argued against such publication of private information, concerned that such abuse would either constrain everyone to act in constant fear of public exposure, or worse, that the press would devolve to the lowest common denominator, as it did in the yellow journalism era in the U.S., ultimately degrading all press credibility (and utility). Indeed: “freedom would work ... by what seems to have taken place in America, calumny & scandal carried to such a length that nobody believes anything which appears in print, & as none can escape such imputations, nobody regards them” (Mill, 1834a, p. 214) – a very prescient assessment of a credibility gap that plagues the press to this day (Moore & Murray, 2012; McBride & Rosenstiel, 2104). In fact, “the public has developed a blinding, irrational cynicism toward reporting and other material that the media have handled and processed – an overreaction to a century of advertising, propaganda, and hyperbolic TV news” (Foer, 2018, para. 6).

Worse, the evolution from government censorship of the news media (Mill, 1824a) to general disregard for the news media (Mill, 1834a), has apparently now arrived at a future too awful for Mill to imagine, one in which politicians rhetorically shoot the messengers, foreseen four decades ago in the *Times* by longtime journalist Daniel Schorr, who was himself labeled “[A] real media enemy” by members of the Nixon administration (Bell, 1971, p. 75; Reston, 1970): “We are getting to the point where a politician will be able to run against the news media as he used to run against Communism, crime or corruption – issues no longer available to some of them” (Kaufman & Schorr, NYT, 1979, p. A15). This “may be an overstatement,” wrote two media ethicists almost a decade later (Klaidman & Beauchamp, 1987) – but that was before newly-elected President Donald Trump tweeted “The FAKE NEWS media (failing @nytimes,

@NBCNews, @ABC, @CBS, @CNN) is not my enemy, it is the enemy of the American People!” (Trump, 2017, p. 1), reflecting comments often made during his campaign (Shear, Haberman & Thrush, 2017, p. A1; Johnson & Gold, 2017).

This proclamation appears to belong to a completely different universe than that of the Jeffersonian insistence, nearly two centuries earlier, that “the only security of all, is in a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure” (Jefferson, 1823, Letter CLXXVII; Klaidman & Beauchamp, 1987).

And perhaps we really are in a different universe: for some critics, Jefferson, Mill, and anyone else rooted in rational Enlightenment don’t have much to say to a post-truth era (Anderson, 2017; Ballacci, 2018; Coleman & Fararo, 1992; Christians, 2015; Haidt, 2012; Merrill, 2011a, 2011b). As one U.S. administration aide told a *Times* writer in 2002, reporters were part of “what we call the reality-based community ... [who] believe that solutions emerge from your judicious study of discernible reality ... That’s not the way the world really works anymore ... we create our own reality” (Susskind, 2004, para. 62) – without enlightenment or empiricism. “In this environment, the definition of news has much more to do with demand than supply ... At the same time, public consensus has shrunk dramatically ... and ... ethical norms can’t be backed up by force” (Shirky, 2014, p. 14), despite their apparent utility. Worse, traditional journalistic routines may actually add to the problem: “Journalism – as one of the traditionally authoritative institutions – plays a leading part in this spiral of dwindling trust” by trying to keep one foot in orthodoxies of objectivity and independence while tentatively stepping into practices of transparency and multiple perspectives (Temmerman, Moernaut, Coesemans & Mast, 2019, p. 1; Gans, 2011). So, just what is the greater good of society, when society itself is

increasingly tribal and fragmented – and how best may a free, responsible press identify and pursue it?

**“Not as simplistic:” Recent Utilitarian Media Ethicists Respond to Critics**

This is probably the most influential of ethical theories ... In spite of its troublesome nature, utilitarianism is probably the most popular ethical theory. It is both rational and freely chosen. It is both individualistic and socially concerned. It is concerned with actions and consequences, not just lofty rhetoric or ideas ... By contrast ... [there is] the difficulty of predicting the effects of an action ... And there is also the very real concern that in maximizing the “good” for the majority, utilitarianism also makes it easy to overlook harmful effects that the minority may experience. (Merrill, 2011a, pp. 20-22)

As in general philosophy, as well as in war ethics, utility has no shortage of perennial critics in the realm of media practice, despite its dominance of the discipline’s conversation on proper practice. The approach “has major weaknesses, despite its democratic appeal” (Christians, 2007, p. 120) – and, as it faces new challenges from post-Enlightenment approaches, it continues to attract criticisms from several sides of media ethics based on the same problems philosophers have had with it from the beginning.

**“Utility and its discontents:” A theory no longer adequate for media ethics?**

The goal for journalists is identifying representative voices and communities rather than spectacular ones ... In contrast to utilitarian individualism, conceptions of the good reflect the values of the community rather than the expertise of academic ethicists removed from everyday struggle. (Christians, 2007, p. 126)

As with consequentialism generally, critics claim that it “is, on the one hand, overly demanding, and, on the other hand, that it is not demanding enough” (Alexander & Moore, 2017,

para. 7; West, 2006). For one such critic, the same “simple-mindedness” that makes the ethic deceptively easy to apply actually “consists in having too few thoughts ... to match the world as it really is” (Williams, 1963, p. 149). And, for at least one media ethicist, it’s time to openly acknowledge that reality: “We face the anomaly that the ethical system most entrenched in the media industry is not ideally suited for resolving its most persistent headaches” (Christians, 2007, p. 120).

***Overly demanding: Utilitarianism expects too much of the journalist.*** Even without the post-modern turmoil of the meaning of truth, the professional faces the perennial challenge of attempting to carefully consider the many possible consequences of one’s actions. So “even for the utilitarian journalist, one of the main problems of using such a theory would be the difficulty (many would say the impossibility) of predicting which action would bring greater future happiness” (Gordon & Kittross, 1999, p. 17; Leslie, 2000; Milgram, 2000; Patterson & Wilkins, 2013; Quinn, 2007). In the end, no one can truly reduce the good to one single value, nor can one accurately predict the outcome of a proposed action (Quinn, 2007, p. 175). This latter complaint especially places “utilitarianism ... among the most criticized of philosophical principles” (Patterson & Wilkins, p. 12; Plaisance, 2014). Ultimately, utilitarianism’s inherent ethical quandary over means and ends eventually leads to “hypocrisy and confusion” (Bové, 1991, p. 136).

***Overly undemanding: Utilitarianism expects too little of the journalist.*** On the other hand, critics point at several shortcomings arising from the abuse of a utilitarian argument. When applied incorrectly, the tradition exhibits a bias toward short-term benefit (Patterson & Wilkins, 2013), as in abuses such as the unwarranted invasion of privacy: “The standard of minimizing harm ... is subject to rationalization” (Christians, Fackler, Rotzoll & McKee, 2001, p. 116), so

that the public's "right" to know can become a license for sensationalism aimed at increasing audience share (Lambeth, 1992, pp. 57-58; Horner, 2015). Similar problem areas of an inappropriate utilitarian calculus for journalistic activity include community, confidentiality, misrepresentation or deception, paternalism, privacy, truth-telling, and whistle-blowing (Christians & Covert, 1980; Christians, Fackler, Rotzoll & McKee, 2001; Horner, 2015).

Nelson (2015) claimed that strict utilitarianism cannot account for violations against individuals. Ultimately, the approach can lead to the unethical sacrifice of personal integrity for some end valued greater by its supposed utility (Bivins, 2007; Leslie, 2000). These and other issues invite criticism of the Enlightenment ethicists' overemphasis on individual freedom. Even "Kant's theory of rational maxims was based originally on something akin to the theory of good consequences that Mill developed later on" (Merrill, 2011b, p. 492; Nahra, 2013). "Despite their major differences, for these two [theorists] ... the individual is their centerpiece. Individuals are free to make choices and are accountable ... Mill's ... is an ethics of the autonomous individual, and ... Kant's ethics is a rational being" (Christians, 2010, p. 142).

Ultimately, despite recent defenses of the tradition, several media ethicists have concluded "that's all well and good, but utilitarianism still has basic flaws and here's a better alternative theory" (Myers, 2007, p. 98). Instead, some recent scholars have sought guidance elsewhere, including from ancient, universal and non-Western traditions: For some, "universal solidarity is the normative core of the social and moral order" (Christians, Ferré & Fackler, 1993, p. ???), reflected in more recent non-utilitarian approaches based in communitarianism (Christians, Ferré, and Fackler, 1993; Craig, 1996); universal sacredness of life (Christians, 1997), agape and care (Craig & Ferré, 2006); justice (Craig, 2009), Ubuntu (Christians, 2015), and dignity (Christians, 2017).

***Overly enlightened: Utilitarianism relies too much on the rational.*** If these perennial complaints weren't enough, for some critics, utilitarianism represents a compromised approach in today's post-truth world: "Mill is presuming – uncritically – the tradition (known since Athenian Greece) of rational choice theory" (Christians, 2017, para. 21). Consequently, "Mill valued ... the way in which the truth is held ... He valued holding beliefs that were formed by employing one's rationality, with knowledge and awareness of the significance of these opinions and the grounds for holding them" (Cohen-Almagor, 2017, p. 579). However, today's thinkers claim that "the worship of reason is itself an illustration of one of the most long-lived delusions in Western history: the rationalist delusion" (Haidt, 2012, p. 103). And rationality is empirical (Gordon & Kittross, 1999; Ryan, 2001), which is no longer a safe defense.

Unfortunately for adherents of Enlightenment ethics, rational choice theory has been challenged: "Correspondence models have no resonance on this side of Einstein and Heisenberg, and coherence views are caught up in the naturalistic fallacy" (Christians, 2008, p. 11). Even the historical "march of civilization ... the standard narrative" of continual human progress has been dealt recent research-based wounds that may be "life threatening" (Scott, 2017, pp. 9-10; Coleman & Fararo, 1992). And, at the end of the day, for some, only money really talks: "that's the First Amendment in action. That is how the marketplace of ideas works. We float our ideas in the marketplace, and we see which idea sells" (Randazza, 2014, para. 5). And, as history reveals, citizens and their governments don't always choose the best or most rational option: "Unfortunately, many governments did not act in accordance with Mill's expectations and lofty, other-regarding paternalistic aspirations," concluded one scholar (Cohen-Almagor, 2012, p. 582). "Theoretical principles should always be tested against the brute facts of reality."

However, while some media ethicists were seeking ethical guides in different directions, or giving up altogether, the attention of a significant number of moral philosophers returned to Mill, as his bicentennial (2006) and *Utilitarianism*'s sesquicentennial (2013) came and went. And among those finding new approaches to perennial problems in applied ethics were several media ethics scholars who began to look beyond utilitarianism's traditional scope to consider a revised, more robust understanding of Mill and his work – and its implications for more ethical media practice. These scholars not only addressed several of the concerns raised by Mill's discontents (especially in the areas of community and justice), but perhaps more importantly brought the discipline to the brink of a new application of the tradition, beyond press freedom and responsibility: A new look at utilitarianism reveals that the theory not only defends press freedom and defines press responsibility, but it can also direct coverage focus onto specific utilitarian topics for the greater good.

**“Getting Mill Right”: Utilitarianism directs press focus onto flourishing.**

Certainly the First Amendment allows news organizations to publish whatever they want – and Mill would enthusiastically support this liberty. But, in “Utilitarianism,” Mill answered the question of what one is supposed to do with all of that freedom. The answer is promote the good of all. (Elliott, 2007, p. 107)

As with general philosophy and with military ethics, the 2001 terror attacks, Mill's 200<sup>th</sup> birthday, and *Utilitarianism*'s 150<sup>th</sup> anniversary may have inspired media ethicists to reconsider his thought in light of recent scholarship. Most significantly, a special double issue of *Mass Media Ethics* dedicated to “utilitarianism, its critics, and its alternatives” reflected the currency of these debates a year after the bicentennial, “by first taking on one of the more popular media



ethics theories – utilitarianism – and then offering up various alternatives” in a half-dozen essays addressing various approaches to Mill and utility (Myers, 2007, pp. 97-98).

Writing during Mill’s bicentennial, Lee Anne Peck emphasized that “utility is not an excuse for unethical behavior ... Ultimately, using Mill’s theory correctly means responsibly serving the public” (2006, pp. 211-212). Building on this, Deni Elliott blamed the perennial “simplistic reasoning” about utilitarianism on an inadequate understanding of Mill’s element of justice. Instead, “Mill requires calculating what is truly good for the whole community” (2007, p. 100). These recent approaches do more than expand Millian definitions of proper media practice and product; they begin to limn the parameters of a new utilitarian reporting model that might better guide a free, responsible press to the kinds of coverage that would better serve utilitarian ends. So, if the press in the United States is free to publish virtually anything, including critiques of its own government, and most anything else that can influence citizens’ well-being, what questions in what arenas would best advance that end? In other words, what kinds of stories should a free, responsible, utilitarian reporter pursue? Or, to paraphrase one popular bumper sticker, “WWJSMD – What Would John Stuart Mill Do?”

***Addressing a crisis: Consequentialism focuses on media audience.*** As mentioned earlier, aspects of a more focused, consequentialist journalism approach could already be seen in the increasing attention on a more community-oriented reporting aiming to, in effect, “‘Think like a reader.’ This relates to anticipating readers’ questions, then answering them quickly on a page” (Ryan & O’Donnell, 2001, p. 257). This outcome-driven journalism begins with focusing on the specific information needed, and harnessing teamwork among reporters, photographers, graphic artists, designers, and editors to obtain and present it (Harrower, 2002; Ryan & O’Donnell, 2001; Schierhorn, Endres, & Schierhorn, 2001).

Rapid changes in media technology – first in the 1980s with pagination software, and later in the 2000s with online and new media – and ongoing staff attrition forced practitioners back to the drawing board to find new ways to do more with less. By leveraging contemporary Management-By-Objective models, such as Deming’s industrial quality-control-by-teamwork approach (Deming, 1986; Creech, 1994; Gabor, 1990; Gitlow & Gitlow, 1987; Walton, 1990), media practitioners refocused on reader service and satisfaction as their ideal outcomes:

“Quality, according to Deming, has no meaning except as defined by the desires and needs of customers” (Gabor, 1990, p. 9); for media managers, this means answering reader’s questions by directing practitioners to refocus on the industry’s core product: “hitting readers up-front with the best information they have” (Ryan, 1997, p. 21).

This consequentialist-normative approach found applications in photography, graphics, design, online reporting, database reporting, computer-assisted reporting, entrepreneurial reporting, and shifts in media audience environment, as well as the rise of support organizations such as Investigative Reporters and Editors (Adam, 2000; Bass & Associated Press, 2001; Black & Barney, 1992; Blom, 1997; Briggs, 2012; Cripe, 1998; Deuze, 2008; Gordon & Kittross, 1999; Gibson, 1997; Herzog, 2003; Houston, Bruzzese & Weinberg, 2002; McBride & Rosenstiel, 2004; Nelson, 2003; Olson, 1997; Patterson, 2013; Paul, 2003; Ryan, 1997, 1998; Ryan & O’Donnell, 2001; Saksena & Hollifield, 2002; Shaw, McCombs & Keir, 2000; Stempel & Hargrove, 1996).

Longstanding prophets of doom perennially warn of the demise of quality journalism under the onslaught of new media technology: “And as we perfect our mastery of the second god, we must realize that we have given the god we created the power to change us and our ways” (Schwartz, 1981, p. 197; McLuhan, 1964; Postman, 1985); meanwhile, many practitioners

over the past quarter century have instead worked to leverage new media tools to serve audience well-being (Briggs, 2009). This journalistic focus on greater-good outcomes resonates with Mill's utilitarianism – though it does not acknowledge it – and represents an early example of using a kind of consequentialist thinking to actually direct the focus of story development and enterprise reporting, and not just to defend the rights and define the scope of a free press to cover its government and community.

Meanwhile, even the perennial prophets of doom resort to utilitarian accusations against a failing watchdog: “The American people are by no means stupid, but they’ve been swimming in a sea of media-imposed ignorance for many years,” concludes one practitioner (Hertsgaard, 2017, para. 30). Perhaps, if utilitarian assessments of journalism's outcomes provide new insights into community good, utilitarian approaches to journalistic practice might also offer new reporting tools to better serve this supposed greater good.

***Peck: Utilitarian journalism responsibly reports profound importance.***

Mill said quality should be factored into the calculation of the greatest amount of happiness. He believed that quality was more important than quantity ...Mill insisted that it was part of our human heritage to have desires higher than those that lent themselves to [Bentham's hedonistic] calculus of felicity. (Peck, 2006, p. 207)

Lee Ann Peck (2004, 2006, 2007) was among the first mass communication scholars to adapt a revisionist approach to Mill in a consideration of media ethics. Particularly in the realm of journalism, she argued, based on her survey of beginning reporting texts (2004), Mill's concept of utilitarianism has long been included in discussions of ethical reporting, both in terms of gathering information as well as publishing it. The potential harm of investigation, and of disclosure, surface in discussions of media ethics, and utility is often invoked as a measure.

In these textbooks, Peck first found a general confusion between Bentham's conception of utilitarianism as the greatest pleasure, and Mill's refinement of this idea in terms of differing qualities of pleasures. Further, she noted, the reduction of Mill's stance as a formulaic "greatest good for the greatest number" is both inaccurate and dangerous, because it might lead students to conclude that any number of unethical newsgathering approaches might be somehow defended by the "greater good" supposed to benefit from public enlightenment.

*A revised Millian utility balances competing values.* Invoking the philosophical distinction between "act" utilitarianism and "rule" utilitarianism, Peck decried the absence of these details in textbooks. Further, she insisted that Mill's conception of moral education, in a line from Aristotle through Kant, means journalism students need to develop the habit of making good "act" decisions, and not only "rule" ones – and it is a matter of habit: "In Chapter IV of Utilitarianism, Mill wrote extensively on the importance and power of habit in the principle of utility," she observed (p. 355), quoting Mill's claim that "those who in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished" (Mill, 1863, p. 14). Unfortunately, "Aristotle's, Kant's and Mill's theories are oftentimes dumbed down to quick quips or one-paragraph explanations. Therefore, when these misleading versions are used to settle journalism ethics questions, the answers they give are either faulty or too contentious" (p. 355).

"Mill's ideas are not as simplistic as journalism textbook authors would have students believe (p. 210); indeed, "it is clear that merely following a quantitative approach to the greatest happiness, or greatest good, is not an adequate way to make decisions for Mill. More reflection and reasoning is needed." Leveraging Mill's discussion of the quality of higher pleasures to help negotiate among competing values, Peck suggested that journalists make better decisions by

taking into consideration the various values of the potential outcomes: “When decision making gets complex, Mill would say that the more journalists factor these variables into their decision making, the better their choices” (p. 207) – and this hold true for considering the practitioner’s actions as well as the possible outcomes: “Mill’s view is not only about the calculation of the consequences, but about the quality of the means to the end” (p. 210). Ultimately, “Utilitarianism does not furnish journalists with excuses for whatever behavior they might choose; there are conflicting obligations with which they must deal” (p. 211). In her reading of Mill, Peck provides an alternative utilitarian approach to balancing competing claims to the deontological negotiation of duties proposed by Ross (1930; Prima, 1999).

*A revised Millian utility values profound importance.* Ultimately, while Peck’s articles apply Mill largely to questions of ethical press behavior, her discussion of Mill points to a utilitarian focus on story selection as well as on storytelling and reporting techniques. For example, in considering whether to use a hidden-camera approach to reporting on an offer of discounted carpet cleaning, she concludes: “Journalism students need to understand more thoroughly that a carpet-cleaning scam is not a life-or death situation for the public and that the principle of utility does not justify their action of deception” (p. 210). Instead, the use of “lies, deceit, and manipulation are only justified when this is the only way to get a story that is of extreme importance to the public’s well-being.” Even then, there are greater goods to consider: “For journalists, “there might be times when using hidden cameras may be the only way to tell an important story about a significant issue” (p. 211; Lisher, 2007; Mitchell, 2008; Steele, 2002). But the overarching value of the story itself is emphasized as the determining factor of quality here: “Unfortunately, examples of quality investigative work are being outweighed by

this overabundance of hidden camera stories that focus on small-scale consumer scams or ‘gotcha pieces’ that don’t justify deception” (p. 211; Lisher, 2007; Steele, 2002).

In remembering Steele’s (2002) guidelines for ethical use of deceptive reporting techniques, Lisher (2007) notes that such actions may only be defensible “[w]hen the information obtained is of profound importance. It must be of vital public interest, such as revealing great system failure at the top levels, or it must prevent profound harm to individuals” (para. 53). Further, such actions may be ethical only “[w]hen all other alternatives for obtaining the same information have been exhausted” and “[w]hen the harm prevented by the information revealed through deception outweighs any harm caused by the act of deception” (paras. 55-60) – all criteria resonant with just war theory, consequentialism and utility.

In light of Peck’s insistence that, for journalists, “that utility is not an excuse for unethical behavior (p. 211), a startling congruence emerges between these harm-restraining guidelines for justifying the use of potentially unethical reporting techniques and the tenets of just war theory. Indeed: one media ethics scholar proposed a “just journalism” rubric exploring similar methods for guiding conduct based on just consequences (Brislin, 1992). Further, in Peck’s exploration of Mill’s views on the inseparable relationship between means and ends, a focus on the essential importance of vital story selection begins to emerge. “Misconstruing Mill’s theory to justify reasons for using hidden cameras for work that is not of profound importance might give the public the idea that the media is abusing freedom of the press,” she concludes; “Ultimately, using Mill’s theory correctly means responsibly serving the public” (pp. 211-212). In other words, a utilitarian journalist best exercises press freedom by responsibly serving the public’s greater good through the considered selection and ethical pursuit of stories of profound interest. Mill

himself would be hard pressed to find any stories of more profound interest than those interrogating a government's justification of calling its citizens to war.

***Elliott: "Getting Mill right" means aggregate good and justice for all.***

The mistaken understanding of utilitarianism as "arithmetic good" violates Mill's requirement of impartiality as well as the dependency that each individual has on the community for ... happiness ... The mistake allows one to conclude that having some happy and others not happy is good for the community. Mill's notion of aggregate good stresses the importance of valuing all people involved. (Elliott, 2007, p. 105)

Also building on the emerging Millian scholarship, Deni Elliott (2007) blamed the prevalent and perennial "simplistic reasoning" (p. 100) usually attached to utilitarianism on a fundamentally inadequate understanding of Mill's element of justice. Like Peck, Elliot decries the perennial "simplistic arithmetic formula: Do the greatest good for the greatest number. This quantification approach, when attached to Mill, misinterprets this philosopher and robs media ethics discussions of the rich reflection that an important classical theory can bring." Echoing Rawls (1971, 1999), she concludes that "Mill requires calculating what is truly good for the whole community" (Elliott, 2007, p. 100), and that those citizens who learn the most about themselves also "learn that their happiness is dependent on the happiness of the community as a whole" in the process (p. 105). In a topical synthesis of *On Liberty* and *Utilitarianism*, Elliott applies revised Millian interpretations to free speech, liberty and responsibility, the importance of community, happiness, the greater good, and justice, and builds a decision tree to aid journalists in making nuanced utilitarian decisions about proposed actions. However, her emphasis on an aggregate rather than arithmetic calculus, and her distillation of a Millian justice analytical tool, also points beyond the weighing of practitioner actions toward the concept of story identification

and selection. In other words, what would Mill cover that would address injustice or promote justice in ways that would further the most aggregate good? These are important questions to address, as “the ethical norms of journalism have never been tougher – nor tougher to enforce” (Clark, 2014, p. 27). Rather than turn away from utility in search of greener pastures in other traditions, Elliott confronts the tradition’s perceived inadequacies head on, insisting instead that “the prevalence of utilitarian pronouncements in the teaching of media ethics makes it essential that instructors of media ethics get Mill right” (Elliott, 2007, p. 101).

*A revised Millian utility seeks aggregate, higher good.* Elliott began with what she sees as the most common error in applying Mill: “Many people think that the bumper sticker for John Stuart Mill’s utilitarianism reads, ‘Do the greatest good for the greatest number.’ However, they would be wrong” (p. 100). As did Peck, Elliott insisted that “Utilitarianism ... does not teach us to add up the people potentially helped by an action and subtract from that number the people potentially harmed, with the presumably ‘ethical’ choice of having the majority win.” Instead, she introduced the concept of a different kind of calculus: “Mill’s utilitarianism requires the far more difficult analysis of determining ... the *aggregate good* – the overall good for the community as a whole, or for all of the people who can be identified as being affected.”

“Reasoning that correctly employs Mill’s utilitarianism is not foreign to everyday moral consideration, even in the newsroom,” she observed (p. 101); for one thing, his thought “is embraced by media practitioners and scholars because ... Mill also provided a foundation for balanced news presentation in arguing that public discussion must include minority opinion in order to discover truths” (p. 102). Further, she argued, a free and responsible press reflects Mill’s ideal free and responsible citizen; therefore, “while individuals should not be held legally



accountable for their speech or action as long as they are not violating others' rights, their personal duty is to seek the truth and, thus, become fully developed human beings" (p. 104).

And, like Peck, Elliott sees a finer distinction of the quality of happiness than the usual bumper sticker version: "The kind of happiness Mill had in mind when he counseled that human action should promote happiness is that which adheres to the most fully human experience" (p. 104) – and this invokes the larger community: "Indeed, when one focuses on his or her own personal interests, it is certain that happiness will not follow" (p. 105). Noting similarities in this revised reading of Mills with the "veil of ignorance" proposed by John Rawls, she concludes that a "fully developed individual sees no conflict between the welfare of the community and that of the agent (p. 107). Ultimately, therefore, "Mill's self-developed individual grows to see himself or herself as necessarily involved in pursuing the good of the community," she concluded. "It would follow that the good journalist and good news organization acting well have the good of the community as a practical priority." Like Peck, Elliott is primarily interested in a normative application of revised Millian precepts to help journalists maximize good and limit harm through their actions; however, these same guidelines point to story selection as well. As a practical priority, Mill would pursue stories that investigated the good of the community.

*A revised Millian utility seeks justice as both means and end.* Any one of the points Elliott elaborated provides a revised, enhanced approach to Mill and suggests more robust and novel applications for journalistic practice and purview. However, in her concluding review of Mill's exploration in *Utilitarianism* of justice as a basis for utility, she takes Peck's Millian synthesis of means and ends a step further, outlining an approach that not only marries act and rule utilitarianism in true Millian fashion, but begins to reflect both Kantian and Millian values. Previously, a conscientious reporter was encouraged to appeal to either or both traditions in

ethical deliberations; “the reporter can test whether actions are ethical by holding them up to predetermined rational maxims, or by considering the consequences. Either way, he or she is ethical” (Merrill, 2011, p. 492; Staveren, 2007). But Elliott, by invoking Mill’s five precepts of justice as media practice maxims, and then inviting practitioners to consider the consequences at each step, merges means and ends in a reflexive manner: act justly to promote justice; seek justice to guide action. Indeed: “we are also morally required to make sure that providing for our own does not violate what is due others. Mill was adamant that no one be sacrificed in the process of attaining happiness” (p. 108).

Mill’s first principle of justice proposes “that it is unjust to deprive people of that to which they have a legal right ... [so] it is unethical to violate the law in the process of getting a story, even if ... for the public good” (p. 108). “Next, it is unjust to deprive people of that to which they have a moral right ... in this case mean civil rights, whether recognized by current law or not.” This means that the press must provide a wide range of viewpoints: “When news media provide only the message that seems to be supported by public opinion, they deprive the community of opinions that citizens need to hear and deprive those with minority views the right to express them,” she concluded. Under Mill’s third principle, no one should suffer a harm that they do not deserve, or obtain a good they have not earned. In one application of this concept, “Mill might well argue against the publication of a photo of a private individual who is unwillingly ‘caught’ in a moment of picture-worthy grief,” Elliott argued (p. 109). “Assuming that private individuals do not want to have their grief portrayed to the community without consent, just treatment of such individuals would dictate that such pictures not be published ... [regardless of any] good for some citizens to see.” Mill’s fourth principle of justice requires that one keep faith. One example of this principle in journalistic practice, she posited, would be the

promise to protect one's sources: "Because it is unjust to break promises of confidentiality to a source, journalists should not make promises that they would be unwilling to keep, regardless of the cost to themselves" (p. 109). "Last of all, Mill counseled that treating people impartially is a matter of justice" – which "may be difficult to see how to operationalize ... In a practice like journalism that thrives on individual example," she concluded, noting the tendency to focus on a single individual in some stories, which may ignore or overlook the plights of other persons.

However, Mill allowed that, while paramount, these requirements might be justly contravened in a situation of dire necessity; regardless, they are to be consulted before a journalist considers applying a final "utilitarian calculus" of considering the aggregate good. In this approach, Mill is more of a rule utilitarian most of the time, Elliott observes: "The rules are justified because of their utility in advancing the aggregate good. Exceptions to following those rules are justified because those exceptions contribute to the aggregate good" (p. 110). No matter what, "the morally correct answer will always be the type of action that provides social utility or, more specifically, the aggregate good."

*A revised Millian utility informs a Utilitarian Decision Tree.* In synthesizing Mill's ideals of freedom, responsibility, and justice, Elliott proposes a checklist for ethical decisionmaking: "A decision tree, founded on Mill's theory of utilitarianism" (pp. 110-111).

#### **A Utilitarian Decision Tree:**

1. What is the intended action?
2. Will it cause harm? If not, no analysis needed. If yes, review principles of justice.
3. Is someone being denied legal rights? If so, action is unjust.
4. Is someone being denied moral rights? If so, action is unjust.
5. Is the person being harmed getting what s/he deserves? Or, is the person being helped

getting what s/he deserves? If so, action is just.

6. Has the person being harmed had a promise broken to him/her? If so, action is unjust.

7. Has everyone in the situation been treated impartially? If so, the action is just.

“In the rare occasions that exceptions to following these rules are justified, it is essential to show how the exception will lead to the aggregate good and how following the rule will not lead to the greatest good,” she included, from an act utilitarian approach (p. 111).

This is already a process of careful consideration. However, this is only the first step: “Only if the action has been determined to be just, advance to the utilitarian calculus,” which includes two reflexive questions (p. 111):

8. How will harming this individual promote the overall good of the community?

Consider whether the community will be better or worse if everyone knows that individuals can be harmed in this way for this reason.

9. How will the community be harmed if the proposed action is not taken?

Consider whether the community will be better or worse if everyone knows that individuals will NOT be harmed in this way for this reason. (p. 111).

“Getting Mill right will not necessarily provide different conclusions of what is ethically permissible from those provided by a deontological analysis or even one based on virtue theory,” Elliott concluded. “The conclusion may be the same, but the process of getting there may differ.”

However, by outlining this justice-based Millian decision tree, Elliott does more than guide journalists to “what is ethically permissible” in practice; she also provides an interesting tool for judging the ethical nature of actions taken by government agencies or officials, or those taken by powerful non-government actors, or even those of individual citizens. Further, her checklist provides a process of generating and evaluating enterprise reporting agendas in terms

of communal justice: Where does injustice exist in the community? What unforeseen injustice might result from proposed actions of any kind by any member of the community?

As Peck did with her reconsideration of Millian happiness, Elliott also approaches a normative guide for utilitarian enterprise reporting, but based on a revisionist Millian justice rubric: What stories would Mill report by applying his conception of justice and utility to the community? In specific terms of *ad bellum* war coverage, Elliott provides the basis for a very useful checklist of questions to ask of government officials who call their citizens to war: How will this promote the overall good, and how will it harm the community if we choose not to do this? However, it remains to address the remaining gap in the media ethics literature by attempting to provide an accounting for Mill's conception of security, based on justice in community, as the greatest good – and the only defensible utilitarian goal of any war.

### **Triangulating Millian Conflict Coverage in the Utilitarian Citizen Literature**

Among these myths are the superior virtue of military over other kinds of public service; that battlefield experience is the most authoritative source of military policy expertise; and that an exclusively civilian background is inadequate for strategic defense leadership. In the United States, these myths are nurtured and perpetuated by both military and civilian communities and affect general public opinion as well as the attitudes of national security professionals. These myths are also corrosive. Unless they are acknowledged, addressed, and challenged, future civilian leaders may struggle to control the use of force – a profound problem for a democratic system. Downgrading civilian leadership will weaken U.S. national security and the military itself.

(Karlin & Friend, 2018, para. 2).

Regardless of the myriad perennial philosophical arguments surrounding both “wars and rumors of wars” (Matthew 24:6; Mark 13:7), each of these two ubiquitous human endeavors were immediately enshrined in this nation’s birth: The new government was at the same time both empowered to “provide for the common defence” in the first sentence of the Preamble (The Constitution, 1787/2016, para. 1), and enjoined from “abridging the freedom of . . . the press” (The Bill, 2016, para. 5) in the First Amendment – thereby uniquely endowing the people with both the rights and the responsibilities of war’s cost as well as of its coverage.

However, because war is unique among human activities, even the best-intentioned civilian journalists often lack a useful paradigm for comprehensive coverage of armed conflict for their equally ill-equipped civilian audiences. While revisionist approaches to utilitarianism extend the theory’s potential for ethicists in both war and media studies, the remaining gaps in each tradition’s literature find critical mass at this uniquely American nexus of a civilian-command military staffed by citizen-soldiers, and covered by free-press journalists.

### **Utilitarianism and a free U.S. civilian command**

A review of the utilitarian ethics literature at this unique nexus – where the citizen commander, the citizen soldier, and the citizen chronicler meet – reveals the ongoing influence of the tradition as well as the need for a revisionist Millian approach to addressing shortcomings in essential *ad bellum* war coverage – especially that identified by *The New York Times* in 2003. In many ways reflecting the development of the study of ethics, the history of the United States reveals from the beginning an appeal to the virtue of freedom and democratic control of the military, a call to the responsible civic duty of military service for the citizen, and throughout, utilitarian arguments in support of both. What is missing is a truly utilitarian guide to what war coverage should aspire to accomplish in such a democracy.

**“Congress shall have Power”: Utilitarianism defends civilian command.**

The Congress shall have Power ... To declare War ... To raise and support Armies ... To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States ... according to the discipline prescribed by Congress ... and to exercise like Authority over all Places purchased ... for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

(Constitution, 1787/2016, paras. 36-42)

From the very beginning, the U.S. Constitution reserved control of the nation’s martial might in two key, quintessentially American, mandates: First, Article I, Section 8 instituted a unique, democratic civilian command of all military (Constitution; Offley, 2001; Millett & Maslowski, 1994; Nielsen & Snider, 2009; Weber, 1946). “By design, the army and navy were intended to be creatures of the Congress” (Stevenson, 2006, pp. 5-6; Huntington, 1957), which was thereby empowered to oversee military funding, staffing, deployment, and even investigations into military affairs.

Further, Article II, Section 2 of the Constitution stipulates another layer of civilian command: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States” (Constitution, para. 63). As such, the democratically elected president also holds “important powers over the military, ones more direct and practical than those of the Congress (Stevenson, p. 7; Huntington, 1957; Millett & Maslowski, 1994). This separation of powers in

the command structure incorporated an inherent point of conflict between the legislative and executive branches of the new government, as well as between the government and other powerful entities (Desch, 1999; Huntington, 1957; Nielsen & Snider, 2009). And the supposed check-and-balance doesn't always function as designed: "Congress asserted its constitutional prerogatives through the 1973 War Powers Resolution but then consistently failed to enforce it in contests with the executive" (Betts, 2009, p. 21).

Finally, the people hold the purse: and, as "the Department of Defense ... gets about two thirds of the money that Congress approves each year" (Welna, 2019, 4:19), the people – and the press – also retain the right to access and review where Congress spends their money:

Public access to information about government spending is presumed – and required – by the US Constitution, which directs that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time" (Article 1, Section 9, Clause 7). (Aftergood, 2018, p. 1)

However, in all these elements of Constitutional design, an appeal to virtue is evident in the unquestioned good of this democratic flourishing by a well-reasoned free citizenry through its mutually chosen leaders. "For most of its history, the United States has conformed to the general patterns of civilian control of the military" (Desch, 1999, p. 23); therefore, "the United States, like other democratic republics, requires public support to muster, deploy, and sustain military operations" (Bradford, 2015, p. 290).

*A "utilitarianism perverted" allows victors to justify war.*

In a time of war the nation is always of one mind, eager to hear something good of themselves and ill of the enemy. At this time the task of news-writers is easy: they have nothing to do but to tell that a battle is expected, and afterwards that a battle has been



fought, in which we and our friends, whether conquering or conquered, did all, and our enemies did nothing ... The writer of news never fails in the intermission of action to tell how the enemies murdered children and ravished virgins; and ... scalps half the inhabitants ... Among the calamities of war may be justly numbered the diminution of the love of truth, by the falsehoods which interest dictates, and credulity encourages. A peace will equally leave the warrior and relater of wars destitute of employment; and I know not whether more is to be dreaded from streets filled with soldiers accustomed to plunder, or from garrets filled with scribblers accustomed to lie.

(Johnson, 1758, para. 11)

Such unprecedented reliance on a democratic civilian command makes the U.S. military vulnerable in some ways to uninformed public opinion (Rid, 2007) as well as to incompetent democratic command: “To be a voter in a democracy one does not need to be informed, or smart – only registered. Similarly, the top leaders and lawmakers in a democracy do not need to be wise or moral or logical – only elected” (Stevenson, p. 1). And this strikes at the heart of the utilitarian definition of a free and responsible press: “Being informed is neither a motive nor a requirement for talking about or participating in politics. How well most citizens are informed is a debatable question, and ... precious few participate in the democratic conversation” Ganz, 2010, p. 8). Worse still, voters and leaders alike apparently “don’t learn very well from history. Presidents convince themselves that the next time will be different” (Tierney, 2018, para. 36) – which can lead to “results that are hideously disastrous ... [as] utilitarianism perverted, like Kantianism before it by Adolf Eichmann in the justification of his architecture of the Final Solution, permits all” (Wheat, 2006, p. 281; Arendt, 1994). Regardless of the outcome, win or lose, the lessons of any given war may not be accurately passed on to the future anyway:

We know, however, that memory – including the remembrance of war – is selective as it strives for coherence. We generalize and simplify to cull the moral lessons of war: lessons enshrined by the victors, by the force of their military might or the persistence of their values. (Carlson, 2008, p. 621)

“Among the hoariest aphorisms about military history is this one: ‘History is written by the victors.’ Sources attribute the remark variously to Niccolò Machiavelli, Winston Churchill and others” (Robbins, 2012, para. 1) – as well as writers from George Orwell (Orwell, 1944) to William F. Buckley, Jr. (Loewen, 1994) to Dan Brown (Brown, 2003). An equally widely attributed, and even more frightening, truism is the oft-repeated statement that “Truth, famously, is the first casualty of war” (Preble, 2015, para. 11; Knightley, 1975).

***“Impartiality” remains crucial to the informed civilian.***

While Mill was suspicious of the government tendency to abuse its powers for personal gains, he still expected decision-makers to weigh short and long-term implications of any given conduct, to interfere directly and indirectly in maintaining a well-ordered liberal society, to take special interest in the upbringing of future generations, and to protect society’s moral codes. (Cohen-Almagor, 2012, p. 582)

Therefore, Mill’s insistence in *Utilitarianism* upon impartiality (1863) carries particular weight with the U.S. press in its Fourth Estate function in wartime: For example, one scholar noted the devastating “Tet Effect” that the 1968 Tet Offensive had on U.S. public morale, as their military leaders as well as their media watchdogs had been grossly misled about their enemy’s potential: “A democracy, without trust in its military and the intelligence upon which decisions are made, cannot long continue the fight ... Objectivity is the guardian to trust and the shield against the Tet Effect” (Blood, 2004, p. 51). Speaking early in the “War On Terror,”

veteran CBS news anchor Walter Cronkite emphasized the essential nature of a free U.S. press in wartime: “Well, the press has to be a leader in that. The press has to be the most skeptical, so that the people do not become cynical” (Brown, Arena, Zarella & Koppel, 2002, para. 108). ABC news anchor Ted Koppel, reporting while embedded with U.S. troops during the 2003 Iraq invasion, also reflected this tension: “If the principle here is that a free people have a right to know what the military is doing at a time of war, we are putting that principle to the test. I am trying to be responsible” (Tumber & Palmer, 2004, p. 48) – amid concerns that embedded journalists lost some degree of independence that affected their reportage (Pfau et al, 2004). As one media critic complained, “the Pentagon’s brilliant public relations scheme for ‘embedding’ U.S. journalists into military units in Iraq served military needs far more than it provided the public with necessary information” (Wicker, 2005, p. 62). In times of controversy, the influence of the press can work both ways: At one point, Mill accused the *Times of London* of attempting to suppress existing popular support for a proposed war with Russia (Mill, 1854); 150 years later, Wicker and others denounced what they saw as “the disgraceful eagerness of the U.S. press to ‘play on the team’ whenever the President or the Pentagon brings on a war.”

***Utilitarianism informs an ideal civilian command.***

The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs. (Address, 1774, p. 108)

Members of the Continental Congress saw a Fourth Estate function for a free press even before there was a democracy for it to cover, and defended it in decidedly consequentialist language. Though largely unacknowledged, the tradition remains influential. “Utilitarianism is nearer than any other philosophy to a scheme of how democratic governments actually make their decisions” (Bealey & Johnson, 1999, p. 333), and Mill’s conceptions of aggregate security, justice, community, and duty (1863) in light of his statements on war (1862a) and command (1859b) offer support for the U.S. civilian command approach. Though Mill’s underlying premise – and the entire rational choice universe – is under interrogation in a post-truth era (Gans, 2011; Giddens, 1994; Kortenkamp & Moore, 2014), a properly-informed utilitarianism would support both the right of the people to make rational choices about war through their elected officials and their votes, as well as the right of the people to speak and publish freely about the details of any such martial debates and its supposed good and harm. It is from this traditional stance that the *Times* editors critiqued their own Iraq coverage (2003). A revisionist Millian approach to war coverage might help them “get it right.”

**“Once-embattled Farmers:” Utilitarianism defines the citizen soldier.**

United States armed forces take an oath to support and defend a piece of paper – the Constitution ... [This] means that US military personnel must protect not only the structure of the Federal Government but also its processes. It means that they must even accept outcomes that are contrary to the wishes and interests of those in uniform. The dirty secret about democracy is that its test is fairness and faithful observance of the rules, not the wisdom or justice of the outcomes. (Stevenson, p. 1)

Soon after the beginning – and reflecting the new reality of the Revolution’s militia Minuteman – the ever-since-debated Second Amendment enlisted the citizen soldier: “A well

regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed” (The Bill, para. 6; Millett & Maslowski, 1994). In a sense, this apparently deontological appeal to the duty of service, in pursuit of the virtue of freedom, may also be read to include a Millian argument from security and greater good. As seen here, from the beginning, the traditionally separate caste of the professional European military submitted to democratic control in the United States, from the lowest private to the highest general. Even before there was a nation, “here once the embattled farmers stood, And fired the shot heard ‘round the world” (Emerson, 1835, p. 220) against an organized professional army, germinating the enduring U.S. ideal of the “Minute Man” home guard or citizen soldier (cf. Cohen, 2015; Messer, 1918; Millett & Maslowski, 1994; Officer, 1861; Puddefoot, 1895; Sidney, 1886).

*A citizen soldier begins and ends as a citizen.*

Patriotism is ... one’s devotion to what one believes to be right for his or her country and its policies and its performance. That may not agree necessarily with the policy of the administration itself. We have a right to stand up and say, wait a minute. Hold it a minute. That’s possibly wrong. Let’s look at this ... Let’s go through that once more time. What did you say? And how does it apply to this situation precisely?

(Brown, Arena, Zarella & Koppel, 2002, para. 108).

Walter Cronkite’s journalism career began in World War II, a time of unprecedented civilian involvement in a large-scale military action (Brokaw, 1998) that informed his ideal of the journalist as an active, responsible citizen whose love for country supersedes any loyalty to the country’s government. His defense of the right to petition the government, as stated above, evolved from his coverage of citizen soldiers in wars that were almost universally supported by

the larger community, as well as in wars that were just as almost universally opposed. But it represents the ideal of shared sacrifice essential to the tradition of the American citizen soldier.

This has always been a fraught relationship, as in many ways, the soldier has an inherent “need to be different” from the civilian (Dandeker & Freedman, 2002, p. 465; Cohen, 2015; Finer, 1962; Nordlinger, 1977; Perlmutter, 1977). However, “democracy will falter unless the principles of good governance are applied equally and impartially across all sectors of government, including, and especially, the defence and security services” (Cleary & McConville, p. 3; Gans, 2003; Karlin & Friend, 2018) – especially since, in a democracy, “the citizen’s commitment to the nation-state contains a normative dimension that requires citizens to accept responsibility for their nation-state’s transgressions” (Sepinwall, 2011, p. 239). Further, in a civilian-command, civilian-manned military, citizens themselves actually participate in state security not only by casting votes and paying taxes, but also by serving in the trenches as soldiers (Cohen, 2015; Janowitz, 1961) – and they retain their rights as citizens. The enduring strength of the mythical minuteman remains especially evident in the perennial debates over the modern-day meaning of the Second Amendment (c.f. Gulasekaram, 2010; Hardy, 2011; Levinson, 1989; Will, 1991; Williams, 1991).

***A standing army begins and ends as an army.***

Yet for most people, lack of personal military experience makes it more difficult to evaluate military-related issues ... Such personal dissociation from the military weakens the ability of civilian society to make informed judgments about military issues, let alone influence military decision-making. (Sarkesian, 1989, p. 149)

In the literature on the U.S. militia tradition, the citizen soldier is defined throughout the nation’s history by four key traits: “Obligatory” service (duty and shared sacrifice), “Universal”

reflection of the larger general nation, “Legitimate” mission and authority in the eyes of the general citizenry, and “Civilian” identity as non-permanent, non-career service (Cohen, 2015, pp. 6-7; Doubler, 2008; Janowitz, 1979, 1960; Janowitz & Moskos, 1979). And, from the earliest days of the nation, “the military, the political elites, and the citizenry learned to respect and work with the overlapping and the blurring of civilian and military boundaries” (Schiff, 2009, p. 62). However, after World War II, a growing gap between the increasingly professional U.S. military and the larger U.S. society – a “civil-military dichotomy” – created a sense of separation. Indeed: “Civilian control was a relic of the past which had little place in the future” (Huntington, 1957, p. 336).

More recently, after conscription ended in the 1970s, the percentage of civilians with experience fell – and “many traditional military support functions were privatized by shifting them to civilian firms” (Betts, 2009, p. 41). As a result, “frequently since World War II, American civil-military relations have been so strained that both policy and strategy have suffered” (Moten, 2009, p. 43). “In the inevitably tense dialogues with their military advisers, civilian policymakers might be both historically and militarily illiterate, given the current lack of military experience among America’s political leaders and the collapse of the study of history” (Murray, 2009, p. 148). Ultimately, “civilian control of the military has weakened after the Cold War” (Desch, 1999, p. 33) – and further “dysfunction in this critical area is sure to produce incomplete options and ineffective outcomes” (Gibson, 2009, p. 239). “The gap between US perceptions and realities of the security environment poses a challenging and often dangerous dilemma for US national security policy” (Sarkesian, 1989, p. 149).

In view of the importance of the press to the larger community in general and political – and even martial – causes in particular, from colonial times on (Andrlik, 2012; Copeland &

Humphrey, 2005; Denvir, 2010), what else but a free, responsible press could cover the nation's military, especially if it already "commands th' milishy" (Dunne, 1906, p. 240), and can "stir the pulse of nations, and make brave men do brave deeds, and soldiers die" (Davis, 1930, p. 3)?

### **Utilitarianism and a Free Wartime U.S. Press**

I do not know why the press of this country has laid down and played dead over this issue, when it is fundamental, it seems to me, in regards to our freedom of speech and press, our right to know, what the forces that we send into a foreign country to act in our name, [that] we are not entitled to know what they're doing in our name. That to me just does not follow at all what I would call a democratic process. ... We're sending our boys and our girls over there. We've got a right to know what our boys and our girls are doing over there. We've got a right to know what our military is ordering them to do. We've got a right to know how they are performing in this chore that's been given them. This is a fundamental. If we don't know that, how can we know how our government is performing in the most difficult chore that it has chosen to pursue?

(Brown, Arena, Zarella & Koppel, 2002, para. 108)

Concurrent with these ongoing debates over martial powers, U.S. journalists continue to struggle with the First Amendment's implications for their craft in general, and for wartime correspondence in particular. Several normative press theories propose "ideas of how media ought to, or are expected to, operate" (McQuail, 1994, p. 121; Baran & Davis, 2000; Christians, Glasser, McQuail, Nordenstreng & White, 2009). Fundamentally, a free press means just that: "Freedom is essential to authentic journalism," insists the truly libertarian reporter (Merrill, 1974, p. 63; Scanlon, 2003), and just might include military coverage – or might not, as a self-determining press sees fit. More civic-minded journalists in the social responsibility and



communitarian press traditions (cf. Peterson, 1956; Craig, 1996) see the press's "government watchdog" role as a democratic mandate, or a virtuous striving "to help citizens know well" (Borden, 2007, p. 50). Throughout, conscientious practitioners balance their freedom with responsibility, often in ways resonant with Mill's Harm Principle: "When it comes to sensitive matters of national security, journalists frequently weigh whether publication would endanger lives or further the public interest" (Zelinsky, 2017, p. 289). Nevertheless, as Cronkite stated above (2002), American citizens have the right to know what is being done in their name.

**"We've got a right to know": Utilitarianism directs the wartime watchdog.**

Ultimately, "the First Amendment guarantee of a free and unfettered press is absolutely essential to American democracy, and applies to the nation's military" (Aukofer & Lawrence, p. vii; Chafee, 1919; Denvir, 2010). Ideally, such a press would assume what one veteran soldier and journalist described as "a grave and important task: Serving as an independent and honest link between the military at war and the wider civilian society it is sworn to defend" (Offley, 2001, p. 15). In other words, in a democracy with a civilian-command military made up of its own citizen soldiers, one of the most obviously utilitarian ends of a free press would be to report comprehensively on any proposed conflict. "Citizenship is a tough occupation," observed one 20<sup>th</sup>-century war correspondent: "The evils of the time change, but are never in short supply and would go unchallenged unless there were conscientious people to say: 'Not if I can help it'." (Gellhorn, 1988, p. 408).

***A well-intentioned utilitarianism directs a great quantity of coverage.***

Questions of what is appropriate may lead to more acceptance of utilitarian actions because they get people to think more about practical, if not ideal or desirable, solutions to a problem than questions of morality. In moral dilemmas it may seem appropriate to

choose a course of action that is the lesser of two evils, but that does not necessarily mean the lesser evil is deemed morally right. (Kortenkamp & Moore, 2014, p. 380)

When the citizen soldier goes to war, the citizen scribe can lose sight of larger issues of morality because the practical demands of covering fellow citizens in battle tends to obscure the enduring evil of war – even of a war undertaken for ultimate good, a war chosen as the lesser of two evils. Utilitarianism’s ability to balance among competing goods – and evils – makes it an attractive approach to war coverage – even if the correspondents and editors don’t know they are acting in ways resonant with Mill’s definition of security as “the most vital of all interests” (1863, p. 67). As the just war tradition also holds, it is possible to participate in apparent evil in the course of acting against evil (Bell, 2009), if the perceived consequences outweigh the foreseen harms – and, in covering fellow citizens in the trenches, the journalist risks losing sight of the long term because of a practical focus on the more immediate. Thus, an otherwise well-intentioned – and generally unacknowledged – utilitarianism directs a great quantity of war coverage that may not include a wider, revisionist Millian scope.

“The student of history cannot ... avoid the study of conflict” (Coetzee & Eysturlid, 2013, p. xix); and, as journalism represents the “first draft of history” (i.e. Barth, 1943, p. 667), conflict coverage represents a perennial, significant news peg: “Most of all ... wars are the major story of their day, and journalists, as storytellers competing for the big story, want to be the ones to tell it” (Thomsen, 2007, p. 1; McLaughlin, 2016). “Since the start of the Republic, Presidents of the United States have taken the American people into major wars roughly once in a generation” (Beschloss, 2018, p. vii); therefore, U.S. journalists have had no shortage of opportunity. A brief review of literature on U.S. media history reveals a staggering amount of coverage, from the very beginnings of colonial and Revolutionary times (Andrlik, 2012; Copeland & Humphrey, 2005;

Humphrey, 2013), through the War of 1812 and the Mexican-American War (Copeland, Humphrey & Frasca, 2005), the Civil War (Bierce, 1898; Reynolds & von Tuyll, 2005), the various Indian wars (Finerty, 1890; Knight, 1993), the Spanish-American War (Coward & Campbell, 2005; Crane, 1899; Davis, 1912), the first and second world wars (Collins & Washburn, 2005; Gibbons, 1918; Hallock, 2012; Hamm, Shaw & Daniel, 2005), Korea and Vietnam (Blood, 2004; Caputo, 1996; Cook & Martin, 2005; Hallin, 1986; Mermin, 1999; Pilger, 2010; Starr, 1995), through the War on Terror (Allan & Zelizer, 2004; Barnett, 2005; Boettcher, 2011; Cohen & Cook, 1990; Foote, 1998; Nikolaev & Hakanen, 2006; Rid, 2007) and even beyond (Zelinsky, 2017).

Further, a significant number of well-known U.S. journalists, authors, illustrators, photographers, and even politicians saw combat action themselves, as reporters, as soldiers – and sometimes, as both (Bierce, 1898; Cooper, 2006; Crane, 1899; Cronkite, 2013; Gore, 1970; Halberstam, 2002; Hedges, 2002; Hemingway, 1942; Herr, 1978; Koppel, 2000; London, 1900; Mauldin, 1971; Moore, 1965; Moore & Galloway, 1993; Murrow, 1941; Pyle, 1946; Rather, 1999; Rooney, 2000; Safer, 1990; Steinbeck, 1958). This shared experience reflects the nation's larger citizen soldier tradition via a mass-mediated platform.

“If your pictures aren't good enough, you're not close enough,” said Robert Capa, whose famous blurry D-Day photos remain iconic even in an age of nearly unlimited access (Cosgrove, 2014, para. 2); meanwhile, “I'm not an artist,” said longtime war photographer Don McCullin recently (Marshall, 2019, para. 1). In their practical focus on covering their fellow citizens at war, today's heirs to this larger-than-life group of “thrill freaks, death-wishers, wound-seekers, war-lovers, hero-worshippers, closet queens, dope addicts, low-grade alcoholics, ghouls,

communists [and] seditionists” (Herr, 1978, p. 183) continue to risk injury and death to answer readers’ questions. However, as with the *Times*, other questions remain.

***Incomplete utilitarianism can threaten balanced coverage.***

Certainly, the press raised some useful questions and doubts along the way as presidents ordered or considered military action. But the evidence is overwhelming that the press, relying for its information on government officials who had a strong interest in shaping the news coverage, supported the various administrations in their framing of the policies used to justify war, and in their agendas and explanations behind the wars.

(Hallock, 2012, p. 265)

In a landmark study of newspaper editorials after World War II, Hallock found that an enthusiasm for covering war, coupled with an overreliance on U.S. officials’ statements, created an atmosphere of support and eroded traditional journalistic values like independence and skepticism. Indeed: “Clearly, with the possible exception of Granada, this nation’s press, as represented by our newspapers in this book, has never met a war it didn’t like” (p. 265). In editorials surrounding post-World War II U.S. military actions in Korea, Lebanon, Vietnam, Iran, Afghanistan, Grenada, Panama, the collapse of the USSR, Kuwait, Iraq, Afghanistan (again), Iraq (again), and Libya, Hallock found the recurrence of typical story frames such as intervention, the defense of freedom and democracy, the domino effect, nation building, first strike issues, and Pearl Harbor. These had lasting effects: “A primary ingredient in this process would be language, invoked by the administration and shared by the press, to create ideological framing that would resonate in future foreign military undertakings and debates through the modern day” (p. 60). For example, “during the Cuban missile crisis ... I feared that the [U.S.] media coverage was hastening the arrival of nuclear war” (Ganz, 1983, p. 175).

*Journalistic conventions can threaten editorial independence.*

The year leading up to the Iraq war witnessed a barrage of reasons to go to war given by the U.S. Administration, some reasonable, some unreasonable, some valid, some invalid, some factual, and some fictional. Reasons given for war changed almost daily. Americans and people around the world were undoubtedly confused. And the media clearly contributed to the confusion. (Hakanen & Nikolaev, 2006, p. 1)

“While the role of war correspondent has long been associated with a certain romantic lore, in actuality it is beset by an array of problems associated with allegiance, responsibility, truth, and balance” (Allan & Zelizer, 2004, p. 3). The procedures of journalism can themselves exacerbate the problem, argues Hallock, with its overreliance on official sources, often without corroboration, without regard to “the weight and credibility that official sources lend to news reports and to editorial arguments” (2012, p. xvi; Gans, 2004). Unfortunately, those same official sources might not be as reliable as they seem, as “few statesmen and military commanders in history have paid much attention to what wars should achieve, much less how to end them in a fashion that ensured the peace for the long term” (Murray, 2009, p. 135). As a result, “U.S. history offers ample evidence of press complicity in presidential and congressional decisions to go to war” (Hallock, 2012, p. 3; Andersen, 2006) – and not much evidence of press independence and tenacity.

For example, in studying broadcast news coverage of the U.S. invasion of Panama, two scholars noted a marked discrepancy in the focus of the reporting: “In the first days of the invasion, TV journalists had one overriding obsession: How many American soldiers have died?” (Cohen & Cook, 1990, para. 7). In one sense, this coverage serves the larger community’s practical interest in knowing what is happening to its soldiers. In fact, public support for

intervention wanes when media reports of U.S. soldier deaths increase, as seen historically in coverage of World War II (Cripps, 1998; Roeder, 1993), and more recently in war correspondence from Panama (Cohen & Cook, 1990), Somalia (Baum, 2004) and Iraq (Tumber & Palmer, 2004). However, especially “TV’s continuous focus on the well-being of the invaders, and not the invadees, meant that the screen was dominated by red, white and blue-draped coffins ... remarks by Dan Rather about ‘our fallen heroes’ ... but no Panamanian funerals” (Cohen & Cook, 1990, para. 9) – despite the larger reality of a death toll of perhaps 50 Panamanian civilians for every U.S. soldier. In other words, a well-intentioned utilitarian reportage focused on the practical, immediate security issues of its fellow citizen soldiers, but failed to focus on the larger *ad bellum* issues that had put “our boys and our girls” in harm’s way “over there” in the first place (Andersen, 2006; Hallock, 2012).

*Journalistic realities can threaten editorial independence.*

I began to understand this as a young reporter during the American war in Vietnam. On the walls of the Saigon bureaus of major American news organisations were often displayed horrific photographs that were never published and rarely sent because it was said they would “sensationalise” the war by upsetting readers and viewers and therefore were not “objective.” (Pilger, 2010, p. ???)

Even more troubling, war correspondents like John Pilger – as well as the soldiers whom they cover – often report finding a discrepancy between the realities they experience in battle and the portrayal of the conflict in their country’s media (Anderson, 2006; Blood, 2004; Hallock, 2012; Knightley, 1975; Mauldin, 1971; Moore, 1965; Rooney, 2000).

And worse, the commercial pressures on for-profit media lead to gatekeeping practices that often mean that even compelling war coverage can be pushed aside for more viewer-friendly

or market-driven stories. One major newspaper editorial observer lamented in 2010 that “You would hardly know, from following this year’s election campaign or the extensive coverage of last week’s primaries, that America is at war.” (Hiatt, p. A19; Sullivan, 2010).

While a kind of myopic, episodic focus plagues journalism in all aspects of today’s news media, the crucible of war coverage throws it and its shortcomings into sharp relief, and calls for significant attention in a democracy. “The process is open-ended, not determined by rule. The ongoing task is to use reason to choose a course of action that is militarily effective and that is justifiable by the values and customs held by liberal democratic societies” (Burk, 2009, p. 171). A free, responsible, and fully focused Fourth Estate is essential to balancing these oft-competing interests among the various powers. With the ongoing divergence of civil and military experience in the U.S., and the media’s historical focus on the practical and immediate, the nation has “a need, now as great if not greater than ever, for watchdog journalism that is on the wane – and that never really has existed during the crucial buildup to war” (Hallock, 2012, p. xvi) – instead of a “lap dog journalism, as some contended about the press coverage to the buildup of the Iraq war” (p. 9). Because “wars rarely go according to plan. And if the absence of debate reflects not full-bodied consensus but a wishful averting of eyes, then ... a U.S. surge that yields fruit more slowly than hoped, could tip public opinion” (Hiatt). Because an “element of uncertainty is present in all wars ... [War] is a three-handed game, Chance being the third player ... [and] sometimes the strongest of the three,” wrote Ambrose Bierce, himself a Civil War veteran (1898, p. 26). Therefore, a more robust, Millian press might want to regain its independence and responsibility, and redirect its focus on the essential *ad bellum* conversation.

**Multiple challenges constrain the conscientious correspondent.**

Modern American journalism considers itself a “bulwark of democracy.” Journalists

argue that they report the news so that the citizenry can inform itself and participate in the “conversation” that journalists believe is crucial to a democracy. According to what might be called bulwark theory, being informed also enables citizens to participate in politics, choose their political representatives, and instruct them on how they want to be represented. The theory expresses journalism’s noblest democratic ideals, but it could stand some rethinking. (Gans, 2010, p. 8).

“War as an activity has no equivalent in a settled, civil society,” declared Walzer (1977, p. 127): so historians and journalists alike perennially struggle to find appropriate meanings. Shifting paradigms of statehood and war (cf Gross, 2010; Schmitt, 2013; Whitman, 2006), new communication technologies (Briggs, 2009; Paul, 2003), and a radically different news media landscape (Althaus & Tewksbury, 2002; Briggs, 2012; Saksena & Hollifield, 2002) increasingly exacerbate these eternal challenges; yet ethical, comprehensive wartime journalism remains vital for a civilian-command democracy. So the poor reporter, already struggling to perform adequately to the expectations of a free, responsible, and focused press, finds the everyday challenges to the craft magnified on the battlefield. As with the peacetime newsroom, the war correspondent model could also use some rethinking.

Ultimately, war “is understood and interpreted, justified and judged through the images and narratives that tell the stories of war” (Anderson, 2007, p. xvi). To confront war’s paradox of heroism and horror, each prospective correspondent must balance its “terrible fascination ... that draws one near” (Times, 1862) with the public’s similarly strong revulsion to the details of “sausagemaking” – and its fear that some media disclosures might somehow aid the enemy.

*Perennial problems arise from audience constraints.*



Perennially, “waging war is living life in the moment; telling stories is making meaning of those moments” (Robinson, p. 3). So “war journalists return repeatedly” (Feinstein, 2006, p. 46) and must ethically balance the “compelling use of journalistic storytelling” (Craig, 2006, p. 3) against “pandering to lurid curiosity” (Society, 2014, p. 1).

Paradoxically, this curious audience decries coverage that might ruin their breakfast (Patterson & Wilkins, 2013, p. 214), so “key pressure comes from ... the tolerance of readers and viewers” as “war and ... violence ... raise special concerns” (Keith, Schwalbe, & Silcock, 2006, pp. 250-257). Despised “drive-by journalists” (Rowse, 2002), “ambulance chasers” (Post, 2004, pp. 48-54), and “vultures” (Dunford & Thatcher, 1975, para. 2) exclaim that “it’s interesting when people die” (Henley & Kortchmar, 1982, para. 4). These “sins ... add insult to injury ... [through] hysterics, hyperbole and hot air” (The 9/11 attacks, 2004, p. 66). So “[j]ournalists should [b]alance the public’s need for information against potential harm or discomfort” (Society, 2014, p. 1).

Worse, the correspondent also risks offending the now-frightened audience’s aroused patriotism: “The news media ... are often unpopular,” while “[t]he military is perennially popular” (Lawrence & Aukofer, 1995, p. vii), sometimes making any reporting by the former on the latter suspect. Though “it may be difficult to draw the line between treasonable incitement and legitimate expressions” (Warren, 1918, p. 314), the “media is frequently implicated in this charge ... of ‘aid and comfort to the enemy’” (Maxwell II, 1987, p. 2), creating a palpable chilling effect. “Anyone who tries to bring the people back down to earth is denounced as a traitor” (Monbiot, 2005, p.??), as “[h]ypocrisy is rife in wartime discourse” (Walzer, p. 486), and citizens sing “my country, right or wrong” (Hirst, 1993, para. 2).

***New problems arise from evolving media environment.***

Already burdened by the perennial and changing challenges of war coverage, today's correspondent addresses an increasingly fragmented audience, whose diminishing support for traditional journalism continues to erode the industry's reporting resources and capabilities. A recent conference to address "Is serious journalism still possible? ... concluded that there was still a huge demand for this ill-defined product, but no known way of selling it at a profit ... In the meantime ... who was going to pay for the in-depth investigations and permanent foreign bureaus that were essential to serious journalism?" (Chancellor, 2013, p. 79) – now that "print revenue has been chewed up by a shift to less lucrative online advertising and readership" (Pérez-Peña & Cieply, 2009, p. 4).

Many of those dollars found their way to partisan or ideological narrowcasting outlets targeted at a specific audience instead of the general public. Summarizing a study of the 2016 U.S. presidential election coverage that documented the emergence of a highly polarized and isolated right-wing media bubble, analysts noted the ideological, as well as financial, uphill battle for its traditional moderate stance that the profession faces: "To accomplish this, traditional media needs to reorient ... by recognizing that it is operating in a propaganda and disinformation-rich environment" (Benkler, Faris, Roberts & Zuckerman, 2017, para. 25). "This infrastructure of cable-TV outlets, talk-radio stations, websites, newspapers, magazines, and publishing houses has exerted enormous influence on America's public discourse and political life for nearly 30 years ... This right-wing infrastructure dwarfs its left-of-center counterpart" (Hertsgaard, 2017, para. 4) – though bubbles exist throughout the ideological spectrum.

This continuing audience fragmentation means continuing revenue reductions for mainstream media outlets, which translate into fewer traditional newsroom jobs: One annual American Society of Newspaper Editors census of some 1,400 U.S. daily newspapers shows a

total loss of some 10,100 positions – nearly 25 percent – between 1978 and 2014, including a 10-percent loss in just one year (ASNE, 2015). More recently, Canada’s largest newspaper chain announced 90 layoffs (Bradshaw, 2016). Fewer reporters especially results in “significant cutbacks in ... international reporting” (Pew, 2014, pp. 19-21), because “[i]nvestigative journalism tends to be expensive.”

*The new media taketh away ... and taketh away more ...*

The rhythm of the Internet has made spending a week reporting a story a rare luxury ... [After] the virtual disappearance of local newspapers, their business models irrevocably broken by the disappearance of print advertising ... Some reporters never leave their screens to do on-the-ground reporting. (Abramson, 2019, para. 5)

Meanwhile, the same technology convergence that hijacked the legacy news media monopoly’s revenue stream continues to steal its soapbox and separate its once-mass audience into disparate niches: “News is also becoming more diverse as publishing tools become widely available, barriers to entry fall and new models become possible” – including “millions of blogs. At the same time news is becoming more opinionated, polarised and partisan” (Coming, 2011, para. 9). And online, legacy news products are indiscriminately mixed with punditry, promotion, and pure entertainment in a confusing blend of Web search engine results. So, paradoxically, “more people trust Google for their news than the news outlets whose articles Google aggregates” (Epstein, 2016, para. 1) – due in no small part to the personalized news reports such search engines tend to provide (Pariser, 2011; Vaidhyanathan, 2011). But legacy outlets still do matter to many: “If newspapers abandon the relentless reporting that makes them special, then their future won’t be worth protecting, in any form” (Smolkin, 2006, p. 23). And that legacy is increasingly impossible to sustain (Lowrey & Gade, 2011).

Further, in this ongoing pursuit of disappearing consumers, legacy news organizations – especially those in for-profit corporations – continue to incorporate a more visual, narrative storytelling style that threatens both the quality and quantity of conflict coverage (Anderson, 2006; Der Derian, 2001). Television especially demands a different kind of content than does print (cf McLuhan, 1964), one that must be entertaining – even when covering war (Cohen & Cook, 1990; Cui & Rothenbuhler, 2018; Foote, 1998; Martin, 2003; Postman, 1985). The industry’s loss of audience, first to television and then to the Internet, forced legacy newsrooms to adopt entertainment approaches (c.f. Urban, 1999; Rowse, 2002; Craig, 2006). A recurrent critique of for-profit “infotainment” (Scharrer, Weidman, & Bissell, 2003, p. 93) is its trend towards the trivial – hardly the kind of educational, edifying public discourse Mill envisioned. As noted in the fallout after the release of images of abuse at Iraq’s Abu Ghraib prison, serious discussion of the “war and the manner in which it was being fought continued to take second place to questions about the impact and meaning of the pictures” (Andersen, 2006, p. xviii).

*The new media giveth ... and giveth more.*

The last time I had that kind of access to the military, was, curiously, back in Vietnam, when we had a lot of access. But back in those days, my copy, the film that we shot didn’t get on the air for two-and-a-half days. It would have to be shipped halfway around the world, and then it would have to be processed ... Now we’re getting on the air in two-and-a-half seconds. And I wanted to see how that combination of total access and immediate accessibility to air time, how that was going to work together.

(Koppel, in Kurtz, 2004, para. 58).

Finally, the same new media technology that taketh away, conversely also giveth: This new audience’s insatiable appetite for content, delivered instantly and updated incessantly, can

only be fed by leveraging the same electronic tools, as fewer journalists must attempt to create more content to be narrowcast across multiple media platforms (c.f. Granatstein, 2008; Ives, 2008; Craig, 2011). ABC's veteran anchor Ted Koppel wasn't kidding when he talked about a seconds-long publication cycle – and not just for text: Today's "backpack reporter" must also produce audio, video, still photography, infographics, hyperlinks to related material, and social media updates on several different networks (Briggs, 2012) to an ever-changing "masspersonal communication" audience (O'Sullivan & Carr, 2018, p. 1161).

So traditional press deadlines, with their technologically determined schedule for quality control, are threatened by the new media realities. "This insistence on speed," lamented veteran Watergate reporter Bob Woodward: "[C]an we get it on the Web site by 9 a.m.?" (King, 2005, para. 10). "60/60/24/7/365 are the key coordinates of the new networks" of an emerging military-industrial-media-entertainment complex (Der Derian, 2001, p. 161). But for the ethical reporter, "time equals truth" (Houston, Bruzzese & Weinberg, 2002, p. 3). And while tech-savvy reporters attempt all this, also-savvy hackers – and the very government entities under investigation – can use the same power to invade, obstruct, disrupt and even "spy on journalists in secrecy" (Timm, 2016, para. 1; Rushing, 2013; Zelinsky, 2017).

*Perennial problems arise from battlefield constraints.* "Truth, it has been said, is the first casualty of war" goes the again-quoted proverb (Snowden, 1916, p. x; Knightley, 1975) – and the truth-teller is often the very next in line: Some 139 journalists died in covering the first six years of the second Iraq War (Iraq, 2008). Most fundamentally, the inherently chaotic, unpredictable, complex, and dangerous nature of warfare itself ensures a very real and daunting physical barrier to fact-finding and communication. The age-old "fog of war" (Hale, 1896, ???) confounds soldier and reporter alike. After one WW I battle, for example, "reporters struggled to

piece together what had occurred” (Carruthers, p. 60). War imposes “a logic all its own” (Hamblet, 2005, p. 39), and war “stories so often have many more sides than two” (Andersen, 2006, p. xiv). Nevertheless, “war journalists return repeatedly ... placing themselves at great personal risk” of injury or death (Feinstein, 2006, p. 46). “It should be self-evident that war is dangerous and that those who report on it run the risk of becoming casualties themselves” (Feinstein, Owen & Blair, 2002, p. 1570). Indeed: “For me, covering conflict and war is the essence of journalism,” wrote Pulitzer Prize-winning war photographer Anja Niedringhaus, just two years before she was killed in Afghanistan doing just that (Beaujon, 2014, para. 1).

Unfortunately, this same high-risk environment also presents a psychological attraction for both participant and observer that defies logic – and endangers the profession’s tradition of disinterested scribe. “Journalists should ... [a]void conflicts of interest, real or perceived” (Society, 2014, p. 1), and civilian reporters no longer bear arms themselves, as some did in earlier U.S. wars (Knight, 1993, p. 194). Still, by its very nature and internal “logic ... war composes a compulsion” for most that “seeks absolutization as it feeds and fires the population’s martial enthusiasm” (Hamblet). War correspondents report becoming addicted to the adrenaline rush of combat (Feinstein), and their coverage risks joining in the public’s “wanton celebration of state power” (Hamblet).

Amid this ever-challenging physical and psychological chaos, the state itself – both the media’s primary information source and its main subject – often constricts its cooperation in wartime, as the U.S. has done through evasion, intimidation, limitation of access, pooling or imbedding reporters, or outright refusals to grant access or information (Anderson, 2006; Copeland, 2005; Hallock, 2012; Knightley, 2004). While an ethical press is to “recognize a special obligation to serve as watchdogs over public affairs and government” (Society, 2014, p.

1), the “military, especially during war, goes into overdrive to protect information at all costs” (Melcher, 2007, p. 14). A U.S. official once defended “the inherent right of the government to lie to save itself when faced with nuclear disaster” (Sylvester, 1962, p. A-7); theoretically, “reporters could be kept from nosing about in ‘critical’ areas during ‘critical’ times” (Merrill, 1974, p. 91). And a Supreme Court justice recently noted that a state is always “more efficient if it can suppress speech” (Totenberg, 2016, para. 33).

***New problems arise from evolving asymmetrical battlefield.***

We’re still stuck in this view that war is like the Super Bowl: We meet on the field, both sides have uniforms, we score points, someone wins, and when the game ends you go home. That’s not what war is like now. Now there are tons of civilians on the field, the enemy team doesn’t wear a uniform, and the game never ends. We need to know there’s no neat ending. The costs of this problem have been so catastrophic for the United States, in the form of thousands of military lives and billions of dollars spent. It’s time we fundamentally rethink our vision of what war is. (Tierney, 2018, para. 51)

As if these obstacles weren’t enough, reporters face new challenges from ongoing rapid, widespread, and essential changes to the nature of conflict itself. Increasingly, asymmetrical warfare rejects traditional battles fought among official militaries representing competing sovereign states (Duyvesteyn, 2007). “We fight amongst the people, not on the battlefield,” notes Smith (2005, p. 17), and the “sides are mostly non-state, comprising some form of multinational grouping against some non-state party or parties.”

Further, the “increasing use of terror ... represents the breakdown of a political code first worked out in the second half of the nineteenth century and roughly analogous to the laws of war worked out at the same time” (Walzer, 2006, p. 198). The confusion caused by addressing an

asymmetrical tactic like terrorism with traditional state-actor warfare actually enhances the effectiveness of the terror while barely addressing its effects. “The material harm terrorists have done to us is only the means to the end of terrorizing,” concludes one study of mediated terror (Cui & Rothenbuhler, 2018, p. 160). “In other words, the terror is rooted more in the cultural meaning we bestow upon the terrorizing acts than in the killing and disruption itself.”

Additionally, “military leaders in Iraq and Afghanistan have [also] found themselves dealing with development, governance, agriculture, health and diplomacy” (Bumiller, 2010, p. A28) “The requirements associated with winning such wars confound the American military ethic” (Pfaff, 2016, p. 61) – as well as the press attempting to cover them. In the new frame of nation building, “the ends for which we fight are changing from the hard objectives that decide a political outcome to those of establishing conditions in which the outcome may be decided” (Smith, 2005, p. 17); therefore, “conflicts tend to be timeless, even unending.” This shift in the essential nature of these conflicts also means that they become wars of attrition. “The English in 1066 had to stake everything on the battle at Hastings; so did Israel when in the Six-Day War it struck first at the surrounding Arab countries” (Braybrooke, 2004, p. 74). Not so the contestants in this new era: “We fight so as to preserve the force rather than risking all to gain the objective,” notes Smith (2005, p. 17) – and “new uses are found for old weapons and organizations which are the products of industrial war.”

Meanwhile, ongoing advances in military technology, and the unorthodox strategies and novel tactics empowered by them, broaden the scope of potential coverage. Digital surveillance, covert operations, detainees, drone strikes and cyberwarfare all represent confusing answers to the question “Where are the front lines?” (Dipert, 2010; Eilstrup-Sangiovanni, 2018; Rid, 2011; Schmitt, 2013; Stone, 2012).



Further, tightened government controls seek to limit media access, even as technology offers greater investigative potential to both military public affairs officials and civilian journalists alike (c.f. Aukofer & Lawrence, 1995; Smith, 1999; Carruthers, 2011). “You can’t handle the truth!” retorts the fictitious Colonel Jessup in a popular movie (Sorkin, 1992, p. ???) – a line often heard quoted among veteran U.S. Army Public Affairs Officers speaking off the record (personal communication, February, 2010-September, 2011). Meanwhile, high-ranking officers openly admit to their need to control the conversation (Ricks, 2009), as once-inaccessible materials leak to the public via hackers (Zelinsky, 2017) and new-media-wired citizen-soldier-prison guards themselves (Andersen, 2006; Gourevitch & Morris, 2008).

Finally, the expanding range of media practitioners, empowered by this technology, now includes freelancers and representatives of all sides in a conflict (Christians, 2017; Rushing, 2013) – and, increasingly, women, who face particular challenges and threats. (c.f. Craig, 2011; Storm & Williams, 2012).

Most recently, journalists of all backgrounds have increasingly become targets of violence themselves. Industry experts observe that “killings, imprisonments and abductions ... have reached historic highs” (Global safety, 2015, para. 3), as “extremists ... and reckless warring factions continue murdering journalists with impunity” (IFJ, 2016, para. 5).

**Addressing the gaps: A revisionist Millian utility focuses on security *ad bellum*.**

Your mother sits on the edge of the world, when the cameras start to roll

Panoramic viewpoints resurrect the killing foe ...

Your father drains another beer; he’s one of the few that care

Crawling behind a Saracen’s hull from the safety of his living room chair ...

You’re just another coffin on its way down the emerald aisle

When your children's stony glances mourn your death in a terrorist's smile ...

On the news, a nation mourns you: Unknown soldier, count the cost

For a second, you'll be famous – but labelled posthumous:

Forgotten sons ... (Dick, 1983, Track 6)

This review of the normative ethics, war ethics, and media ethics literature reveals several key gaps in approaching the increasingly difficult task of comprehensive war coverage in a civilian-command democracy for a decreasingly staffed and funded press corps. The realist correspondent might take what he can get, and publish and broadcast whatever war coverage fits into an increasingly shrinking and entertainment-driven newshole. The pacifist reporter might stubbornly insist on doing just as she has in the past, clinging to traditional journalistic values and routines, and hope for the best. Or the just war journalist might reason through some incomplete utilitarian calculus in hopes of addressing the greater good for the least harm.

Uniting recent trends in these disciplines, I propose a different approach: In light of the significant new research on Mill and his thought, occasioned by his bicentennial, and the several significant revisionist readings of his *Utilitarianism*, surrounding that essay's sesquicentennial, I will outline the basis for a *Millian Conflict Coverage* that can both evaluate existing coverage and inform future efforts.

First, this model addresses what I perceive as an existing gap in the military ethics literature by taking Shaw's Utilitarian War Principle (2011, 2014, 2016) a step further. The UWP convincingly moves the discussion well beyond the just war tradition, and where at least one scholar has proposed a "just journalism" based on that theory's criteria (Brislin, 1992), and I outlined a framework for a "just war coverage" (Todd, 2009), Shaw's groundbreaking approach

points to an unabashed utilitarianism that successfully subsumes the just war guides into a larger theory.

While Shaw's seminal work in addressing several of the recurrent critiques of utility and war, and his innovative evolution of his UWP, both provide a number of opportunities for new research and application in both military ethics and media ethics, the philosophy of war still does not take into account Mill's definition in *Utilitarianism* of security as the most vital element of the good (1863). The UWP provides a clear, dynamic utilitarian calculus for the crucial *ad bellum* conversation; my reading of Millian security offers some points for focusing that conversation on what would satisfy what I see as Mill's standard for that calculus.

Second, this model addresses what I perceive as an existing gap in the media ethics literature, which has pointedly moved away from utilitarianism. The recent contributions by Peck (2006) and Elliott (2007), however, have successfully addressed several of the most important critiques of utilitarianism in insightful ways. Most importantly, Elliott also moved the discussion forward in several important ways, especially in her addressing Mill's definition of justice as key to a rights-based security, and her distillation of that definition into a Utilitarian Decision Tree for journalists. My Millian Conflict Coverage checklist is partly based on her approach. However, her model also does not include Mill's definition of security; further, her valuable contribution rests solidly in the normative area of defining press responsibility. Though it hints at a more direct focus on press coverage content, it does not quite go as far as others have in taking a further step beyond press freedom and press responsibility.

In synthesizing the work of Shaw and Elliott, I hope to present a workable process by which journalists may focus their coverage of the most important *ad bellum* question in ways suggested by Mill's definition of security as ensuring justice through community. I believe such

an approach can shed light on past wars as well as offer reporting goals for future calls to arms. The larger academy has already proposed that “we deploy the US military with greater care and fight fewer wars. That means when we do fight, we have a better plan to win the peace” (Tierney, 2018, para. 41). I propose that a revisionist Millian conflict coverage approach, grounded in his definition of security, can help citizens in a civilian-command democracy address conflict with greater care and better plans toward that admirable and utilitarian end.

### **Outlining a Millian Conflict Coverage Focus: Conceptual Framework**

My heart is broken by the terrible loss I have sustained in my old friends and companions and my poor soldiers. Believe me, nothing except a battle lost can be half so melancholy as a battle won: the bravery of my troops hitherto saved me from the greater evil; but to win such a battle as this of Waterloo, at the expens of so many gallant friends, could only be termed a heavy misfortune but for the result to the public. (Adams, 1863, p. 400).

Arthur Wellesley’s famous 1815 “Letter from the field of Waterloo” was not the first nor the last military memoir to attempt to justify a war’s high human cost by some greater public good that this “terrible loss” and sacrifice supposedly secured. And the survivors must continue to justify the sacrifice: “Take up our quarrel with the foe: To you from failing hands we throw The torch; be yours to hold it high. If ye break faith with us who die, We shall not sleep” (McCrae, 1919, p. 3), wrote one Canadian World War I soldier. “They disembarked in ’45,” echoed Roger Waters from a post-World War II England – “And no one spoke and no one smiled: There were too many spaces in the line” (1983, track 9).

Two centuries after Waterloo, a comprehensive report on global U.S. military actions found involvement in 40 percent of the world’s nations, and asked some very utilitarian

questions about costs, benefits, and the greater good (Savell, 2019, para. 3). Meanwhile, one longitudinal study of the Bush-declared War on Terror tabulated a tentative price tag of \$5.9 trillion in U.S. budgetary costs, a direct death toll of 480,000, 244,000 civilian deaths, 21 million displaced persons and refugees – as well as “violations of human rights and civil liberties, in the US and abroad” – since September, 2001 (Costs, 2019, para. 1).

So, why even try to calculate such astronomical and difficult to acquire figures? “To identify less costly and more effective ways to prevent further terror attacks” (para. 7), of course. Because the ongoing martial debates in the public sphere often resort to some sort of utilitarianism, whether acknowledged or not, it makes sense to address those claims within a utilitarian framework. Therefore, with so much of the ongoing public discussion over war and terrorism continually invoking consequentialist and utilitarian elements, a revisionist utilitarian framework grounded in Mill’s conception of security might yield a useful and effective tool for both evaluating existing conflict coverage and for informing future war correspondence.

### **Security: The “Most Vital of All Interests” Drives Discussion**

The media no longer listen to the people they are mandated to serve. They rarely register opposing opinions or respond to the sound of public voices and they seem to have forgotten what the face of democracy looks like. Most tragically, they have forgotten the soldiers ... There is little room for reflection, compassion or responsibility in the world created by American commercial media. The culture that creates militainment also creates an atmosphere devoid of real empathy, humanity or responsibility. These are precisely the voices that form the heart and soul of American democracy. (Andersen, 2006, p. 317)

“The problem [of comprehensive conflict coverage] is as old as the republic, only it’s now getting worse,” wrote one reporter within a week of the 9/11 terrorist attacks (Kalb, 2001, para. 1). Reporting from Iraq in 2003, another agreed: “I think the American media may, when it looks back on this, say to themselves, Well, we didn’t ask quite enough questions. We didn’t ask quite enough tough questions. But that’s usually the case in wartime” (King, 2003, para. 14). Nearly two decades later, “with the journalism industry losing more than 1,000 jobs a month, the United States has reached a point where it no longer has more than the barest resources dedicated to news reporting” (Fullerton, 2016, para. 11) - and much less the specialized, prohibitive military beat. However, while increasingly difficult, comprehensive war coverage – especially that involving the crucial *ad bellum* decision-making process – remains vital in a civilian-command democracy. Because the public discourse surrounding war often invokes consequentialist arguments, I looked to Mill’s *Utilitarianism* for guidance on answering those arguments in a utilitarian manner as a first step towards meeting the press’ wartime challenges – perennial, contemporary and future.

To that end, this paper addresses a significant gap in the media ethics literature by outlining a Millian war coverage model that goes beyond current utilitarian research in war and media ethics, synthesizes the previously disparate utilitarian philosophical traditions in both war and journalism research, applies recent Millian research, and focuses especially on my reading of the essential concept of security in his classic *Utilitarianism*.

**Perennial appeals to the “greater good” abound.**

[A]s men’s sentiments, both of favour and of aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness, the principle of utility, or ... the greatest happiness principle, has had a large share in forming the moral doctrines

even of those who most scornfully reject its authority. Nor is there any school of thought which refuses to admit that the influence of actions on happiness is a most material and even predominant consideration ... however unwilling to acknowledge it as the fundamental principle of morality, and the source of moral obligation. (Mill, 1863, p. 4)

Mill might find much to support his 155-year-old charge in some of the more overtly consequentialist, if not strictly utilitarian, ethical appeal of much present-day public debate – especially when it involves tragedy or misfortune.

These often sound like the much-bemoaned “bumper-sticker greater good” incomplete utilitarianism (Peck, 2006; Elliott, 2007): In a recent visit to the University of Oklahoma campus, NBC’s Al Roker spoke of advancements in weather forecasting technology as perhaps a way that the deadly 2014 tornado in nearby Moore had resulted in a greater good (Roker, 2017); meanwhile, a video kiosk at the Oklahoma History Center features former CNN reporter Bella Shaw, a University of Oklahoma journalism graduate, describing how Native American entrepreneurs focused on “the greatest good for the greatest number of people” (Shaw, n.d.).

In a somewhat perverse reversal of this worldview, CBS chief executive Les Moonves was quoted as appreciating the high ratings most broadcast media outlets enjoyed as the 2016 presidential campaign evolved: “It may not be good for America, but it’s damn good for CBS” (Wang, 2016, para. 6) – proof to many “that journalists care more about drumming up readers and viewers than they do about the country’s well-being.” Today, even the loudest complaining “editors ... remain addicted. After all, they are swimming in Trump-generated revenue, clicks and ratings” (Abramson, 2019, para. 11). Such an attitude flies in the face of the draft language of the First Amendment, which included a reference that such freedoms were “for the common good” (Inazu, 2010, 572) - and Mill would certainly not approve, either (1821, 1859a).

**“Feeling of security” dominates debate.**

With an iron fist in a velvet glove - we are sheltered under the gun;

In the glory game on the power train - Thy kingdom’s will be done ...

Like a steely blade in a silken sheath - we don’t see what they’re made of:

They shout about love, but when push comes to shove

They live for the things they’re afraid of ...

(Peart, Weinrib & Zivojinovich, 1982, track 5)

Further, a great deal of this discourse, and the mediated news reflecting it, echoes Mill’s insistence that “no human being can possibly do without” security (pp. 66-67). Fearmongering dominates, as “everything is described as a maximum existential threat” (Brooks, 2016, p. A27) – and a deadly threat “warms the mind” (Boswell, 1921, p. 229). This is reflected at the national level, from the Constitution’s call to “provide for the common defence” (The Constitution, 2016, para. 1) to Franklin D. Roosevelt’s insistence on the right of freedom from fear (Donovan, 1966): “Security is at the base of the hierarchy of needs; it must be funded sufficiently regardless of the size of the economy” (Blume, 2019, para. 8).

Nine days after the 9/11 terror attacks, President George W. Bush announced that his administration’s response to the new reality included the creation of a Cabinet-level Office of Homeland Security, and vowed that “I will not relent in waging this struggle for freedom and security for the American people” (Bush, 2001, para. 53); a promise repeated some 15 months later, claiming that Iraq had consorted with terrorists and possessed weapons of mass destruction (Bush, 2003a). However, by 2004, a series of surveys revealed that “few Americans selected criteria for success based on the original core premises for the war ... Only 9-12 percent said that



the key ... was the Iraqi government having no links to terror, and only 3-5 percent said it was the Iraqi government having no WMD” (Johnson & Tierney, 2006, p. 263).

Within five years, critics claimed that neither the invasion of Afghanistan or Iraq had done much in the way of promoting U.S. security (Hadar, 2008) – in other words, an incomplete utilitarianism failed to justify the eventual costs of the war by its actual consequences. On the tenth anniversary of the invasion, one retrospective analysis reported that “for many Americans, the war’s faulty premise that Iraq was stockpiling deadly weapons of mass destruction continues to make the decision to invade difficult to justify” (Nowicki, 2013, para. 1), tallying the cost to that date as \$806 billion in U.S. funds, more than 4,480 dead and 32,000 wounded U.S. soldiers, and more than 100,000 Iraqi civilian deaths. In other words, utilitarianism implies that there is a quantifiable as well as a qualitative difference between the the somewhat slippery “feeling” of security and an actual state of security.

**Utilitarianism defines true security.**

There’s this romantic idea that’s built up around war. But the pragmatic view is there are tons of people of my generation who have lost their lives, lost their marriages, or lost their health as a consequence of being sent to wars which could have been avoided.

(Wallace-Wells, 2019, para. 3)

A U.S. presidential candidate made this very Millian statement recently, in words Mill himself would approve: “The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others,” Mill wrote 155 years ago (1863, p. 20). “It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted.”

Utilitarianism does affirm “the right to security of life and limb” (Braybrooke, 2004, p. 93), as “in the morality of common sense there are cases of legitimate killing, for example, self-defense ... to preserve one’s life against aggressors, to uphold the rule of law against certain dangerous criminals ...” (Bailey, 1997, p. 173). “Violent crime [for example] undermines the sense of order and shared moral values without which no society could exist ... organized society itself, the same society on which we depend for stability and security in our daily lives” (Bruck, 1983, p. 19). Indeed, most “utilitarian-type views include the claims that the end of action is survival and growth” (Teleological, 2019, para. 5), as “only survival is unambiguous in content” (Doyle, 2015, p. 14).

But the same justification does not automatically hold true for questions of national security, which is an “ambiguous symbol” (Wolfers, 1952, p. 481) – witness “the unclear boundaries of what the Bush administration calls its war on terror” (Saunders, 2004, p. 3; Banks, 2008). “The problem with all of these metrics is that none of them tells us anything about how much defense spending is actually required to address the threats the United States faces at acceptable levels of risk” (Blume, 2019, para. 11). Nor do we know what level of sacrifice is needed – or even acceptable – on this different kind of battlefield in this different kind of conflict.

Finally, ethical journalists could avoid the distracting appeals to fear, and to a mere “feeling of security,” and instead begin to more comprehensively cover a war’s actual utility, by focusing on Mill’s conclusion that “this most indispensable of all necessities ... cannot be had, unless the machinery for providing it is kept unintermittedly in active play” (p. 67). For Mill, the “machinery” for ensuring true security involved the restoration of justice through communal action. By addressing these underlying utilitarian means and ends, and focusing especially on the

expected and realistic outcomes of war, ethical journalists could more accurately cover security's preservation and perpetuation, avoiding the romance and the waste of an unjustified war. In other words, the only ethical war is one whose consequence is a true, sustainable Security through true Justice for All involved.

### **Towards a Millian Normative Press Rubric: "Security & Justice for All"**

We ended up intervening in countries where we had little cultural understanding ... In addition, the US military has failed to adapt to this new era of war. The US military has this playbook for success against countries: technology, big-unit warfare, and so on. And when we started fighting insurgents, it was natural that we would turn to that same playbook. (Tierney, 2018, para. 23)

"It is the duty of governments, and of individuals, to form the truest opinions they can," Mill asserted in his defense of press freedom in a democracy (1859a, p. 19). To that end, "education and opinion, which have so vast a power ... should so use that power as to establish ... a direct impulse to promote the general good" (1863, p. 21). In a democracy such as the United States, this duty becomes even more crucial when freely acting citizens, through their government, actively consider whether to declare war, to fund it, and to fight as its soldiers.

But how should such a press operate, when its government – and its warriors – might not have the correct approach to a very different kind of conflict? "There is no authoritative systemic guide to terrorism ... perhaps there never will be one, simply because there is not one terrorism but a variety of terrorisms and what is true for one does not necessarily apply to others" (Laqueur, 2003, p. 8; 1996; 2003). So, where does that leave the press? If, as the *Times* executive editor later admitted, the "mainstream press was not aggressive enough after 9/11, was not aggressive enough in asking questions about a decision to go to war in Iraq" (Hülse & Stark,

2015, para. 60), how might a free, independent, responsible press focus on more Millian utilitarian outcomes to formulate more effective, rights-based questions to ask in the first place, whenever government officials call for war?

Such is the realm of normative press theory, or “how ideal media ought to operate within a specific set of social values” (Baran & Davis, 2000, p. 30; Christians et al, 2009; Glasser, 1986; Littlejohn, 1996; McQuail, 1994; Siebert, Peterson & Schramm, 1956; Vaca-Baqueiro, 2018; Vold, 1999), and “what is desirable in relation to both structure and performance” (McQuail, p. 121). So, how should a Millian press operate? Based on my reading of Mill’s *Utilitarianism*, an ideal war correspondence should operate within a utilitarian set of social values, beginning with Mill’s own definition of security based on justice in community.

Five basic precepts, drawn directly from Mill’s definition of security, should guide a more complete utilitarian journalism approach: First, Millian security protects against a vital, existential threat. Second, Millian security preserves both immediate safety and future stability. Third, Millian security promotes mutual justice. Fourth, Millian security produces true community. Fifth, Millian security practices a carefully-considered utility. How?

**A Millian conflict coverage defends a sustainable security.**

To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. If the objector goes on to ask, why it ought? I can give him no other reason than general utility ... The interest involved is that of security, to every one’s feelings the most vital of all interests. All other earthly benefits are needed by one person, not needed by another; and many of them can, if necessary, be cheerfully foregone, or replaced by something else; but security no human being can possibly do without; on it we depend for all our immunity from evil, and for the whole value of all

and every good, beyond the passing moment; since nothing but the gratification of the instant could be of any worth to us, if we could be deprived of anything the next instant by whoever was momentarily stronger than ourselves. (Mill, 1863, pp. 66-67)

How, then, should a Millian journalist ethically cover conflict? First, the correspondent should adopt Mill's proposition of "security [as] the most vital of all interests" (p. 67) as both focus and filter for work that truly serves the public interest, instead of the interested public.

From the beginning, a Millian utilitarian focus on security would address tangible threats and realistic outcomes while filtering fear-based appeals and claims based on expedience or profit. First, it would focus on a specific existential threat of "evil" that would need to be investigated and understood. Second, it would focus on specific threats to the ongoing "value of all and every good" (p. 67), which would also require investigation and understanding.

For Mill, this threat of an evil deprivation of security and good encompassed "any conduct which threatens the security of the society generally, [which also] is threatening to his own" (p. 63), or an actual "wrong done" (p. 61) to a citizen or the larger community, including threats to rights, goods, and one's existence itself – which "calls forth his instinct ... of self-defence" (p. 63).

Finally, Mill's definition of security includes an element of stability or sustainability: He seeks to protect "the whole value of every good ... beyond the passing moment" (p. 67) from threat; therefore, a Millian approach would look to the long-term continuity of security, and would eschew the merely expedient response to threat.

Writing 80 years after Mill, Maslow (1942, 1943; Maslow, Hirsch, Stein & Honigmann, 1945) affirmed the primacy of safety concerns by placing it second only to immediate physiological needs in his hierarchy of motivators:

[W]e find that the dominating goal is a strong determinant not only of his current world-outlook and philosophy but also of his philosophy of the future. Practically everything looks less important than safety, (even sometimes the physiological needs which being satisfied, are now underestimated). A man, in this state, if it is extreme enough and chronic enough, may be characterized as living almost for safety alone. (1943, p. 376)

However, a more holistic, sustainable conception of stable security remains to be adopted, as “the links between development and security are a relatively new concept” (Stohl & Grillot, 2009, pp. 118-119). “Only in the past two decades have organizations such as the World Bank and publications such as the Human Development Report acknowledged and addressed the ways in which security, or the lack thereof, affects development.” One example is the annual Human Security Report, beginning in 2005, which focuses on “the protection of individuals ... Human security and national security should be – and often are – mutually reinforcing. But secure states do not automatically mean secure peoples” (Human, 2005, p. 8).

**A Millian conflict coverage defines justice.**

Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right ... Now it appears to me, that the desire to punish a person who has done harm to some individual is a spontaneous outgrowth from two sentiments ... the impulse of self-defence, and the feeling of sympathy. It is natural to resent, and to repel or retaliate, any harm done or attempted against ourselves, or against those with whom we sympathise ... The sentiment of justice, in that one of its elements which consists of the desire to punish, is thus, I conceive, the natural feeling of retaliation or vengeance ... To recapitulate: the idea of justice supposes two things; a rule of conduct, and a sentiment which sanctions

the rule. (Mill, 1863, pp. 62-65)

Second, the journalist should apply Mill's conception of security as the pursuit of justice: a continuing "immunity from evil" which includes the "justice of self-defence" (pp. 67-68) against "any harm done or attempted against ourselves, or against those with whom we sympathise" (p. 63), as well as "a desire that punishment may be suffered by those who infringe the rule" (p. 65). For Mill, as with security, justice is a rights-based construct: "When we call anything a person's right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion" (p. 66).

A Millian approach to *ad bellum* reportage focused on his elements of utilitarian distributive justice (Berger, 1979; Clark & Elliott, 2001; Elliott, 2007; Kors, 2011; Lyons, 1994; Riley, 1988; Schefczyk, n.d.; Schminke, Ambrose & Noel, 1997; Skorupski, 2006; Treviño, Weaver & Reynolds, 2006) would better inform conflict coverage – especially if it references just war tenets as secondary moral principles (Shaw, 2011, 2014, 2016), and applies Millian justice arguments "to best determine the range of permissible actions" (Elliott, p. 111) in considering a just response to "a violation of a right" (Mill, 1863, p. 66).

**A Millian conflict coverage directs focus on community.**

[A] human being is capable of apprehending a community of interest between himself and the human society of which he forms a part, such that any conduct which threatens the security of the society generally, is threatening to his own ... the power of sympathising with human beings generally enables him to attach himself to the collective idea of his tribe, his country, or mankind ... Our notion, therefore, of the claim we have on our fellow-creatures to join in making safe for us the very groundwork of our existence ... and we count so positively on finding a responsive feeling in others

(all being alike interested), that ought and should grow into must, and recognised indispensability becomes a moral necessity. (Mill, 1863, pp. 63-67)

Third, as Mill explains in *Utilitarianism*, security includes the restoration of justice by appeal to the larger community, to ultimately ensure the greatest amount of good for all. As “any conduct which threatens the security of the society ... is threatening to his own” (p. 63), a Millian journalist must also consider the larger “human society of which he forms a part.” So community involves the security of “our fellow-creatures” (p. 67) and in the sustainability of “the general good” (p. 64) for all involved parties – including the offending party.

For Mill, the pursuit of security, via an agreed-upon justice, is beneficial and desirable for all, and can best be pursued, attained and perpetuated in community. Because war is waged for security on behalf of a specific public, ethical journalism should address these arguments and cover their implications for combatants, the larger community, the enemy, the enemy’s larger community, civilians and the global welfare of the larger human society. On this, Mill was clear: “I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right ... is not the agent’s own happiness, but that of all concerned” (p. 21).

Two centuries before Mill made clear his connection between an individual’s security and the corporate security of the larger community, Hobbes described the isolated individual’s natural state as “solitary, poore, nasty, brutish, and short” (1645/1991, p. 89). In his turn, Mill would certainly recognize the very Hobbesian description Maslow offered of the poor 20<sup>th</sup>-century soul, isolated from community, who did not feel at all secure:

The insecure person, then, perceives the world as a threatening jungle and most human beings as dangerous and selfish; feels rejected and isolated, anxious and hostile; is



generally pessimistic and unhappy; shows signs of tension and conflict; tends to turn inward; is troubled by guilt-feelings; has one or another disturbance of self-esteem; tends to be or actually is neurotic; and is generally egocentric or selfish. (1942, p. 335)

“Utilitarianism as Mill conceived of it was a profoundly social ethic; Mill was among the first to acknowledge that the good of an entire society had a place in ethical reasoning” (Patterson & Wilkins, 2013, p. 11; Elliott, 2007; Peck, 2006; Postema, 1998; Rawls, 1999) – an idea that is deeply rooted in Western culture today. Indeed: “Health, safety and well-being are not byproducts of societal function, they are the reason for it” (McClure, 2013, p. 204). Recent scholars have examined innovative community-based research to find causes and effects in social trends of despair and fragmentation (Carney, 2019; Putnam, 2000; Vance, 2016) – as well as electronic media’s complicity in these trends (Brooks, 2019; Ladd, 2012; Pariser, 2011; Patterson, 2013; Postman, 1985; Rowse, 2002; Rubin, 1988). In such a time of fragmentation and confusion, a Millian community-focused ethic would carefully consider the good of that larger society in its war coverage.

**A Millian conflict coverage remains free, independent, and useful.**

As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator ... [So] education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole. (Mill, 1863, p. 21)

Finally, the ethical war correspondent should assume and unapologetically assert the right – and utility! – of this democracy’s free press to act as Mill’s “impartial ... disinterested and benevolent spectator” (p. 21), to comprehensively pursue “the free exchange of information”

(Society, 2014) for the greater good of the community, “to promote the general good” (Mill, 1863, p. 21), regardless of war’s unique, perennial challenges and the additional concerns of asymmetrical warfare and terror. And the burden of proof is on those calling for military action, which conclusively fails the utilitarian calculus in nearly every historical instance, because of its incalculable costs (Shaw, 2011). “Thus the moralities which protect every individual from being ... hindered in his freedom of pursuing his own good, are at once those which he himself has ... the strongest interest in publishing and enforcing by word and deed” (Mill, 1863, p. 74; 1824b; 1859a; 1859b; 1862a; 1864; 1870; O’Rourke, 2001).

Therefore, for Mill, any public consideration of anything as consequential as military action must include background information on “the incidents of history, the ways of mankind, past and present, and their prospects in the future” (1863, p. 17); such public discussion should also revolve around data, as “a question of fact and experience, dependent ... upon evidence” (p. 49); finally, “utility alone can decide the preference” when weighing all costs and benefits of the proposed action (p. 72). This requires consideration of the basic utilitarian calculus: Is this the very best possible action, for the most people, with the least harm – and none other? Or, to further focus Shaw’s Utilitarian War Principle (2011, 2014, 2016): “It is morally right for a state to wage war if and only if no other course of action available to it would result in greater expected *security with justice for all*; otherwise, waging war is wrong.”

Meanwhile, the Millian correspondent already possesses a few useful tools: For one thing, even “despite its shortcomings, rational choice theory can be a valuable theoretical tool through which to understand terrorist actors” (Duyvesteyn, 2007, p. 121; Crenshaw, 1998) – and utilitarian theory appears in scholarly research on terror (Gruzalski, 2006; Laqueur, 2003; Linnan, 2008; Resnik, 2011; Shaw, 2011, 2014, 2106; Smith, 2005; Steinfels, 2004; Totten,

2006; Walzer, 2002, 2004; Whitham, 2014; Whitman, 1993, 2006). Moreover, though nonconventional armed conflict may challenge existing war coverage paradigms, a great deal of the U.S. War on Terror has involved waging two traditional land wars of invasion, where these paradigms may still yield a great deal of utility.

### **What is it Good For? Triangulating a Millian *ad Bellum* Focus**

Less than a month after the September 11 terrorist attacks on the United States, U.S. troops ... invaded Afghanistan ... More than 17 years later, the Global War on Terrorism initiated by President George W. Bush is truly global, with Americans actively engaged in countering terrorism in 80 nations on six continents ... Because we have been conservative in our selections, U.S. efforts to combat terrorism abroad are likely more extensive ... Even so, the vast reach evident here may prompt Americans to ask whether the war on terror has met its goals, and whether they are worth the human and financial costs. (Savell, 2019, paras. 1-3)

“There’s never a day when I do not learn of another threat, or receive reports of operations in progress, or give an order in this global war against a scattered network of killers,” President George W. Bush claimed in his 2003 State of the Union address, 16 months after the September 11 terrorist attacks and exactly two months before invading Iraq. “The war goes on, and we are winning” (Bush, 2003a, para. 43). Throughout this address, and the many statements made to justify the impending invasion, the administration promoted national security as its primary good and goal (Bostdorff, 2011; Bradford, 2004; Bumiller, 2002; Bush, 2004; Purdum, 2003; Singer, 2004) – reflecting, however unintentionally, Mill’s definition of security as the greatest good (Mill, 1863). Now, nearly 20 years later, this particular “question concerning the *summum bonum*” (p. 1) continues to vex citizens, politicians, scholars, and journalists alike.

Indeed, what is this particular war on terror good for? A revised Millian *ad Bellum* coverage model, focused on security, might help formulate more effective questions.

While Mill argued that “war, in a good cause, is not the greatest evil” (1862a, p. 141), he also warned that the decision to go to war represents one of the most consequential of all ethical and political questions (1859b) – because of the deep, widespread, significant, and lasting consequences such a decision always produces (Bentham, 1789; Conway, 1989; Mill, 1825; Mill, 1862a, 1864; Walzer, 1977). “The question at hand when dealing with arguments for or against particular wars should be about which side has produced the best account of the world as it exists at that time” (Carnahan, 2013, p. 424); unfortunately, those who leverage utilitarian arguments in favor of war usually do so in an incomplete manner that does not take into consideration the good of all parties involved (Doyle, 2008; Shaw, 2011, 2014, 2016; Walzer, 2002, 2004). Because so much hinges on the crucial *ad Bellum* question, it seems that the most utilitarian focus of any so-motivated press would be on interrogating all utilitarian justifications for war, and doing so through a revisionist Millian lens. Such an approach not only might have aided the *Times* in its pre-invasion coverage in 2003, but might assist other journalists in the present and future when facing that fraught and frightening question. So, to move beyond “bumper sticker utilitarianism,” and parse some practical implications of a revisionist Millian approach, I paraphrase one particularly popular bumper sticker (Bowen, 2010) to pose a few answers to the question “What would John Stuart Mill ask?”

**What would Citizen J. S. Mill ask? “Security-&-Justice-for-All” overall.**

But it is a preliminary condition of rational acceptance or rejection, that the formula should be correctly understood. I believe that the very imperfect notion ordinarily formed of [utility’s] meaning, is the chief obstacle which impedes its reception; and that

could it be cleared, even from only the grosser misconceptions, the question would be greatly simplified, and a large proportion of its difficulties removed. (Mill, 1863, p. 6)

While legitimate concerns over both implications and applications of Mill's concepts as presented in *Utilitarianism* continue to challenge ethicists, a revisionist Millian approach, based on some of the more recent scholarship, may yield some useful insights from its unique viewpoint. For example, applying revised utilitarian principles in general society, a Millian free citizen would ideally first "consider only desirable and undesirable effects – their utility" (Lyons, 1965, p. 1), asking primarily what "maximizes the good" (Johnson, 2013, para. 1) and only for "the general welfare" (Urmson, 1953, p. 35) of all involved (Peck, 2006), seeking a sustainable justice (Elliott, 2007) and rejecting "immediate expediency" (Brandt, 1972, p. 147) in favor of strengthening the larger community (Mill, 1863).

However, a "Security-&-Justice-for-All" approach, focused on his definition of security as justice through community, might yield even more useful avenues of inquiry. For example, a citizen might begin to contemplate one's own security in light of vital, existential threats by first identifying those threats, and considering a wide range of security elements, from both standpoints of safety and stability. Once identified and examined, each aspect may then be considered in light of Millian rights-based justice: What protects these elements? And, then, the question of who protects these elements opens the realm of community and citizenship. Finally, each proposed response to the identified threats may be considered in light of several extended utilitarian calculi: How would this proposed response specifically deter or "repel" this perceived threat with maximal gain and minimal harm for all involved parties? (Mill, 1863, p. 63; Kant, 1965; Elliott, 2007) – including known contextual history and foreseeable consequences. For instance, all "counterterrorism strategies must reduce the demand for at-risk populations to turn

to terrorist organizations in the first place” (Abrahms, 2008, p. 105). Next, how would this proposed response represent the only action available that would foreseeably promote the greatest expected well-being for all involved parties? (Shaw, 2011, 2014, 2016) – including historical context and serious consideration of all feasible alternatives. And, finally, how would all involved parties be harmed if the proposed response were not undertaken? (Elliott, 2007) – including historical experience as well as foreseeable present and future consequences.

**What would Soldier J. S. Mill ask? “Security-&Justice-for-All” *ad Bellum*.**

In Dr. Walzer’s own application of just-war theory, the massacres, ethnic cleansing and terrorism of recent years have increased his readiness to find that military intervention can qualify as just. But not in the case of Iraq. In 2002 and 2003, his conclusion that an American invasion there would be morally unjustifiable emerged in a series of essays ... that *did not have today’s luxury of hindsight about faulty or manipulated intelligence but were based on what could be reasonably known at the time*. (Steinfels, 2004, p. 6)

However, even more importantly, though perhaps “[n]onconsequentialist approaches to military ethics have enjoyed supremacy” (Jenkins, 2017, p. 963), for the ethical citizen, “the proper response ... is not to abandon consequentialist thinking ... but rather to examine with as much specificity and meticulousness as possible the likely results,” (Shaw, 2014, p. 309). By invoking his “Utilitarian War Principle” (Shaw, 2011, 2014, 2016), informed by a better understanding of Millian justice principles (Elliott, 2007; Peck, 2006), ethical citizen-soldiers might move well beyond a Walzerian just war approach to more completely and effectively ask “when, if ever, are we morally justified in waging war and ... how are we permitted to fight the wars we wage? (Shaw, 2014, p. 303; Walzer, 1977, 2002, 2009).

As useful as such questions might prove in adding to the public *ad Bellum* debate, the additional focus of a “Security-&-Justice-for-All” stance would certainly address the very issues such debates always raise: For most people, regardless of ethical ideology, the idea that the state and its citizens plan to create a clear and present vital, existential threat to someone else’s security must somehow be justified as a defense against some clear and present vital, existential threat to one’s own security. Building on the general citizen’s identification of what elements create and sustain such security, the citizen-soldier may ask for specific information about the nature of a supposed threat, and about the efficacy and propriety of a proposed defense. Further, one might ask about the long-term stability or sustainability of such efforts, as well as the layered, interactive aspects of justice invoked by such an extreme response. The impact, harms, benefits, and overall costs to the larger community of action sure to involve injury and death should also be considered here as well. Finally, a security-focused consideration of the various utilitarian calculi cannot be overlooked in such a vital situation.

Such thinking was evident in some quarters as the 2003 Iraq invasion loomed – and, in correctly identifying the threat of terrorism as primarily involving non-state actors, this list of the potentially disastrous consequences foreseen for a nation responding erroneously to the nature of this particular threat reads today as frighteningly prophetic:

Instability [not a state] is the home of terrorism. The train of war against Iraq may have already left the station. Yet we must not allow the prospect of watching the defeat of a ruthless dictator to blind us to the possible consequences: more regional instability, more potential recruitment of motivated terrorists and more reluctance by states around the world to cooperate with anti-terror efforts when the U.S. needs global cooperation the most. In the end, we must ask ourselves this question: Is the downfall of Saddam

Hussein worth the rise of another Bin Laden? (Telhami, 2003, para. 16)

**What would Reporter J. S. Mill ask? “Security-&-Justice-for-All” journalism.**

After all, we’re a country based on both the idea and the ideal that individual citizens are to get as much information as they possibly can, form their own opinion, and then the collective opinions become the will of the people. And never before in any war has there been anything close to the kind of real-time coverage, up-close, live television coverage in time, war presented as it happens, that happened in this war. Was it perfect? Of course, it wasn’t perfect. But in terms of coverage of war, this was about the most important development I can think of certainly since the Vietnam war.

(King, 2003, para. 14)

Finally, the press has long defined and defended its discipline by utility, from Mill (1859) through today, as longtime ABC anchor Ted Koppel did during the Iraq invasion (King, 2003), echoing the mindset of much of the news media profession: “Utilitarianism ... works hand-in-glove with the democratic process” (Christians, 2007, p. 116); moreover, the normative journalistic goals of “public enlightenment [and] democracy” (Society, 2014, p. 1) also address complex utilitarian elements of community (Peck, 2006) and justice (Elliott, 2007).

Yet the press, while quick to defend its independence from the government and community it covers, is sometimes not as free-thinking as it might want to be, especially in terms of security coverage. For example, in early 2001, when the U.S. Commission on National Security released its report on terror, which included a prescient warning that terrorists were very likely to strike in American soil, and that Americans would die, few media outlets reported on it, reflecting a lack of concern evidenced by the Bush administration, and largely missing a chance to warn the public of its intelligence experts’ growing concerns, which proved true:



The *Washington Post*, the *Los Angeles Times* and CNN did substantial pieces. So did Chris Matthews on his cable program “Hardball” and Charles Osgood on CBS Radio. *USA Today* ran a brief item. The Associated Press sent a story out to its members, but it was given little play. The *Courant*, like most newspapers, had nothing. The broadcast television networks carried nothing. *The New York Times*, an agenda setter for the rest of the news media, and *The Wall Street Journal* published not a line. Even the news outlets that ran stories failed to do any follow-up reporting ... a *Times* reporter walked out 10 minutes before the news conference ended. “One of our people caught up with him and said, ‘What’s the problem?’” ... “He said, ‘There's no story here.’” Susan Page, *USA Today*’s Washington bureau chief, [said] that an editor at her newspaper said the report didn’t “sound compelling” and that he didn’t know what “homeland security” was. (Janensch, 2004, para. 13).

However, covering terror demands an even greater independence from official sources and public entertainment distractions than ever before, as evidenced by the pre-9/11 failure:

Seeing international news through a predetermined lens will exclude much that is important in the world ... [But] the world is too multidimensional to be depicted for our generation simply as the War on Terrorism. With the fall of the Berlin Wall, American news organizations rapidly lost interest in international news. Foreign stories in *Newsweek* magazine dropped from 463 in 1978 to 281 in 1989. Leo Bogart, writing in *Presstime* in 1997 (April, p. 60), noted that newspapers had cut space devoted to international affairs on the premise that “they can’t compete with television on the world front.” Yet, at the same time, television was also reducing its world news. Foreign datelines on ABC, for instance, dropped by two-thirds in the dozen years before 9/11. In

many ways, the Cold War was a simpler story for the American press to cover than is the War on Terrorism. It is easier to gather information about nation states ... than about freelance terrorist groups. (Hess, 2003, para. 9)

Within two years of its failure to independently cover the prophetic warnings of January, 2001, as media insiders began to revisit their coverage of the 2003 invasion of Iraq, “critics say too many news organizations are back to their old habits, ignoring world affairs in favor of tabloid stories” (Edwards, 2003, para. 1; Hess & Kalb, 2003). More recently, the same wag-the-dog complaint critiques coverage of the president’s February, 2019, emergency declaration: “The news cycle around the emergency seems to be responding to what politicians are saying about it, rather than some independent standard of what is at stake. This is understandable ... but it’s also a problem” (Allsop, 2019, para. 5).

How, then, should an independent, “Security-&Justice-for-All” reporter focus his or her efforts to better address issues vital to the community, while avoiding the pitfalls of the expedient and the entertaining? A more complete Millian standard, with its focus on security, might guide the press back to basics and focus its attention on the most essential aspects of its community’ crucial safety and stability. In other words, a Millian journalism knows and covers its own community’s sense of well-being based on security – before even attempting to cover how that community might prosper or suffer in war’s consequences. Indeed:

Journalists are often in the thankless position of knowing less about the subject at hand than the newsmakers they are covering ... newsmakers normally know more about the issue at hand than the journalists covering them. During the Persian Gulf War, journalists who visited the Pentagon press office were greeted with a sign that read “Welcome Temporary War Experts.” (Patterson, 2013, p. 66)

Ethical journalists have always been focused on the well-being of their particular communities and how issues of goods and harms interact with those of other communities. A Millian approach might further focus those efforts on identifying, defining, and understanding the nature of the community's security and the sources of threats to that security. What makes this place "home?" This basic understanding is essential to then considering issues of protecting and preserving that security against those threats, both now and in the future. What has protected and sustained this community in the past, and what might do so when things change? When a journalist defines justice as a rights-based approach to protecting and sustaining security, issues of justice become central to enterprise reporting efforts and story selection. In considering how these elements exist and interact in the larger community, a journalist can better identify areas of concern that lack coverage, and better explain coverage to the public. Finally, when covering those issues of vital importance in ways no other institution can, and providing information that no other entity does, a Millian journalist practices true utility.

**What would J. S. Mill ask? A Millian *ad Bellum* coverage.**

It's hardly controversial to suggest that the mainstream media's performance in the lead-up to the Iraq War was a disaster. In retrospect, many journalists and pundits wish they had been more skeptical of the White House's claims about Iraq, particularly its allegations about weapons of mass destruction. At the same time, though, media apologists suggest that the press could not have done much better, since "everyone" was in agreement on the intelligence regarding Iraq's weapons threat. This was never the case. Critical journalists and analysts raised serious questions at the time about what the White House was saying. Often, however, their warnings were ignored by the bulk of the corporate press. (Iraq, 2007, para. 1)

In the run-up to the Iraq invasion, and in the years since, some journalists have, indeed, done insightful, somewhat utilitarian work. And some continue to do so, despite the continued hazards and difficulties associated with the beat, and the public's general lack of interest about the ongoing wars involving U.S. military. For example, exactly one year before the 2001 terrorist attacks, *Mother Jones* magazine reported on several government agency reports to conclude that the millions of dollars spent under the Clinton and Bush administrations to prepare for a high-tech, chemical or biological weapon terror incident represented a gigantic waste of taxpayer funds that didn't address research-based threat analyses – and represented serious threats to civil liberties as well. “There is no question that some of the government's counterterrorism efforts make perfect sense ... But those bricks-and-mortar projects make up a small fraction of the antiterrorism bonanza” (Dreyfuss, 2000, para. 25) – as they do with urban crime prevention budgets as well (Lurie, 2019). Instead, one internal audit complained instead that most of the spending was “taking place in the absence of sound threat and risk assessment ... What is important is the very critical distinction between what is conceivable or possible and what is likely” (para. 30). And what is most likely are “the human security consequences of conventional arms ... [which] can range from ... death and injury, to indirect effects, such as the inability to return home” (Stohl & Grillot, 2009, p. 119).

A year later, the hijackers carried out the very kind of “comparatively low-budget affairs” (para. 15) *Mother Jones* had warned were more likely – by focusing on the nature of the specific threat to security, and the proposed response. Unfortunately, much of the media still tend to focus on high-tech, high-visibility, high-fear (and low-probability) weaponry, even after the pre-9/11 and pre-2003 coverage failures, as this very utilitarian statement accuses:

While headlines describing the dire threats of weapons of mass destruction (WMDs)

often dominate the front pages of daily papers, conventional weapons deals often escape notice. But these weapons cause a far more deadly and current threat – one responsible for hundreds of thousands of deaths a year. Around the globe, people’s lives are being irrevocably changed by the effects of guns, tanks and missiles. (Stohl & Grillot, pp. 1-2)

***Recent trends in utilitarianism might better inform war correspondence.***

Finding a way through the moral and ethical arguments has never been more challenging than it is today, as we hear British politicians arguing that the 10,000 civilian Iraqis dead from our latest intervention are in some way acceptable in the light of Saddam Hussein's much greater atrocities. (Garden, 2004, p. 48)

Similarly, as the war in Iraq ground on, enterprising war correspondents increasingly challenged official claims justifying the invasion, often asking questions of a distinctly utilitarian nature. In one example, *USA Today* published an investigative report on the Pentagon’s continuing failure to provide armored MRAP vehicles, instead of “death trap” Humvees, despite years of requests from troops and commanders seeking safety from the “makeshift bombs [that] are the No. 1 killer of U.S. forces” (Eisler, Morrison & Vanden Brook, 2007, para. 10). Another *USA Today* report found that a majority of IEDs encountered in Afghanistan, while homemade, included important ingredients made in U.S.-allied Pakistan (Vanden Brook, 2011). In both cases, a focus on the nature of a threat, and the inadequate responses to it, provided real utility for citizens seeking to better understand those wars. And throughout the war, various media outlets reported on its mounting human toll.

More recently, a number of stories – such as one in the *Washington Post*, detailing health issues related to pricey, substandard subcontractor maintenance of housing at military bases (Horton, 2019), another from *ProPublica*, detailing the layers of neglect and degraded training

that led to two separate U.S. Navy warship collisions in 2017, nine weeks apart, that killed 17 sailors (Faturechi, Rose & Miller, 2019), another from *The New York Times*, working through hundreds of hours of research, interviews, and file photos to conclusively name a dying U.S. Marine captured in an iconic *Life* magazine photo taken a half-century ago during the Tet Offensive (Shaw, 2019), and another from *Times*, chronicling the career and memorial service of a female Navy Chief recently killed in Syria (Ismay, (2019) – each focused in detail on issues of sustainable security, justice, community and utility in ways that Mill would certainly have appreciated – and brought attention to significant yet overlooked issues lurking perennially just under the surface of the military beat. Similarly, recent legal research on an international land mine ban (cf. Rizer, 2012) invokes similar constructs, and provides further avenues of story development

Though it is not possible to determine the guiding principles of articles like these without interviewing the reporters and editors involved, the outcome – the consequence – of their work does meet some utilitarian goods suggested by recent trends in the tradition. And a military correspondent could do much worse than to incorporate, for example, Shaw’s Utilitarian War Principle (2011, 2014, 2016) as an *ad Bellum* basic tenet, to incorporate Shaw’s suggestion that just war theory concerns be treated as “as secondary moral principles” under a utilitarian umbrella (2011, p. 382), to consider Millian elements of justice as keys to a more complete utilitarian ethic (Elliott, 2007), and to consider larger issues of community and moral quality in identifying and pursuing news (Peck, 2006).

Nevertheless, because “war has been perhaps the most consequential enterprise in human history” (Jenkins, 2017, p. 963), and “leaders have often rationalized the wars they wished to fight by spurious appeals to the greater good” (Shaw, 2011, p. 308), I propose that media ethics

scholars as well as journalism practitioners seeking to “tell the stories of peace and war alike” (Davis, 1930, p. 3) in the service of “public enlightenment” (Society, 2014, para. 1) might profitably reconsider Mill’s own definition of “the *summum bonum*” (1863, p. 1) as security. In light of his exploration of this definition in *Utilitarianism*, a more fully Millian *ad Bellum* war coverage approach must begin with his definition of security before incorporating these other very valuable and most useful approaches to his work. Mill’s focus on security speaks directly to the concerns expressed in 2003 by the both the Bush administration and the reporters who covered it, and offers five vantage points from which to examine those claims that led to a war that most agree failed to satisfy those same claims in the long run. These represent Mill’s aspects of security as invoking his conceptions of the distinct aspects of *Threat, Safety and Stability, Justice, Community, and Utility*.

***A Millian “Security-&-Justice-for-All” focus should inform war correspondence.***

I would give an arm never to have come here ... Never to have seen that. Your windows make it impossible for me to hate the enemy I have known all my life; they present me with another that turns my legs to water. (Harrison, 1971, p. 120)

So, in an age of drastic changes to the nature of war itself, decreasing news media resources and increasing journalistic challenges, how would a more completely Millian war correspondent approach the fraught *ad Bellum* debate, and all that goes with it? What larger questions are implied by his definitions of security, justice, community, and utility – and what more detailed questions would follow? As with Harrison’s battle-weary hero, every change and challenge forces the practitioner to return to the basic concept of security.

From Mill’s definition of security, I propose five guiding *Millian Security Principles* that should help to focus *ad Bellum* coverage more completely and effectively:

- (1) *Threat*: Security protects against a vital, existential threat;
- (2) *Safety & Stability*: Security preserves safety and stability;
- (3) *Justice*: Security promotes justice;
- (4) *Community*: Security produces community; and
- (5) *Utility*: Security practices utility.

A summary of these Principles, their definitions, and their corresponding Guiding Questions appear at the end of this study as Appendix A.

*MSP 1: Threat: Security protects against a vital, existential threat.* Based on this review of the literature, and my reading of Mill’s *Utilitarianism* and his focus on security as the most vital of all interests, I propose that, first, Millian *ad Bellum* reporting should focus on security as protection against a vital, existential threat. For Mill, a true *security*, “the most vital of all interests,” protects against “a violation of a right,” a definite *threat* to “the very groundwork of our existence” (1863, pp. 66-67). Investigative reporting following this focal point should include questions about the specific nature of the perceived security threat in this particular situation, the identification of whose specific security may be threatened by this particular action, and the identification of who, specifically, may be threatening anyone’s security in this particular situation. This principle addresses the situation at hand, or nearly at hand, and seeks specific identities of harms, harmed, and harmful actors.

After Shaw’s UWP (2011, 2014, 2016), this principle reflects the essential *ad Bellum* utilitarian calculus that very narrowly allows for very rare justifications of war. Also, as he suggested, it could be further focused to address several just war theory tenets as secondary moral principles, especially four of the seven *jus ad Bellum* criteria of Just cause, Competent authority, Right intention, and Comparative justice. It could also address, from the beginning,



issues related to two of the three *jus in Bello* criteria of Discrimination and Necessity, as well as any or all five of the *jus post Bellum* criteria of post-war Discrimination, Rights-based respect, post-war Proportionality, Compensatory Discrimination and Proportionality, and Rehabilitation and Re-Education – before war is even declared. Further, it could be profitably focused on any or all of Elliott’s five Millian principles of justice: legal rights, moral rights, just deserts, promise keeping, and impartial treatment (2007). Finally, it could easily include consideration of any or all of Peck’s three considerations of balancing competing values, differentiating quality of actions, and public service (2006).

Grounded in Mill’s definition of security as protection against a vital, existential *threat*, and further informed by recent scholarship in war and media utilitarian ethics, I operationalize this first principle for research purposes as suggesting at least these three Security Guiding Questions:

1. *What* is the specific *nature* of the perceived security *threat* in this particular action?
2. *Whose* specific security is actually being *threatened* by this particular action?
3. *Who*, specifically, is *threatening* anyone’s security in this particular instance?

*MSP 2: Safety & Stability: Security preserves safety and stability.* Second, Millian *ad Bellum* reporting should focus on the idea that security preserves both immediate *safety* and long-term future *stability*. For Mill, a true and lasting security is one that preserves both the present *safety*, “all our immunity from evil,” as well as an ongoing and enduring future *stability*, “the whole value of every good ... beyond the passing moment” (p. 67). A Millian response to any invoked threat to security, then, would interrogate both the nature and duration of that threat, as well as the long-term outcome(s) of any proposed defense. This principle addresses the

proposed response to the threat, and seeks specific mitigations of potential harms, on behalf of the potentially harmed, through specific immunity from potentially harmful actors.

This investigative stance should generate specific questions about the propriety and utility of proposed responses to the identified threat on behalf of the identified at-risk parties and the identified risk creators in this situation. Included among such questions should be inquiries about how a proposed response would specifically preserve the community's present safety, as well as how it would preserve its enduring stability.

Incorporating Shaw's UWP (2011, 2014, 2016), this second principle also could be further focused by addressing any one or more of several congruent just war theory tenets as secondary moral principles, especially six of the seven *jus ad Bellum* criteria of Just cause, Right intention, Comparative justice, Proportionality of ends, Probability of success, and Last resort. It could also address the three *jus in Bello* criteria of Discrimination, Proportionality of means, and Necessity, as well as any or all five of the *jus post Bellum* criteria of post-war Discrimination, Rights-based respect, post-war Proportionality, Compensatory Discrimination and Proportionality, and Rehabilitation and Re-Education. Further, it could invoke any or all five of Elliott's principles of Millian justice: legal rights, moral rights, just deserts, promise keeping, and impartial treatment (2007). Finally, it might also be informed by either or both of Peck's considerations of balancing competing values, and public service (2006).

Grounded in Mill's definition of security as a preservation of both present *safety* and future *stability*, and further informed by recent scholarship in war and media utilitarian ethics, I operationalize this second principle for research purposes as suggesting at least these two Security Guiding Questions:

4. How would this proposed response specifically preserve anyone's present *safety*?

5. How would this proposed response specifically preserve anyone's enduring *stability*?

*MSP 3: Justice: Security promotes justice.* Third, Millian *ad Bellum* reporting should focus on the foundational rights-based argument that security promotes *justice*, not only during and after military action, but most importantly before. For Mill, a truly moral security promotes *justice*: both in pursuit of present safety to deter or “repel” unjust harm, as well as in service of future stability to “retaliate / punish” for “a violation” (pp. 62-63; p. 66). Mill's conception of security emerges from his three-part utilitarian construction of justice: first, the identification of “a violation of a right” (p. 66); second, the identification of some “person who is wronged” (p. 61); and third, a “desire to punish a person who has done harm” (p. 62). Therefore, a more fully Millian test of any security claim would seek to clearly identify its injustice(s), victim(s), and perpetrator(s). This principle addresses the various legal, moral, and ethical rights invoked in a proposed response to the threat, and seeks equitable justice for all involved.

This approach should begin with questions related to claims of injustices that threaten security, as well as questions about the nature of the eventual goal of justice to be pursued by a proposed military response. Included among these questions could be those asking how a proposed military response would specifically promote justice related to the community's immediate, present safety, as well as those asking how a proposed military response would specifically promote justice in the community's enduring stability.

In addition to possible incorporation of Shaw's UWP (2011, 2014, 2016), this principle also could incorporate focus on a number of just war theory tenets as secondary moral principles, as Shaw suggests, especially any or all seven of the *jus ad Bellum* criteria: Just cause, Competent authority, Right intention, Comparative justice, Proportionality of ends, Probability of success, and Last resort. Additionally, it could be addressed on any or all three *jus in Belo* criteria:

Discrimination, Proportionality of means, and Necessity, as well as as many as four of the five *jus post Bellum* criteria: post-war Discrimination, Rights-based respect, post-war Proportionality, and Compensatory Discrimination and Proportionality. Further, it could invoke any or all five of Elliott’s Millian principles of justice: legal rights, moral rights, just deserts, promise keeping, and impartial treatment (2007). Finally, it could include a focus on Peck’s considerations of balancing competing values (2006).

Grounded in Mill’s definition of security as promoting *justice*, and further informed by recent scholarship in war and media utilitarian ethics, I operationalize this third principle for research purposes as suggesting at least these two Security Guiding Questions:

6. How would this proposed response specifically promote *justice* for anyone’s present *safety*?

7. How would this proposed response specifically promote *justice* for anyone’s enduring *stability*?

*MSP 4: Community: Security produces community.* Fourth, Millian *ad Bellum* reporting should focus on his call to *community* to ensure security, to define justice, and to defend both – which, as Mill saw, speaks to a visceral “collective idea of his tribe, his country, or mankind, in such a manner that any act hurtful to them, raises his instinct of sympathy, and urges him to resistance” (p. 63). Indeed, for Mill, a truly useful security produces *community*: in seeking both the present safety of “our fellow-creatures” (pp. 61, 67) and in seeking a future stability of “the general good” (pp. 63-64) for all involved parties – including the threatening party as well, a moral concept congruent with just war theory. Reporting from this principle should include questions about the present and future well-being of all involved, especially asking how any proposed military response would specifically promote the present safety of all involved parties,

as well as how any proposed military response would specifically promote an enduring future stability of all involved parties – collateral damage, civilians, and enemy included. This principle addresses the various state, organizational, command, shared and designated responsibility, and group identity issues invoked in a proposed response to the threat, and seeks stable community for all involved.

Therefore, Mill’s “right makes might” approach to security through justice rests upon a clear call to community throughout: Justice is “the claim we have on our fellow-creatures to join in making safe for us the very groundwork of our existence” (p. 67). Citing Bentham’s “everybody to count for one, nobody for more than one” dictum (p. 76), Mill posits that a basic “unity with our fellow” (p. 33; cf. p. 38, p. 40) is what “urges [us] to resistance ... It is natural to resent, and to repel or retaliate, any harm done ... against ourselves, or against those with whom we sympathise” (p. 63). In fact, it is this very communal “instinct ... of self-defence” (p. 63) that public appeals to arms often seek to engage in their *ad Bellum* justifications!

Besides considering the community aspects implied in Shaw’s UWP (2011, 2014, 2016), this principle also could be focused upon any one of several just war theory tenets as secondary moral principles, especially these five of the seven *jus ad Bellum* criteria: Just cause, Competent authority, Proportionality of ends, Probability of success, and Last resort. It could also aim to address any or all of the three *jus in Belo* criteria: Discrimination, Proportionality of means, and Necessity, and especially any one or all five of the *jus post Bellum* criteria: post-war Discrimination, Rights-based respect, post-war Proportionality, Compensatory Discrimination and Proportionality, and Rehabilitation and Re-Education. Further, it could incorporate any or all of Elliott’s five Millian principles of justice: legal rights, moral rights, just deserts, promise

keeping, and impartial treatment (2007). Finally, it could be focused to include Peck's considerations of public service (2006).

Grounded in Mill's definition of security as producing *community*, and further informed by recent scholarship in war and media utilitarian ethics, I operationalize this fourth principle for research purposes as suggesting at least these two Security Guiding Questions:

8. How would this proposed response specifically promote the present *safety* of all involved *parties* – and their larger *communities*?

9. How would this proposed response specifically promote the enduring *stability* of all involved *parties* – and their larger *communities*?

*MSP 5: Utility: Security practices utility.* Fifth, and finally, Millian *ad Bellum* reporting should focus on the the tradition's core value of rational, practical, evidence-based *utility* in considering questions of security and military action – especially before such action, but also during and after such action, as in the just war tradition, insisting on tangible and compelling benefits to come only from uniquely significant harms. The burden of proof is upon those calling for war, not those opposing it, because of the immense harms and limited benefits most wars have been proven to cause. For Mill, a true and enduring security finally must satisfy strict *utility*: seeking an ideal, just, and effective deterrence; promoting the greatest quality, and not just quantity, of general good and least harm for all involved parties; and representing the single best available option in the present situation, given historical experience and contexts as well as all foreseeable present and future consequences. Utilitarian investigative reporting should focus on carefully seeking the single, best-defensible option for action that produces the greatest foreseeable degree of freedom and security, and affords the greatest foreseeable good, for the greatest foreseeable number of people, both for the present as well as for the future. This

principle addresses the various arguments for and against a proposed response to the threat, and seeks specific, logical, empirical justifications for harms in light of expected goods for all those involved.

Informed by Shaw's Utilitarian War Principle (2011, 2014, 2016) and Elliott's justice-based Utilitarian Decision Tree (2007), several utilitarian calculus questions emerge. First, a reporter should ask how any proposed military response would specifically deter or "repel" this perceived threat with maximal gain and minimal harm for all involved parties, including a consideration of history and all foreseeable consequences. Second, a reporter should ask how any proposed military response would truly represent the only action available at present that would foreseeably promote the greatest expected well-being for all involved parties, including historical context and thorough evaluation of all possible alternatives. Finally, a reporter should ask how all involved parties would be tangibly and significantly harmed if any proposed military response were not undertaken – again, including thorough consideration of historical experience as well as all foreseeable present and future consequences.

This final principle most closely reflects Shaw's UWP (2011, 2014, 2016) itself, and also could be focused to incorporate, as he suggests, several just war theory tenets as secondary moral principles, especially three of the seven *jus ad Bellum* criteria: Just cause, Probability of success, and Last resort; additionally, it could address any of the last of the three *jus in Belo* criteria, Necessity, as well as any or all five *jus post Bellum* criteria: post-war Discrimination, Rights-based respect, post-war Proportionality, Compensatory Discrimination and Proportionality, and Rehabilitation and Re-Education. Further, it could be used to assume any or all of Elliott's five Millian principles of justice: legal rights, moral rights, just deserts, promise keeping, and impartial treatment (2007). Finally, it can extend the application of any or all of

Peck's three utilitarian considerations of balancing competing values, differentiating quality of actions, and public service (2006).

Grounded in Mill's definition of security as practicing *utility*, and further informed by recent scholarship in war and media utilitarian ethics, I operationalize this fifth and final principle for research purposes as suggesting at least these three Security Guiding Questions:

10. *Action*: How would this proposed response specifically deter or “repel” this perceived threat with *maximal gain* and *minimal harm* for *all involved parties* – including historical contexts and foreseeable consequences?

11. *Inaction*: How would *all involved parties* be *harmed* if the proposed response were *not* undertaken – including historical experience as well as foreseeable present and future consequences?

12. *Millian Security Calculus*: How would this proposed response represent the *only action available* that would foreseeably promote the *greatest expected well-being* and *least expected harm* for *all involved parties* – including historical contexts and all possible alternatives?

While not conclusive, these five principles – and the dozen guiding questions they imply – should offer a starting point for reporters to begin to interrogate, from a distinctly Millian “*Security-&Justice-for-All*” stance, any governmental or public calls for war. And, while I believe this approach offers a significant contribution to addressing gaps in the military ethics literature, the media ethics literature, and to normative press theory, I especially believe this approach should address specific elements in the self-critique by the *Times* editors of their own pre-Iraq invasion coverage in 2003. What were those questions the *Times* failed to ask (From, 2004a; Greenslade, 2004; Hülsen & Stark, 2015; Monbiot, 2005; Shaw, 2011, 2014, 2016)?



For the next part of this study, we shift from the normative question of “How should a Millian *Security-&Justice-for-All ad Bellum* reporter operate?” to the analytical question of “How *did* the *Times* reporters and editors address these Millian Security Principles in their investigation, coverage, and self-critique – or not? by applying this Millian instrument.

**What would J. S. Mill ask? “Security-&Justice-for-All” research questions.**

But for all the benefits served by the institution of war, modern wars are deeply tragic; they do waste millions of innocent lives; they tear apart societies and disburse homeless families across the globe. ... Ultimately the greatest tragedy of modern war lies in its stark utility to the few at the extreme expenditure of its many.

(Hamblet, 2005, pp. 44-45)

Philosophers from the earliest English utilitarians to the present have questioned war’s utility; armed with a revisionist Millian framework, present and future war correspondents might more effectively ask these essential questions whenever anyone calls for war. The first part of this study seeks to address gaps in the war and media ethics literature by suggesting a set of five Millian Security Principles, drawn from my reading of Mill’s *Utilitarianism* and his definition of security as the greatest good, which seeks lasting justice by way of communal action. The second part of this exploratory study will apply this approach to selected examples of the 2002-2004 coverage identified as problematic by the *Times* editors, testing its utility in both critiquing their reportage and critique, as well as informing future inquiry.

In the public debate surrounding the justification for a pre-emptive invasion of Iraq, public servants made numerous appeals to security, and the press repeated them (Bostdorff, 2011; Bradford, 2004; Bumiller, 2002; Bush, 2001, 2002, 2003, 2004; From, 2004a; From, 2004b; Hülsen & Stark, 2015; Kalb, 2001; Lule, 2002; Purdum, 2003; Rao, 2016; Risen, 2018;

Singer, 2004; Susskind, 2004). So, what did the *Times* staff ask about these appeals? What did they fail to ask about them? And what answers did they find to the questions they did ask? The five Millian Security Principles inform five research questions to consider here:

***RQ 1: How did the Times address security as protection against a vital, existential threat?*** In their coverage of the arguments in favor of invading Iraq in 2003, reporters dealt with both explicit statements as well as implicit references to a specific threat of injurious action (by banned WMD), a specific party threatened by such action (the United States and its allies), and a specific actor who threatens the existing security (Saddam Hussein’s Iraq regime, acting in concert with terrorists). For Mill, a legitimate threat first encompassed “any conduct which threatens the security” (1863, p. 63), or “a wrong done” (p. 61), including threats to rights, goods, and one’s existence itself. Second, Mill emphasized the importance of identifying “some assignable person who is [or may be] wronged” (p. 61). Finally, he also identified the “person who has done harm” (p. 63) or “those who infringe the rule” (p. 65) – or those who might.

*RQ 1* includes three secondary questions implied by this first principle:

1. What is the specific nature of the perceived security threat to the U.S. from Iraq?
2. Whose specific security is threatened by Iraq in this particular situation?
3. Who, specifically, is threatening the nation’s security in this particular instance?

So, how did the *Times* staff cover governmental and public discussion of actual and potential actions that would foreseeably cause undue restriction, loss, injury or death, as well as the careful identification of threatened victims and threatening perpetrators?

***RQ 2: How did the Times address security as preserving safety and stability?*** In their coverage of potential threats to U.S. security, as described by administration officials in support of a pre-emptive invasion of Iraq, *Times* reporters covered official pronouncements that both

explicitly stated and implicitly referenced elements of an impending threat to U.S. security in terms of both immediate, present safety as well as ongoing and enduring future stability. These included descriptions of primary and secondary effects of potential Iraqi action as well as of proposed U.S. actions, as well as considerations of several foreseeable future consequences, both intended and unintended. These also included consideration of the loss of tangible defenses of previous and present U.S. security as well as the intrusion of tangible threats to present and future national security. These debates included discussion of safe water sources, food supplies, emergency shelter, medicine, transportation, and livelihood, as well as concerns over hazardous conditions, materials, and persons considered to represent a threat to American citizens.

*RQ 2* includes two secondary questions implied by this second principle:

4. How would this invasion of Iraq specifically preserve anyone's present safety?
5. How would this invasion of Iraq specifically preserve anyone's enduring and future stability?

So, how did the *Times* staff cover governmental and public discussion of actual and potential actions that would foreseeably preserve national security immediately, as well as in the future, in light of the proposed pre-emptive invasion of Iraq in 2003?

***RQ 3: How did the Times address security as promoting justice?*** In covering the many appeals to justice and international law invoked in administration arguments in favor of invasion, *Times* reporters heard statements that explicitly stated or implicitly referenced the just preservation of, or unjust deprivation of, individual and group rights, for both U.S. and Iraqi citizens, as well as the just retribution or punishment for injury – in this case, Iraq's alleged refusal to desist from producing and stockpiling WMD. Millian security through justice addresses present and future stability. "To have a right ... is ... to have something which society

ought to defend me in the possession of,” Mill wrote (1863, p. 66). After Elliott (2007), Millian justice includes concepts of legality, morality, merit, fidelity, fairness and impartiality, proper authority, ethical prudence, rational defense, and justification for response. These often appeared in discussions of universal human rights, state-defined civil rights, morality, laws, guides, treaties, community traditions and expectations, agency and authority, personal and corporate responsibility, mutual respect, transparency, and shared decision making.

*RQ 3* includes two secondary questions implied by this third principle:

6. How would this invasion of Iraq specifically promote justice for present safety?
7. How would this invasion of Iraq specifically promote justice for an enduring U.S. stability?

So, how did the *Times* staff cover governmental and public discussion of actual and potential actions that would foreseeably promote justice immediately, as well as sustainably into the future, in light of the proposed invasion?

***RQ 4: How did the Times address security as producing community?*** In covering the often-heard appeals to national identity, shared sacrifice, and democratic ideals invoked in the public debate over the proposed 2003 invasion, *Times* reporters repeated many official explicit statements about, and implicit references to, what Mill called the “community of interest between himself and the human society of which he forms a part, such that any conduct which threatens the security of the society generally, is threatening to his own” (p. 63). For Mill, this involved both “the claim we have on our fellow-creatures” for mutual defense (p. 67) as well as the “defence of others” (p. 75), including “those with whom we sympathise” (p. 63), “through, or in common with, society at large” (p. 64). His definition of communal, and not individual, moral “vengeance” (p. 75) is through “subordination of it to the social sympathies” (p. 64). This

included appeals to both national and human identity, as well as discussions of present and future local, state, regional, national and international alliances, the common defense, U.S. homeland security, law, ethics, duty, race, ethnicity, and even religion (p. 63).

*RQ 4* includes two secondary questions implied by this fourth principle:

8. How would this invasion specifically promote the present safety of all involved – and their larger communities?

9. How would this invasion specifically promote the enduring stability of all involved parties – and their larger communities – as well?

So, how did the *Times* staff cover governmental and public discussion of actual and potential actions that would foreseeably promote the safety of all involved, both local and international communities, as well as sustainably into the future, in light of the proposed invasion? What about “collateral damage?” Civilians? Enemy combatants? Iraq itself?

***RQ 5: How did the Times address security as practicing utility?*** In its coverage of the 2003 pre-invasion debate, the *Times* published numerous accounts of administration appeals to security that invoked utilitarian precepts, though largely unacknowledged and incomplete. While sometimes making reference to the cost and sacrifice of war, arguments relied on an underlying inference that something worse was sure to affect U.S. security if the nation did not invade Iraq, depose Mr. Hussein, and secure all WMD. In his consideration of the Civil War, Mill acknowledged that there are worse evils for a nation than war (Mill, 1862a); however, in that and other passages elsewhere, it is clear that he would only support war when it represented the single, best-defensible option for action that would foreseeably produce the greatest degree of freedom and security, and the greatest good, for the greatest number of people, both in the present situation at the time as well as in the future. Mill’s philosophy, as explained in

*Utilitarianism* (1863), is thoroughly grounded in concepts of universal equality, justice, community, and minimizing harm. For Mill, consideration of any action must always include reasoned contextual situation within “the incidents of history, the ways of mankind, past and present, and their prospects in the future” (p. 17); such consideration must therefore become clearly “a question of fact and experience, dependent ... upon evidence” (p. 49). This would include discussion of expected outcomes of suggested actions and possible alternatives, estimating effects on all involved parties, weighing costs and benefits, seeking precedent as well as appealing to principle, and acting in a transparent manner to justify its reasoning. Ultimately, the utilitarian calculus must rule: “Social utility alone can decide the preference” between individual and communal costs and benefits, he insisted (p. 72).

*RQ 5* includes three utilitarian-calculus questions implied by this fifth principle:

10. *Gain*: How would this proposed invasion specifically deter or “repel” this perceived threat with maximal gain and minimal harm for all involved parties – including historical context and foreseeable consequences?

11. *Harm*: How would all involved parties be harmed if the proposed invasion were not undertaken – including historical experience as well as all foreseeable present and future consequences?

12. *Millian Security Calculus*: How would this proposed invasion represent the only action available that would foreseeably promote the greatest expected well-being for all involved parties – including historical contexts and all possible alternatives?

Because war is unique among human activities (Walzer, 1977), journalists often lack a useful paradigm for comprehensive coverage of armed conflict. When societies go to war, whatever everyday journalistic practices may have been expected or even realized in those

societies are challenged by conflict's perennial problems, including the traditional complexities of the military beat and its accompanying politics; the inherent dangers and logistical difficulties of battlefield reporting; the chaotic and unpredictable nature of armed conflict; and the temptations of commercial appeal, propaganda, nationalism and other biases.

Further, newly emerging complications driven by industry downsizing, new-media-machine news cycle demands, a shrinking world-news hole, a taste for feature over policy stories, a disappearing audience, and the chilling effect of nationalism further exacerbate the wartime journalist's already impossible assignment and narrow the compass of actual coverage to what is most feasible, least expensive, and most palatable to the mass audience. My reading of Mill, and my subsequent proposal of five Millian Security Principles, might help journalists better report on the crucial *ad Bellum* debate for waging war. This study will apply these principles in considering *The New York Times*' 2003 pre-invasion coverage.

#### **Applying the Millian Security Principles: Exploratory study methodology**

The unprecedented actions of the 2003 *Times* editors in critiquing their own pre-invasion coverage represent a similarly rare opportunity for the media ethics scholar to examine both the material artifacts of the journalism practice as well as the professional processes and values of the practitioners themselves. This exploratory study analyzes the sample of *Times* coverage provided by the editors, in light of my five Millian Security Principle categories.

The importance of *The New York Times* as an object of research has long been established, and these particular articles provide a unique window into the particular *ad Bellum* narrative that surrounded the 2003 invasion. A century after 15 British poets reacted to the Great War's awful birth in 1914, we, too, have some serious questions – at least five, for starters – for “who lit the fire accurst that flames to-day” (Watson, 1914, p. 11).

### **“Security-&-Justice-for-All” education seeks to establish utilitarian good**

“Doing research, in the ... social sciences, always involves bringing together three sets of things ... [the] Substantive ... Conceptual ... and Methodological domain[s] ... [or] content ... ideas ... and some techniques or procedures” (McGrath, 1994, p. 152; Baran & Davis, 2000; Shoemaker & Reese, 2014). In a sense, exploring the initial question of “What would J. S. Mill ask?” in an academic context would also invoke the concurrent questions “Who would J. S. Mill ask?” as well as “How would J. S. Mill ask?”

In this exploratory study, the substantive domain consists of the 29 articles identified by the *Times* editors as a representative sample of their problematic pre-invasion coverage (From, 2004b). The conceptual domain includes ideas developed from the literature review, grounded in my reading of Mill’s conception of security as the most vital interest, into the resulting five Millian Security Principles, and their dozen guiding questions, to be applied to the sample.

As indicated for an exploratory study where little is known beforehand, this project employs an Ethnographic Content Analysis, a research method “promising for rigorous exploration of many important but difficult-to-study issues” (Duriau, Reger & Pfarrer, 2007, p. 5; Altheide, 1987) – such as those evident in the fraught *ad Bellum* narrative in the *Times*.

### **Substantive content for study: *Times* editors’ sample comprises data**

That perception [of pre-Internet influence], as well as the reality of the *Times*’ dominance on the media landscape, remains intact today ... Because of this national influence and its reputation as the nation’s newspaper of record based on its detailed, thorough reportage – particularly in foreign affairs. (Hallock, 2012, p. 13)

The data sample for this exploratory study was “already bounded by some existing public discourse – newspaper coverage of a controversial issue” (Pauly, 1991, pp. 11-12): in this case,



the 29 particular *Times* stories surrounding the U.S. invasion of Iraq, as provided by the editors in a list of sample coverage they found problematic. “Focusing on a symbolically significant ... event clears a space” for analysis (Pauly), and there may be no more intrinsically significant state-level debate than the one debating a decision to wage war, and how to conduct one (Shaw, 2014). In this data, we find a publicly mediated discourse that often addressed issues of security, in a practice described in one qualitative document analysis of crime news coverage as combining societal “values and journalistic presentations to constitute a discourse of fear” (Altheide et al, 2001, p. 306).

Further, because the “*Times* already was long established as the preeminent national newspaper” (Lule, 2002, p. 275), these specific data illuminate exemplary professional journalism products as well as the best practices of an industry vanguard. Just before the new media revolution took hold, newspapers were largely seen as “the voice ... for local and national news in our country” (Sturm, 1996, p. 24) – and at that time, the “front page of *The New York Times* is still the benchmark ... even in today’s media-soaked age” (Miller, 1998, p. 2). And, though U.S. daily newspaper circulation peaked in 1984, in 1978, at “the zenith of the press’s power and health” (Verducci, 2018, p. 100) a press strike in New York City may have actually changed the course of the final months of that year’s professional baseball season and enabled the eventual championship run of the New York Yankees. “With its annual haul of Pulitzer Prizes, *The New York Times* is a journalistic giant and a national treasure” wrote one industry analyst a quarter-century after that circulation peak (Grover, 2009, para. 6).

By 2017, fewer than half as many people were reading newspapers” (Verducci, 2018); however, the *Times* still represents “the nation’s elite press” (Hallock, 2012, p. xiii); it “often sets the agenda for what’s covered and discussed by everyone else” (Braver, 2011, para. 5; Althaus &

Tewksbury, 2002; Marshall, 1998; Socolow, 2010) – and reflects the nature of the larger society as well (Hollander, 2014). The newspaper “remains No. 1 in overall reach of U.S. opinion leaders” (Media, 2017, para. 1), and its digital edition regularly reaches some 125 million unique online readers worldwide (Media, 2018, para. 1). Therefore, scholars often study the *Times* as both a source of data itself and as a reference for issues such as politics, war coverage, and media ethics (Anderson, 2006; Choi, Watt & Lynch, 2006; Ferrari & Tobin, 2003; Folkenflik, 2011; Foreman, 2016; Hakanen & Nikolaev, 2006; Hallock, 2012; Hülsen & Stark, 2015; Knightley, 2004; Lule, 2002; Miller, 2002; Miller, 1998; Nacos, 2003; Risen, 2018; Ryan, 2004; Slone, 2000). Finally, as “talk in, for, and about the media is itself behavior” (Pauly, p. 11), the data include the *Times*’ self-critique, and that of others.

The stories selected to represent the newspaper’s significant Iraq war coverage at that time, selected from “hundreds of articles written during the prelude to war and into the early stages of the occupation” (From, 2004a, para. 2), began with an October 26, 2001 article detailing how an Iraqi agent may have met with terrorists, and ended with an April 8, 2004 extended letter to the editor written by several of the correspondents involved in the coverage (From, 2004b). These 29 articles include examples of official information published with little corroboration as well as detailed reports that question the veracity of such claims. The original listing of sample articles includes links to archived copies of each one, available from the *Times* website. The listing represents a “sampling of articles published by *The Times* about the decisions that led the United States into the war in Iraq, and especially the issue of Iraq’s weapons” (From, 2004b, para. 1) – and thus speak directly to the heart of the *ad Bellum* debate, in public narratives invoking utility that Mill would recognize (1859a, 1859b, 1862a, 1863).

**Methodological approach: *Times* editors’ sample invites qualitative, ethnographic analysis**

The *ad Bellum* debate strikes at the heart of individual and corporate feelings of security (Maslow, 1942, 1943; Mill, 1863), and invokes some of a society's most intense and deeply held beliefs. Whether it's the ancient shepherd boy summoning the village's help when a wolf might threaten his flock (Aesop, 210), Bob Dylan judging government warmongers in utilitarian terms (1963), or the *Times* reporters in 2003, the issue of security strikes sure. Indeed: "Fear is one of the few perspectives that citizens share today; while liberals and conservatives may differ in their object of fear, all sides express many fears and point to 'blameworthy' sources-often each other!" (Altheide, 2002, p. 3). Further, "symbolic meanings about safety, danger, and fear can lead to major institutional changes and even war" (Altheide, 2017, p. x); unfortunately, in the end, these drive the discourse: "Much of risk communication is utility-bound and oriented to a control narrative to keep us safe" (Altheide, 2010, p. 147). Indeed: "Fear: she's the mother of violence; You know self-defense is all you need" (Gabriel & Gabriel, 1978, Track 3). And, all too often, "Quick to judge, Quick to anger, Slow to understand: Ignorance and prejudice, And fear Walk hand in hand" (Peart, Weinrib & Zivojinovich, 1981). For the state officials who contemplate going to war, for the citizens who must bear the costs of waging war, for the journalists who attempt to cover these ongoing issues, and for the scholars who seek to make some sense of it all in war's aftermath, some methodological distance becomes essential to let logic, and not fear, guide the analysis and understanding of the narrative and the events.

**Ethnographic Content Analysis grounds research in narrative.** However, meanings in such fraught discourse may be coded or otherwise obscured from ready analysis (Carey, 2008; Pauly, 1991). Therefore, an ethnographic approach is indicated for capturing the nuances of this kind of narrative. Because the narrative data from these selected *Times* articles reflect "human beings engaged in meaningful behavior" as well as their "products of social interaction," this

qualitative study adapts an Ethnographic Content Analysis for both “discovery” and “verification” of what these journalists – and the citizens of the larger community – truly valued (Altheide, 1987, pp. 66-67; 1985, 1996). “The most frequent type of news media–terrorism research uses content analysis” of newspapers (Ross, 2007, p. 219).

As “ethnography offers a perspective for analysis of human action in the field and in documents” (p. 74), this approach may discover previously unidentified meanings that emerge from the newsroom “field” conversations as well as from the article “documents” themselves. Of the 29 samples selected by the *Times* editors (From, 2004b), 20 represent follow-up stories or reactions to, or revisions of, earlier reportage, providing a look at how a particular issue’s coverage might change over time. Another item represents a letter that the newspaper published. While this exploratory study does not have access to the actual newsroom and editorial board discussions surrounding these articles, the selections may reflect professional values in their evolving coverage. Further, the ethnographic approach allows us to superimpose similar narratives in adaptive, recursive ways: In this study, the emergent emphasis on security in strikingly consequentialist, just war, and even utilitarian terms evident in the national narrative invoked utilitarian and Millian narratives related to war, press freedom, and democracy that I in turn re-impose upon the *Times* data – as if Mill were a *Times* editor (cf Gade, 2000). In other words, as the *Times* editors invoked utilitarian themes in their self-critique (From, 2004a), I think it makes perfect sense to invite Mill into the conversation.

**Five-stage Qualitative Document Analysis guides recursive, reflexive research.** In considering these data, this study applies Altheide’s (1987, 1996) five-stage Qualitative Document Analysis methodology, which “relies on the researcher’s interaction and involvement with documents selected for their relevance to a research topic” (Altheide & Schneider, 2013, p.

39); such an approach reflects “the social, symbolic power of the words” being used (Lule, 2002, p. 276; Lule, 2001) and offers an effective tool for considering the pre-invasion national narrative as it was published in this country’s paper of record.

Further, this method seeks nuance: “Implicit in this approach is to combine ‘how’ with ‘what,’ as in ‘What was said?’” (Altheide & Schneider, p. 40) – and, not said – as well as the reflexive nature of such discourse (Altheide, 2013b). As narrative in social context, news “offers the steady repetition of stories, the rhythmic recurrence of themes and events” (Lule, 2001, p. 19); Altheide’s QDA provides a lens for discovering and identifying these.

Altheide and other scholars have applied his QDA to several studies of mediated narrative involving fear-based appeals to security, including research on crime reporting (Altheide et al, 2001; Altheide, 2002), finance (Stögner & Bischof, 2018), political communication (Altheide, 2004), race (Nicole, 2017), school shootings (Altheide, 2009b), online threats of violence (Lumsden & Morgan, 2017), risk communication (Altheide, 2010), narrowcasting and activism (Atkinson & Leon Berg, 2012), shielding risk (Altheide, 2013a), terrorism (Altheide, 2017; Iqbal, 2017), and the Iraq invasion (Altheide, 2009a).

***QDA Stage 1: Times’ 2004 sample coverage selection comprises data.*** Altheide’s first stage, *Document Identification and Selection*, involved considering the *Times* initial reporting and subsequent self-critique. The unit of analysis is each article (Altheide & Schneider, 2013, p. 39). This stage includes becoming “familiar with several ... examples of relevant documents,” which may also suggest some initial concept or theme evident in the data (cf. Altheide, 2004). Initial familiarization with these data revealed significant evidence of consequentialist reasoning, both in the original coverage of official justification for war, as well as in the subsequent editors’ evaluations of the shortcomings of those justifications, the reporting, and the war’s outcomes at

that time (Bostdorff, 2011; Bradford, 2004; Bumiller, 2002; Bush, 2001, 2002, 2003, 2004; From, 2004a; From, 2004b; Hülsen & Stark, 2015; Kalb, 2001; Lule, 2002; Purdum, 2003; Rao, 2016; Risen, 2018; Singer, 2004; Susskind, 2004).

For my reading of Millian security, the data is the text of his 1863 *Utilitarianism*.

*QDA Step 1: Pursue a specific problem to be investigated.* As directed by Altheide & Schneider (p. 39), I have identified the *Times* editors' self-critique of problems they found in their 2003 pre-invasion coverage (From, 2004a). These problems involved the *Times*' apparent lack of appropriate investigation into security-based claims by the administration as justification for its proposed invasion of Iraq. The prevalence of emphasis on security concerns by officials, and in news reports, often framed in consequentialist, just war, or utilitarian terms led me to revisit Mill's *Utilitarianism* (1863) to consider his definition of security as the most vital interest, and how it might address some of the shortcomings in the *Times*'s coverage.

*QDA Step 2: Become familiar with the process and context of the information source.* As directed by Altheide & Schneider (p. 39), and responding to the importance of the *Times*'s self-critique, I examined several studies of the nation's paper of record. The newspaper had, and still maintains, a significant presence in defense coverage, and published numerous articles about the plans to invade Iraq. I also used a constant comparison reading of *Utilitarianism*, and an extensive literature review of utilitarian research, to familiarize myself with Mill's definition of security as the most vital interest, framed in terms of justice in community through utility.

*QDA Step 3: Become familiar with several examples of relevant documents.* As directed by Altheide & Schneider (p. 39), I examined several *Times* stories about the ongoing pre-invasion debate, in the format of the news story as published in the newspaper and on its website.

As directed, I selected the single article as the unit of analysis for this study. I also familiarized myself with a great deal of Millian literature and research.

***QDA Stage 2: Millian Security Principles comprise protocol categories.*** Altheide's second stage, *Protocol Development and Data Collection*, begins with listing "several items or categories (variables) to guide data collection" (Altheide & Schneider, 2013, p. 44).

"Ethnographers approach a topic with a wealth of information and understanding about human behavior" (Altheide, 1987, p. 69); therefore, this scholar's own experience and research in this field provides "a foundation in news procedures and perspectives which could be reflexively incorporated in a study." This professional news media background enabled my initial look at the *Times* editors' self-critique to reveal its consequentialist focus on national security. With this in mind, I turned to Mill's *Utilitarianism* to provide categories, instead of deriving them from the *Times* coverage.

***QDA Step 4: List several items or categories (variables) to guide data collection.***

Adapting the QDA approach (Altheide & Schneider, 2013, p. 44), this study grounded its initial "information and understanding" in a constant comparison reading (cf. Glaser and Strauss, 1967) of Mill's *Utilitarianism*, which surfaced several key consequentialist categories based on his conception of security as "the most vital of all interests" (Mill, 1863, p. 66). The study then refined these categories, incorporating relevant recent research on utilitarian thought in war philosophy (cf. Walzer, 2004; Gruzalski, 2006; Shaw, 2016) as well as in media ethics (cf. Christians, 2007; Elliott, 2007; Peck, 2006). Finally, the author focused these initial categories through his own "foundation in news procedures and perspectives" (Altheide, 1987, p. 69), drafting five main Millian Security Principles that in turn suggest 12 specific Millian Security

Questions. These formed my initial Coverage Research Protocol protocol, and were listed on a data collection sheet for use as a research instrument to examine the data.

*QDA Step 5: Test the protocol by collecting data from several documents.* At this step, my study deviates somewhat from Altheide's QDA (p. 44), in that it is my deep reading of Mill's *Utilitarianism* (1863), and not the *Times* (2004) sample itself, that provides the bulk of the grounding for these initial categories and questions. The main product of this study is the Millian Security Principles model, and its pilot study of the *Times* sample is secondary. In order to test these five initial categories, I then applied them to sample *Times* data drawn from recent coverage of drone strikes in 2018 to test their relevance to security issues discussed in that coverage. I am now ready to move to study of the *Times* data set from 2003-2004.

*QDA Step 6: Revise the protocol, and select several additional cases to further refine the protocol.* As directed by Altheide & Schneider (p. 44), I will apply this protocol to more sample war coverage articles to see if and where the instrument should be modified. In particular, pre-invasion coverage from 2003 should provide opportunities for revision.

*QDA Stage 3: Reflexive coding provides organization and emergent issues.* This first coding should also reveal an overall dominant Principle for each story, based on the number of paragraphs coded as bearing a primary influence from each of the 5 Principles. In a subsequent coding step, the protocol seeks to identify which Security Questions are addressed in each paragraph, and in what order of importance. This also may reveal which Security Questions are not being addressed, as the *Times* data surfaces its own suggested set of categories and themes.

*QDA Step 7: Arrive at a sampling rationale and strategy.* Adapting Altheide's third stage, *Data Coding and Organization*, these Principles will be used to initially code each



paragraph in the 29 items listed in the opportunistic *Times* sample (p. 54). This sample is relevant and bounded by practitioners' valuations, and was selected by the editors.

In reading Mill's *Utilitarianism*, I searched his major writings, his collected works, and related literature in ethics and philosophy to surface a more complete and nuanced understanding of his thought. Security, justice, community, and utilitarian judgment all emerged as major themes in his philosophy, interconnected in ways not always appreciated in the literature or valuations of his contributions.

*QDA Step 8: Collect the data, using preset codes, and descriptive examples.*

Additionally, the protocol requires copying pertinent textual data to illustrate important elements in reporting. Finally, as Altheide's reflexive method "is embedded in constant discovery," the protocol also seeks to identify any previously unknown questions being addressed, so that initial categories "are allowed and expected to emerge throughout the study" (Altheide, 1987, p. 68; 1982; 1985; 2004). This "midpoint analysis [will] permit emergence, refinement, or collapsing of additional categories" (Altheide & Schneider, 2013, p. 62). My data collection for Mill's *Utilitarianism*, and its definition of security, is complete; data collection for the *Times* articles for the exploratory section of this study remains incomplete. The revised data collection instrument appears at the end of this study as Appendix B.

***QDA Stage 4: Analysis includes coding, refinement, and contextualization.*** Altheide's fourth stage, *Data Analysis*, conducts a qualitative content analysis that includes "conceptual refinement and data coding" (Altheide, 1987, p. 68). Then, the study is to "[c]ompare and contrast 'extremes' and 'key differences' within each category (p. 71). Notes are taken throughout, and combined into summaries of important findings. In this step, I expect the *Times* data to begin to reveal patterns of how its reportage addressed, or failed to address, each of the

Millian Security Principles and the dozen attendant questions that emerged from my deep reading of *Utilitarianism*.

*QDA Step 9: Perform data analysis, including conceptual refinement and data coding.*

During this process, the “researcher then searches through the text to find where those categories emerge and to examine the way the categories are depicted or constructed by the producer(s)” (Atkinson & Leon Berg, 2012, p. 523). For example, one QDA of the 2003 Iraq invasion narrative, drawing on administration as well as media discourse, found after several coding steps that several key pro-invasion “messages were systematically carried by major news media as a feature of a war programming narrative, which refers to the selective use of claims ... within a normative pattern, which includes occasional detractors to give the appearance of debate” (Altheide, 2009a, p. 21).

Further, the researcher is to “read notes and data repeatedly and thoroughly” (Altheide & Schneider, 2013, p. 68). I have done this throughout the process.

***QDA Stage 5: Reporting situates each instance within the larger narrative.*** Finally, Altheide’s fifth stage, *Reporting*, combines these summaries with examples of each finding, including “the typical case as well as the extremes” (1987, p. 72). The study will also “[n]ote surprises and curiosities,” and will finally “[i]ntegrate the findings with your interpretation and key concepts” (p. 73). This process began with my initial integration of the emergent Millian Security Principles and the accompanying twelve questions with the original *Times* data.

*QDA Step 10: Compare and contrast within each category or item.* As directed by Altheide & Schneider, I will “compare and contrast ‘extremes’ and ‘key differences’ within each category or item (p. 71). Further, I will “make textual notes [and] Write brief summaries or overviews of data for each category (variable).”

In this process, it is important to reflect the layered, multiple sources of meaning in the newspaper data itself. “The narrative structure of news reports reflects information technology, commercialism, and entertainment values, as well as official news sources that provide the majority of information” (Altheide, 2009b, p. 1355; Altheide & Snow, 1991).

*QDA Step 11: Combine the brief summaries.* As directed by Altheide & Schneider, I will then “combine the brief summaries with an example of the typical case as well as the extremes. Illustrate with materials from the protocols for each case. Note surprises and curiosities about these cases and other materials in your data” (p. 72). These may align with the Millian Security Principles, or new, *Times* Security concepts may arise instead. The Millian principles and questions represent my initial combination of summaries of concepts that emerged from the constant comparison reading of *Utilitarianism* and related literature.

*QDA Step 12: Integrate the findings with interpretation and concepts.* Finally, as directed by Altheide & Schneider (p. 73), I will summarize the findings for each article in a larger overview of the results, seeking patterns and points of significance within the data.

“Grounding our assessments of the social world in qualitatively oriented research helps preserve the relevance and character of social life as a process of social interaction, even as we are able to capture it in analysis” through the Qualitative Data Analysis process (p. 73). In this study, I reflect the character of the *Times* editors’ self-critique in terms of security, as they interacted with the various administration officials, in light of what John Stuart Mill might have asked on their behalf, had he been in New York in 2003. I believe this analysis will capture examples of thorough work, as well as examples of incomplete work – and will also yield insights into how better to cover such *ad Bellum* discussions in the future.

### **What is Mill Good For? Significance of a Millian-based analysis**

“News is the most powerful resource for public definitions in our age” (Altheide, 2009b, p. 1355), so the definitions of security, justice, and community that emerge from the *Times* data may be seen as significant reflections of the larger society. How the treatment of these issues meet, or fail to meet, the depth of inquiry implied by Mill’s conception of those issues (1863), as measured by my five Millian Security Principles and the subsequent 12 questions, should provide insight into the quality of utilitarianism understood and invoked by the *Times* reporters – as if Mill were among the editors who critiqued the coverage in 2004.

Further, it is expected that emergent patterns will suggest ways the *Times* might have better addressed some of its self-identified shortcomings by asking more Millian-themed utilitarian questions of the administration in 2003. Finally, as the model is further improved, it should inform future war correspondents of all stripes of ways they might seek to improve the utility of their coverage, independent of any such war’s participants, tactics, or venue.

Regardless of the ongoing and emerging challenges for conscientious practitioners, I hope that the next time the nation’s “priests and witches all agree they should die” (Bonnet & Malmsteen, 1983, track 4), future war correspondents will at least have a few stronger tools for interrogating and investigating any government appeals to utility that such action is justified because it will somehow “keep them free” (Bonnet & Malmsteen).

### **Findings: Millian Security and “Unfinished Business” in the *Times***

When government officials argued that the United States and its allies should invade Iraq, because that nation had both violated international laws in the past and also represented a real, impending threat of harm to the region, the United States, and the world, it reflected both a venerable tradition of British common law predating the Constitution as well as centuries of just war doctrine, as it strove to justify the harm it proposed to do to Iraq and its people under the

principles of legal self-defense and retaliation. Much as Mill extended his definition of an individual's right to self-defense and justice, the U.S. government must often do the same, under "its adversarial system of justice, where the assumption that a ... defendant is innocent until proven guilty is a part of fundamental due process" (Hagopian, 2013, para. 7). Here, this "system strives to protect the innocent from being wrongly convicted even at the price that some who are guilty will walk ... [It] forces the state to justify the harm it proposes to do."

When the *New York Times*, as perhaps the most important news organization of the United States, covered that discussion, it also reflected a long Constitutional tradition of free speech, a free press, and the right to demand an accounting of the people's government. In evaluating perceived shortcomings in its coverage of the 2003 Iraq invasion, the *Times* editors issued an unprecedented *mea culpa*: "We consider the story of Iraq's weapons, and of the pattern of misinformation, to be unfinished business" – largely because "of instances of coverage that was not as rigorous as it should have been" (From, 2004a, paras. 14, 3).

While statements from both U.S. officials and the *Times* editors invoked utilitarian valuations, John Stuart Mill had previously defended individual liberty from government harm, and defined limited governmental authority, in utilitarian terms of promoting goods and limiting harms through justice and security (1859a, 1859b, 1862a, 1863). This chapter assesses the *Times* discussion of its own 2001-2004 coverage in light of five Millian Security Principles.

#### **"A Sample of the Coverage:" The *Times* Editors Identify and Discuss Selected Stories**

In its May 26, 2004, letter "From The Editors," these professional journalists offered examples of their pre-invasion coverage, and included a link to an online list of 28 articles and one lengthy op-ed letter published by the *Times* between October 26, 2001, and April 8, 2004 (From, 2004a, 2004b). This purposive sample, delineated by the editors' own actions, therefore

comprises 31 separate textual narrative sources: the original editorial essay, the annotated online list of articles, and the 29 published items included on that list.

Because the primary focus of the *Times* apology was the original public narrative as presented in print, represented by the 28 articles and one letter the editors chose to reference, this study applied an ethnographic content analysis to those 29 textual sources. These sources represented the work of 15 different writers who created 17 single-byline, 10 double-byline, and one triple-byline news article, and one triple-authored composite letter to the editor. Each article was accessed from the *Times* website, then checked against PDF images of their original print pages, with authorship and placement data confirmed through the NEXIS database. These data total 891 separate paragraphs, each of which was read critically under the lenses of the five Millian Security Principles and their accompanying 12 guiding questions.

However, the language of the apology itself, and some of the statements made in that editorial, as well as those made in the annotations of the list of representative news stories, also provided guidance in making sense of the narrative in terms of values the editors expressed, both in considering their own reporters' professional work as well as that of the various government officials and newsworthy figures whose statements appeared in the coverage. So this study also references several of those values as they emerge in analyzing the 29 articles.

**Sample yields topical organization and editorial commentary.** Immediately evident from the list of articles is the editors' organization of them into six different groups, based on significant news items: (1) "The alleged Iraqi terrorist training camps, and Al Qaeda connection"; (2) "The hidden weapons facilities"; (3) "The aluminum tubes"; (4) "The Iraqi scientist and destruction of weapons"; (5) "The 'biological weapons labs'"; and (6) "Raising doubts about intelligence" (From, 2004b). This organization provides the interested reader with

an easy way to compare initial reportage with subsequent follow-up stories – or, as the editors wrote, “where those articles included incomplete information or pointed in a wrong direction, they were later overtaken by more and stronger information. That is how news coverage normally unfolds” (From, 2004a, para. 2). In this organization, the *Times* reveals its pursuit of the core journalistic value of verification (Kovach & Rosenstiel, 2007; Society, 2016).

Also emergent from the *Times* explanatory discussion are concerns over the work of particular reporters, an overreliance on official sources, a lack of skepticism of certain source agendas, failures in the editorial process, a perceived time gap in the overall coverage, and the then-essential consideration of news article placement within the daily print edition (From, 2004a, 2004b; Gordon, Milbank, & Massing, 2004). These concerns provided useful insight and guidance on considering the data represented by the stories themselves, and are addressed when pertinent as they appear in the analysis; however, because of the very small sample size, they could not be verified with any degree of confidence.

**Chronological order and Millian Security Principles guide analysis.** However, in order to better explore the larger public narrative these articles represent, this study analyzed them in strictly chronological, not topical, order, to consider them as they originally appeared in their real-time context. This arrangement offered the opportunity to compare changes in the larger narrative over time, in addition to the topical-based comparisons offered by the *Times* subject groupings. Doing so yielded a relatively balanced, three-phase grouping of the articles: (1) Pre-invasion coverage, representing about 40% of the data, comprising 12 stories (seven of which appeared on the front page) and a total of 360 paragraphs, with contributions from nine different reporters; (2) Post-invasion coverage, representing about 34% of the data, comprising 11 stories (seven of which appeared on the front page) and a total of 305 paragraphs, with

contributions by seven different reporters; and (3) Anniversary coverage, centered around the invasion's first anniversary and a growing concern over the failure to find the WMDs described in the earlier coverage, representing about 25% of the data, comprising six stories (only two of which appeared on the front page) and a total of 226 paragraphs, with contributions by six different reporters. A chronological listing of the *Times* original directory of stories, along with editors' notes and comments from that directory (From, 2004b), appears at the end of this study as Appendix C.

Further, because the primary focus of this study is an initial application of the Millian Security Principles model, this analysis is structured in the order of those five principles and their accompanying dozen questions as originally developed in the theoretical review, and not in any other order based on their perceived importance as emerging from the *Times* article data.

Moreover, this approach is especially appropriate in this study because of the limited sample size and its subject-selected nature. In its editorial and accompanying list of articles, the *Times* presents its own version of what it covered, what it covered well, what it failed to cover well, and what it failed to cover at all. Situated instead in the Millian Security model, this study offers an independent look at that larger narrative as played out in the pages of the *Times*.

### **What Was It Good For? Reading the *Times* through a Millian *ad Bellum* Lens**

“The following is a sampling of articles published by *The Times* about the decisions that led the United States into the war in Iraq, and especially the issue of Iraq's weapons” reads the note at the top of the *Times*' list of 29 articles selected as representative of the newspaper's work, both good and not-so-good (From, 2003b, para. 1). And, from the outset, the narrative appears to proceed in good Millian “Security-&-Justice-for-All” order, as the first three guiding questions of the first Millian Security Principle, *Threat*, are addressed in this clear, concise overview of the



sample: Specific weapons threatened the United States because of potential action by Iraq. Further, the utilitarian aspect of the situation is clearly implied, though incomplete: The decisions that led the U.S. to wage war on Iraq included a weighing of the potential harms to the United States represented by Iraq's weapons against the known harms involved in the U.S. in waging such a war.

However, in the end, the data themselves do not reflect such a balanced Millian approach as this opening overview statement does. Though the prominence of particular Security Principles emerges in ways perhaps suggested by the model, major imbalances among the Principles persist throughout the data, improving only in rare instances and mostly in retrospect. To the Millian model's credit, a number of the problems in coverage identified by the editors or addressed by later reportage emerge in areas suggested in earlier coverage by imbalances demonstrated by the model. This means that improved coverage, though not consciously directed by Millian precepts, evolved in ways Mill would have suggested. A general table summarizing the analysis findings appears at the end of this study as Table 1.

As might be expected of an endeavor devoted to veracity and verification (Hulteng, 1985; Indicators, 2018; Kovach & Rosenstiel, 2007; Mill, 1863; Society, 2016), working within a societal context where just war theory drives the military ethics discussion (Bell, 2009; Boyle, 2003; Dubik, 2016; Fiala, 2008; May, 2015; Mellow, 2003; Ramsey, 1961; Recchia, 2009; Walzer, 1977, 2002, 2004, 2009), the third Millian Security Principle, *Justice*, maintains a clear dominance throughout the sample, representing the primary theme in 21 of the 29 articles, and in 58% of the individual paragraphs. The fourth Principle, *Community*, emerges as second-most prominent theme for the total sample, and represents the primary focus in 5 articles overall and 20% of the individual paragraphs. *Threat* issues almost equal *Community* in importance, also

emerging as the primary focus in 5 articles, and also in 15% of the paragraphs – but they surpass all other categories in secondary influence, noted in 51% of the sample. Neither the *Safety & Stability* nor *Utility* principles appear often enough to dominate any one story, nor do they appear very often as a secondary focus. *Safety & Stability* issues rose to primary importance in only 2%, and to secondary in only 5%, of the total sample. Finally, to Mill’s probable disappointment, *Utility* concerns emerged as primary in only 1%, and as secondary in only 4%, of the entire sample – while considering one of the most consequential of actions.

In order of apparent salience, then, this analysis ranks the Millian Principles as *Justice*, *Community*, *Threat*, *Utility*, and *Safety & Stability* in this sample – yet with great gaps in the coverage among the 5 Principles and among the 12 associated Guiding Questions. Though Mill himself would certainly be pleased that his “Security-&-Justice-for-All” definition had been somewhat addressed, he would also certainly have sent these reporters back for more, as their “Justice-for-All & Security” stories appear mostly incomplete, and organized under a rearranged set of priorities, than those the Millian Security Principles model would direct.

**RQ 1: How did the *Times* address security as protection against a vital, existential threat?** Ultimately, in the reportage from this sample, how did the *Times* cover governmental and public discussion of actual and potential actions, conditions, or capabilities that would foreseeably cause undue restriction, loss, injury or death, as well as the careful identification of threatened victims and threatening agents?

As previously defined in the conceptual framework of this study, Millian *Threat* elements represent specific things that may cause harm to specific persons or property when directed to do so by specific actors. This principle addresses the situation at hand, or nearly at hand, and seeks specific identities of harms, harmed, and harmful actors. In this sample, a good deal of the

discussion in the *Times* addressed various weapons, clearly identified as a threat of harm to both people and property. The reporters rarely identified specific targets who might be harmed by these weapons; however, much of the discussion did identify Iraq, or its president, as a potentially threatening actor.

From the outset, it appears that *Threat* issues appear frequently and consistently throughout the narrative, representing the second-most important element in the first, pre-invasion coverage, and remaining influential as the third-most important element in the post-invasion and anniversary coverage. *Threat* elements appeared as primary focal emphases in 15% of the analyzed paragraphs, and as secondary points of emphasis in 51% of them, for a total influence of 66%, making them the second-most addressed issue of the entire sample.

However, attention to each of the *Threat* questions was not balanced. Though only one story failed to include any of the three questions, and only one other article included only one of them, this analysis revealed a marked lack of attention to the second question, that of *Threat Target*. Only about 1% of the sample carried any mention of this element, while *Threat Nature* was identified in about 36%, and *Threat Agent* in about 25%. As discussed below, considering the narrative's context (New York, the United States) could mean that the understanding of the U.S. as a potential target of Iraq's is understood. This Iraqi threat is always presented as an asymmetrical one, involving terrorist activity and/or WMDs, and never as a conventional military capability. And only once is Iraq viewed as a target of a coalition threat.

Further, the *Times* narrative context may explain why only 3 paragraphs of the entire 891-paragraph sample addressed all three of the *Threat* elements, and why these appeared early in the sample, in the first, second, and fourth articles. Perhaps reporters and editors found it tedious to periodically tie *Threat Nature* weapons to *Threat Target* domestic citizens to *Threat*

*Agent* foreign entities – yet that lack of attention to more robust coverage, and assumption of some details as understood, might have encouraged a lack of rigor in questioning U.S. claims.

***SGQ 1. What is the specific nature of the perceived security threat in this particular action?*** Despite the lesson of the September 11, 2001 terrorist attacks – that everyday objects can become lethal threats in the wrong hands – *Threat Nature* discussions emerge from this narrative also focused at first on the same shiny, scary objects that had distracted national security before (Dreyfuss, 2000; Stohl & Grillot, 2009): WMDs, or weapons whose scale lent urgency to the pro-invasion argument. By the third article (December 20, 2001), attention shifts from terrorists to tools and tactics, specifically focused on chemical, biological, and nuclear weapons both held and further developed in secret, violating international sanctions and representing an escalating danger. These concerns keep *Threat Nature* statements among the most cited in the first six articles, halfway to the invasion itself.

At no time are Iraq’s conventional military capabilities even mentioned, much less presented as a potential threat. Articles devoted to all WMD (entries 3, 4, 5, 6, 8, 10), or focused on the nuclear program (Entry 11), more prominent at first, begin to fade as the invasion approaches. Though statements about “secret facilities for biological, chemical and nuclear weapons” (Miller, 2001, para. 1) issue from only a handful of sources, they seem to be accepted as fact by government and press alike at first. *Threat Nature* fades from dominance as focus shifts to *Threat Agent* issues before the invasion. Further, this passage from the tenth story (January 24, 2003) illustrates a growing skepticism from some reporters, as they compare WMD claims with what little factual evidence is available:

Former Iraqi scientists, military officers and contractors have provided American intelligence agencies with a portrait of Saddam Hussein's secret programs to develop and

conceal chemical, biological and nuclear weapons that is starkly at odds with the findings so far of the United Nations weapons inspectors. (Miller, 2003a, para. 2)

Attention to a present threat returned briefly after the invasion, with rare discoveries of a chemical warehouse (April 24, 2003), trailers suspected as laboratories (May 21, 2003), and a concern, reported after the end of major combat operations, that Iraq would use WMDs in defense (July 20, 2003) – but by this time, *Threat Nature* attention had shifted from describing the supposed weapons to confirming “the failure so far to find prohibited weapons in Iraq” (Jehl, 2003b, para. 6) – leading some to propose they had been destroyed, hidden, or moved. As the larger discussion moved *Community* ahead of *Threat*, these questions appear less frequently.

Mentions of weapons reappear increasingly in combination with *Justice* issues of verification, and, in the reporting surrounding the invasion’s anniversary, stories surface that reveal how much conflicting information that discredited these threats was known to U.S. intelligence agencies before the war (Jehl, 2004a, 2004c; Gordon, Milbank, & Massing, 2004).

Only rarely does detailed, contextual information about these threats appear, and only long after the fact: a year after the invasion, one U.S. official reveals that “it is now clear that an American bombing campaign against Iraq in 1998 destroyed much of the remaining infrastructure in chemical weapons programs” (Risen, 2004, para. 27); another statement that “the program he found was far less advanced than parallel projects in Iran, Libya and North Korea” (Jehl & Sanger, 2004, para. 54) represents an extremely rare comparison of the strength of the supposed Iraqi threat with that of other nations of concern.

At the same time as evidence of previously reported threats failed to materialize, officials reported post-invasion discoveries of potential new threats, such as missiles and drones. Therefore, *Threat Nature* continued to represent the topic most likely to appear as a secondary

concern in the paragraphs analyzed in both the post-invasion and, increasingly, in the anniversary stories. Primary concerns shifted to *Justice* and *Community* – but *Threat* always followed. This analysis corresponds with the *Times* editorial note that the problematic coverage addressed “especially the issue of Iraq's weapons” (From, 2004b, para. 1).

***SGQ 2. Whose specific security is actually being threatened by this particular action?***

Perhaps because of the still-fresh memories of the 2001 terror attacks, specific references to a *Threat Target* are all but absent in this sample, appearing in only about one percent of the paragraphs analyzed. It may be that, writing from a U.S. perspective in the city that had suffered the greatest loss of life on September 11, 2001, the *New York Times* did not need to identify the United States – or other nation – as a potential target for supposed Iraqi threats. For whatever reason, references to Mill’s “assignable person” (1863, p. 61) appear only 13 times in the entire sample – in the first, second, fourth, and sixth stories before the invasion, and only one time after, in the 25<sup>th</sup> story of the sample, published on the anniversary of Secretary Powell’s address to the United Nations about a month before the invasion.

And only once does a *Threat Target* concern appear as primary in any of the 891 paragraphs analyzed; however, this rare statement may reveal something important about the cultural context surrounding the *Times*’ reportage: “The White House assertion of a terrorist link hits an emotional chord and plays on the American sense of vulnerability, said Daniel Benjamin, an expert on terrorism for the National Security Council during the Clinton administration” (Gordon, 2002, para. 18). This assertion of a particular “emotional chord” may indeed explain a “sense of vulnerability” that reporters and editors felt was so obvious as to be unremarkable. In fact, the first of the dozen appearances of *Threat Target* concerns in secondary importance immediately leaps out of the very first article, in reporting that an Iraqi official may have met

with “Mohammed Atta, one of the ringleaders of the Sept. 11 terrorist attacks on the United States” (Tyler & Tagliabue, 2001, para. 1). This might also explain the lack of a specific target identification in the oft-repeated “mushroom cloud” statement referenced in the 4<sup>th</sup> story (Gordon & Miller, 2002, para. 13), which might imply the U.S.

Subsequent references to potential targets of Iraq’s supposed threat include “neighboring countries and possibly Europe and the United States” and “installations important to the United States” (Hedges, 2001, paras. 2, 6), “Israel and American troops in the region” (Jehl & Sanger, 2004, para. 65), and the United States itself (Gordon, 2002; Jehl & Sanger, 2004).

This last reference, from the February 1, 2004, front-page story revisiting some of Secretary Powell’s claims from a year earlier, reveals perhaps the contextual problem in taking for granted a single supposed threat to the United States from one particular nation. In the aftermath of the occupation of Iraq, the reporters close their story in the final paragraph by emphasizing that U.S. intelligence agencies must “make sure that similar misjudgments are not made regarding other nations that could, in the long or short term, threaten American security” (para. 78). This statement also suggests shortcomings in addressing the third Millian threat concern – that of correctly identifying “those who infringe the rule” (1863, p. 65).

***SGQ 3. Who, specifically, is threatening anyone’s security in this particular instance?***

Perhaps reflecting some of the similar cultural grounding as the *Threat Target*, the Millian identification of the “person who has done harm” (p. 63) – or those accused of plotting harm – appears often in this sample alone, as if the names “Iraq” or “Saddam Hussein” served as a sort of shorthand for a known *Threat Agent*. This might reflect the work of a taxpayer-funded PR firm engaged as far back as 1991 to build public support for regime change in Iraq (Bamford,

2005; Bumiller, 2002), or a reflexive national anti-Arab response after September 11, 2001. It might also make perfect sense, in context, to assume that any news from Iraq wasn't good.

For whatever reason, *Threat Agent* concerns were fourth-most likely to appear as primary emphasis, and second only to *Threat Nature* concerns to appear as supporting arguments, in the *Times* sample. As the editorial focus shifted from justifying an invasion and verifying the supporting allegations, the identification of the source of those threats remained second in importance only to the *Justice* or *Community* issue at hand. *Threat Agent* references ranged from specific individuals, such as those involved in the September 11, 2001, attacks (Tyler & Tagliabue, 2001), or Saddam Hussein himself (Hedges, 2001), to nations, such as Iraq (Miller, 2001), and non-state actors, such as terrorists (Gordon, 2002). Altogether, primary and secondary *Threat Agent* references appeared in 25 percent of the 891-paragraph sample.

In the 12 pre-invasion articles, *Threat Agent* concerns dominate the first two, then remain very influential but never dominant thereafter. From the mention in the first story, on the 9/11 terrorist Mohammed Atta meeting with an Iraqi agent (Tyler & Tagliabue, 2001), to the second story, about “a secret Iraqi government camp that had trained Islamic terrorists” (Hedges, 2001, para. 1), the *Times* reported early attempts by U.S. officials to connect the known *Threat Agents* of Al Qaeda to the alleged ones in Iraq – specifically, Saddam Hussein – relating fears summarized in Story 6 that “Iraq would give weapons of mass destruction to terrorists” (Gordon, 2002, para. 6). These concerns appeared again prominently a year later in stories 8 (Schmitt & Shanker, 2002) and 11 (Gordon & Risen, 2003).

*Threat Agent* concerns shift from terrorists to Iraq itself. However, as hard evidence of an Iraq-Al Qaeda connection failed to surface, pre-invasion references shifted to mentions of Iraq's alleged WMDs and its apparent evasion of United Nations sanctions as evidence that Iraq itself –



and its leader, Saddam Hussein – represented a significant *Threat Agent* on its own. In fact, Story 7 reported that earlier claims of a terrorist-Iraqi official meeting proved baseless – a year later (Risen, 2002), while Story 12 disputed alleged connections between another terror leader and the Iraqi government (Risen & Johnston, 2003). Instead, “Iraq has stepped up its quest for nuclear weapons,” proclaimed the first sentence in Story 4 (Gordon & Miller, 2002, para. 1), which went on to address official concerns over chemical and biological weapons as well. Further, Story 5 related an official report that “Iraq has withheld documentation from the United Nations” (Miller & Gordon, 2002, para. 19).

Indeed: “There is broad agreement within intelligence agencies that Iraq has continued its efforts to develop chemical, biological, and probably nuclear weapons,” the *Times* reported in the last sample story published before the invasion – and, though “there have been disagreements over specific pieces of intelligence” presented in the past, “the administration should instead stick with the indisputable evidence that Iraq has in the past stockpiled chemical weapons, tried to make biological weapons, and has continued to deceive United Nations inspectors” (Risen & Johnston, 2003, paras. 25-30). The *Threat Agent* was indisputable.

After the invasion, reflecting the larger conversation’s shift in secondary emphasis from *Threat* to *Community* issues, *Threat Agent* statements decreased as dominant paragraph elements from 20% to 3%, yet increased in overall references from 20% to 47% - and third in frequency of appearance. Part of this continued importance of *Threat Agent* versus *Threat Nature* identification is reflected in this first sentence from Story 15, about a month after the invasion began, in which officials claimed that the reality they discovered on the ground in Iraq “has shifted the focus from finding such weapons to locating key people who worked on the programs” (Miller, 2003c, para. 1).

*Threat Agent* concerns decline in importance as occupation continues. However, in addition to the predominant discussion of Iraq – and Saddam Hussein – as *Threat Agents* in this final section of the sample, Story 13 made a rare return to the earliest allegations, reporting that a captured Iraqi scientist had provided new “information about Iraqi weapons cooperation with Syria, and with terrorist groups, including Al Qaeda” – and that the missing weapons themselves had either been destroyed or sent to Syria (Miller, 2003b, para. 28). Meanwhile, Story 22 noted that initial fears that the U.S. approach to Baghdad would “prompt Iraqi forces to launch artillery or missiles tipped with chemical or germ weapons” had eventually proven baseless as well (Risen, Sanger & Shanker, 2003, para. 49).

In the final 6 stories of the sample, written around the anniversary of the invasion, *Threat Agent* issues continued to decline in importance, slipping below *Threat Nature* references for the only time in both primary and supportive paragraph topics. This may reflect a return to officials’ discussing particular weapons and capabilities, while the state of Iraq and its leader would be assumed to be known to the reader. However, their pro-invasion stance was more strongly questioned in this retrospective work. For example, in reflecting on the invasion’s anniversary, one intelligence official stated that “he believed that Iraq was a danger to the world, but not the same threat that the Bush administration publicly detailed” (Risen, 2004, para. 21). Further, another publicly “provided the first hint that the prewar intelligence on Iraq had been tainted by evidence previously identified as unreliable” (Jehl, 2004a, para. 9).

Even worse, another official reported noting a definite pre-invasion bias: “It appears that the human intelligence wasn’t deemed interesting or useful if it was exculpatory of Iraq” (Jehl, 2004c, para. 8). As the *Times* editors themselves wrote later that year, “Looking back, we wish

we had been more aggressive in re-examining the claims as new evidence emerged – or failed to emerge” (From, 2004b, para. 3). More attention to *Threat* details might have helped.

***Emergent Synergy I: Threat and Justice principles appear together often.*** As Altheide’s reflexive ECA method “is embedded in constant discovery (Altheide, 1987, p. 68; 1982; 1985; 2004), it will also “permit emergence, refinement, or collapsing of additional categories” (Altheide & Schneider, 2013, p. 62). During this analysis, as the relative frequency and strength of the individual Millian Security Principles emerged from the data, so did the observation that certain Principles often appeared in pairs, with one as primary and the other as secondary, in substantial numbers. Most prominent of these emergent pairs was the *Threat-Justice* coding, which appeared in fully 27% of the sample, and was the pair most often revealed in the overall sample as well as in each of the three chronological coverage sections.

For example, a later story recalled a claim from President George W. Bush from a year earlier, in which he had claimed: “After 11 years during which we have tried containment, sanctions, inspections, even selected military action, the end result is that Saddam Hussein still has chemical and biological weapons and is increasing his capabilities to make more” (Risen, Sanger & Shanker, 2003, para. 4). In this quote, *Threat Nature* and *Threat Target* elements are paired with *Justice* concerns of legality, fidelity, veracity, rational defense, and an implied justification for a U.S. response.

Another example of a reporter pairing these Principles, this time emphasizing *Justice* issues of legality and veracity with a secondary focus on *Threat Nature* and *Agent* concerns, appeared in a June 26, 2003 follow-up story to earlier reports (*Veracity*) that trailers set up as mobile laboratories (*Nature*) provided proof of *Agent* Iraq’s illegal WMD program (*Legality*):

The report on the trailers was initially prepared for the White House, and Mr. Bush has

cited it as proof that Iraq indeed had a biological weapons program, as the United States has repeatedly alleged, although it has yet to produce any other conclusive evidence.

(Jehl, 2003a, para. 3)

Finally, this almost prophetic statement showing the interplay between *Justice* and *Threat* issues appeared about five months before the invasion, in an October 24, 2002, story about how Pentagon officials created their own agency to review CIA intelligence related to Iraq: “Mr. Rumsfeld voiced his concerns this week about the difficulty of predicting the most dramatic threats to national security” (Schmitt & Shanker, 2002).

In summary, the coverage in this limited sample reflects the importance of *Threat* issues, as they emerge as the third-most prominent primary category, and the second-most prominent secondary category. Further, *Threat’s* emergence as second-most prominent category in the pre-invasion segment of the sample underscores its importance in opening the conversation. However, the lack of attention to the second question, *Threat Target*, throughout, reveals the incomplete nature of much of the narrative. More attention to all of these details might have contributed to broader, more complete coverage.

**RQ 2: How did the *Times* address security as preserving safety and stability?** More attention to issues related to *Safety & Stability*, the second Millian Security Principle, might also have aided the *Times* journalists in their work, as issues related to specific security concerns are almost absent in this sample. Perhaps, again, issues of both immediate, present safety as well as ongoing and enduring future stability might have been assumed in the context of a post-9/11 New York City and United States. For whatever reason, *Safety & Stability* topics comprise the least-frequent mentions of all, appearing as primary concerns in just under 2% of the entire

sample, and as secondary concerns in only 4% of the analyzed paragraphs. Fully 13 of the articles contain not a single mention of *Safety & Stability* issues of any level of importance.

As defined earlier in the conceptual framework of this study, Millian *Safety & Stability* elements represent specific things that may be preserved for both present *Safety* and future *Stability* by a proposed response to a specific *Threat*. This principle addresses the proposed response to the threat, and seeks specific mitigations of potential harms, on behalf of the potentially harmed, through specific immunity from potentially harmful actors. In this sample, very little of the *Times* coverage addressed clear, specific solutions to identified threats. Further, concrete examples of desirable outcomes or consequences are almost completely absent. Instead, the invasion of Iraq is presented as the ideal solution without any details.

Overall, this Principle appears less frequently than any of the other 4 throughout the sample, and rises from last to next-to-last only in the section of articles published before the invasion. However, in combination with *Justice* issues, it rises to fourth most-common pairing of principles to emerge from the sample, evident in 3% of the paragraphs analyzed.

Interestingly, concerns over specific safety issues for U.S. citizens are almost completely absent, while certain Iraqi and other non-U.S. persons are accorded *Safety* status just as long as they are on “our” side. Similar concerns arise for future *Stability* issues for these and similar allies, as the lack of planning for any “exit strategy” for post-Hussein Iraq becomes evident. Yet nothing in this sample ever addresses *Safety & Stability* concerns for Iraqi civilians. Stranger still, while the *Times*’ At War blog publishes a weekly summary of war-related civilian deaths in Afghanistan (Abed & Faizi, 2019), it apparently does not keep track of Iraqi deaths.

***SGQ 4. How would this proposed response specifically preserve anyone’s present safety?*** Applications of this concern as a primary concern appear in only 4 paragraphs (0.4%)

throughout the entire 29-article sample, in entries 1, 6, 10, and 22. Further, present ramifications of a proposed action appear as a secondary focus in only 15 paragraphs, representing a mere 2% of the sample. This made it the 10<sup>th</sup> of the 12 questions in order of primary focus, and 9<sup>th</sup> in order of secondary focus.

Three of the four primary concern paragraphs appear in stories published prior to the invasion, resulting in the only section of coverage in which *Safety & Stability* moves ahead of *Utility* and out of dead last among the five Principles in frequency of appearance. The first instance, at the end of the first article, shows great promise in quoting a cautionary opinion from a former CIA official, who argued for restraint in planning any military action against Iraq (Tyler & Tagliabue, 2001, para. 44). A very rare connect-the-dots, balanced argument usage also appears in the very first article, which alleged that an Iraqi official had met with a 9/11 terrorist, where a specific safety concern is identified: “Mr. Ani was under surveillance because he had been observed near the Radio Free Europe/Radio Liberty headquarters in Prague, which Czech officials think has been selected for attack and is now heavily guarded” (para. 15).

Almost completely missing are any concerns over Iraqi *Safety*: the point of gathering evidence against Mr. Hussein is “for planning a military campaign to topple him” (Miller & Gordon, 2002, para. 12). Nor any word about food, water, or medicine. On the other hand, officials worried that, while Hussein remained in power, “families and friends of the defectors would be murdered ... as a message to potential defectors” (Miller, 2003a, paras. 9, 11).

Similar concerns appear after the invasion, in a July 20, 2003, story by the same reporter: one Iraqi informant “remains a cooperating source whose life would be endangered were his identity known” (Miller, 2003e, para. 30). Later in that same article, the only mention of Iraqi safety from U.S. military appears in a complaint about obtaining more sources:

Officials charged with cultivating Iraqis as sources remained unhappy with raids by Special Forces on their potential sources' homes in the dead of night. "Knocking down a scientist's door at 3 a.m., putting a bag over his head, and flex-cuffing his family while you search for hidden weapons or documents is hardly a way to induce his cooperation," one weapons expert said. (para. 36)

However, the following quote from a U.S. official after the invasion lends weight to the possibility that, in the context of the recent terrorist attacks, *Safety* concerns for U.S. citizens were assumed and needed no explicit, detailed retelling: "We acted because we saw the existing evidence in a new light, through the prism of our experience on Sept. 11" (Risen, Sanger & Shanker, 2003, para. 13). However, no balancing safety concerns for Iraqis is evident.

One rare example of the newspaper's verification of a *Safety* concern appears later, in one of the anniversary stories, in which two reporters revisit some of the administration's pre-war claims. One statement by President Bush that Iraqi drones could be used "for missions targeting the United States" was balanced a year later by an intelligence official's observation that, while "you could have snuck one of those on a ship off the East Coast ... there was no evidence of any capability to deploy the vehicles" (Jehl & Sanger, 2004, paras. 70-71).

***SGQ 5. How would this proposed response specifically preserve anyone's enduring stability?*** Statements related to the future safety and ongoing *Stability* of the U.S., Iraq, or any other nation appeared slightly more frequently than did those of immediate *Safety*. A total of 12 paragraphs displayed *Stability* as a primary concern, while 21 others invoked it in a secondary role. This placed *Stability*-driven paragraphs ahead of *Safety* and all three *Utility* questions near the bottom of the list; on the secondary concerns list, it ranked 8<sup>th</sup> of the 12 questions.

All but one of the primary concern appearances emerged from the first, pre-invasion, set of articles, and the first example, from the end of the very first article, again reveals the promise of this particular question almost verbatim: a former CIA official warns that any military action against Iraq “might destabilize one of the more moderate Arab regimes” (Tyler & Tagliabue, 2001, para. 45). Meanwhile, a speech by President Bush “asserted that Baghdad might seek to strike targets on American soil ... by moving drones filled with germs or chemical weapons close to the United States” (Gordon, 2002, para. 7). In two rare examples of quantifying a specific future *Stability* concern, one subsequent story about the discovery of alleged mobile laboratories stated that the “big vessels in two of the units could be used to produce ... millions of lethal doses” (Miller & Broad, 2003a, para. 24), while another noted that “one truck could make enough raw material to fill five R-400 bombs” (Miller & Broad, 2003b, para. 28).

Finally, in the anniversary stories, one post-invasion discovery cited as evidence of an ongoing *Stability* concern was that “Iraq had also maintained an active ballistic missile program that was receiving significant foreign assistance” (Risen, 2004, para. 18). Meanwhile, one solitary paragraph dealt with the ongoing *Stability* of Iraq itself after the invasion, noting that several Iraqi defectors who had received “taxpayers’ money ... have enjoyed powerful backing from civilian officials at the Pentagon and are playing a significant role in the provisional government in Baghdad” (Jehl, 2003b, para. 5). No mention of any “exit strategy” appeared anywhere yet, nor did any statements from an Iraqi citizen other than a handful of informants.

***Emergent Synergy II: Safety & Stability and Justice principles appear together often.***

As Altheide’s ECA allows for unforeseen categories to emerge, another unpredicted principle pairing evident in the sample involves various *Safety & Stability* issues paired with a *Justice* element in a paragraph. Though standalone *Safety & Stability* paragraphs comprised the smallest



group of the sample, affecting a total of 58 statements, paragraphs combining some kind of *Safety & Stability* with *Justice* appeared 30 times, or in 3% of the total sample.

In one example demonstrating the strength and promise of that synergy, a pre-invasion story revisited several articles from the previous year detailing Iraq's nuclear program and quoted administration officials directly on the issue of *Stability*: "Iraq was trying to rejuvenate its nuclear program, a development that could change the balance of power in the Persian Gulf" (Gordon & Risen, 2003, para. 2), reflecting *Safety & Stability* concerns over future security in terms of utilitarian *Justice* concepts of rights, treaties, agency and authority, and responsibility.

In another, buried toward the end of another follow-up to the same original reportage, a reporter quoted an official with the International Atomic Energy Agency, which had regained access to Iraq just a few months before the invasion, as saying that "the presence of its inspectors would make it hard for Iraq to resume its nuclear program" (Gordon, 2003, para. 15).

Finally, this excerpt from two months after the invasion reveals the complex interaction between *Safety & Stability* and *Justice* issues, in both future *Stability* fears as well as *Justice* concepts of legality, veracity, and responsibility, in another extremely rare statement of concern for the immediate *Safety* of Iraqi scientists, a very special, tiny subset of the Iraqi citizenry:

American military officers in Iraq said they believe that Iraqi scientists remain reluctant to speak candidly about Mr. Hussein's weapons programs because they fear they could be implicated in possible war crimes or face retribution from members of the fallen regime who are at large. (Miller & Broad, 2003a, para. 19)

In summary, the dearth of attention to this crucial connecting category, bridging *Threat* and *Justice* as the first of the response-oriented criteria, represents a real gap in the coverage. The category is not just last, but dead last, in apparent influence in this sample. Without more details

about projected costs and benefits, it becomes difficult to meaningfully weigh tangible goods and harms of any proposed response. Further, it becomes easier to fill these gaps with overly optimistic assumptions. Finally, this means that incomplete or exaggerated claims of utility – like some made by U.S. officials – are harder to interrogate.

**RQ 3: How did the Times address security as promoting justice?** If, as the preamble to the SPJ Code of Ethics reads, “public enlightenment is the forerunner of justice” (Society, 2014, para. 1), the *New York Times* apparently pays a great deal of attention to the concept of *Justice* – at least as Mill described it in *Utilitarianism* – because this sample is dominated by themes related to Millian justice concepts of legality, morality, merit, fidelity, veracity, fairness and impartiality, proper authority, ethical prudence, and just response (Elliott, 2007).

As previously defined in this study’s conceptual framework, Millian *Justice* elements represent a specific stance that promotes a state of justice in both present *Safety* and future *Stability* in a proposed response to a specific *Threat*. This principle addresses the various legal, moral, and ethical rights invoked in a proposed response to the threat, and seeks equitable justice for all involved. In this sample, a majority of the *Times*’ coverage addressed various Justice issues, including all of the Millian justice criteria identified by Elliott. Further, a great deal of the coverage reflected a concern with veracity, an emergent concept not included in the original category definition.

In fact, this analysis found *Justice* present in fully 92% of the paragraphs coded, ranking as primary focus in 58% of them, and as secondary focus in another 34%, making these by far the most-referenced concerns in the sample. *Justice* concerns clearly outranked all other categories in each of the chronological sections of the sample, and was only closely approached

by *Threat* issues in the first, pre-invasion, coverage. From a normative standpoint, this sample of *Times* coverage does address a number of *Justice* concerns, and it does so most often.

While the Millian Security Principle model suggested attention to these concerns, and provided a distinction between immediate, present *Safety* and ongoing, future *Stability*, it became apparent early in the data gathering that the model did not explicitly list veracity or truthfulness among its defining criteria. Though Millian *Justice* concepts of legal rights, moral rights, “just deserts,” promise keeping, and impartial or equitable treatment (Elliott, 2007) certainly include references to truth, and Mill himself described veracity as “one of the most useful, and the enfeeblement of that ... one of the most hurtful, things to which our conduct can be instrumental” (1863, p. 27), the coding definition did not explicitly name it.

From the sample, then, *Justice* emerged particularly in concerns of (1) *Just Veracity*, in verifying the alleged Iraqi threat, (2) *Just Legality*, considering the legality of alleged Iraqi actions, and (3) *Just Response*, justifying a proposed U.S. response, either in immediate defense and deterrence, or in future penalties and deterrence. Many *Just Safety* concerns encountered in the pre-invasion coverage evolved into *Just Stability* issues in the post-invasion discussion. At no time does anything published address what might involve justice for the Iraqi citizenry.

So, how did the *Times* cover the public discussion of actual and potential actions that would foreseeably promote justice-in-safety immediately, as well as justice-in-stability into the future, in light of the proposed (and actual) 2003 invasion? This analysis reveals a great deal of quantity, but cannot evaluate the quality of that coverage without a more finely detailed instrument to better distinguish among the various *Justice*-related concerns. However, one particular quality of the coverage is glaringly evident in the complete absence of Iraqi voices.

***SGQ 6. How would this proposed response specifically promote justice for anyone's present safety?*** A Millian "Security-&-Justice-for-All" focus would certainly suggest that proposing a just response to a security threat would dominate the discussion, and this question is second only to its partner, SGQ 7, in frequency of appearing as primary content focus in the overall sample, and slightly more frequent than the next most common, *Community Stability*.

The concept emerges as the most-addressed concern only in the first, pre-invasion data segment, representing 23% of the paragraphs analyzed, and also accounts for 17% of the secondary attention in those first 12 articles. Following the invasion, it almost disappears.

As might be expected, journalistic attention appears most focused upon *Just Veracity*, in verification of various pre-invasion administration claims related to supposed Iraqi threats: though initial allegations of an Iraqi official meeting with a 9/11 terrorist "does not amount to proof of Iraqi involvement in the attacks" (Tyler & Tagliabue, 2001, para. 2), it was not long before U.S. officials began to allege proof of "terrorism training" camps (Hedges, 2001, para. 13) that "seemed reliable and significant" – though "American intelligence officials have long had cause to be skeptical of such ... information" (Miller, 2001, paras. 1, 31). Therefore, because "there are significant gaps in what American intelligence knows about the Iraqi program ... Bush administration officials are hoping to use what one official called a mosaic of disturbing new reports" (Gordon & Miller, 2002, paras. 19-20), resulting in the news that "Secretary of State Colin L. Powell is poised to go before the United Nations Security Council ... to present evidence of Iraq's links to terrorism and its continuing efforts to develop chemical, biological and nuclear weapons and long-range missiles" (Risen & Johnston, 2003, para. 4).

*Pre-invasion, Just Veracity concerns shift as skepticism grows.* However, further concerns over verification – as well as *Just Response* – arise early and often in the sample as

well, reflecting “an intense debate in Washington over whether to extend the war against ... Afghanistan to include Iraq” (Hedges, 2001, para. 13). “Painting an up-to-date picture of Iraq’s weapons of mass destruction is not easy” (Gordon & Miller, 2002, para. 19), and “some of the intelligence that the administration has provided about Iraq’s weapons activities is sketchy and out of date” (Miller & Gordon, 2002, para. 2); in fact, “the view among even some senior intelligence analysts at the Central Intelligence Agency is that Mr. Hussein is contained” (Schmitt & Shanker, 2002, para. 4). Ultimately, as “international inspectors are unlikely to find tangible and irrefutable evidence that Iraq is hiding weapons of mass destruction, the Bush administration is preparing its own assessment that will rely heavily on evidence from Iraqi defectors” (Miller, 2003a, para. 1). Yet a follow-up piece four days later “challenges much of this case” (Gordon & Risen, 2003, para. 14), as reporters appear more skeptical.

*Post-invasion, Just Veracity reveals increasing verification lapses.* Following the invasion, attention to this question shrinks somewhat, as Iraq apparently no longer posed an immediate threat, though U.S. officials “expanded the hunt and ... urged patience, expressing the belief that some weapons may still be found” (Miller, 2003e, para. 4); officials also shifted their objectives, as no weapons were found: “We’ve had a conceptual jump in how we think about, and what we look for in Iraq’s program. We must look at the infrastructure, not just for the weapons” (Miller, 2003c, para. 3). Meanwhile, pre-invasion claims were increasingly challenged: one proved to be “based partly on forged documents” (Risen, 2003a, para. 1), and revelations of Secretary Powell’s behind-the-scenes challenges to CIA evidence months earlier meant that “the presentation he was scheduled to make at the United Nations in just five days was in tatters” (Risen, Sanger & Shanker, 2003, para. 33). An even worse reappraisal appeared in the *Times* about four months after the invasion: “An internal C.I.A. review of prewar intelligence

on Iraq, recently submitted to the agency's director ... has found that the evidence collected by the C.I.A. and other intelligence agencies after 1998 was mostly fragmentary and often inconclusive" (Risen, Sanger & Shanker, 2003, para. 24).

In the end, as the anniversary articles almost overwhelmingly identified failures in the pre-invasion coverage, reporters blamed both officials and themselves. One official noted that "there were plenty of caveats placed on intelligence reports on Iraq by analysts who recognized the limitations of the evidence. But often their warnings were relegated to footnotes or buried in lengthy reports" (Jehl & Sanger, 2004, para. 76). Later, a *Times* writer called a September 8, 2002, article "one of the most serious cases of misreporting in the entire run-up ... [which] proved to be wrong in almost every detail" (Gordon, Milbank, & Massing, 2004, para. 24).

***SGQ 7. How would this proposed response specifically promote justice for anyone's enduring stability?*** While the U.S. debate over the probability of an actual threat Iraq represented before the invasion continues to this day, nothing in this sample indicates that anyone saw Iraq as an impending, "clear and present danger" to anyone in a conventional military sense. Therefore, a Millian Security Principle model would suggest an emphasis on *Just Stability* concerns, such as containing threats, applying penalties for legal infractions of threat-reduction treaties, and ensuring that future threats are addressed and deterred.

The overall predominance of this question throughout these data supports that reasoning, as attention to the location and disposition of supposed Iraqi WMDs and facilities, legal justification for the 2003 invasion, and future ramifications of failed intelligence and U.S. actions dominated the discussion in the *Times* from start to finish. By far the most-addressed of the 12 Security Guiding Questions, *Just Stability* concerns appeared as primary focus in 47% - nearly

half – of all paragraphs analyzed, and further influenced a 26% – one quarter – of the sample as a secondary focus. This is a four-fold increase over the next most frequent question.

Though dominant throughout the sample, this Category's influence actually increases over time. It appears in 63% of all paragraphs in the pre-invasion stories, in 92% of all paragraphs in the post-invasion stories, and in 97% of all paragraphs in the anniversary stories.

*Pre-invasion concerns coalesce around legality and response.* In the beginning, future *Just Stability* and present *Just Safety* aspects of *Just Veracity* appear together in a few rare paragraphs, where both aspects concern the consequences of being able to prove official assertions in both the short and long term. In debating the reliability of one informant, the first story balances what an Iraqi-Al Qaeda connection might mean for immediate as well as future issues of justice (Tyler & Tagliabue, 2001). Similarly, the third story considers the testimony of an Iraqi defector in light of concerns that “many embellish what they actually did and what they know in order to try to get safe haven in the United States and other countries” (Miller, 2001, para. 31). Thirteen months later, the *Times* reported that intelligence officials said “that they have found no conclusive evidence of links between Iraq and the Sept. 11 attacks” (Gordon & Risen, 2003, para. 8).

However, in the pre-invasion stories, *Just Stability* issues appear most often as either *Just Legality* statements alleging illegal behavior by Iraq, or *Just Response*, in considering how future action against Iraq might improve stability. Examples of the former include a reference to Saddam Hussein's “unwillingness to stop making weapons of mass destruction, despite his pledges to do so” (Miller, 2001, para. 4), and another to “Iraq's efforts to hide its activities to develop or acquire nonconventional weapons ... a clear pattern of violating its commitments in all areas” (Miller & Gordon, 2002, para. 3). Examples of the latter include ongoing arguments

that, as Iraq continued to consort with terrorists while developing WMDs and the capability of delivering them, resolution by force might be justified (Tyler & Tagliabue, 2001; Hedges, 2001; Gordon & Risen, 2003; Risen & Johnston, 2003).

*Post-invasion concerns return to questions of veracity.* In the coverage that emerged after the invasion, *Just Veracity* returned to the forefront of attention, as new claims arose – and were quickly challenged – and old claims were increasingly doubted. Reports of suspicious materials discovered “as evidence of Iraq’s illicit weapons programs” (Miller, 2003b, para. 2), destruction of WMDs and related equipment (Miller, 2003c), a warehouse where chemical weapons may have been tested (Miller, 2003d), and the discovery of two mobile lab trailers (Miller & Broad, 2003a) were investigated and found wanting: “Now, intelligence analysts stationed in the Middle East, as well as in the United States and Britain, are disclosing serious doubts about the administration's conclusions in what appears to be a bitter debate within the intelligence community” (Miller & Broad, 2003b, para. 4).

Within 4 months of the invasion, even Judith Miller began to doubt the WMD stories: “To this day, whether Saddam Hussein possessed such weapons when the war began remains unknown ... The intelligence on sites was often stunningly wrong” (Miller, 2003e, paras. 4, 33). Meanwhile, U.S. officials announced that an internal review of the pre-invasion intelligence, comparing it to what was actually found in Iraq, was designed as “an intellectual exercise to find ways to improve the way the intelligence community works” (Risen, 2003b, para. 13). Worse, one general even debated the meaning of the term itself: “Intelligence doesn’t necessarily mean something is true ... You know, it’s your best estimate of the situation. It doesn’t mean it’s a fact. I mean, that’s not what intelligence is” (Risen, Sanger & Shanker, 2003, para. 52). Within 6



months of the invasion, attention turned to the original sources of much of the pre-invasion information, finding multiple *Justice* problems:

An internal assessment by the Defense Intelligence Agency has concluded that most of the information provided by Iraqi defectors who were made available by the Iraqi National Congress was of little or no value ... several [had] invented or exaggerated their credentials as people with direct knowledge of the ... suspected unconventional weapons program ... no more than one-third of the information was potentially useful, and efforts to explore those leads since have generally failed to pan out. (Jehl, 2003b, paras. 1-3).

*Anniversary coverage increasingly questions the future.* As the incidence of *Just Stability* questions increased even further in the 6 anniversary stories, a *Just Veracity* focus addressed the implications of the U.S. intelligence failure for future decision making. One former C.I.A. official said “fundamental errors in prewar intelligence assessments were so grave that he would recommend that the Central Intelligence Agency and other organizations overhaul their intelligence collection and analytical efforts” (Risen, 2004, para. 8).

“Maybe that’s the lesson, maybe intelligence has to be looked at with a different eye” (Jehl & Sanger, 2004, para. 75). Especially because “the prewar intelligence on Iraq had been tainted by evidence previously identified as unreliable ... and in other cases ... fabricated,” the C.I.A.’s use of such material in Secretary Powell’s U.N. presentation a year earlier was described “as a significant embarrassment” (Jehl, 2004a, paras. 9-11). In response, the agency’s director ordered officials “to put in place ‘a permanent and lasting solution’ to the problem ... the ‘single most important aspect of our tradecraft that needs to be examined’ was whether the intelligence analysts were doing enough to question old assumptions ... we need to take a hard look at what we assume to be true” (Jehl, 2004b, paras. 7, 10).

***Emergent Synergy III: Justice and Community principles appear together often.*** As with the previous pairs that emerged from the analysis, various combinations of *Justice* along with *Community* issues appeared in 152 paragraphs, or 17% of the sample, a frequency second only to the *Threat / Justice* pair discussed earlier. This invoked *Community* issues of state alliances and politics in consideration of various *Justice* concerns. The importance of internal cooperation among various governmental agencies, coupled with the inevitability of external conflict among various nations, during wartime is quite predictable – and easily identified.

Early reports described a “spirited debate in the Bush administration” (Tyler & Tagliabue, 2001, para. 8) and “an intense debate in Washington” (Hedges, 2001, para. 13) over several points in the pre-invasion discussion, eventually leading some to accuse others of “politicizing intelligence to fit their hawkish views on Iraq” (Schmitt & Shanker, 2002, para. 3). Ultimately, it was discovered that “while the analysts included caveats on their reports, those passages ‘tended to drop off as the reports would go up the food chain’ inside the government” (Risen, 2004, para. 42); further, certain “views had been dismissed because they challenged the widely held consensus on Iraq’s weapons” (Jehl, 2004c, para. 7).

The complicated diplomacy involved in extending *Justice* concerns across national borders – whether among friends, foes, or usually some unwieldy combination thereof – is reflected in paired-Principle paragraphs throughout the sample, involving at times Czechoslovakia (Tyler & Tagliabue, 2001); Afghanistan, Saudi Arabia, Yemen, Algeria, Egypt and Morocco (Hedges, 2001); Britain (Gordon & Miller, 2002); Israel (Miller, 2003a); Al-Qaeda and Ansar al-Islam (Risen & Johnston, 2003); Niger (Risen, 2003a); Russia (Miller & Broad, 2003b); the Iraqi National Congress (Jehl, 2003b); Iran and Libya (Risen, 2004); the Soviet Union (Jehl & Sanger, 2004); the United Nations (Gordon, 2003) – and Iraq.

To summarize, the overall dominance of *Justice*-related issues reflects the degree to which the administration's effort to justify the invasion permeated the public discussion. However, the overwhelming attention paid to a few just war tenets, and the incomplete utilitarian arguments made in favor of the invasion, drew eyes away from more basic questions of legal justice for such a pre-emptive move, moral justice connecting the supposed goods to the supposed harms, merit justice balancing the uncertainty of potential harm to U.S. citizens against the certainty of immediate harm to Iraqi citizens, fidelity justice in abiding by several international treaties, and fairness in dealing with Iraq compared to dealings with other nations.

***RQ 4: How did the Times address security as producing community?*** In its self-critique of the problematic invasion-related articles, editors at the *Times* discovered “many shared a common feature. They depended at least in part on information from a circle of Iraqi informants, defectors and exiles bent on ‘regime change’ in Iraq” (From, 2004b, para. 4). This sentence reveals the complex interplay of various communities of different kinds – the intelligence community, the defense community, the Iraqi defector community, politicians, the media – and how this interaction influenced various aspects of the decision to invade Iraq.

As defined previously in this study's conceptual framework, Millian *Community* elements represent a specific state of being – existing or sought – that produces or invokes some kind of group identity that preserves both present *Safety* and future *Stability* in a proposed response to a specific *Threat*. This principle addresses the various state, organizational, command, shared and designated responsibility, and group identity issues invoked in a proposed response to the threat, and seeks stable community for all involved. In this small sample, a good deal of the coverage in the *Times* addressed debates within the U.S. intelligence community, on

the macro level, as well as international diplomacy and policy, on the macro level. The overall importance of *Community* is reflected in that category's emergence as second-most dominant.

The importance of *Community* in Mill's thought – the “All” for whom “Security-&Justice” are sought – suggests a great deal of public discussion will invoke it, and the Millian Security Principles approach asks two key questions about the role of *Community* in war. In analyzing this sample, *Community*-related concerns emerge slightly ahead of *Threat*, and second only to *Justice*, in importance as defined by frequency of primary focus. About 20% of the total sample displayed a primary focus on this Principle. In terms of secondary focus, some 39% of the sample referenced *Community* issues, registering third-most frequent among the Principles.

Overall, *Community* figured in some way into nearly 59% of the paragraphs, ranking third in overall prominence behind *Justice* and *Threat*; like *Justice*, its influence increased over time, as the conflict became ever more complicated, and the concurrent coverage became more complete, robust, and skeptical of simple answers – as it probably should have been earlier. Of the 29 stories, *Community* issues dominated only one before the invasion, and three more in the post-invasion coverage, and was not the primary influence of any anniversary stories. It was completely absent from pre-invasion stories 2 and 5, and barely addressed in stories 3 and 11.

So, how did the *Times* cover discussion of actions that would foreseeably promote the present safety of all involved, as well as the future stability of all, in light of the proposed invasion? Or, as Mill might ask, how is the “community of interest between himself and the human society of which he forms a part” addressed (1863, p. 63)? From the beginning, one concept not explicitly included in the original definition clearly emerged: *Community Politics*.

***SGQ 8. How would this proposed response specifically promote the present safety of all involved parties – and their larger communities?*** The importance of this question increased

from the pre-invasion coverage to the post-invasion coverage, appearing as primary focus in about 9% at first, then about 15% later, before disappearing in the final, anniversary coverage. This tracks the increasing complexity of the coverage through the main hostilities, while the anniversary coverage was almost completely focused on future stability and SGQ 9. Over the entire sample, this question was fifth-most primary, driving 9% of the paragraphs, and sixth-most secondary, revealed in another 6%, with a combined presence in 15% of all paragraphs.

Several *Community Diplomacy* issues emerged immediately in the first article, as officials were “concerned about the political implications of Iraqi involvement in terror attacks” after a Czech report (Tyler & Tagliabue, 2001, para. 10). And a nuclear Iraq “would have dramatically altered the strategic equation in the gulf region” (Gordon & Miller, 2002, para. 23). However, both Britain and the International Atomic Energy Agency “offered a sharply different assessment” on Iraq’s nuclear capability (Gordon, 2003, para. 4). Meanwhile, *Community Politics* issues arise closer to the invasion itself, as the Pentagon created its own intelligence agency (Schmitt & Shanker, 2002) amid “deep divisions in Washington” (Miller, 2003a, para. 7); eventually, the “Bush administration’s efforts to build a case for war against Iraq using intelligence to link it to Al Qaeda and the development of prohibited weapons has created friction within United States intelligence agencies” (Risen & Johnston, 2003, para. 1).

After the invasion, *Community Diplomacy* concerns shifted from Iraq to the United Nations (Risen, Sanger & Shanker, 2003). At the same time, interest in *Community Politics* increased significantly, with reports of administrative pressure on the C.I.A. (Risen, 2003a), political pressure on the administration (Miller & Broad, 2003a), “disagreements within the intelligence community” (Risen, 2003b, para. 5), “a bitter debate within the intelligence community” (Miller & Broad, 2003b, para. 4), “disagreement between intelligence agencies”

(Jehl, 2003a, para. 2), “bureaucratic rivalries ... strife ... and arguments” (Miller, 2003e, para. 10), yet another “dissenting view” (Risen, Sanger & Shanker, para. 36), and growing reports of the powerful political influence of a taxpayer-funded group of Iraqi exiles whose “leads since have generally failed to pan out” (Jehl, 2003b, para. 3).

Finally, only one *Community Safety* paragraph emerged from the anniversary coverage, as Secretary Powell described euphemistically the political pressure he felt while addressing the U.N. months earlier: “There were a lot of cigars lit ... I didn’t want any going off in my face or the president’s face” (Jehl & Sanger, 2004, para. 26).

***SGQ 9. How would this proposed response specifically promote the enduring stability of all involved parties – and their larger communities?*** It would be tempting to predict that, given the immediate nature of more pressing concerns during conflict, this question, addressing the long-term health and stability of the interconnected groups involved, would carry less importance than the previous one. However, as Mill insisted, a key element of security is “the whole value of all and every good, beyond the passing moment ... the claim we have on our fellow-creatures to join in making safe for us the very groundwork of our existence” (1863, p. 67). In this sample, the *Times* obliged, paying more attention to ongoing *Community Stability* issues than present *Safety* ones, focusing on statements related to this question in 11% of the total paragraphs, and referencing it in another 14%, for a total presence in nearly one quarter. Further, unlike the previous question, this one continually increases in importance as the conflict, and its aftermath, plays out – and, as concerns surrounding *Politics*, *Diplomacy*, and, increasingly, internal *Identity*, appear with greater frequency and wider application.

In the dozen pre-invasion stories, *Community Stability* ranks sixth (3%) in primary importance, and fourth (8%) in secondary importance, in the analysis –slightly below the

previous question in both categories. And, from the very first story involving Czechoslovakia (Tyler & Tagliabue, 2001; Risen, 2002), international *Diplomacy* concerns attract this question the most. Some 9 nations – as well as the United Nations – are mentioned; however, two trends seem remarkable. First, it would seem that a nation preparing for war would engage its fellow nations much more than what this sample suggests. More importantly, there is a distinct and significant lack of respect – and even acknowledgment – for Iraq reflected in these articles, as it is always portrayed in a negative light, unlike the treatment accorded the other nations.

In the post-invasion segment, the relative importance of this question increased, moving from sixth to third-most addressed as primary focus, guiding 10% of the paragraphs, and remaining as fourth-most invoked in secondary focus in 7%, representing a total influence of 17%, and growing in frequency. In this phase of the coverage, as with the previous question, focus shifts from international *Diplomacy* issues to internal *Politics* ones, especially involving inter-agency conflicts over intelligence (Risen, 2003b; Jehl, 2003a; Risen, Sanger & Shanker, 2003) and the influence of the Iraqi National Congress (Miller, 2003c; Jehl, 2003b).

Interestingly, more inward-focused *Community Identity* issues arise in the anniversary coverage, where this question becomes even more important than before, rising to second most invoked in both primary focus (23%) and secondary interest (33%) in the final 6 stories. This increasingly greater attention parallels the shift in focus to concerns of process, policy, quality control, and the pitfalls of groupthink. Information quality and inherent systemic weaknesses (Risen, 2004), disinformation (Jehl & Sanger, 2004), “barriers to sharing information” (Jehl, 2004b), and consensus views “treated like a religion ... with alternative views never given serious attention” (Jehl, 2004c), emerged as internal intelligence *Community* concerns.

Finally, in the composite op-ed letter published April 8, 2004, the *Community Stability* question returned full circle to the *Times* coverage itself, with allegations that Knight Ridder newspapers provided more complete coverage of the dissenting views from within the intelligence community than did the *Times* – “The contrast between the two accounts is striking” – and that investigative pre-invasion coverage in the *Times* became a “sudden silence that set in in late October and that lasted until the start of the war” – a gap that the *Times*’ foreign affairs writer “found so troubling” (Gordon, Milbank, & Massing, 2004, paras. 30-33).

***Emergent Synergy IV: Threat, Justice and Community principles appear together often.*** The third-most likely combination of Principles to emerge from these data is this triplet, representing at least 96 paragraphs, or about 11% of the total sample, where all three appeared as marked issues of focus within the same statement. Further, this combination appears with significantly greater frequency over the time span of the sample, perhaps as the *Times* coverage becomes more robust, increasing from 7 (2%) pre-invasion examples to 26 (9%) post-invasion examples to eventually 63 (28%) examples in the 6 anniversary-timed articles.

In the pre-invasion articles, this combination appears immediately in the complex coverage of Czechoslovakian agents telling U.S. officials of an alleged meeting between an Iraqi officer and a 9/11 terrorist (Tyler & Tagliabue, 2001; Risen, 2002), of “a flood of all-too-eager informants who have left Iraq as war seems more likely” (Miller, 2003a, para. 15), and of claims from Iraqi, Israeli, and U.S. sources that Iraq had moved its WMDs to Syria (para. 18).

Post-invasion coverage invoked all three Principles in paragraphs addressing a shift in U.S. fact-finding focus (Miller, 2003c), “disagreements within the intelligence community” (Risen, 2003b, para. 5; Miller & Broad, 2003b; Jehl, 2003a), the “ground truth” that fact-finding teams encountered once in Iraq (Miller, 2003e, para. 3), disagreements over the value of the



United Nations weapons inspectors (Risen, Sanger & Shanker, 2003), and the credibility of informants associated with the Iraqi National Congress (Jehl, 2003b).

The post-combat introspection reflected earlier in this analysis also influenced a three-fold increase in *Threat-Justice-Community* combinations in the final sample section, present in 5 of the 6 stories, driven by greater and deeper attention to the inner workings of the intelligence community. This explanation from one of the *Times* reporters describes one unseen challenge to doing *Justice* in covering the WMD *Threat*, caused by the source *Community*:

Sometimes the media is confronted by officials who seek to deceive the press. But the WMD issue was more complicated. In this instance, key officials appear to have deceived themselves. That poses special challenges ... but one which journalists should be prepared to meet. There is a lesson for the media in this episode. It is possible to be too accepting of the paradigm that guides the intelligence community, nongovernmental experts, and policy officials. (Gordon, Milbank, & Massing, 2004, para. 21)

Overall, the emergent prominence of this category, second only to *Justice* in influence in this sample, resonates with Mill's frequent references to community throughout his defense of Utilitarianism. Further, subcategories related to *Politics*, *Stability*, and *Identity* revealed depths of meanings not originally considered in the category definition. Finally, however, the almost complete absence of attention to any Iraqi or Middle East community in any meaningful way pointed to gaps in the coverage that might have been better addressed from a Millian stance.

***RQ 5: How did the Times address security as practicing utility?*** However completely the *Times* may have engaged the previous 4 Millian Security Principles, through their 9 Guiding Questions, in their invasion-related coverage, a truly utilitarian approach requires that all of these various goods must be weighed in light of expected costs and benefits to everyone concerned. As

Mill insisted: “if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates” (1863, p. 28).

As previously defined in the conceptual framework of this study, Millian *Utility* elements represent specific statements that practice some degree of utilitarian calculus, seeking to balance goods and harms for the greater good, to ensure both present *Safety* and future *Stability* by a proposed response to a specific *Threat*. This principle addresses the various arguments for and against a proposed response to the threat, and seeks specific, logical, empirical justifications for harms in light of expected goods for all those involved. Informed by recent scholarship in war ethics (Shaw, 2011, 2014, 2016) and media ethics (Elliott, 2007; Peck, 2006), this principle considers three basic types of utilitarian statements: those balancing goods and harms in light of a proposed action, those doing the same calculation in light of refraining from a proposed action, and a comprehensive Security Calculus that involves as many different aspects as possible, considers all available options, and seeks the single best course of action.

So, how did the *Times* do in considering *Utility*? Not too well, at least in this limited sample, according to this analysis. Where the model might direct significant attention to *Utility* in proportion to that afforded the others, these data show otherwise: *Utility* ranks dead last in the overall sample, and in the pre-invasion segment of coverage – the very place we might expect to encounter it the most – where it is completely absent from 5 of the 12 early stories, and virtually absent, save for a few mentions, in two more. Similarly counterintuitively, it moves up in both sample segments after the invasion.

*Utility* appears as a primary concern in only 11 of the 891 paragraphs analyzed, or 1%, and represents a secondary concern in only 34 statements, or 4%, for a total focus influence of 45

paragraphs, or 5%. Its overall influence appears in 6% of the pre-invasion coverage, increases to about 7% in the post-invasion coverage, and then drops again to 6% in the anniversary coverage. As might be expected, all three *Utility* questions appear at least once only before the invasion; the *Millian War Principle*, Guiding Question 12, is absent from the rest of the coverage, and the non-act Question 11 disappears in the final, anniversary sample segment.

As with the *Safety & Stability Principle* discussed earlier, the historical context of a post-9/11 New York City and United States that emerged from the narrative might explain this apparent lack of attention; that government officials were weighing the pros and cons of military action could perhaps be assumed as a given. However, more attention to *Utility* would certainly have helped: “If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible” (Mill, 1863, p. 31).

***SGQ 10. How would this proposed response specifically deter or “repel” this perceived threat with maximal gain and minimal harm for all involved parties – including historical contexts and foreseeable consequences?*** In these data, this first step in considering *Utility* is about as far as most reporters got, representing the most frequently addressed of the three associated questions. Even as the most-referenced question, though, it still represents only about 4% of the paragraphs analyzed, noted as primary focus in less than 1%, and appearing as secondary focus in about 3% of the sample. It is 8<sup>th</sup> of 12 in frequency of primary focus.

In the pre-invasion coverage – where one might expect to see it the most – this question represents a primary focus in only about 1% of the paragraphs, and appears as a secondary concern in about 2% of them. It does appear at the end of the first story, in a cautionary quote: Any action “must be carefully weighed on the basis of sound intelligence and political information” (Tyler & Tagliabue, 2001, para. 45). A similar quote appears a month later,

weighing how Iraq poses “a national security threat” (Miller, 2001, para. 32). Yet the “Bush Doctrine” of pre-emptive action is never itself challenged: “The question is not, why now?” (Gordon & Miller, 2002, para. 12). Instead, only one rare counter in the last pre-invasion story claims Iraq wouldn’t use WMDs unless it was first attacked (Risen & Johnston, 2003)

In the 11 post-invasion articles, evidence of this question increases slightly (though it is absent in 3), usually in tie-back statements where the ongoing failure to find WMDs are said to weaken “a major justification for the war” (Miller, 2003b, para. 6; Miller & Broad, 2003a; Risen, 2003b; Miller, 2003e; Risen, Sanger & Shanker, 2003; Jehl, 2003b). Meanwhile, one story finds utility in the war by being able to “study the intelligence reports it produced before the war and see how they compared with the reality discovered on the ground” (Risen, 2003b, 9). And the National Security Adviser repeats an apocalyptic valuation often heard before the invasion: “You have to look at that body of evidence and say what does this require the United States to do? Then you are compelled to act” (Risen, Sanger & Shanker, 2003, para. 8).

Finally, while this key *Utility* application manifests itself in fewer examples in the anniversary appraisals, it now appears fully stated, in the form of a question: “how can a nation threaten to act pre-emptively against another government if the evidence of what kind of a threat it poses – and how imminent the threat may be – is so far off the mark?” (Jehl & Sanger, 2004, para. 73). “But many nations, experts say, pose that potential threat ... [So] make sure that similar misjudgments are not made regarding other nations that could, in the long or short term, threaten American security” (para. 78). Yet not once is pre-emption itself challenged.

***SGQ 11. How would all involved parties be harmed if the proposed response were not undertaken – including historical experience as well as foreseeable present and future consequences?*** Part of the utilitarian calculus, especially when considering justice, is to consider

the ramifications of *not* acting, if the balance offers a better outcome than acting (Elliott, 2007). This question is addressed even less frequently than the previous *Utility* concept, appearing as a primary concern only twice, and as a supporting concern only 5 times, in all, making it the second-to-least influence of the 12 Guiding Questions.

Nearly all of these 7 appearances emerge in the pre-invasion coverage, with only one supporting statement in the post-invasion coverage, and none after that. The extremely rare statement included with the previously noted caveat at the end of the first story is clear: “such action must be successful, or it should be avoided for the time being” (Tyler & Tagliabue, 2001, para. 45). An even more clear – and rare – statement appears 6 months before the invasion:

Washington, the critics say, has time to try its hand at diplomacy and should enlist United Nations backing to force Mr. Hussein to accept inspectors back. Taken in its totality, the critics insist that the intelligence suggests there is no rush to take military action. (Gordon & Miller, 2002, para. 15)

However, the only other invocation of this question in any of the 531 paragraphs published after the invasion return to repeat that apocalyptic, all-or-nothing valuation:

The president of the United States could not afford to trust Saddam’s motives or give him the benefit of the doubt ... Analysts say the cost of overestimating the threat posed by Mr. Hussein was minimal, while the cost of underestimating it could have been incalculable. (Risen, Sanger & Shanker, 2003, paras. 9, 27)

***SGQ 12. How would this proposed response represent the only action available that would foreseeably promote the greatest expected well-being and least expected harm for all involved parties – including historical contexts and all possible alternatives?*** Ultimately, to Mill’s certain consternation, the final utilitarian calculus, based on his thought as adapted by

Elliott (2007) and Shaw (2011, 2014, 2016), appears in exactly one of the 891 total paragraphs comprising this sample – and it appears earlier in the same paragraph previously quoted in support of the previous question, published about 6 months before the invasion:

The administration’s critics assert that the last decade has shown that Mr. Hussein can be contained through a combination of United Nations sanctions, carefully designed inspections and, if Iraq refused to admit the monitors, targeted air strikes. Iraq, the critics say, remains heavily dependent on external assistance to advance its nuclear program. (Gordon & Miller, 2002, para. 15)

For whatever reason, this kind of careful calculus is absent in the rest of the sample, and the key empirical only appear in two very rare *Threat Nature* reports: first, the 1998 U.S. bombing campaign “destroyed much of the remaining infrastructure” for WMD (Risen, 2004, para. 27); second, “the program ... was far less advanced than ... Iran, Libya and North Korea” (Jehl & Sanger, 2004, para. 54). More attention to any pre-war assertion would be welcome.

***Emergent Synergy V: Justice and Utility principles appear together.*** As rarely as any application of *Utility* concepts appeared in this sample, when they did, they emerged most often paired with *Justice* issues than with any other Principle – and often enough to rank fifth on the Emergent Synergy list, present in 19 (2%) of the paragraphs analyzed. None of these pairs appear in any of the dozen pre-invasion stories, but 12 appear in the post-invasion stories, and the remaining 7 appear in the half-dozen anniversary-timed articles.

A statement made about 6 months before the invasion, but referenced afterward, invoked both *Utility* and *Justice* issues when the Vice President said that “incomplete information ... should not deter the country from taking action” (Risen, Sanger & Shanker, 2003, para. 20). A rare triple-Principle paragraph united *Justice Legality* with *Utility* and *Community Diplomacy*

two months before the invasion: “the White House ... hopes [to] convince skeptical allies and the American public that Iraq’s behavior warrants military action” (Miller, 2003a, para. 8).

The unusual utilitarian rationale for the post-invasion intelligence review mentioned earlier appeared paired with the *Just Veracity* concept of verification: “If we go to war with Iraq, what are the things we should look at?” the Secretary of Defense had asked some 6 months before the invasion (Risen, 2003b, para. 10). It is possible that U.S. intelligence officials conducted other empirical studies to gauge the utility of the invasion, but this is the only one discovered in this analysis. Here, *Safety & Stability* issues could enhance review, as it did in an extremely rare quadruple-Principle paragraph guided by *Utility* (taxpayers’ financial consequences) but also addressing elements of *Safety & Stability* (provisional infrastructure), *Justice* (U.S. credibility), and *Community* (U.S. politics) in its post-invasion evaluation:

[O]fficials said the arrangement had wasted more than \$1 million in taxpayers’ money and had prompted them to question the credibility of Mr. Chalabi and the Iraqi National Congress. Both have enjoyed powerful backing ... at the Pentagon and are playing a significant role in the provisional government in Baghdad. (Jehl, 2003b, para. 5)

Meanwhile, one anniversary story lamented over *Justice* and implied *Utility*, because of “severe looting ... [of] crucial documents and other materials ... it will be virtually impossible to ever get a complete picture of what Iraq was up to before the war” (Risen, 2004, para. 19).

Summarizing this most Millian category, this study found very little attention to utility in this limited sample – and, when it appeared, it was usually either incomplete or exaggerated, nearly always missing key elements in the discussion. The scarcity of *Safety & Stability* items meant that officials – and reporters – made intuitive leaps from *Threat* to *Justice* and beyond, leaving gaps in the narrative that became painfully evident when the questions turned to *Utility*.

### **What Were They Good For? Reading the *Times* Editors through a Millian Lens**

Finally, regardless of how John Stuart Mill might have critiqued these 29 articles, the *Times* editors certainly had some things to say about them – and careful reading of the May 26, 2004, editorial reveals several concerns they mentioned. Among them were the reliability of Iraqi sources; the work of individual reporters; journalistic conventions of placement, editing, and verification; a perceived 5-month gap in coverage right before the invasion; and comparable news outlets' coverage (From, 2004a; From, 2004b; Gordon, Milbank, & Massing, 2004).

First, the editors noted in reviewing the problematic stories, “many shared a common feature. They depended at least in part on information from a circle of Iraqi informants, defectors and exiles bent on ‘regime change’ in Iraq ... whose credibility has come under increasing public debate in recent weeks” (From, 2004a, para. 4). “The most prominent of the anti-Saddam campaigners, Ahmad Chalabi, has been named as an occasional source in *Times* articles since at least 1991, and has introduced reporters to other exiles.” However, this Millian analysis did not reveal any noticeable differences between the 4 stories citing those sources identified with the Iraqi National Congress and the remainder of the sample. Because this model did not account for source identity, the editors' perceived lack of verification did not register.

In the *Times* sample, organized as it was published, a comparison of the dozen “stories that cast doubt on key claims about Iraq's weapons programs” (From, 2004b, para. 9) with the various original weapons stories reveals that all reporters' attention to *Threat Nature* concerns remained important throughout the sample – and just over half of them made the front page. Further, the one opportunity identified for direct comparison, as “one example of a claim that was quickly and prominently challenged by additional reporting” (para. 7), reveals a similarly consistent level of significant attention in the two follow-ups, and both appeared on page A1.



When compared under the Millian Security Principles, the work of the 15 different writers demonstrated no remarkable, consistent differences. Slight differences between any two reporters are probably related to time or topic, rather than to either reporter's work.

In particular, Judith Miller's "now-discredited coverage" (Hallock, 2012, p. 273; Anderson, 2006; Gordon, Milbank, & Massing, 2004) in her earlier stories relied heavily on information from Iraqi dissidents considered unreliable (Jehl, 2003b) – but she wasn't alone in doing so (Layton, 2003). A comparison of Miller-authored stories with those written by others failed to reveal a great deal of Security Principle differences in this limited sample.

Similarly, no meaningful, consistent patterns could be found among any of the Principles, the related Guiding Questions, and any story's placement on the front page.

Further, in the op-ed / letter discussion involving three different reporters, *Times* foreign affairs writer Michael Massing identified a "sudden silence that set in in late October and that lasted until the start of the war that [he] found so troubling" (Gordon, Milbank, & Massing, 2004, para. 33). While this Millian analysis found an overall shift in dominant coverage focus from *Threat* in 5 of the 8 articles published before this "Massing Gap" to *Justice* in all 4 of those published after late October and the invasion, this appears to represent the overall shift in focus from *Threat* to *Justice* already underway in the sample – and 3 of those 4 involve news of information that undercut the administration's pro-invasion stance.

Finally, both the editorial and the op-ed letter favorably mentioned what they judged was more comprehensive work by various Knight Ridder Newspapers reporters on comparable stories. Analyzing those is beyond the scope of this study, but an exploratory review of contemporary coverage in some of the other outlets reveals some instances of wider sourcing, deeper questions, and more comprehensive coverage.

### **Discussion: What *Was* it Good For? “Setting the Record Straight”**

This pilot study reveals that this particular application Mill’s conception of security proves a very useful tool for considering the coverage the *Times* editors selected. Further, the Millian Security Principles might have helped the *Times* cover the war better, had reporters pursued lines of inquiry suggested by its guidelines. Finally, the model shows promise in future applications to both traditional and emergent conflicts, as well as to other security concerns.

“I read the news today” goes the first line of this famous Beatles song (Lennon & McCartney, 1967, track 13) – “The English army had just won the war; A crowd of people turned away: But I just had to look, having read the book.” Thirty-six years later, in a dramatic statement broadcast from the deck of a U.S. Navy aircraft carrier, then-President George W. Bush told the world’s news organizations that “the United States and our allies have prevailed” (Bush, 2003b, para. 1) – and a crowd of people turned away. However, barely a year later, the editors of the *Times* just had to look – as, more recently, did I, having read Mill’s book.

Under the Millian Security Principles lens, this study found successes and failures that somewhat corresponded with those the *Times* editors identified – but in greater detail.

### **Getting “the Record Straight:” Analyzing the *Times* Reveals Millian Values**

So, what would John Stuart Mill say about the articles that the *Times* editors identified as either problematic or exemplary in this sample? Quite a bit, if the initial results of this pilot study are any indication. The 5 Millian Security Principles – and their accompanying 12 Guiding Questions – easily identified corresponding manifestations in the *Times* reportage. It appears from this study that this model yields useful organization and analysis of the kind of conflict coverage reflected in this sample. And, where evidence for particular Principles or Questions was scant or absent, that absence pointed to significant gaps in the coverage.

**The “Security-&-Justice-for-All” lens discovers successes and failures.** In practice, the 5 Millian Security Principles proved useful in identifying and organizing emergent issues of importance in the analysis of this small sample of coverage from the *Times*. Shifts in emphasis also emerged, consistent with the sample’s three different phases, between *Threat* and *Community* issues. Though an unforeseen focus on veracity and verification led to an unbalanced preponderance of *Justice*-coded paragraphs, nothing emerged that could not be quickly coded within the existing model. The size of this imbalance, though, suggests that issues related to truth-telling might better be moved to a new category for that value.

***Security addresses a vital, existential Threat (sometimes).*** The only category focused on the actual situation at hand, *Threat* elements did emerge as the second-strongest focus in the pre-invasion coverage before fading, as we might expect, afterward. The model also suggested that later coverage might return to these issues, as the *Times* eventually did, by “re-examining the claims as new evidence emerged” (From, 2004b, para. 3). However, this Principle and its Guiding Questions revealed gaps throughout the coverage and the need for more detail. Yet this Millian focus on *Threat* offers both a valuable coverage guide as well as a metric.

As observed, *Threat Nature* discussions tended to focus on “shiny” WMDs, often without meaningful detail or context. This reflected the journalistic convention of “nuggets,” or “money quotes” of important people saying important things, which led to an over-reliance upon official sound-bite “information that was ... insufficiently qualified or allowed to stand unchallenged” (para. 3) – such as the ubiquitous, terrifying “mushroom cloud” (para. 8).

The analysis also revealed a near-complete absence of specific *Threat Target* identification, which meant most stories failed to fully connect the three *Threat* dots. By the apparent assumption of the United States, or its allies, as potential victims, the *Times* failed to

walk its readers through the actual probability of harm from these particular *Natures* and *Agents*. As redundant as it may seem, more attention to this would have filled some gaps.

Finally, this study revealed an almost reflexive assumed invocation of terrorists, Iraq, and Saddam Hussein as symbolic *Threat Agents* who required no further investigation or explanation as such. This meant that no other nation's comparable potential threat appeared in comparison until very late in the sample. Further, a very rare few quotes portrayed Mr. Hussein as a rational actor manageable by actions short of war and regime change – and those were late. Instead, for many of the “dire claims about Iraq ... there was no follow-up at all” (para. 5).

***Security preserves Safety & Stability (rare)***. As these response-related concerns emerged as the least-addressed of all, the model's potential for both assessing past coverage as well as guiding future reporting became conspicuous by its absence. Completely missing from nearly half of these articles, *Safety & Stability* issues require investigation and analysis beyond *Threat* sound bites into nuts-and-bolts realities of water, food, medicine, utilities, law enforcement, and other day-to-day elements of security. And it got progressively worse: overall evidence of these items decreased as time passed, missing in one third of the pre-invasion stories, nearly one-half of the post-invasion stories, and two-thirds of the anniversary pieces. The lack of any Marshall Plan-style exit strategy emerged from reading between the lines.

Among the least-addressed Guiding Questions, *Safety* could have better informed the *Times* reporting in two main areas. First, in considering how specific *Threats* might affect the lives of U.S. citizens, important context and nuance might have emerged – not only in terms of internal concerns for its civilians, but also in long-term concerns for its military personnel.

Further, any consideration at all for the immediate well-being for the people of Iraq – and for the larger region – would have invoked better utilitarian considerations of this proposed

response. Though the *Times* did publish remarkable work on this later – most notably in the reporting of the late Oklahoma native Anthony Shadid (2012) – it is virtually absent here.

The same is true for future concerns of *Stability* – where attention decreased, instead of increasing as the model might suggest. Any news of the growing unrest and insurgency in Iraq appears only in terms of shifting U.S. resources away from the search for WMDs, and the only Iraqis whose future seems worthy of concern are those who provide useful intelligence.

Though the *Times* did report later on *Stability* issues like schools (Tavernise, 2006), “Mill requires calculating what is truly good for the whole community” (Elliott, 2007, p. 100) throughout the discussion of perceived threats and proposed responses, not just afterwards.

***Security promotes Justice: Plenty for me, but not much for thee.*** The importance of justice in Mill’s thought – occupying the final third of *Utilitarianism* (1863; Elliott) – finds plenty of interest in this sample, as *Justice* dominates the narrative’s attention throughout the sample, appearing in 92% of the paragraphs; further, as the model suggests, the reporting’s main focus shifts from immediate concerns before the invasion to long-term issues afterwards.

However, this analysis surfaced a significant degree of attention to issues of *veracity*, or truth-telling, in such proportion as to suggest adding a separate category for it in future studies. As initially defined, the *Justice* Principle included the Millian secondary principles of legal rights, moral rights, just deserts, promise-keeping, and impartial or equitable treatment (Mill, 1863; Elliott, 2007), and veracity may be seen as an element of each and every one of these criteria. Yet the reflexive nature of an Ethnographic Content Analysis – “looking at one feature in the context of what is understood about other features” (Altheide, 1987, p. 66) – allowed this emphasis to surface as an emergent subcategory that drew from the existing ones.

Finding that statements related to *Just Veracity* permeate the narrative – in which a news organization whose professional tradition claims its “essence ... is a discipline of verification” (Kovach & Rosenstiel, 2007, p. 12) covered its government’s claims – could hardly count as a novel discovery. However, because the model suggested interest in the various Millian aspects of *Justice*, this analysis successfully identified the significant attention to the various claims the government made to justify the invasion.

Further, although the model did not differentiate among information sources or balance – and therefore could not corroborate the *Times*’ own critique of “coverage that was not as rigorous as it should have been” (From, 2004a, para. 3) – it did cast in sharp relief the complete lack of Iraqi voices throughout the sample. Though Mill insisted that “the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned” (1863, p. 21), the *Times* reporters and editors did not see fit to seek comment from Iraqi officials or citizens in any of these articles. This was not unique to the *Times* – “where were the Iraqi imbeds?” asked one CBS correspondent (Newton, 2003) – but a Millian concern for impartial and equitable treatment would suggest a wider range of voices.

More closely aligned to the original model’s conception of *Justice*, discussion related to *Just Legality* emerged in consideration of Iraq’s alleged infractions of international law, United Nations sanctions, and agreements to restrict its weapons development. Further, as the model suggested, attention to these items increased as time went on – not only in terms of seeking to establish evidence of past Iraqi wrongdoing, but also increasingly in considering future Bush Doctrine pre-emptive action and the need for better intelligence.

Finally, whether considering *Just Legality* or *Just Response* issues – and in the various combinations of statements invoking *Just Stability* concerns – the complete lack of awareness of

potential injustice by the United States is significant in this sample. Despite the agreement among the early Utilitarians that all war was largely unjust, and Mill's concern with "the various modes of action, and arrangements of human affairs, which are classed, by universal or widely spread opinion, as Just or as Unjust" (1863, p. 53), nothing in this sample appears to address issues of civilian "collateral damage" deaths, war crimes, and all the various harms war encompasses – much less any discussion of international laws prohibiting aggression.

***Security produces (some) Community.*** As with *Threat* and *Justice*, the Millian *Community* category suggested a significant amount of attention would emerge in an *ad Bellum* narrative – and it did, affecting 53% of all analyzed paragraphs and representing the third-most referenced Principle, only slightly eclipsed by *Threat*-related statements. Further, not only did the model demonstrate a growing degree of consideration over time, it also revealed a deficiency in the pre-invasion coverage, where these concerns were completely absent from a third of the 12 stories in that part of the sample.

Finally, application of the model surfaced several significant secondary principles in the sample, beginning with *Community Diplomacy* issues related to cooperation with other nations in response to the supposed Iraqi threat, continuing through an unforeseen emergence of *Community Politics* within the government, and ending with an increasing focus upon issues related to internal *Community Identity* and concerns with interagency cooperation. Of greatest impact was the *Politics*-related statements, and that term was added to the original definition.

The relative lack of attention to *Community Safety* concerns may indicate an assumption that any action that would disarm Iraq would improve the immediate safety of the U.S. and its allies; however, the sample reveals no interest whatsoever in the safety of the Iraqi people – another indication of the lack of Millian inclusion in the discussion. At no time does any

discussion emerge around issues of immediate safety for Iraq or its neighbors. Attention to those issues – especially combined with other categories – would have enhanced the coverage.

Finally, the model’s question of *Community Stability*, reflecting Mill’s concern with the ongoing well-being of the larger community, suggests that more attention should have been paid to these issues in the pre-invasion coverage. Emergent discussion of inter-agency conflict should have led to wider sourcing, and the few statements regarding the ongoing stability of the region should also have meant a more robust interrogation of post-Hussein plans for Iraq.

***Security practices (myopic) Utility.*** Ultimately, the model’s greatest utility in this analysis is its revelation of a nearly complete lack of attention to a fully utilitarian defense of the invasion. Though the *ad Bellum* decision that “it is allowable to go to war” (Mill, 1859b, p. 118) represents for Mill one of the most important ethical questions, it is rarely invoked in this sample – and, when it is, it appears incompletely or illogically applied. The three Guiding Questions influence so few paragraphs that this essential Principle is barely more evident than the similarly absent *Safety & Stability* category. The model suggests that this essential concept be thoroughly explored before a nation decides to wage war; instead, it influences barely 8% of the entire sample, and is completely absent from nearly half the 12 pre-invasion stories, from a third of the 11 post-invasion articles, and from one sixth of the 6 anniversary stories.

This echoes one of the main critiques from the *Times* editors: “Administration officials were allowed to hold forth at length on why this evidence of Iraq’s nuclear intentions demanded that Saddam Hussein be dislodged from power” (From, 2004a, para. 8) – and the same was true for allegations of other WMDs and the nation’s alleged alliance with terrorists.

Worse, what emerged from the narrative, instead of reasoned cost-benefit arguments based on *Safety & Stability* or *Justice* issues in response to specific *Threats*, were more of the



kind of apocalyptic, all-or-nothing statements like this one. The mere possibility that Iraq held any hint of WMD, coupled with the suggestion of collaborations with terrorists, meant that any response would be worth the cost because of these utterly horrifying possibilities of harm. As one of the anniversary stories put it: “Analysts say the cost of overestimating the threat posed by Mr. Hussein was minimal, while the cost of underestimating it could have been incalculable” (Risen, Sanger & Shanker, 2003, para. 27) – a claim that is repeated without any attempt of qualifying or quantifying these particular costs and balancing them for maximum good.

*Apocalypse Now.* Examples of this absolutist language emerge from several paragraphs coded as *Utility* statements – reminiscent of the arguments reporters once heard about a popular anti-drug education program: “that ‘if D.A.R.E. detoured just one child ...’ communities should support it,” noted one critical metastudy (Hanson, 2019, para. 40). “Yet if a drug worked one percent of the time, the Food and Drug Administration would pull it off the market.” This study concluded that “The estimated cost of DARE annually is already \$1 to 1.3 billion. That’s a lot for a completely ineffective, often counterproductive, program.” Yet, like with the promotional D.A.R.E. slogan, no cost-benefit analysis is offered to support such statements as officials “are not willing to risk leaving [Mr. Hussein] in power” (Schmitt & Shanker, 2002, para. 5), or “no president has the luxury to tolerate a growing threat” (Jehl & Sanger, 2004, para. 77).

*Adolescent utility.* While not quite so apocalyptic, a significant number of *Utility*-coded paragraphs reflect a sort of incomplete, or adolescent, utilitarian appeal, one that invokes the power of a “greater good” appeal absent its corresponding responsibility of complete reasoning (Didgah, Shariati, Behashti, & Naiini, 2018; Farrell, 1993). For example: “It was the prospect of ... an atomic bomb ... that the Bush administration most sought to fan as it pushed the case for war. Yet it had little concrete evidence” (Gordon, Milbank, & Massing, 2004, para. 25).

That the most-seen combination of *Utility* with any other Principle is with *Justice* reveals significant discussion of connecting the *ad Bellum* argument with various justifications; that this combination is fifth on the synergy list, evident in only 2% of the sample, speaks to its overall absence from the narrative. Easy appeals to the greater good emerge with little or no support. Perhaps the most damning discovery of this analysis is that the solitary story bearing evidence of all three *Utility* questions – *Action*, *Inaction*, and the *Utilitarian Security Calculus* – and the only paragraph of the entire sample coded for that last question – quotes officials who argue against the proposed invasion: “Taken in its totality, the critics insist that the intelligence suggests there is no rush to take military action” (Gordon & Miller, 2002, para. 15).

**The “Security-&Justice-for-All” lens underestimated *Justice*.** For all the many points of interest the Millian Security Principles model suggested might emerge from this analysis – as well as those made conspicuous by their absence – the additional, unforeseen issues that also emerged beyond the model’s criteria demand attention and explanation.

Fortunately, instead of reflecting “my fear of the dark – of things not seen” (Lindsay & Wilhelm, 1984, track 2), Mill and Altheide agree on the essential value of discovery and adaptation: “The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on,” Mill observed (1863, p. 29); meanwhile, the ECA methodology will “permit emergence, refinement, or collapsing of additional categories” (Altheide & Schneider, 2013, p. 68). The model suggested *Justice* – but was not able to account for its different guises, its emergent emphasis upon veracity, and its overall dominance.

**Justice, Justice *über alles*.** That this model surfaced such an overwhelming quantity of *Justice*-related statements in analyzing the work of a reputable news organization covering its

government's attempts to prove multiple *Threat* elements to *Safety & Stability* involving multiple *Community* aspects marks a success. However, in many ways a victim of its own success, the model failed to account enough for the varying qualities of Millian *Justice* itself. The research instrument divided all *Justice* concerns into two temporal categories, immediate *Safety* and ongoing *Stability*, which proved too blunt a distinction for such varied volume.

Further, as significant meaning emerged from the data in coupled synergies among the various Principles, *Justice* was the recurrent element in each of the top-5 pairs: *Threat-Justice*, *Justice-Community*, *Threat-Justice-Community*, *Safety & Stability-Justice*, and *Justice-Utility*. That the model would suggest several other proximate pairs, such as *Threat-Safety & Stability* and *Community-Utility*, which did not emerge, reveals further gaps in the coverage.

Future application of this model should allow for some accounting of these pairs.

**Justice is a many-splendored thing.** As the various instances of *Justice* emerged around issues such as *Veracity*, *Legality*, and *Response*, the model might be improved by adding a second layer of categories, perhaps adapting Elliott's 5 specific principles (2007) from Mill's utilitarian justice definitions (1863): legal rights, moral rights, just deserts, promise-keeping, and impartial or equitable treatment. This would also help address potential confusion surrounding the use of the term "justice," which for some scholars might invoke only legal or moral connotations. It would also provide more detailed reporting of *Justice*-related findings.

And it might direct reporters and scholars alike to more substantive and robust examination of these various elements of *Justice* as they currently exist in a given situation, and as they may be threatened by a particular *Threat*, a proposed response, or both. For example, more consideration to various aspects of *Justice* in Iraq would have provided insight into the

larger reality of life under Saddam Hussein for most of his citizens before the invasion – and how various elements of *Justice* would be affected in the war's aftermath.

***Truth, Justice & The Millian Way.*** However, even adding these secondary categories still won't account for the significant emergence of *Veracity*-related issues of *Justice*, much less for the overall dominance of this Principle. Faced with similar changes to its venerable "Food Pyramid" dietary guidelines, the U.S. Department of Agriculture devised a simpler, 4-color "My Plate" to suggest a more healthful balance (DeNoon, 2011). Although the former First Lady insisted that "families will find this useful" (para. 5), no such useful distribution of utilitarian Principles emerged from the utilitarian literature; on the contrary, Mill's ideal "weighing these conflicting utilities against one another" (1863, p. 28) suggests that utility will determine a uniquely appropriate proportional distribution in each individual case.

Nevertheless, a Millian Security "food plate" where one single Principle alone accounts for well over 50% of the 5-section dish indicates an imbalance in the model, and one that probably made a significant difference in the analysis. In this study, *Veracity* was coded under several of the Millian *Justice* secondary principles: truth-telling in any given action may be seen as a legal right, a moral right, a deserved right, a promise to keep, or a result of impartial or equitable treatment – or any combination of these just ideals. For future application in journalism ethics and *ad Bellum* war ethics alike, it makes sense to add a separate category for *Veracity* itself, rather than task the researcher to shoehorn data into the various *Justice* codes.

Finally, this is consistent with Mill's own emphasis in *Utilitarianism* on the primacy of "veracity ... the insufficiency of which does more than any one thing that can be named to keep back civilisation, virtue, everything on which human happiness on the largest scale depends" (1863, p. 27). In fact, his unequivocal insistence that "any, even unintentional, deviation from

truth, does that much towards weakening the trustworthiness of human assertion” certainly carries significant weight in considering a government’s *ad Bellum* arguments and a free press’ attempts to accurately and completely report them to an ever-less trustful public.

That this defense of veracity appears in Mill’s rebuttal of the various criticisms of utility, some 40 pages before he defines security as “the most vital of interests” (p. 67), may explain why this researcher considered it assumed in examining the various Millian elements of security; however, Mill’s insistence on its essential requirement for any community endeavor – and its emergence as a significant issue of attention from the data – suggest it be added to the Millian Security Principle model as a precursor of some sort to the other categories. At least in this study, such a revised coding would more accurately describe the data – and better balance the categories on the Millian ethics plate as well.

**The “Security-&Justice-for-All” lens needs sharper focus in places.** Similar to the discovered need for better clarity in defining *Justice* more carefully, several emergent issues suggest that other aspects of the model might offer better utility with a little Millian “improvement” (p. 29), especially in considering an analysis that yielded a great deal of quantity, but struggled with distinguishing among different aspects of quality.

First, a more clear distinction between *Threat* as considering the situation at hand, and all other Principles as focused on the proposed responses to that situation, might better assist the researcher in differentiating among the various codes. For example, some confusion between *Threat* identification issues and *Safety & Stability* considerations might clear if one remembers that the former focuses on sources, while the latter focuses on methods and outcomes.

Second, some method for accounting for different identities would add clarity and focus to the data, and more utility to the analysis. For example, in *Threat* issues, the danger to U.S.

citizens from potential Iraqi action was prominent; the danger to Iraqi citizens from potential U.S. action was absent. In *Safety & Stability* issues, for example, no attention was paid to the enormous human cost of war – whether to citizens or to military personnel on both sides. In considering *Justice*, identifying various sources of information would yield deeper data. And in *Community*-related issues, the various communities should be identified and examined. This added level of attention would also direct reporters and scholars alike to seek absent voices – and to more critically examine agenda-driven sources like the Iraqi National Congress. Mill’s defense in *On Liberty* of the value of all opinions would suggest casting a much wider net.

Third, some tracking of placement – both in terms of stories within the publication, as well as statements within each story – might shed more light on the importance of various Principles and their influence in the data. One emergent element of interest in considering *Utility* was that statements invoking some form of the last three questions tended to appear at the end of a story, as a sort of counter-balancing thought to the dominant discussion. There is a significant difference in influence among front-page stories, headlines, lead sentences, and closing material. This instrument needs some way to account for these subtleties.

Finally, to answer a perennial critique of utilitarianism, future research applications of this approach might benefit from some category for the non-rational or purely emotional. War follows “a logic all its own” (Hamlet, 2005, p. 39), whenever anyone dares “Cry ‘Havoc!’ and let slip the dogs of war” (Shakespeare, 1601, lines 270-275). Though nothing explicitly of this nature emerged from these data, the few statements about the undercurrent of fear pervading the U.S. after the 2001 terror attacks point to the strength of strong popular beliefs that may have no basis in reality – and may be beyond the reach of the kind of rational appeal so central to Millian utilitarianism. Where this study assigned statements of this nature to the appropriate *Threat* or

*Safety & Stability* categories, it did not have a method for considering the validity or rationality of such statements – or any for dealing with irrational ones.

### **The “Security-&-Justice-for-All” Model extends Utilitarian Ethics Literature and Theory**

This pilot study applied the Millian Security Principles model to a sample of coverage from the *New York Times*, and demonstrated that much of the narrative did, in fact, make appeals to utilitarian greater good or security, but in an incomplete manner. Numerous officials sounded like the scientists in *Jurassic Park*, who “were so preoccupied with whether they could ... they didn’t stop to think if they should” (Kennedy, Molen, & Spielberg, 1993). Further, while the model illuminated some correlations between the Millian Principles and some of the issues raised by the *Times* editors, it demonstrated its true utility in focusing and shaping a coherent analysis of emergent concerns it revealed in the invasion coverage sample. Finally, though challenges and limitations in the model emerged as well, it still demonstrated real promise in providing valuable insight into, and guidance for, further narrative analysis.

**The Millian Security Principles complement recent Utilitarian theory.** This study’s extensive review of the Millian literature to date found nothing related to his definition in *Utilitarianism* of security and its vital importance. In addition to the renewed attention to Mill’s thought in recent years – related to his bicentennial and his book’s sesquicentennial – his writings and ideas continue to exert significant influence in philosophy and ethics. The Millian Security Principles complement this ongoing presence by offering a new application of Mill’s thought, potentially useful in considering various philosophical or ethical questions.

**The Millian Security Principles extend recent war ethics scholarship.** Building on recent war ethics scholarship by Walzer (2009), Whitman (2006), Singer (2004), and especially Shaw (2011, 2014, 2016), this model extends Shaw’s *Utilitarian War Principle* by situating it in

a larger construct based on Mill's definition of security and its vital importance. Though also focused on the crucial *ad Bellum* question, this model goes beyond current utilitarian war and just war ethics by providing a new, independent framework for organizing issues that arise around conflict narratives. Further, it offers a new set of criteria for opening, focusing, or otherwise engaging such narratives.

**The Millian Security Principles contribute a new media ethics model.** While media ethics scholarship increasingly moves away from utilitarianism, the traditions still exercises significant influence on both scholarly theory as well as professional ethics codes and practice. Notable work by Peck (2006) and especially Elliott (2007) further enhanced the understanding of utilitarian media ethics, and surfaced nuances in Mill's thought on community and especially justice. This model situates those values of community and justice within a broader security structure that adds the concepts of threat, safety, and stability to the utilitarian media ethics toolkit. Further, its "Security-&-Justice-for-All" checklist provides powerful new guidelines for comprehensive, inclusive consideration of ethical issues in media product and practice.

**The Millian Security Principles enhance the larger public conversation.** Moreover, in a civilian-command democracy, informed citizen participation and debate remains central to the *ad Bellum* narrative – requiring a "link between the military ... and the wider civilian society" (Offley, 2001, p. 15). Public servants, citizen-soldiers, citizen-journalists, and all other members of a democracy need a useful framework for considering the essential *ad Bellum* question – as well as other questions involving community-sanctioned violence. By focusing on specific, defined threats to safety and stability, and insisting on justice for all those involved, this approach adds a new framework for useful inquiry to the ongoing public discussion.



**The Millian Security Principles provide a normative coverage prescription.** Finally, by outlining a normative rubric for engaging the *ad Bellum* question with its 5 Principles and 12 Guiding Questions, the “Security-&-Justice-for-All” structure moves beyond guiding useful examinations of past coverage under a utilitarian ethic towards directing future coverage in specific, measurable steps. This promises many useful applications for enterprise, investigative reporting – whether by experienced war correspondents, general assignment staffers, professional-amateur hybrids, defense-industry writers and bloggers, or interested citizens – to engage with any number of conflict-related subjects along Millian Security lines of inquiry.

**The Millian Security Principles provide a model for media education.** Beyond its ethics applications, this model’s 5 Principles and 12 Guiding Questions provide a structure for teaching several imaginative thinking skills for media students, who can choose one or more items from the normative rubric to guide story topic identification, source identification, data collection, and reporting goals. As a whole, the “Security-&-Justice-for-All” structure offers a guide to more balanced consideration of threat, security, stability, justice, and community.

#### **Limitations of the *Times* Study: What *Wasn’t* this Good For?**

Though this pilot study of a limited *Times* sample viewed under a Millian Security Principles lens revealed a great deal about the 29 articles selected by the editors – as well as significant items of interest for future inquiry – limitations in this study linked to the instrument itself, the methodology, and the sample emerged alongside the useful findings.

Several emergent difficulties in data analysis among the various categories were discussed earlier; in addition, clearer category definitions and examples of each code type would make future study more efficient and effective. Further, when many paragraphs displayed the

influence of more than two categories, the instrument did not have any way to rank them in order of strength or importance. Nor did it allow for coding any items with equal influences.

Further, as Altheide's Ethnographic Content Analysis also involves the researcher's insights as part of the instrument, inherent limitations on reliability restrict any generalization of these findings. No feasible large-scale study could, for example, require each coder to undertake a significant literature review of Mill and utilitarianism before beginning the analysis; therefore, more work is needed to refine the model's categories and definitions for use in future studies.

Finally, the highly limited nature of this purposive sample – chosen by the *Times* editors to represent the good, the bad, and the ugly of its coverage – reflects what those editors wanted the readers to see. As the nation's unofficial paper of record, surely the *Times* coverage of the 2003 Iraq invasion easily encompassed many multiples of the 29 articles included here. This means that the study cannot be considered in any way indicative of the larger coverage: It is entirely possible that better, more comprehensive articles appeared in the very same issues. And ultimately, the very small number of stories sampled made any kind of meaningful longitudinal or comparative analysis nearly impossible, other than at a very basic and general level.

### **Suggestions for Future Research: “We Fully Intend to Continue”**

As the *Times* editors resolved in 2004 to double down on their coverage of the decisions that led to the 2003 invasion of Iraq, this study – despite its limitations, and some 15 years later – offers promising potential for further application of the Millian Security Principles model to the invasion coverage, as well as other conflict-related narratives, to see how a Mill's-eye view might better inform the conversation and its conclusions.

**Iraq revisited.** First, with a “Security-&-Justice-for-All” model – improved in ways suggested earlier, and subject to continual refinement (Altheide, 2103; Mill, 1863) – a more

comprehensive study of *Times* coverage of the Iraq invasion would shed light on the narrative. The three time frames that emerged from this sample – pre-invasion, post-invasion, and anniversary – provide useful sampling targets, and could be augmented with further anniversaries aimed at collecting a much larger, more representative data sample.

Second, the model could be applied to a wider range of news outlets from the same period, to better understand the larger context and quality of coverage – especially involving Knight Ridder and other exemplar news organizations and media types as well.

Third, the model could be applied to other sources of data – interviews with reporters and editors, surveys of writers as well as readers, reporters’ source notes and recordings, archival materials, conference proceedings, and other conflict-related security narratives. An analysis of any of these using the Millian Security Principles might reveal much of interest.

**Beyond Iraq.** Fourth, the model could be applied to other conflicts besides the 2003 invasion. As we never seem to escape “wars and rumors of wars,” there is no shortage of conflicts to cover – especially as many military actions fall short of a full-scale war. Regardless of a given conflict’s scope, the model provides structure and guidance for study.

Fifth, in addition to considering coverage of traditional warfare such as the 2003 Iraq invasion, this “Security-&Justice-for-All” model shows promise for the effective study of new, transitional kinds of asymmetrical warfare – such as that involving non-state actors or terror – as well as emerging conflict arenas of unmanned, automated weaponry, such as drones, and the virtual battlefield of cyberwarfare – which already rages worldwide, though mostly unseen.

Sixth, this model may prove useful in considering several other, non-martial areas of community-sanctioned conflict or violence, in offering a structured utilitarian reasoning

procedure for analyzing discussions of capital punishment, the use of lethal force by police, lethal self-defense by citizens, militias, the Second Amendment, euthanasia, and abortion.

Seventh, the model may also prove worthy of guiding inquiry into non-conflict areas of security and justice, in addressing other threats to community stability and well-being such as critical infrastructure, the economy, industry, demographic changes, and the environment.

Finally, a revised version of this model, with carefully operationalized variables chosen to investigate the Millian criteria, should yield significant and useful consideration of any of these data sources in a quantitative content analysis or similar study.

### **“Unfinished Business” and “Aggressive Reporting:” Contributions and Conclusions**

“We consider the story ... to be unfinished business,” concluded the *Times* editors in their *mea culpa* (From, 2004a, para. 14). “And we fully intend to continue aggressive reporting aimed at setting the record straight.” Fifteen years later, with the benefit of 20/20 hindsight, we can identify some of the long-term consequences of concerns raised in the *Times* coverage: no evidence of WMDs ever came to light, the regional destabilization that some experts warned might come of invading Iraq did come to pass, and costs and casualties continue to mount.

Perennially, it seems, “War! Children, it’s just a shot away” (Jagger & Richards, 1969, Track 1); however, today’s conflict correspondents work in a radically different reality, repeatedly decimated by deep cuts to personnel and resources while increasingly challenged by an ever-impatient electronic media. The 2003 media legion that invaded Iraq alongside the troops no longer exists – and may never be seen at such scale again. In their former glory days, outlets like the “AP had never hesitated,” reminisced one regional editor: “The attitude was always, ‘Forget the budget. We’ll find some way to pay for this.’ You didn’t get fired for going over-budget, but for missing the story” (Frazier, 2019, para. 3).

But who has those kinds of resources anymore? “The pieces that I always lament [not publishing] are the long-haul reportorial pieces that require commitment,” lamented one major magazine publisher recently (Green, 2018, para. 11). Indeed: “It’s expensive to cover war and the hidden costs are exponential,” noted one former reporter. “The AP can’t be at every coup and every conflict and every war anymore, we are seeing that now” (Frazier, para. 13).

These shifting priorities carry real consequences: As a skeleton crew of one, manning ABC’s Afghanistan bureau in April, 2011, veteran war correspondent Mike Boettcher found himself hugging the ground for dear life as U.S. Marines encountered a fierce Taliban spring offensive (Boettcher & Patrick, 2011; Boettcher, 2011). As he recounted several years later, after feeling in those moments the closest to death he had ever come in over 30 years of covering conflicts, he then had to fight to upload his report to New York – because over 100 ABC reporters and staff covering preparations for a royal wedding in London were consuming all the available satellite bandwidth (M. Boettcher, personal communication, June, 2014).

Today’s would-be war reporter faces unprecedented challenges in attempting to cover an ever-shifting battlefield in an ever-evolving media environment. Though nothing can completely address all of these challenges, the Millian Security Principles, as validated by this pilot study, offer a sort of 5-bladed Swiss Army Knife that reporters can apply to the crucial *ad Bellum* question as well as to the conflict that follows: First, the criteria of *Threat, Safety & Stability, Justice, Community, and Utility* provide a useful ethical framework for reporting and challenging any statements made by government and other sources, to avoid falling “for misinformation ... [as] did many news organizations – in particular, this one” (From, para. 4).

More importantly, however, the Principles delineate a deliberate, reasoned, normative process through which reporters can more effectively plan and pursue increasingly robust,

comprehensive coverage that independently seeks “more and stronger information” (para. 2), “new evidence” (para. 3), “follow-up” reportage (para. 5), and “independently verified” information (para. 6) beyond what official sources provide – informing the kind of “aggressive reporting” (para. 14) that the *Times* described as its past failure and its future standard. This study identified several gaps in that *Times* coverage – and offers a place to start anew.

*Appendix A*

**Five Millian Security Principles Categories**

**[MSP 1] Threat:** Security *protects* against a vital, existential **Threat**.

**First Principle:** Security, “*the most vital of all interests,*” protects against “*a violation of a right,*” a definite **Threat** to “*the very groundwork of our existence*” (pp. 66-67).

Millian **Threat** elements represent specific *things* that may cause harm to specific *persons or property* when directed to do so by specific *actors*. This principle addresses the situation at hand, or nearly at hand, and seeks specific identities of harms, harmed, and harmful actors.

Key identifiers include words, phrases or sentences, including questions, that explicitly state or implicitly reference a specific threat of injurious action, a specific party or thing threatened by such action, and / or a specific actor whose plan or potential threatens the existing security. For Mill, this first encompassed “any conduct which threatens the security” (p. 63), or “a wrong done” (p. 61), including threats to rights, goods, and one’s existence itself. Second, he seeks to identify “some assignable person who is wronged” (p. 61). Finally, he identifies the “person who has done harm” (p. 63) or “those who infringe the rule” (p. 65).

Examples include discussion of actions that would foreseeably cause undue restriction, loss, injury or death, as well as identification of threatened victims and threatening perpetrators.

Consider how these specific *Threat* Principle Questions are addressed in this selection:

1. What is the specific **nature** of the perceived security **Threat** in this particular action? (*Threat Nature*). For example, some of the discussion in the *Times* addressed nuclear weapons, which represent a clearly identified threat to both people and property.
2. **Whose** specific security is actually being **Threatened** by this particular action? (*Threat Target*). For example, some of the discussion in the *Times* identified coastal residents of the United States as being vulnerable to drone weapons launched from terrorist-manned boats.
3. **Who**, specifically, is **Threatening** anyone’s security in this particular instance? (*Threat Agent*). For example, some of the discussion in the *Times* identified former Iraqi president Saddam Hussein as being prepared to use various weapons to harm U.S. citizens.

**Differentiating focus:** MSP 1 addresses potential threat elements evident in the situation at hand. All four subsequent MSPs address the potential outcomes of the proposed response(s) to those threat elements.

**[MSP 2] Safety & Stability:** Security *preserves* **Safety** and **Stability** in response to *Threat*.

**Second Principle:** Security *preserves* both the present **Safety**, “*all our immunity from evil*,” as well as an ongoing and enduring **Stability**, “*the whole value of every good ... beyond the passing moment*” (p. 67).

Millian **Safety & Stability** elements represent specific *things* that may be preserved for both present *Safety* and future *Stability* by a proposed response to a specific *Threat*. This principle addresses the proposed response to the threat, and seeks specific mitigations of potential harms, on behalf of the potentially harmed, through specific immunity from potentially harmful actors.

Key identifiers include words, phrases or sentences, including questions, that explicitly state or implicitly reference elements of security in both immediate, present Safety as well as ongoing, enduring future Stability.

This includes primary and secondary effects of threatened action, as well as foreseeable future consequences, both intended and unintended.

This also includes considering the loss of tangible defenses of previous and present security as well as the tangible manifestation or intrusion of tangible threats into present and future security.

Examples would include discussion of proposed actions (or failures) to preserve safe water, food, shelter, medicine, transportation, livelihood, health, well-being, and life, as well as concerns over hazardous conditions, materials, methods, or persons whose particular function in the community could create a threatening situation when faced with a specific threat.

Consider how these specific *Safety & Stability* Principle Questions are addressed in this selection:

4. How would *this proposed response* specifically preserve anyone’s *immediate*, present **Safety**? For example, some of the discussion in the *Times* addressed U.S. actions taken to protect certain Iraqi informants against retaliation from loyalists.

5. How would *this proposed response* specifically preserve anyone’s *ongoing*, enduring **Stability**? For example, some of the discussion in the *Times* addressed U.S. concerns that Iraq was developing ballistic missiles that threatened the ongoing stability of nearby nations.

**[MSP 3] Justice:** Security *promotes Justice* in response to *Threat*.

**Third Principle:** Security *promotes Justice*: in seeking a just present *Safety* to deter or “*repel*” unjust harm, as well as in seeking a just enduring *Stability* to prevent, or “*retaliate / punish*” for “*a violation of a right*” (pp. 62-63; p. 66).

Millian **Justice** elements represent a specific *stance* that promotes a *state of justice* in both present *Safety* and future *Stability* in a proposed response to a specific *Threat*. This principle addresses the various legal, moral, and ethical rights invoked in a proposed response to the threat, and seeks equitable justice for all involved.

Key identifiers include words, phrases or sentences, including questions, that explicitly state or



implicitly reference a just response seeking *present* preservation of, or unjust deprivation of, individual and group rights, as well as a just response seeking *future* preservation of, or unjust deprivation of, individual and group rights, as well as just retribution for damages and just punishment for injury.

Millian justice addresses present and future stability through rights. “To have a right ... is ... to have something which society ought to defend me in the possession of,” Mill writes (p. 66).

After Elliott (2007), Mill’s definition of justice includes concepts of legality, morality, merit (just deserts), fidelity (promise keeping), veracity, fairness and impartiality, proper authority, ethical prudence, rational defense, and justification for any proposed response.

Examples would include discussion of universal human rights, state-defined civil rights, morality, laws, guides, treaties, community traditions and expectations, verification, truthfulness, agency and authority, personal and corporate responsibility, mutual respect, transparency, and shared decision making.

Consider how these specific *Justice* Principle Questions are addressed in this selection:

6. How would this proposed response specifically promote **Justice** in defining anyone’s present **Safety**? For example, some of the discussion in the *Times* addressed attempts to verify evidence that Iraq possessed WMDs in sufficient quantity and quality to immediately threaten others.

7. How would this proposed response specifically promote **Justice** for anyone’s enduring **Stability**? For example, some of the discussion in the *Times* addressed various justifications for sanctions, or other punishments, for Iraq’s alleged development of treaty-banned weapons.

[MSP 4] **Community**: Security *produces Community* in *Just* response to *Threat*.

**Fourth Principle**: Security *produces Community*: in *Safety* of “*our fellow-creatures*” (pp. 61, 67) and in *Stability* of “*the general good*” (pp. 63-64) for all involved parties – including the threatening party.

Millian **Community** elements represent a specific *state of being* – existing or sought – that produces or invokes some kind of group identity that preserves both present *Safety* and future *Stability* in a proposed response to a specific *Threat*. This principle addresses the various state, organizational, command, shared and designated responsibility, and group identity issues invoked in a proposed response to the threat, and seeks stable community for all involved.

Key identifiers include words, phrases or sentences, including questions, that explicitly state or implicitly reference the “community of interest between himself and the human society of which he forms a part, such that any conduct which threatens the security of the society generally, is threatening to his own” (p. 63).

For Mill, this involved both “the claim we have on our fellow-creatures” for mutual defense (p. 67) as well as the “defence of others” (p. 75), including “those with whom we sympathise” (p. 63), “through, or in common with, society at large” (p. 64).

His definition of communal, not individual, moral “vengeance” (p. 75) is through “subordination

of it to the social sympathies” (p. 64). Throughout, his positions on individual rights and responsibilities are extended to the larger group, society, state, and humanity at large.

Examples would include discussion of present and future local, state, regional, national and international alliances, politics at any level, the common defense, homeland security, duty, race, ethnicity, or religion (p. 63).

Consider how these specific *Community Principle Questions* are addressed in this selection:

8. How would this proposed response specifically promote the present ***Safety*** of ***all involved parties*** – and their larger ***communities***? For example, some of the discussion in the *Times* addressed debates within the U.S. intelligence community among various government agencies over the exact nature and strength of the alleged Iraqi threat to immediate U.S. safety.

9. How would this proposed response specifically promote the enduring ***Stability*** of ***all involved parties*** – and their larger ***communities***? For example, some of the discussion in the *Times* addressed the United Nations weapons inspectors, whose multilateral mission in Iraq was designed to assure the community of nations that Iraq did not pose a threat to them.

[MSP 5] **Utility**: Security *practices Utility* in *Just, Community* response to *Threat*.

***Fifth Principle***: Security *practices Utility*: seeking an ideal deterrence in both *Safety* and *Stability*, promoting the greatest general good and least harm for all involved parties, and representing the single best available option, given historical experience as well as foreseeable present and future consequences, based on empirical evidence.

Millian ***Utility*** elements represent specific *statements* that practice some degree of utilitarian calculus, seeking to balance goods and harms for the greater good, to ensure both present *Safety* and future *Stability* by a proposed response to a specific *Threat*. This principle addresses the various arguments for and against a proposed response to the threat, and seeks specific, logical, empirical justifications for harms in light of expected goods for all those involved.

Key identifiers include words, phrases or sentences, including questions, that explicitly state or implicitly reference the utilitarian ethics calculus of seeking the single, best-defensible option for action that produces the greatest foreseeable degree of freedom and security, and affords the greatest foreseeable good, for the greatest foreseeable number of people, both now and in the future.

Mill’s utilitarianism is thoroughly grounded in concepts of universal equality, justice, community, and minimizing harm.

Utilitarian consideration of any action includes “the incidents of history, the ways of mankind, past and present, and their prospects in the future” (p. 17) and becomes “a question of fact and experience, dependent ... upon evidence” (p. 49).

Examples would include discussion of expected outcomes of suggested actions and possible alternatives, estimating effects on all involved parties, weighing costs and benefits, seeking

precedent as well as appealing to principle, arguing from evidence, and acting in a transparent manner to justify its reasoning. “Social utility alone can decide the preference” between competing individual and communal costs and benefits (p. 72).

Consider how these specific *Utility Principle* Questions are addressed in this selection:

10. **Action:** How would this proposed response specifically deter or “**repel**” this perceived threat with just, *maximal gain and minimal harm* for *all involved parties* – including historical contexts and foreseeable consequences? For example, some of the discussion in the *Times* addressed U.S. government claims that the situation in Iraq compelled the U.S. to act as soon as possible, regardless of international support, legal standing, or conflicting intelligence reports.

11. **Inaction:** How would *all involved parties* be unjustly harmed if the proposed response were **not** undertaken – including historical experience as well as all foreseeable present and future consequences? For example, some of the discussion in the *Times* addressed concerns raised by some intelligence officials that, lacking any evidence of an immediate threat, the consequences of action against Iraq were so significant – especially regarding regional stability – that the best course of action was to refrain from war.

12. **Millian Security Calculus:** How would this proposed response represent **the only action available** that would foreseeably promote the *greatest expected security* and *least expected harm* for *all involved parties* – including historical contexts and all possible alternatives? For example (very rarely), some of the discussion in the *Times* addressed a complete, balanced consideration by officials of all (or most) of the various competing elements involved in deciding whether an invasion at this time was the single best option of all those available.

*Appendix B***Millian Security Principles: Coverage Research Data Collection Sheet 00**

Coder: Phil Todd

Article #: 00 / 29

# Paragraphs:

Article headline:

Byline:

Publication date:

URL:

Article summary:

**PREP 1: Visit the NYT archive site, select the desired article in chronological order, and copy its text.**

NYT master list:

[http://www.nytimes.com/ref/international/middleeast/20040526CRITIQUE.html?\\_r=0](http://www.nytimes.com/ref/international/middleeast/20040526CRITIQUE.html?_r=0)

**PREP 2: Paste the text at the end of this data collection sheet, and number each paragraph. Note the total number of grafs in the space provided above, and write a brief article summary.**

**Include any editorial notes or explanations from the NYT archive list that add article context.**

**STEP 1: Carefully read the article, and code each paragraph by its predominant *Security Principle*.**

CODES: [T] *Threat*; [S&S] *Safety & Sustainability*; [J] *Justice*; [C] *Community*; and [U] *Utility*.

NOTE: A paragraph may reference more than one *Principle*. In that case, note any other(s) in parentheses.

A given paragraph may not reference a *Principle*. In that case, mark it as [N] and summarize its main point.

**Summarize** or copy pertinent text examples. Also note any ***emergent concepts*** that may be addressed.

**Note article's most dominant *Security Principle* (based on content, quantity, placement, etc.):**

NOTE: An article may emphasize more than one *Principle*. In that case, note other code(s) in parentheses.

**CODE TOTALS:** [T] 00 (0) /// [S&S] 00 (0) /// [J] 00 (0) /// [C] 00 (0) /// [U] 0 (0).

**Also note article's *least dominant Security Principle* (based on content, quantity, placement, etc.):**

NOTE: An article may de-emphasize more than one *Principle*. In that case, note other code(s) in parentheses.

**STEP 2: Carefully re-read each paragraph, and consider how it addresses any *Security Principle Questions*.**

NOTE: A paragraph may reference more than one *Question*. In that case, consider *in order of importance*.

A given paragraph may not reference a *Question*. In that case, mark it as [0] and summarize its main point.

**Summarize** or copy pertinent text examples. Also note any ***emergent concepts*** that may be addressed.

**QUESTIONS:** [1] 00 (0) /// [2] 00 (0) /// [3] 00 (0) /// [4] 00 (0); [5] 00 (0) /// [6] 00 (0) /// [7] 00 (0) ///

[8] 00 (0) /// [9] 00 (0) /// [10] 00 (0) /// [11] 00 (0) /// [12] 00 (0).

**TOTALS:** Main Q: X-X /// Other Qs: X-X /// Unaddressed Qs: X-X

**STEP 3: Write a short summary of the most pertinent observations about this article.**

**Include information**

**about what is evident, as well as what is missing, and any “extremes” and / or “key differences.”**

*Threat*

*Safety & Sustainability*

*Justice*

*Community*

*Utility*

**Article text:** [¶ 1]

*Appendix C*

**Chronological listing of New York Times Articles (Data Sources)**

Retrieved from

[http://www.nytimes.com/ref/international/middleeast/20040526CRITIQUE.html?\\_r=0](http://www.nytimes.com/ref/international/middleeast/20040526CRITIQUE.html?_r=0)

**[A] Pre-invasion coverage (*n* = 12 articles, ~ 40% of paragraphs)**

The alleged Iraqi terrorist training camps, and Al Qaeda connection: [AI 1]

[01] • October 26, 2001: Czechs Confirm Iraqi Agent Met With Terror Ringleader

[02] • November 8, 2001: Defectors Cite Iraqi Training for Terrorism [AI 2]

The accounts of the terrorist training camp have not subsequently been verified.

The hidden weapons facilities:

[03] • December 20, 2001: Iraqi Tells of Renovations at Sites for Chemical and Nuclear Arms [HW 1]

According to Knight Ridder News, this scientist was taken back to Iraq earlier this year for a tour of sites where he worked. None of the sites showed evidence of illegal weapons activity.

The aluminum tubes:

[04] • September 8, 2002: U.S. Says Hussein Intensified Quest For A-Bomb Parts [AT 1]

[05] • September 13, 2002: White House Lists Iraq Steps To Build Banned Weapons [AT 2]

Raising doubts about intelligence: first

Following are examples of stories that cast doubt on key claims about Iraq's weapons programs, and on the reliability of some defectors. [RD 1]

[06] • October 10, 2002: Aides Split on Assessment of Iraq's Plans

On the subject of the meeting in Prague, a Times follow-up cast serious doubt:

[07] • October 21, 2002: Prague Discounts An Iraqi Meeting [AI 3]

Raising doubts about intelligence: second = **“The Massing Gap” – nearly three months of silence pre-invasion**

[08] • October 24, 2002: A C.I.A. Rival; Pentagon Sets up Intelligence Unit [RD 2]

The aluminum tubes: - second round = **“The Massing Gap” – nearly three months of silence pre-invasion**

[09] • January 10, 2003: Agency Challenges Evidence Against Iraq Cited By Bush [AT 3]

• Follow-up to hidden weapons facilities:

[10] January 24, 2003: Defectors Bolster U.S. Case Against Iraq [HW 2]

The aluminum tubes: - third round

[11] • January 28, 2003: Report's Findings Undercut U.S. Argument [AT 4]

Raising doubts about intelligence: third

[12] • Feb. 2, 2003: Split at C.I.A. and F.B.I. on Iraqi Ties to Al Qaeda [RD 3]

**[B] Post-invasion coverage ( $n = 11$  articles, ~ 34% of articles)**

Raising doubts about intelligence: fourth = **1<sup>st</sup> post-invasion (3/19) story / nothing on UN observers (2/12)**

[13] • March 23, 2003: C.I.A. Aides Feel Pressure in Preparing Iraqi Reports [RD 4 / Post-invasion]

The Iraqi scientist and destruction of weapons:

[14] • April 21, 2003: Illicit Arms Kept Till Eve of War, an Iraqi Scientist Is Said to Assert [IS 1]

Follow-ups:

[15] • April 23, 2003: Focus Shifts From Weapons To the People Behind Them [IS 2]

[16] • April 24, 2003: U.S.-Led Forces Occupy Baghdad Complex Filled with Chemical Agents [IS 3]

The "biological weapons labs":

This is one example of a claim that was quickly and prominently challenged by additional reporting

[17] • May 21, 2003: U.S. Analysts Link Iraq Labs to Germ Arms [BW 1] = **1<sup>st</sup> post-combat ops (5/1) story**

The story left the impression that the Administration claims represented a consensus, because we did not know otherwise. By June 7, however, the same reporters, having dug deeper, published a front-page story describing the strong views of dissenting intelligence analysts that the trailers were not bio-weapons labs, and suggesting that the Administration may have strained to make the evidence fit its case for war. (Last Sunday, Mr. Powell conceded that the C.I.A. was misled about the trailers, apparently by an Iraqi defector.)

Raising doubts about intelligence: fifth

[18] • May 22, 2003: Prewar Views of Iraq Threat Are Under Review by C.I.A. [RD 5]

The "biological weapons labs": - folos

[19] • June 7, 2003: Some Analysts of Iraq Trailers Reject Germ Use [BW 2]

[20] • June 26, 2003: Agency Disputes C.I.A. View on Trailers as Weapons Labs [BW 3]

The Iraqi scientist and destruction of weapons: second round

[21] • July 20, 2003: A Chronicle of Confusion in the Hunt for Hussein's Weapons [IS 4]

Raising doubts about intelligence: sixth

[22] • July 20, 2003: In Sketchy Data, Trying to Gauge Iraq Threat [RD 6]

[23] • September 28, 2003: Agency Belittles Information Given By Iraqi Defectors [RD 7]

**[C] Anniversary coverage ( $n = 6$  articles, ~ 25% of paragraphs) – after 4-month gap in chosen coverage**

[24] • January 26, 2004: Ex-Inspector Says C.I.A. Missed Disarray in Iraqi Arms Program [RD 8] = **Anniversary**

[25] • February 1, 2004: Powell's Case a Year Later: Gaps in Picture of Iraq Arms [RD 9]

[26] • February 7, 2004: Agency Alert About Iraqi Not Heeded, Officials Say [RD 10]

[27] • February 13, 2004: Stung by Exiles's Role, C.I.A. Orders a Shift in Procedures [RD 11]

[28] • March 6, 2004: U.S., Certain That Iraq Had Illicit Arms, Reportedly Ignored Contrary Reports [RD 12]

The aluminum tubes et al: - final round

[29] For a discussion of this (aluminum tubes) coverage by Michael R. Gordon, chief military correspondent of The Times, see this letter from April 8, 2004. [AT 5]



Table 1

*Millian Security Principles coding results in New York Times sample paragraph analysis*

	<u>Threat</u>		<u>Safety &amp; Stability</u>		<u>Justice</u>		<u>Community</u>		<u>Utility</u>		
<b>1: Nature - 2: Target - 3: Actor • 4: Now - 5: Future • 6: Now - 7: Future • 8: Now - 9: Future • 10: Act - 11: Inact - 12: Millian</b>											
<b>Total Sample</b> (n = 29 stories, 891 paragraphs)											
<i>6/30</i>	0.1/1	<i>9/16</i>	0.4/2	<i>1/2</i>	<i>11/7</i>	<b>47/26</b>	9/6	<i>11/14</i>	<i>1/03</i>	0.2/0.5	0/0.1
Total	15/51		2/4			<b>58/34</b>	20/39			1/4	
<b>Pre-Invasion Stories</b> (n = 12 stories, 360 paragraphs)											
<i>17/6</i>	0.3/0.8	<i>20/20</i>	1/2	<i>3/2</i>	<b>23/17</b>	<i>19/6</i>	9/9	<i>3/8</i>	<i>1/2</i>	0.6/1	0/0.3
Total	32/27		4/6			<b>43/20</b>	12/17			2/4	
<b>Post-Invasion Stories</b> (n = 11 stories, 305 paragraphs)											
<i>2/35</i>	0/0	<i>3/47</i>	0.3/1	<i>0.3/1</i>	4/5	<b>64/19</b>	15/6	<i>10/7</i>	<i>0.7/5</i>	0/0.3	0/0
Total	5/48		0.7/3			<b>68/24</b>	25/12			0.7/6	
<b>Anniversary Stories</b> (n = 6 stories, 226 paragraphs)											
<i>4/63</i>	0/2	<i>1/14</i>	0/1	<i>0/4</i>	1/0	<b>69/27</b>	0.5/0	<i>23/33</i>	<i>1/5</i>	0/0	0/0
Total	4/79		0/5			<b>70/27</b>	23/33			1/5	

*Note:* Data appear as rounded percentages of each sample, and are separated in order of primary/secondary influence by a slash (/). For each sample, the highest-ranking Question and Principle are in **boldface** (primary influence) or *italics* (secondary influence).

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